

## ARTICLE III: MAPS &amp; PERMITS

## Chapter 18.080

## TENTATIVE MAPS

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**18.080.010 Preliminary Maps.**

For every proposed subdivision the subdivider may, at his or her option, file a preliminary map with the Planning Division, and as many additional copies as may be required, for the purpose of obtaining advice on the conformity of the map with the provisions of this Title and other applicable Codes, and possible improvements in the design of the subdivision. (Ord. 6968 §1, 2007)

**18.080.020 Requirements For Filing.**

For information on filing a map see [Article 4: Requirements for Filing and Approval](#) in this Title. (Ord. 6968 §1, 2007)

**18.080.030 Tentative Tract Maps Required.**

A tentative tract map, as defined under [Article 6 Definitions](#), shall be required for all subdivisions creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the California Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where a Parcel Map is required pursuant to [18.080.040 Tentative Parcel Maps Required](#) of this Title (California Government Code § 66426). (Ord. 6968 §1, 2007)

**18.080.040 Tentative Parcel Maps Required.**

- A. A tentative parcel map, as defined under [Article 6 Definitions](#), shall be required for all subdivisions creating four (4) or fewer parcels or where:
1. the land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the Approving or Appeal Authority;
  2. each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway;
  3. the land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Approving or Appeal Authority as to street alignments and widths;
  4. each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section;
  5. or the land being subdivided is solely for the creation of an environmental subdivision pursuant to [18.080.080 Environmental Subdivision Maps](#) (California Government Code § 66426).
- B. A tentative parcel map shall not be required for:
1. subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing); or
  2. land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement or a license. (California Government Code §§ 66428 (a)) (Ord. 6968 §1, 2007)

**18.080.050 Tentative Vesting Maps**

A tentative vesting map, as defined under [Article 6 Definitions](#), may be used whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative tract map or tentative parcel map, in accordance with the following:

- A. If a subdivider does not seek the rights conferred by a tentative vesting map, the filing of a tentative vesting map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.
- B. The approval or conditional approval of a tentative vesting map shall confer a vested right to proceed with development in substantial compliance with the

Codes, policies and standards described in Government Code Section 66474.2. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a tentative vesting map shall confer a vested right to proceed with development in substantial compliance with the Codes, policies and standards in effect at the time the tentative vesting map is approved or conditionally approved.

- C. Notwithstanding subdivision (B) any fee required to be paid after the tentative map is approved, such as park development fees, school development fees, drainage mitigation fees or all other applicable fees, shall be paid in the amount required at the time the fee is required to be paid.
- D. Notwithstanding subdivision (B), a permit, approval, extension or entitlement may be made conditional or denied if any of the following are determined:
  - 1. A failure to do so would place residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
  - 2. The condition or denial is required in order to comply with State or Federal law.
- E. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the tentative vesting map as provided in [18.180.030 Permit Time Limits](#). If the final map is approved, these rights shall last for the following periods of time:
  - 1. An initial time period of three (3) years. Where several final maps are recorded on various phases of a project covered by a single tentative vesting map, this initial timer period shall begin for each phase when the final map for that phase is recorded.
  - 2. The initial time period set forth in (E) (1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceed thirty (30) days, from the date a complete application is filed.
  - 3. A subdivider may apply for a one-year extension at any time before the initial time period set forth in (E) (1) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within ten (10) days.
  - 4. If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (E) (1-3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
- F. Whenever a subdivider files a tentative vesting map for a subdivision whose intended development is inconsistent with the Zoning Code in existence at that time, that inconsistency shall be noted on the map. The City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her

designee, obtaining the necessary change in the Zoning Code to eliminate the inconsistency. If the change in the Zoning Code is obtained, the approved or conditionally approved tentative vesting map shall, notwithstanding Section (C), confer the vested right to proceed with the development in substantial compliance with the change in the Zoning Code and the map, as approved. The rights conferred by this Section shall be for the time periods set forth in Section (E).

