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DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

June 27, 1989

BUILDING INSPECTIONS
916-449-5716

Transportation and Community Development Committee
Sacramento, California

PLANNING
916-449-5604

Honorable Members in Session:

SUBJECT: Proposed Subdivision Ordinance Amendment Establishing Procedures for
Vesting Tentative Map (M86-047)

LOCATION: Citywide

SUMMARY

In 1984, State Subdivision Map Act was amended to require local agencies to adopt Vesting Tentative Map procedures. This ordinance amendment would amend the City Subdivision Ordinance to incorporate procedures for vesting tentative map applications in accordance with State Map Act regulations. Basically, the difference between a regular tentative map and a vesting tentative map is that a vesting tentative map expressly confers a vested right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for approval of the vesting tentative map is complete. A regular tentative map is subject to changes in ordinances, policies and standards from tentative map submission to final recordation.

The Planning Commission and staff recommend approval of the proposed ordinance amendment.

BACKGROUND INFORMATION

The attached ordinance amendment is based upon a similar format adopted by Sacramento County in 1986. The ordinance establishes criteria requirements and procedures for submission and review of a vesting tentative map. Definitions and application procedures are outlined.

Staff has discussed the proposed ordinance with local engineers, Building Industry Association, and other interested agencies, with no adverse comments received.

ORDINANCE

The attached ordinance requires that a vesting tentative map have printed clearly on its face, "Vesting Tentative Map." It requires a subdivider to provide the following information:

1. Plans for all public works improvements:
2. Plans for all grading, drainage and other structures:
3. Geographical studies:
4. Specific uses for buildings:
5. Height, size, location of all buildings, setbacks, etc.:
6. Architectural plans, including site plan, floor plan, exterior elevations and structural calculations:
7. Detailed landscape plans and irrigation plans:
8. Traffic report:
9. Acoustical report:
10. Sewer, water, storm drainage, road and other studies:
11. Flood control information and compliance with flood hazard regulations:
12. Existing and proposed overhead and underground utility improvement details:
13. A tree preservation plan:
14. Where development review is required, all exhibits necessary for the review shall be submitted concurrently with the application for vesting tentative maps:
15. Where a concurrent discretionary approval is required by the City Zoning Ordinance or Sacramento City Code, all exhibits shall be submitted concurrently with the application:

- 16. Such other exhibits that fully depict features which the applicant desires reviewed.

The City has 30 days to determine if the request for a vesting tentative map is complete. Once determined as complete, the developer has received an assurance that all applicable rules and regulations in effect at time of completeness will not change. The vesting map is processed in accordance with the regular procedures for processing tentative maps in the City of Sacramento. If approved by the City Council, the vesting tentative map would have one year to be recorded. Once the vesting tentative map has been recorded, the vested rights last one year from date of recording. Provisions are also allowed for effective date of moratorium or stays on development or phasing of maps.

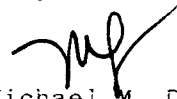
ENVIRONMENTAL ASSESSMENT

The ordinance amendment has been reviewed by the City's Environmental Review Coordinator who has determined that no significant adverse impacts will result from adoption of the ordinance and has prepared a Negative Declaration.

RECOMMENDATION

The Planning Commission has recommended approval of the proposed ordinance amendment to the City Council. Staff recommends that the Transportation and Community Development Committee also recommend to the full City Council adoption of the attached ordinance amending the City Subdivision Ordinance establishing procedures for Vesting Tentative Maps.

Respectfully submitted,



Michael M. Davis

Director of Planning and Development

RECOMMENDATION APPROVED:



DAVID R. MARTINEZ, DEPUTY CITY MANAGER

DH:rt
 attachments

June 20, 1989
 Citywide

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

June 19, 1989

City Council
Sacramento, California

BUILDING INSPECTIONS
916-449-5716

PLANNING
916-449-5604

Honorable Members in Session:

- SUBJECT: 1. Environmental Determination
2. Subdivision Ordinance Amendment Establishing Procedures for
 Vesting Tentative Maps (M86-047)

LOCATION: Citywide

SUMMARY

The proposed subdivision ordinance amendment adds a section to establish procedures for submission of Vesting Tentative Maps. State law requires that local agencies to establish ordinance, policies and standards for the development of vesting tentative maps (Chapter 1113, Statutes of 1984 adding Sections 66498.1 through 66498.8 to the Government Code).

