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CITY COUNCIL MEETING
JANUARY 15, 1986

VESTED TENTATIVE
MAP

ORD. NO. 1372
INTRODUCED

cc 35
cc 46

Council was informed that new sections have been added to the Subdivision Map Act establishing the "Vesting Tentative map", which grants "vested rights" to a subdivider. These vested rights allow a subdivider to proceed with development in "substantial compliance with the local ordinances, policies and standards in effect at the time the applications for approval of, is deemed complete."

The new law became affective January 1, 1986 and it is mandatory that the City put in effect an ordinance or resolution establishing procedures to implement the law.

A draft ordinance was presented for Council's perusal. Following discussion with minor amendments to the draft ordinance being suggested, Council introduced Ordinance No. 1371 - An Ordinance of the City Council of the City of Lodi Establishing Regulations for Vesting Tentative maps for Residential Subdivision with amended language as outlined by the City Manager and City Attorney.

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL

DATE

NO.

FROM: THE CITY MANAGER'S OFFICE

January 7, 1986

SUBJECT:

VESTING TENTATIVE MAP

BACKGROUND: Effective January 1, 1986 the City is required to have a Vesting Tentative Map Ordinance in place. This requirement was established by the legislature and signed by the Governor last year.

Attached is a memo from Jr. Planner Corey and a copy of the proposed ordinance.



JAMES B. SCHROEDER
Community Development Director

Attachments

MEMORANDUM, City of Lodi, Community Development Department

TO: JIM SCHROEDER, Community Development Director
FROM: ERIN COREY, Jr. Planner *EC*
DATE: JANUARY 6, 1986
SUBJECT: VESTING TENTATIVE MAP

New sections have been added to the Subdivision Map Act establishing the "Vesting Tentative Map", which grants "vested rights" to a subdivider. These vested rights allow a subdivider 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 time the application for approval is deemed complete."

The new law became affective January 1, 1986 and it is mandatory the City have in effect an ordinance or resolution establishing procedures to implement the law.

Attached is a copy of the Vesting Tentative Map Ordinance. This ordinance needs to be adopted as soon as possible.

Attachment

ORDINANCE NO. 1372

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI ESTABLISHING
REGULATIONS FOR VESTING TENTATIVE MAPS FOR RESIDENTIAL SUBDIVISIONS.

The City Council of the City of Lodi does ordain as follows:

SECTION 1. The City Council of the City of Lodi hereby establishes regulations for vesting Tentative Maps for residential subdivisions, as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1-1: Citation and Authority

This ordinance is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 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.

Section 1-2: 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 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.

Section 1-5: Application

(a) This ordinance shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the City Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential 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.

ARTICLE 2. PROCEDURES

Section 2-1: 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 the City Subdivision Ordinance Chapter 16.04 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 a subdivider shall also supply the information as required by the Community Development Department.

Section 2.2: Fees

(a) Upon filing a vesting tentative map, the subdivider shall pay the fees as set and established from time to time by resolution of the City Council for the filing and processing of a tentative map. No part of such filing fee is returnable.

Section 2-3: Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of 24 months and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map.

ARTICLE 3. DEVELOPMENT RIGHTS

Section 3-1: Vesting on Approval of Vesting Tentative Map

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development

in accordance with policies in effect at the date the Community Development Department has determined that the application is complete.

(b) Notwithstanding subdivision (a) 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 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 2-3. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of 2 years.

Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin, for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in (c) (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 exceeds 30 days, from the date a complete application is filed.

(3) A subdivider may request a one-year extension by written application to the advisory agency 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.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) - (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

Section 3-3: Applications Inconsistent with Current Policies

Notwithstanding any provision of this ordinance, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies,

and standards described in sections 3-1(a) and 3-2, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

MAYOR

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1372 was introduced at a regular meeting of the City Council of the City of Lodi held January 15, 1986, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held by the following vote:

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1372 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

RONALD M. STEIN
City Attorney