- G. Notwithstanding any provision of this Section ([18.080.050 Tentative Vesting Maps](#)) a property owner or his or her designee may seek approvals or permits for development which depart from the Codes, policies and standards described in Sections (B) and (F), and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 6968 §1, 2007)

#### **18.080.060 Tentative Reversion to Acreage Maps.**

A tentative reversion to acreage map, as defined under [Article 6 Definitions](#), is used when any previously subdivided real property is reverted to acreage. A tentative map shall be prepared and processed in accordance with the applicable provisions of [Chapter 18.080 Tentative Maps](#).

- A. Findings.

Subdivided real property may be reverted to acreage only if the Approving and Appeal Authority finds that:

1. Dedications or offers of dedications to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes, and
2. Either all owners of an interest in the real property within the subdivision have consented to reversion or none of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later, or no lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

- B. Conditions.

As a condition of approval, the City may require the complete removal of any improvements located in any right-of-way to be eliminated by the reversion to acreage map, and may require dedication of land for public streets, highways or other easements and the installation of improvements, in accordance with the provisions of [Chapter 18.220 Improvements](#). (Ord. 6968 §1, 2007)

#### **18.080.070 Tentative Condominium Maps.**

A tentative condominium map, as defined under [Article 6 Definitions](#), is used for the mapping of a condominium project, a community apartment project or for the conversion of five or more existing dwelling units to a stock cooperative project. (California Government Code §§ 66427) (Ord. 6968 §1, 2007)

**18.080.075 Tentative Condominium Conversion Maps.**

A tentative condominium map, as defined under [Article 6 Definitions](#), is used for the conversion of existing residential real property to condominiums, community apartments or stock cooperative projects or any other form of ownership except conversion projects for which a final or tentative parcel map has been approved or where the conversion involves a limited equity housing cooperative as defined in Section 33007.5 of the Health and Safety Code. All provisions, conditions and further definitions of condominium development as approved included in the California Civil Code shall apply to the divisions of real property as permitted herein.

**A. Findings.**

The Approving or Appeal Authority shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project or a stock cooperative project unless it finds all of the following:

1. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has received, pursuant to Section 66452.9 of the Government Code, written notification of intention to convert at least sixty (60) days prior to the filing of a tentative map pursuant to Section 66452 of the Government Code. There shall be a further finding that each such tenant, and each person applying for the rental of a unit in such residential real property, has, or will have, received all applicable notices and rights now or hereafter required by Government Code §§ 66410 - 66499.58. In addition, a finding shall be made that each tenant has received ten (10) days written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request. The written notices to tenants required by this subdivision shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
2. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given written notification within ten (10) days of approval of a final map for the proposed conversion.
3. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given one hundred and eighty (180) days written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion. The provisions of this subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.
4. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered

to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety (90) days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

5. This Section shall not diminish, limit or expand, other than as provided herein, the authority of City to approve or disapprove condominium projects.

B. Development Review Required.

In addition to the limitations and restrictions contained within this Title, the Subdivision Map Act and the applicable Building and Fire regulations, no residential apartment unit shall be converted for sale, transfer or conveyance as a community apartment project, condominium or stock cooperative project without concurrently obtaining approval of a Condominium Conversion Permit pursuant to 19.790 of Title 19.

C. Exceptions.

A tentative condominium map shall not be required for:

1. Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.
2. Unless a tentative parcel or final map was approved by the legislative body of a local agency, the conversion of a community apartment project, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - a. At least 75 percent of the units in the project were occupied by record owners of the project on March 31, 1982.
  - b. A final or parcel map of the project was properly recorded, if the property was subdivided, as defined in Section 66424, after January 1, 1964, with all of the conditions of that map remaining in effect after the conversion.
  - c. The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.
  - d. Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a

majority of owners in the project shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the project.

