

ORDINANCE NO. 2134

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
TITLE 18, CHAPTERS 18.08, 18.12 AND 18.28
OF THE CHULA VISTA MUNICIPAL CODE BY THE AMENDMENT
OR ADDITION OF VARIOUS SECTIONS AND BY THE ADDITION
OF CHAPTER 18.13 ESTABLISHING PROCEDURES FOR
VESTING OF TENTATIVE MAPS FOR RESIDENTIAL SUBDIVISIONS

The City Council of the City of Chula Vista does ordain
as follows:

SECTION I: That Title 18, Chapter 18.08 of the Chula
Vista Municipal Code is amended by the addition of Section
18.08.320 to read as follows:

Sec. 18.08.320

Definitions.

"Vesting Tentative Map" means a tentative map for a
residential subdivision which conforms with the
requirements of Chapter 18.13 and confers upon the
subdivider certain rights established by this title.

"Vesting Tentative Parcel Map" means a vesting tentative
map prepared in conjunction with a parcel map.

SECTION II: That Title 18, Chapter 18.12 of the Chula
Vista Municipal Code is amended by the addition of Section
18.12.015 to read as follows:

Sec. 18.12.015

Vesting Tentative Maps.

The vesting tentative map may be filed and processed
in the same manner and subject to the same requirements
as a tentative map except as provided in Chapter 18.13.

SECTION III: That Title 18 of the Chula Vista Municipal
Code is amended by the addition of Chapter 18.13 to read as
follows:

CHAPTER 18.13

VESTING TENTATIVE MAPS

Sections:

- 18.13.010
- 18.13.020
- 18.13.030
- 18.13.040

- Authority.
- Filing and Processing.
- Rights Conferred.
- Consistency with Zoning
and General Plan.

Sec. 18.13.010

Authority.

This chapter 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-Subdivision Map Act) and is intended to implement the provisions of that chapter.

Sec. 18.13.020 Filing and Processing.

A. Whenever this title requires the filing of a tentative map or tentative parcel map for a residential development, the subdivider may file a vesting tentative map or vesting tentative parcel map subject to the provisions of this chapter.

B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face "vesting tentative map". If the map is a vesting tentative parcel map, the words "vesting tentative parcel map" shall appear conspicuously on its face.

C. In addition to the other information required by this title to be shown on or provided with a tentative map or tentative parcel map, a vesting tentative map or vesting tentative parcel shall show or be accompanied by the following information in a form satisfactory to the Director of Planning and the City Engineer:

(1) The height, bulk and location of proposed buildings.

(2) The design and specifications of 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 or the Director of Planning to permit complete review of the design and improvements for the subdivision. The subdivider, for subdivisions over five units, shall also submit a fiscal impact report prepared by an independent economic analyst, analyzing the projected impacts the development will have on services; the report shall include marketing information and a cost benefit analysis for the project.

(3) Detailed final grading plans showing existing and proposed finished grades at two foot intervals.

(4) Information on the uses to which the buildings will be put and general architectural renderings of the buildings.

(5) Detailed landscape plans.

D. Notwithstanding any other provisions of this code to the contrary, all vesting tentative maps regardless of the number of lots, shall be considered by the City Council after a report and recommendation by the Planning Commission.

E. Notwithstanding any provisions of this code to the contrary, all vesting tentative parcel maps shall be referred to the Planning Commission for consideration. The decision of the Planning Commission shall be final unless the decision is appealed to the City Council pursuant to applicable provisions of this Code.

F. Notwithstanding any provisions of this Code to the contrary, the time for filing a final map for a vesting tentative map shall not be extended. Failure to file a final map within the time period established by this code for tentative maps shall terminate all proceedings and no final map or parcel map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this title.

G. Notwithstanding any provision of this code to the contrary, the time for filing a parcel map for a vesting tentative parcel map shall not be extended. Failure to file a parcel map within the time period established by this Code shall terminate all proceedings and no final map or parcel map for all or any part of the property included within the vesting tentative map shall be filed without first processing a new map pursuant to this title.

H. A vesting tentative map or vesting tentative parcel map shall not be approved or conditionally approved unless the City Council or Planning Commission, whichever is the final decision making body, finds on the basis of studies and reports submitted by the subdivider that all public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be available for the entire time that the vesting tentative map or vesting tentative parcel map is valid plus any time during which the rights conferred by Section 18.13.030 exist.