The Planning Commission, City Council's Transportation and Community Development Committee and staff recommend adoption of the proposed Subdivision Ordinance Amendment by the City Council.

BACKGROUND INFORMATION

Chapter 1113 (Statutes of 1984), which amended and added certain new sections (Government Code Section 66498.1 through 66498.8) to the Subdivision Map Act, establishes a new form of tentative map for subdivisions in California - the "Vesting Tentative Map." The rights accruing to a subdivider upon approval of a vesting tentative map are now expressly deemed to constitute "vested rights" to proceed with development in substantial compliance with the local ordinances, policies and standards in effect at the time the application for approval of the vesting tentative map is deemed complete. These vested rights extend out for substantial periods of time beyond the filing for recordation of a final map and therefore, add a critical new dimension to the approval process connected with such maps.

The Vesting Tentative Map confers rights upon a developer allowing him to proceed with development which is in substantial compliance with local policies, ordinances and standards in effect at the time an application is deemed complete. This gives the developer a "known quantity" by locking development standards which include zoning requirements, improvement construction standards and building regulations. Fees which are in effect on that date can be increased but no new fees can be added. The statute allows the City to apply new standards if it can be demonstrated that failure to do so would cause a condition dangerous to public health or safety or would conflict with State or Federal law.

Staff has analyzed the State Legislation and prepared the following ordinance amendments. It has generally been the City's policy to retain zoning on parcels with viable approvals even during the plan update process. Other ordinances and standards, such as building and engineering regulations, are rarely changed and then, primarily to address new State or Federal regulations or to address health and safety issues. It is staff's opinion therefore, that the legislation will have minimal change in current processing, however, the intent of the State legislation is addressed.

Currently, map approvals are good for two years, with a one time, one year extension is requested. The proposed amendments would confer vesting right for up to two years after map recordation. These are the minimum time spans allotted under the Map Act.

The County adopted Vesting Tentative Regulations in March 1986. With the exception of time limits, the proposed amendments are very similar to the County's regulation. The County has processed three vesting maps since adoption of their ordinance. The three projects were for major residential subdivisions and did not involve commercial uses.

VOTE OF THE PLANNING COMMISSION

On May 25, 1989, the Commission voted five ayes, four absent, to recommend adoption of the Zoning Ordinance amendment.

FINANCIAL DATA

No impact.

POLICY MATTER

Discussed in background section.

MBE/WBE


Not applicable.

RECOMMENDATION

The Planning Commission and Transportation and Community Development Committee and staff recommend the following action by the City Council:

1. Ratify the Negative Declaration:
2. Adopt the attached Ordinance.

Respectfully submitted.



Michael W. Davis
Director of Planning and Development

RECOMMENDATION APPROVED:

WALTER J. SLIPE. CITY MANAGER

MMD:AG:DH:rt
attachments

Date _____
Citywide

Contact Person:
Art Gee, Principal Planner
449-5604

M86-047

Planning Commission
Sacramento, California

Members in Session:

Subject: A. Environmental Determination
 B. Subdivision Ordinance Amendment Establishing Procedures for
 Vesting Tentative Maps (M86-047)

Summary: The proposed ordinance amendment would add a section to the City's Subdivision Ordinance regarding vesting tentative maps.

Analysis: In 1984, the California Legislature enacted legislation empowering local agencies to establish rules and procedures for granting vesting tentative maps (Chapter 1113, Statutes of 1984 adding Sections 66498.1 through 66498.8 to the California Government Code). A vesting tentative map is defined as a subdivision map which, when determined as complete, fixes in time all applicable rules and regulations regarding the construction of the subdivision. No additional requirements can be asked for by the City in carrying out the project.

A vested tentative map "Vests" certain rights and restrictions which cannot be changed. The proposed ordinance is modeled after the Sacramento County Vesting Tentative Map Ordinance.