3. Unless a tentative parcel or final map was approved by the legislative body of a local agency, the conversion of a stock cooperative, as defined in Section 1351 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:
  - a. At least 51 percent of the units in the cooperative were occupied by stockholders of the cooperative on January 1, 1981, or individually owned by stockholders of the cooperative on January 1, 1981. As used in this paragraph, a cooperative unit is "individually owned" if and only if the stockholder of that unit owns or partially owns an interest in no more than one unit in the cooperative.
  - b. No more than 25 percent of the shares of the cooperative were owned by any one person, as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1981.
  - c. A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.
  - d. The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.
  - e. Subject to compliance with subdivision (e) of Section 1351 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the cooperative shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative (California Government Code §§ 66412 f, g, and h.) (Ord. 6968 §1, 2007)

#### **18.080.080 Tentative Environmental Subdivision Maps.**

A tentative environmental subdivision, as defined under [Article 6 Definitions](#), may be used for the subdivision of land for biotic and wildlife purposes.

- A. Findings.

Prior to approving or conditionally approving an environmental subdivision, the local agency shall find each of the following:

1. That factual biotic or wildlife data, or both, are available to the local agency to support the approval of the subdivision, prior to approving or conditionally approving the environmental subdivision.
2. That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.
3. That an easement will be recorded in the county in which the land is located to ensure compliance with the conditions specified by any local, state, or federal agency requiring the mitigation. The easement shall contain a covenant with a county, city, or nonprofit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. Where the biotic or wildlife habitat, or both, are compatible, the local agency shall consider requiring the easement to contain a requirement for the joint management and maintenance of the resulting parcels. This reservation shall not be inconsistent with the purposes of this section and shall not be incompatible with maintaining and preserving the biotic or wildlife character, or both, of the land.
4. The real property is at least twenty (20) acres in size, or if it is less than twenty (20) acres in size, the following conditions are met:
  - a. The land is contiguous to other land that would also qualify as an environmental subdivision.
  - b. The other land is subject to a recorded perpetual easement that restricts its use to a biotic or wildlife habitat, or both.
  - c. The total combined acreage of the lands would be twenty (20) acres or more.
  - d. Where the biotic or wildlife habitat, or both, are compatible, the land and the other land will be jointly managed and maintained. (Ord. 6968 §1, 2007)

**18.080.090 Tentative Maps Not Required.**

This Article shall not be applicable to:

- A. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks or trailer parks.
- B. Mineral, oil, or gas leases.

- C. Land dedicated for cemetery purposes under the Health and Safety Code.
- D. The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.
- E. Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock.
- F. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement.
- G. The financing or leasing of existing separate commercial or industrial buildings on a single parcel.
- H. The construction, financing or leasing of dwelling units pursuant to Section 65852.1 or second units pursuant to Section 65852.2, but this Section shall be applicable to the sale or transfer, but not leasing, of those units.
- I. Subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet. (California Government Code §§ 66412, 66412.1, 66412.2 and 66412.5.) (Ord. 6968 §1, 2007)

**18.080.095 Phasing a Map.**

If a map is proposed to be constructed in phases, the proposed phasing schedule is subject to approval by the Zoning Administrator. (Ord. 6968 §1, 2007)

**18.080.100 Approving and Appeal Authority for Tentative Maps.**

The Approving and Appeal Authority for tentative maps shall be as defined in [18.050.010 Approving and Appeal Authority](#) and as further designated in [18.140.040 Approving and Appeal Authority Table](#). (Ord. 6968 §1, 2007)

**18.080.110 Appeals.**

If the subdivider, a City officer acting in an official capacity, or any other interested person adversely affected by the action taken by the Approving Authority with respect to the approval or disapproval of a lot line adjustment, consolidation or merger or the conditions of approval imposed, is aggrieved by the action they can appeal the action in accordance with [Chapter 18.170 Appeals](#). (Ord. 6968 §1, 2007)

**18.080.120 Tentative Map Revisions.**

Any revision of a tentative map or portion thereof shall comply with all requirements of this Title,

other applicable Codes, specific plans, and planned street lines in effect at the time such revised map is considered by the Approving or Appeal Authority. (Ord. 6968 §1, 2007)

**18.080.130 Changes in Essential Information.**

When any change is made in the information, statements and drawings filed pursuant to [Chapter 18.150 General Application Processing Procedures](#), such change shall be submitted to the Approving Authority in writing and shall be approved prior to the filing of the final map. (Ord. 6968 §1, 2007)

