

Chapter 252 Vesting Tentative Maps

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252.02 Application

- A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Title, requires the filing of a tentative map or tentative parcel map for a development, a vesting tentative map may instead be filed.
- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.
- C. Whenever a vesting tentative map is filed, the applicant shall also file a conditional use permit application as provided in Chapter 241 for concurrent processing.

252.04 Filing and Processing

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in Chapter 251 for a tentative map except as hereinafter provided:

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- B. The design and specifications for all public facilities including but not limited to on and off-site sewer, water, drainage, roads, and other improvements. The subdivider shall submit detailed geological, drainage, flood control, soils, traffic, or other reports deemed necessary by the City Engineer and Director to permit a complete review of the design and improvements for the subdivision. For subdivisions over five parcels, the subdivider shall also submit a fiscal impact report prepared by an independent economic analyst, evaluating the

projected impacts the development may have on city services. This report shall also include marketing and cost benefit information for the project.

252.06 Fees

- A. Upon filing a vesting tentative map, the subdivider shall pay all required fees and/or deposits for checking and processing maps, plans and reports.
- B. The Director may determine the amount of all other fees required by this Title either at the time of final map or parcel map approval or when an application for the building permit is made, provided that park and recreation fees may not be deferred.

252.08 Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by Section 251.14 of this Title for the expiration of the approval or conditional approval of a tentative map.

252.10 Rights of a Vesting Tentative Map

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2 of the Subdivision Map Act. However, if Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time of the vesting.
- B. Notwithstanding Section 252.10(A), a permit, approval, extension, or entitlement may be conditioned or denied if any of the following are determined:
 - 1. A failure to do so would place the 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.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 252.08. If the final map is approved, these rights shall last for the following periods of time:
 - 1. An initial time period of one year beyond the recording of the final map or parcel map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one-year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps or parcel maps must be recorded

within the time period set forth in Section 252.10 or the vesting tentative map approval shall expire for those lots for which final maps or parcel maps are not timely recorded.

2. The one-year initial time period set forth in Section 252.10(C)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for any required design or architectural review, if such processing exceeds 30 days from the date a complete application is filed.
3. A subdivider may apply to the Planning Commission, in the case of final maps, or to the Zoning Administrator, in the case of parcel maps, for a one-year extension at any time before the initial time period set forth in (C)(1) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days in accord with Section 252.12.
4. If the subdivider submits a complete application for a building permit during the periods of time specified in Sections 252.10(C)(1)-(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

252.12 Amendment to Approved Vesting Tentative Map

Amendments to the approved or conditionally approved vesting tentative map shall be made in accord with Section 251.16.

252.14 Development Inconsistent with Zoning

- A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with Titles 20-24 (Zoning) of this Code, 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 zoning to eliminate the inconsistency. If the change in zoning is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 252.10, confer a vested right to proceed with the development in substantial compliance with the change in zoning, as approved.
- B. The rights conferred by this section shall be for the time periods set forth in Section 252.10.