Sec. 18.13.030 Rights Conferred.

- A. Approval or conditional approval of a vesting tentative map or vesting tentative parcel map shall confer a right to proceed with residential development in substantial compliance with the ordinances, policies and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 is repealed, the approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting tentative map or vesting tentative parcel map was approved or conditionally approved. Any disputes whether a development substantially complies with the approved or conditionally approved map, or with ordinances, policies or standards described in this subsection, shall be resolved by the City Council.
- B. Notwithstanding Subsection A, the permit or entitlement for development may be conditionally approved or denied if at the time of the issuance of the permit approval or entitlement, it is determined by the issuing authority or the City Council on appeal:
- (1) A failure to condition or deny the permit or entitlement would place the residents of the subdivision or of the immediate community or both in a condition dangerous to their health or safety; or
- (2) The condition or denial is required in order to comply with state or federal law .
- C. The rights conferred by a vesting tentative map or vesting tentative parcel map shall expire if:
- (1) A final map or parcel map is not approved prior to the expiration of the vesting tentative map or the vesting tentative parcel map.
- (2) The applicant has requested and the City has approved a change in the type, density, bulk or design of the development unless an amendment to the vesting tentative map or vesting tentative parcel map has been approved.

- D. Upon the filing of a final map or a parcel map for a vesting tentative map or a vesting tentative parcel map, the rights conferred by Subsection A shall continue for one year. Where several final maps or parcels map are recorded on various phases of a project covered by a single vesting tentative map or vesting tentative parcel map, this period shall begin for each phase when the final map or parcel map for that phase is recorded.
- E. The time period set forth in Subsection D shall be automatically extended by any time used for processing a complete application for a grading permit if such processing exceeds 30 days from the date a complete application is accepted.
- F. Subdivider may apply to the City Council for a one year extension of the rights conferred by Subsection D at any time before the time period set forth in Subsection D expires. An extension may be granted only if the Council finds that the map still complies with the requirements of this chapter. The City Council may approve, conditionally approve, or deny the extension in its sole discretion.
- G. If the subdivider submits a complete application for a building permit during the periods of time set forth in Subsections D through F, the rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.
- H. Upon the expiration of the time limit specified in Subsections A, D, E, F or G, all rights conferred by this section shall cease and the project shall be considered as the same as any subdivision which was not processed pursuant to this chapter.
- I. Notwithstanding Subsection A, the amount of any fees which are required to be paid either as a condition of the map approval or by operation of any law shall be determined by application of the law or policy in effect at the time the fee is paid. The amounts of the fees are not vested upon approval of the vesting tentative map or tentative parcel map.

Sec. 18.13.040 Consistency with Zoning and General Plan.

No vesting tentative map or vesting tentative parcel map shall be approved if the proposed map or the design or improvement of the proposed development are not consistent with the applicable general, specific or master plans or with applicable provisions of Title 19. If development of the project for which a vesting tentative map or vesting tentative parcel map requires any permits or approvals pursuant to Title 19 of this code, those permits or approval shall be processed concurrently with the vesting tentative map or vesting tentative parcel map. A vesting tentative map or vesting tentative parcel map shall not be approved if all other discretionary permits or approvals have not been approved either prior to or concurrently with the approval of the map.

SECTION IV: That Title 18, Chapter 18.28 of the Chula Vista Municipal Code is amended by the amendment of Section 18.28.030 to add the following sentence:

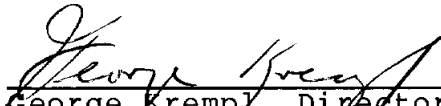
Sec. 18.28.030 Tentative Map Fee.


Any additional fee in an amount established by City Council Resolution for processing a vesting tentative map.


SECTION V: The provisions of this ordinance shall become effective on January 1, 1986 or thirty days after its adoption, whichever is later.

Presented by

Approved as to form by


George Kremp, Director of Planning


Charles R. Gill, Assistant City Attorney


John P. Lippitt, Director of Public Works/City Engineer

0974a

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
TY OF CHULA VISTA, CALIFORNIA, HELD November 26, 19 85, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD December 3,
19 85, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Scott, McCandliss, Cox, Malcolm, Moore
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : None

Gregory R. Cox

Mayor of the City of Chula Vista

ATTEST *Jennie M. Fulasz*
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 2134, and that the same has not been amended or repealed.

DATED _____

(seal)

City Clerk