The proposed ordinance was forwarded to various building trades and real estate interests for their review. No comments were received at report preparation time.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed Subdivision Ordinance Amendment will not have a significant adverse impact on the environment and has filed a negative declaration.

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the negative declaration; and
- B. Recommend approval of the Ordinance Amendment and forward to the City Council.

Respectfully submitted,


Will Weitman,
Senior Planner

WW:DH:sg

attachments, draft ordinance

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO ESTABLISHING REGULATIONS FOR VESTING TENTATIVE MAPS FOR RESIDENTIAL AND COMMERCIAL SUBDIVISIONS

THE CITY COUNCIL OF THE CITY OF SACRAMENTO DOES ORDAIN AS FOLLOWS:

ARTICLE XIV. GENERAL PROVISIONS

§ 40.1401 Citation and Authority.

This ordinance is enacted under the authority granted by Chapter 4.5 (commencing with § 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance.

§ 40.1402 Purpose and Intent.

It is the purpose of this ordinance to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act (Government Code §§ 66410-66499.58) and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this ordinance, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance.

To accomplish this purpose, the regulations outlined in this ordinance are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development.

§ 40.1403 Consistency.

No land shall be subdivided and developed under a vesting tentative map for any purpose which is inconsistent with the Subdivision Map Act.

§ 40.1404 Definitions.

- (a) **Vesting Tentative Map.** A vesting tentative map shall mean a tentative map for a residential or commercial development which shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, in accordance with § 40.1406, and is thereafter processed in accordance with these provisions.
- (b) All other definitions set forth in the Subdivision Ordinance are applicable.
- (c) **Planning Director.** The Director of the Department of Planning and Community Development, or his designee.
- (d) **Public Works Director.** The Director of the Department of Public Works or his designee.

§ 40.1405 Application.

- (a) Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential or commercial development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
- (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.

§ 40.1406 Filing and Processing.

A vesting tentative map shall be filed in the same form and have the same contents as set forth in the Subdivision Ordinance for a tentative map. The vesting tentative map shall be subject to the minimum requirements set forth in § 40.1406, subdivision (b). The subdivider shall be provided written notice at the time the proposed vesting tentative map is determined to be complete by the Planning Director. The vesting tentative map, accompanying data and reports shall be processed in the same manner as set forth in the Subdivision Ordinance 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) At the time a vesting tentative map is filed, the subdivider shall also supply the following information:
 - (1) Plans for all public works improvements to be constructed as a condition of the subdivision, prepared by a registered civil engineer in accordance with City standards and approved by the Public Works Director.
 - (2) Plans for all site development, including, but not limited to, grading, drainage facilities and miscellaneous structures, prepared by a registered civil engineer in accordance with City standards and approved by the Public Works Director.

- (3) Geological studies in such form as acceptable to the Public Works Director and the Building Inspections Superintendent, which shall include detailed soils reports, seismic analysis, bank stabilization, and other factors pertinent to the particular site location.
- (4) Specific information on the uses to which the proposed buildings will be put.
- (5) The height, size, and location of all buildings, building setbacks, number of stories, and driveway locations.
- (6) Architectural plans satisfactory for review by the Planning Director, including site plans, floor plans, exterior elevations and necessary structural calculations, energy calculations, and information necessary for building permit plan checks.
- (7) Landscape plans, including planting and irrigation details and drawings and specifications as prepared by a licensed landscape architect or contractor satisfactory for review by the Planning Director.
- (8) Traffic report and analysis, in a form approved by the Public Works Director.
- (9) Acoustical report, prepared by a licensed engineer in a form acceptable to the Planning Director following the guidelines of the noise element of the General Plan.
- (10) Sewer, water, storm drainage, road and other studies required to complete the plans.
- (11) Flood control information and statements showing compliance with flood hazard regulations.