**18.080.140 Withdrawal of Tentative Map.**

See [18.150.150 Withdrawal of Application](#). (Ord. 6968 §1, 2007)

**18.080.150 Unincorporated Territory.**

- A. A tentative map may be filed for property located outside the boundaries of the City and within the City's adopted Sphere of Influence. The map may, in the discretion of the approving Authority, may be acted upon in the manner prescribed by this Chapter, except that if it is approved, such approval shall be conditioned upon annexation of the property to the City within such period of time as shall be specified by the Approving or Appeal Authority.
- B. No final map shall be approved until annexation of the property to the City has been completed. If annexation is not completed within the time specified or any extension thereof granted by the Approving or Appeal Authority, the approval of such map shall be null and void. (Ord. 6968 §1, 2007)

**18.080.160 Expiration of a Tentative Map.**

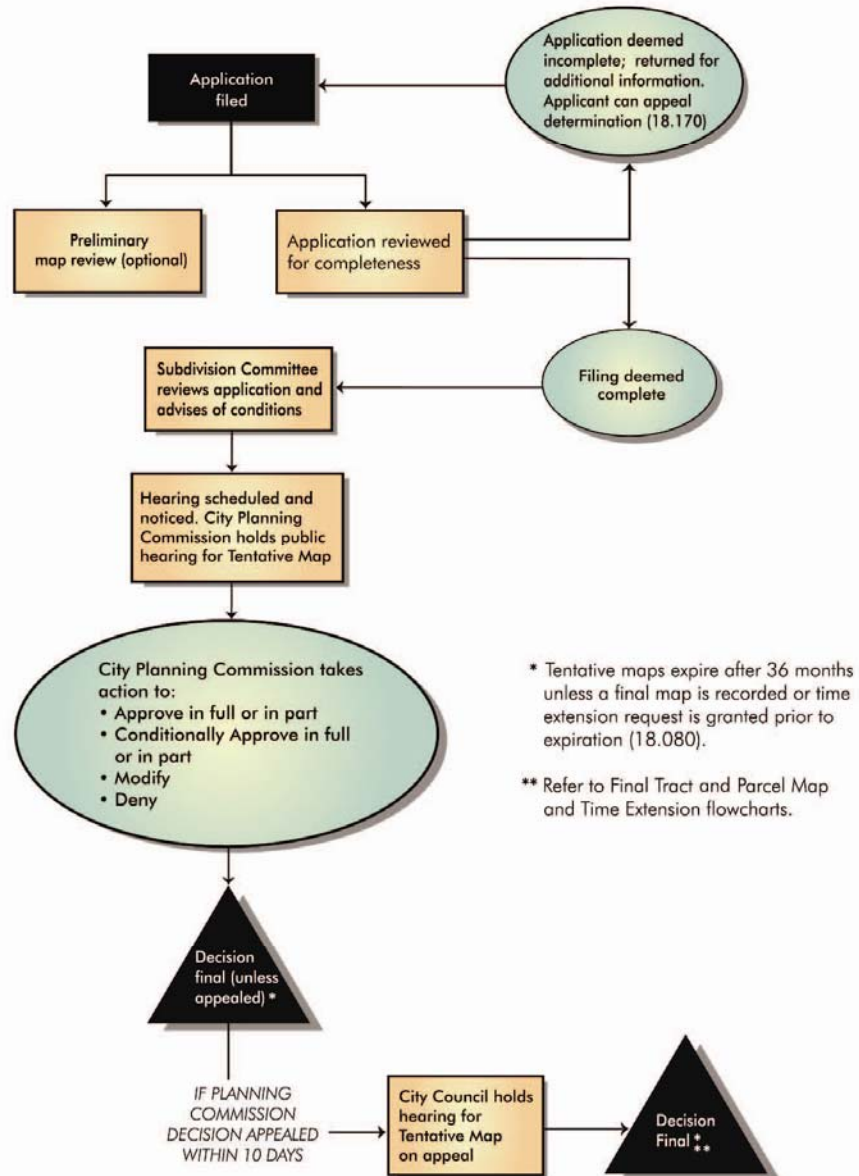
A tentative map for which a Final Map or Parcel Map has not been recorded as a final map shall expire within thirty-six (36) months of the date of approval or conditional approval of a tentative map, except for any time extension granted by the Approving Authority and shall terminate all proceedings (California Government Code Section 66452.6 (a)). Before a map may thereafter be recorded, a new tentative map shall be processed in accordance with the provisions of this Chapter. (Ord. 6968 §1, 2007)

