

Article 5: Subdivision Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: General Subdivision Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Retitled from "General Rules" to "General Subdivision Procedures" on 3-22-2018 by O-20917 N.S.; effective 4-21-2018.)

§125.0101 Purpose of Subdivision Procedures

The purpose of these procedures is to regulate the division of lands and the associated design of improvements, and the acquisition and vacation of *public rights-of-way* and public easements within the City; to protect both the public and private interests in land *development* projects; and to supplement the provisions of the *Subdivision Map Act* and California Streets and Highways Code Sections 8300 through 8363.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0110 Applicability of Subdivision Procedures

The filing of a map as specified in the *Subdivision Map Act* and this article is required for all *subdivisions*. Determination of whether a final map or *parcel map* is required for a *subdivision* shall be in accordance with the *Subdivision Map Act*, Section 66426, or as otherwise specified in this article.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0111 Exclusions from Subdivision Procedures

This article does not apply to actions that are excluded or exempted under the *Subdivision Map Act*, except to provide for processing procedures consistent with the specified exclusion or exemption.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0120 When a Map Waiver May Be Requested

A *subdivider* may request a waiver of *tentative map*, *parcel map*, or final map requirements as provided by the *Subdivision Map Act*, Sections 66428 and 66428.1 for any of the following:

- (a) *Parcel Map Waiver*. The *subdivider* may request a waiver of the requirement to file a tentative *parcel map* or *parcel map* including those imposed by the *Subdivision Map Act*, Section 66426;
- (b) Condominium Projects.
 - (1) The *subdivider* may request a waiver of the requirement to file a *tentative map* and *parcel map* or *final map* for the construction of a new condominium project on a single parcel that was previously mapped and monumented in a manner satisfactory to the City Engineer in accordance with Subdivision Map Act Section 66428(b);
 - (2) The *subdivider* may request a waiver of the requirement to file a *tentative map* and *parcel map* for:
 - (A) A *condominium conversion* project creating four or fewer condominium units;
 - (B) A new commercial or industrial condominium project on a single parcel;
 - (C) Conversion of existing *development* to four or fewer commercial or industrial condominiums; or
 - (D) The new commercial or industrial portion of a mixed-use condominium project on a single parcel.
- (c) *Mobilehome Park Conversion*. For conversion of a *mobilehome park* to a condominium in accordance with the *Subdivision Map Act*, Section 66428.1.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§125.0121 How to Apply for a Map Waiver

- (a) An *applicant* shall apply for a Map Waiver in accordance with Section 112.0102. The content and form for the submittal shall be as specified by the Land Development Manual and the *Subdivision Map Act*.
- (b) If the *applicant* fails to submit or resubmit requested materials, information, fees, or deposits, the application file may be closed after 90 calendar days from the date the application was *deemed complete* or from the date of the last written request by the City.

(“How to Apply for a Map Waiver” added 8-4-2011 by O-20081 N.S.; effective 10-6-2011. Former Section 125.0121, “Decision Process for Map Waiver” renumbered to Section 125.0122.)

§125.0122 Decision Process for Map Waivers

A decision on an application for a Map Waiver shall be made in accordance with Process Three. If the request is approved, the City Manager shall record a Certificate of Compliance or other suitable instrument as evidence of such approval in the office of the County Recorder.

(“Findings for Map Waivers” added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Renumbered from former Section 125.0121, 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.0123 Findings for Map Waivers

The decision maker may approve a Map Waiver if the decision maker finds that the proposed division of land complies with requirements of the *Subdivision Map Act* and the Land Development Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Renumbered from former Section 125.0122, 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.0124 Extension of Time for a Map Waiver

The expiration date of a Map Waiver may be extended as follows:

- (a) The expiration date of a Map Waiver may be extended one or more times if the extensions do not exceed a total of 72 months in accordance with the *Subdivision Map Act*. This time frame does not include any legislative extensions enacted pursuant to state law.
- (b) Request for Extension. An application for Extension of Time for a Map Waiver shall be filed before the expiration date of the Map Waiver, but not more than 60 calendar days before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is filed, the Map Waiver shall be automatically extended for a period of 60 calendar days from the expiration date or until the Extension of Time is approved, conditionally approved, or denied, whichever occurs first.
- (c) Decision Process. An application for Extension of Time for a Map Waiver shall be acted upon in accordance with Process Two, except that it shall be appealable in accordance with Section 125.0124(f).
 - (1) The decision maker shall approve the application for Extension of Time unless a finding to conditionally approve or deny the application is made in accordance with Section 125.0124(a)(3).
 - (2) Expiration of a Map Waiver shall not preclude the decision maker from approving, conditionally approving or denying an Extension of Time when the application has been filed prior to the Map Waiver expiration.
- (d) *Findings to Conditionally Approve or Deny an Application for Extension of Time.* The decision maker may only conditionally approve or deny a request for Extension of Time if the decision maker makes one of the following *findings*:
 - (1) The failure to conditionally approve or deny the request would place the residents of the *subdivision* or the immediate community in a condition dangerous to their health or safety; or
 - (2) The condition or denial is required to comply with state or federal law.
- (e) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved Map Waiver.
- (f) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for Map Waivers.

