

Article 5: Subdivision Procedures

Division 4: Tentative Maps (Added 12-9-1997 by O-18451 N.S.)

§125.0401 Purpose of Tentative Map Procedures

The purpose of these procedures is to provide the process for approving *tentative maps* and the associated design and improvement of proposed *subdivisions* and to implement the provisions of the *Subdivision Map Act* to provide for the orderly division of land.

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

§125.0410 When a Tentative Map Is Required

- (a) A *tentative map* is required for any *subdivision* of land creating:
- (1) Five or more parcels;
 - (2) Five or more condominiums as defined in California Civil Code section 738;
 - (3) A community apartment project containing five or more parcels as defined in California Civil Code section 4105; or
 - (4) The conversion of five or more *dwelling units* to a stock cooperative as defined in California Civil Code section 4190.
- (b) A *tentative map* is not required if any of the following occurs:
- (1) The land before *subdivision* contains less than five acres, each parcel created by the division abuts a public *street* or *freeway* and the *subdivision* does not require any dedications or improvements as determined by the City Engineer;
 - (2) Each parcel created by the *subdivision* has a gross area of at least 20 acres and has access to a public *street* or *freeway*;

- (3) The land before *subdivision* has a commercial, mixed-use or industrial base zone, has access to a public *street* or *freeway*, and *street* alignments and widths designed to the satisfaction of the City Engineer;
 - (4) Each parcel created by the *subdivision* has a gross area of at least 40 acres and does not have access to a public *street* or *freeway*;
 - (5) The land being subdivided is solely for the creation of an environmental subdivision pursuant to California Government Code section 66418.2; or
 - (6) For *lots* created pursuant to Section 143.1315 as an urban *lot* split.
- (c) A *parcel map* shall be required for those *subdivisions* described in Sections 125.0410(b)(1)-(6). Dedications and public improvements in these *subdivisions* may be required as determined by the City Engineer.

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

(Amended 3-11-2022 by O-21439 N.S.; effective 4-10-2022.)

(Amended 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)

[Editors Note: Amendments as adopted by O-21836 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-21836-SO.pdf

§125.0420 How to Apply for a Tentative Map

- (a) An *applicant* shall apply for a *tentative map* in accordance with Section 112.0102. The content and form for *tentative maps* and the associated data submitted 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.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.0430 Decision Process for a Tentative Map

An application for a *tentative map* may be approved, conditionally approved, or denied in accordance with Process Three for *tentative parcel maps* and Process Four for *tentative final maps* except for those *tentative maps* that include proposals for the vacation of *public rights-of-way* or the abandonment of *public service easements*, which shall be reviewed in accordance with Process Five.

(Amended 3-8-2004 by O-19266 N.S.)

§125.0431 Additional Notice for a Condominium Conversion Map

- (a) For a *tentative map* for a *condominium conversion* project, the *subdivider* shall provide the following notices in addition to the notice provided for in Chapter 11, Article 2, Division 3 (Notice):
 - (1) Notice to each tenant of the proposed project required in the *Subdivision Map Act* section 66427.1; and
 - (2) Notice to each person applying for the rental of a unit in the proposed project required in Chapter 11, Article 2, Division 3 (Notice) and *Subdivision Map Act* section 66452.17;
 - (3) Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:

- (A) For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - (B) For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
- (4) 60 Day Notice of Termination of Tenancy, consistent with the Land Development Manual, provided to each tenant 60 days prior to being required to vacate the property.
- (5) Notice of 90 Day Period of First Right of Refusal to Purchase, consistent with the Land Development Manual, provided to each tenant as follows:
- (A) Within 5 working days of the issuance of the Subdivision Public Report, or
 - (B) 90 days prior to the initial public offer for sale if no Subdivision Public Report is required.
 - (C) Failure to provide notice within the time period required shall extend the 90 Day Period of First Right of Refusal to Purchase to 90 days from the date the notice is provided to the tenant.
- (b) Following approval of a *tentative map* for *condominium conversion*, a 180 Day Notice of Intention to Convert shall be provided to each tenant prior to termination of tenancy due to *condominium conversion* pursuant to *Subdivision Map Act* section 66452.19.
- (c) The notices required in Section 125.0431(a) shall include a statement advising the tenants that should the *condominium conversion* be approved, tenants may be required to vacate the *premises* following any payment of benefits due pursuant to Section 144.0505.

(Amended 3-8-2004 by O-19266 N.S.)

(Amended 2-9-2006 by O-19461 N.S.; effective 3-9-2006.)