**18.080.170 Time Extensions.**

Extensions of time may be granted in accordance with [18.180.030 Permit Time Limits](#) of this Title. (Ord. 6968 §1, 2007)

**18.080.180 Tentative Maps (except Parcel Maps and Environmental Subdivisions) Processing Flow Chart.**

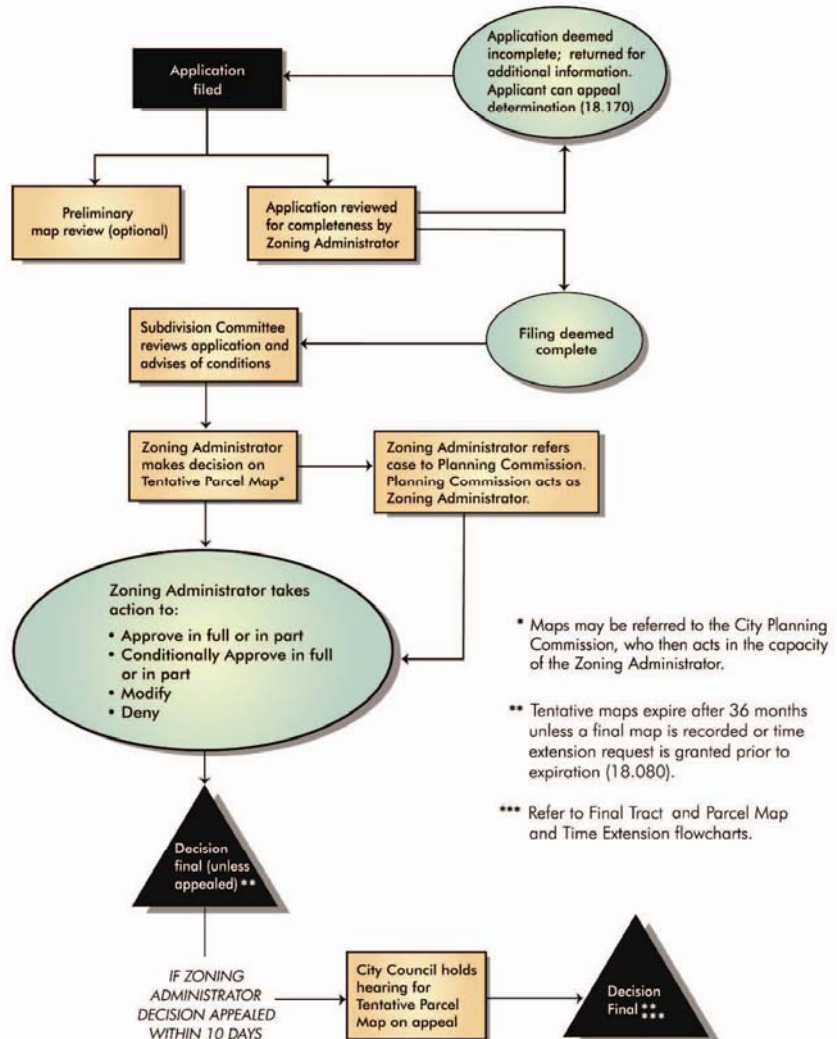
18.080.180 Tentative Maps (except Parcel Maps and Environment Subdivisions) Processing Flow Chart.



(Ord. 7091 §1, 2010; Ord. 6968 §1, 2007)

**18.080.190 Tentative Parcel Map and Environmental Subdivisions Processing Flow Chart.**

18.080.190 Tentative Parcel Maps and Environmental Subdivisions Processing Flow Chart.



(Ord. 7091 §2, 2010; Ord. 6968, §1, 2007)