*(“Extension of Time for a Map Waiver” added 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*

§125.0130 Vesting Maps

Whenever a provision of this article requires that a *tentative map* be filed, a vesting *tentative map* may be filed instead as provided by the *Subdivision Map Act*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0131 Vesting Rights

The vesting rights conferred by a vesting *tentative map* as provided by the *Subdivision Map Act* shall remain in effect for two years from the date of the recordation of the final map or *parcel map* in accordance with the *Subdivision Map Act*.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0140 How to Apply for Correction and Amendment of Maps

An *applicant* shall file an application to correct or amend a recorded map as provided by the *Subdivision Map Act*, Chapter 3, Article 7, in accordance with Section 112.0102.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0141 Decision Process for Correction and Amendment of Maps

A decision on an application to correct or amend a recorded map shall be made in accordance with the following:

- (a) **Errors and Omissions:** If the proposed corrections or amendments to the recorded map consist of corrections to technical errors or omissions as provided by the *Subdivision Map Act*, Section 66469, the decision on the application for *Certificate of Correction* or *amended map* shall be made by the City Engineer in accordance with Process One;
- (b) **Substantial Conformance:** If the proposed amendments to the recorded map are not to correct errors or omissions but are in *substantial conformance* with the approved *tentative map* and any associated permits and the application is filed before the latest date to which the *tentative map* could have been extended or one year after the recording date of the *parcel map* or final map, whichever date is later, the decision on the application for the *amended map* shall be made in accordance with Section 125.0530 for amended *parcel maps* or Section 125.0630 for amended final maps; and
- (c) **Modified Conditions:** If the proposed amendments modify or eliminate conditions of approval of the recorded map or do not substantially conform with the approved *tentative map*, the application for the *amended map* shall be subject to the process that would apply if the map were submitted as a new application.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)

§125.0142 Findings for Correction and Amendment of Maps

The decision maker may approve an application to correct or amend a recorded map if the decision maker makes one of the following *findings*:

- (a) **Errors and Omissions.** A *Certificate of Correction* or *amended map* processed under Section 125.0141(a) may be approved if it complies with the provisions of the *Subdivision Map Act*, Chapter 3, Article 7, and the standards established in the Land Development Manual;

- (b) *Substantial Conformance.* An amended map processed under Section 125.0141(b) may be approved if it complies with the provisions of the *Subdivision Map Act*, Section 66470, and the standards established in the Land Development Manual and is in *substantial conformance* with the approved *tentative map* and any associated *development permits*; or
- (c) *Modified Conditions.* An amended map processed under Section 125.0141(c) may be approved if it complies with the provisions of the *Subdivision Map Act*, Section 66472.1.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0143 Recordation for Correction and Amendment of Maps

If the *Certificate of Correction* or *amended map* is approved, the City Manager shall record the document in the office of the County Recorder.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§125.0150 Tolling of Tentative Maps and Associated Development Permits

- (a) Pursuant to *Subdivision Map Act* Section 66452.6(c), an *applicant* may request a tolling of the expiration of an approved or conditionally approved *tentative map* for up to 5 years while a lawsuit involving the approval or conditional approval of the *tentative map* is or was pending in a court of competent jurisdiction. Associated *development permits* may also be tolled in accordance with Sections 125.0150 and 126.0116.
- (b) A request to toll the expiration must be submitted prior to expiration of the *tentative map* and associated *development permits*.
- (c) A decision regarding a request to toll the expiration of a *tentative map* and associated *development permits* shall be made in accordance with Process One.
- (d) A request to toll the expiration of a *tentative map* and associated *development permits* shall be granted within 40 days of the date of application if it can be demonstrated to the satisfaction of the City Manager that:
 - (1) A lawsuit was filed that is related to the processing of an approved or conditionally approved *tentative map* and associated *development permits*; and

- (2) Tolling of the expiration date for up to 5 years during the lawsuit would allow time for the *applicant* to address associated court orders or procedures related to processing the *tentative map* and associated *development permits*.
- (e) Upon resolution of the lawsuit, the *applicant* shall contact the City Manager to confirm the adjusted expiration dates for the approved or conditionally approved *tentative map* and associated *development permits* as applicable. The adjusted expiration dates shall allow tolling of the expiration dates as follows:
 - (1) The credited time for the tolling period shall be limited to the time period between the date the petition or complaint in the lawsuit was filed and the date the lawsuit was officially resolved.
 - (2) The credited time for the tolling period shall not exceed 5 years.

(“Tolling of Tentative Maps and Associated Development Permits” added 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 1-8-2020 by O-21161 N.S.; effective 2-9-2020.)