- (12) Existing and proposed overhead and underground utility improvement details.
- (13) A tree preservation plan. If there are no trees on the site, a statement to that effect that appears on the vesting tentative map. The tree preservation plan shall accurately identify all existing trees as to species, trunk size and dripline. Trees that are proposed for removal shall be marked "TO BE REMOVED." Any provisions for tree preservation, transplanting, or new planting shall be identified.
- (14) In those circumstances where a development plan review is required by ordinance, development agreement, special permit, or by a condition of previous approval, such review application and all exhibits necessary for the review shall be submitted concurrently with the application for a vesting tentative map.
- (15) In those circumstances where the project requires concurrent discretionary approval as set forth in the City of Sacramento Zoning Ordinance or the Sacramento City Code, all exhibits necessary for such application shall be submitted concurrently with the application for a vesting tentative map.
- (16) Such other exhibits that fully depict features of the development which the developer desires reviewed for the purpose of approval concurrently with the vesting tentative map.

The Planning Director may request, and the applicant shall promptly furnish, such further information as may reasonably be necessary to enable the Director to evaluate the vesting effect which would follow from approval of the map.

- (c) In the case of a vesting tentative map, the application shall be filed concurrently with any Plan amendments, rezoning, P.U.D. designations, special permits, or other entitlements necessary to make the vesting tentative map comply with all applicable plans and ordinances. Vesting tentative maps may not be approved with the condition that the necessary entitlement(s) be subsequently approved.
- (d) Approval of the vesting tentative map and any such condition shall not limit the City from imposing reasonable conditions on required approvals or permits necessary for the project and authorized by the ordinances, policies and standards of the City in effect at the time the vesting tentative map is approved or conditionally approved.

§ 40.1407 Development Rights Upon Approval.

The approval of a vesting tentative map by the City Council shall confer a vested right to apply for permits needed to proceed with development and have the City exercise its discretion to approve, disapprove, or approve such permits with conditions, on the basis of ordinances, policies, and standards in effect at the time the application was determined to be complete pursuant to § 65943 of the Government Code.

- (a) This ordinance does not enlarge, diminish, or alter the power

of the City Council to deny approval of the requested project or any part thereof, or to impose conditions on the approval of a project.

- (b) Nothing in this ordinance removes, diminishes, or affects the obligation of any subdivider or local agency to comply with the conditions and requirements of any state or federal laws, regulations, or policies.
- (c) In the event that § 66474.2 of the Government Code is repealed, any subsequent approvals of vested maps shall confer a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the vesting map is approved or conditionally approved, rather than at the time the application was determined to be complete.
- (d) Notwithstanding this ordinance, the City Council or agencies thereof may condition or deny a permit, extension or entitlement, including, but not limited to, final maps and building permits, if it determines any of the following:
 - (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.

§ 40.1408 Administration of Vested Rights.

In administering an approved vesting tentative map, the following shall be applicable:

- (a) Approval of a vesting tentative map applies only to actions

considered and approved by the City Council. If the vesting tentative map was approved with conditions, the approval is subject to those conditions. If related applications for discretionary permits were approved in conjunction with the vesting tentative map, the approvals are subject to applicable ordinances, policies, and standards granting those entitlements, including any conditions thereof.

- (b) The rights conferred by approval of a vesting tentative map shall last one (1) year from recordation of the final map.
- (c) When several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial "vesting period" shall begin for each phase on the date the final map for that phase is recorded.
- (d) Extension by Moratorium or Stay: The time allowed for recordation may be extended by a moratorium or a stay under § 66452.6 of the Subdivision Map Act, provided that such moratorium or stay would have prevented a final map from being recorded during that period.
- (e) Automatic Extension: Vesting rights shall automatically be extended by any time used by a City department for processing a complete application for a grading permit or for design or architectural review, if the time used by the City exceeds thirty (30) days from the date a complete application is filed.

§ 40.1409 Termination of Vested Rights.

Vested rights that have been conferred shall end on the occurrence of the following, whichever comes first:

- (a) A final map is not recorded within one (1) year of approval of the vesting tentative map.
- (b) If a final map is recorded, the vesting rights shall end one (1) year after the date of final map recordation.
- (c) The expiration of a building permit, including extension, issued pursuant to a vesting tentative map, and issued during the time vesting rights are valid.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

M-86-047

- 9 - 5-25-89

item 11