(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.0440 Findings for a Tentative Map

A *tentative map* may be approved or conditionally approved only if the decision maker makes the following *findings* in accordance with the *Subdivision Map Act* and the Land Development Code:

- (a) The proposed *subdivision* and its design or improvement are consistent with the policies, goals, and objectives of the applicable *land use plan*;
- (b) The proposed *subdivision* complies with the applicable zoning and development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code;
- (c) The site is physically suitable for the type and *density* of *development*;
- (d) The design of the *subdivision* or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (e) The design of the *subdivision* or the type of improvement will not be detrimental to the public health, safety, and welfare;
- (f) The design of the *subdivision* or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed *subdivision*;
- (g) The design of the proposed *subdivision* provides, to the extent feasible, for future passive or natural heating and cooling opportunities; and
- (h) The decision maker has considered the effects of the proposed *subdivision* on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources.

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

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

§125.0441 Finding of Environmental Mitigation Infeasible

If the decision maker does not make the *finding* in Section 125.0440(d), the *tentative map* may still be approved as allowed in the *Subdivision Map Act*, Section 66474.01, if an environmental impact report was prepared for the project and a *finding* was made pursuant to California Public Resources Code Section 21081(a)(3) that specific economic, social, or other considerations make the mitigation measures or project alternatives identified in the environmental impact report infeasible.

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

§125.0444 Findings for Tentative Maps for Condominium Conversion

The decision maker may approve a *tentative map* for a *condominium conversion* project, if the decision maker makes the following *findings*, in addition to those required in section 125.0440:

- (a) The notices required by section 125.0431 have been given in the manner required;
- (b) The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or *low income* housing; and
- (c) For any project that was developed to provide housing for the elderly, disabled or to provide *low income* housing, provisions have been made to perpetuate the use for which the project was developed.

(Amended 3-8-2004 by O-19266 N.S.)

§125.0450 Filing of Tentative Map Resolutions

After approval of a *tentative map*, the resolution shall be filed with the City Clerk and a copy shall be mailed to the *applicant*.

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

§125.0460 Expiration of a Tentative Map

An approved or conditionally approved *tentative map* expires 36 months after its approval or conditional approval. After expiration of an approved or conditionally approved *tentative map*, a final map or *parcel map* shall not be filed without the approval of a new *tentative map*.

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

§125.0461 Extension of Time for a Tentative Map

The expiration date of a *tentative map* may be extended as follows:

- (a) The expiration date of a *tentative map* may be extended one or more times in accordance with the *Subdivision Map Act*, if the extensions do not exceed a total of 72 months. This time frame does not include any legislative extensions enacted pursuant to state law.
 - (1) **Request for Extension.** An application for an Extension of Time for a *tentative map* shall be filed before the expiration date of the *tentative map* but not more than 12 months before the expiration date, in accordance with Section 112.0102. When an application for Extension of Time is timely filed, the *tentative map* 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.
 - (2) **Decision Process.** An application for Extension of Time for a *tentative map* shall be acted upon in accordance with Process Two, except that it shall be appealable in accordance with Section 125.0461(c).
 - (A) 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 125.0461(a)(3).
 - (B) Expiration of a *tentative map* 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 *tentative map* expiration.
 - (3) **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*:
 - (A) 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

- (B) The condition or denial is required to comply with state or federal law.
- (4) If granted, the time period for the Extension of Time shall begin from the date of expiration of the previously approved *tentative map*.
- (b) Extensions of Time for filing multiple maps in accordance with the *Subdivision Map Act* may be approved or denied by the City Engineer in accordance with Process One.
- (c) Appeals. The City Council shall hear appeals of decisions on Extensions of Time for *tentative maps*.

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

§125.0470 Minor Modifications to a Tentative Map

Except as otherwise provided, a revision to a previously approved *tentative map* that is in *substantial conformance* with that *tentative map* shall be considered a minor modification. The City Engineer shall decide whether the revision is in *substantial conformance* with the previously approved *tentative map* in accordance with Process One.

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

§125.0471 Amendments to a Tentative Map

Except as otherwise provided, any revision to an approved *tentative map* that is not in *substantial conformance* with the approved *tentative map* requires an amendment to the *tentative map*, as follows:

- (a) Request for Amendment. An application for an amendment to a *tentative map* shall be filed in accordance with Section 112.0102; and
- (b) Decision Process. The decision on an application for an amendment shall be made in the same manner as the original *tentative map*.

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