

ORDINANCE NO. 3256

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF THE CHULA VISTA MUNICIPAL CODE INCLUDING TITLE 19 (ZONING ORDINANCE) RELATED TO SPECIAL EVENTS; TEMPORARY OUTSIDE SALES; AND TEMPORARY PROMOTIONAL SIGNS; AND TITLE 18 (SUBDIVISIONS) RELATED TO ADMINISTRATIVE PROCEDURES FOR THE SUBDIVISION OF LAND FOR THE PURPOSES OF PROCESS IMPROVEMENTS

WHEREAS, in February 2009, the Development Services Department initiated a review of the City's development processes to determine what improvements could be made to reduce redundancy, administrative costs and processing timelines while not sacrificing opportunities for early and often public input and review. The effort is referred to as the Process Improvements Program; and

WHEREAS, a staff committee was convened to identify a series of short and long term issues that needed to be addressed to improve the development review process; and

WHEREAS, in the spring of 2009, a 25 member Development Services Oversight Committee ("Oversight Committee"), comprised of developers, business owners, community organizations, engineers, architects, and contractors was formed to work with staff in identifying additional areas that needed improvement and assist in developing workable solutions; and

WHEREAS, the City's existing Special Event permit process was identified as a Process Improvement item to provide clarity, eliminate redundancies, and streamline the process; and

WHEREAS, on September 19, 2012, the Development Services Oversight Committee recommended that staff proceed with the draft recommendations to amend Title 19 (Zoning Ordinance) Sections 19.58.370 Temporary Outside Sales; 19.58.380 Special Events; and 19.60.500 Temporary Promotional Signs, for the Process Improvements Program, which include clarifying and streamlining the permit process; and

WHEREAS, Title 18 amendments will delegate approval authority to the Planning Commission for Tentative Map and Vesting Tentative Maps; and

WHEREAS, the Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. No environmental review is necessary; and

A. Planning Commission Record on Project

WHEREAS, a hearing time and place was set by the Planning Commission for consideration of the Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said Project at the time and place as advertised, namely January 9, 2013, at 6:00 p.m. in the Council Chambers at 276 Fourth Avenue, and said hearing was thereafter closed; and

WHEREAS, the Planning Commission voted 5-0-0-1 to recommend that the City of Chula Vista City Council approve an ordinance amending various sections of the Chula Vista Municipal Code Title 19 (Zoning Ordinance) related to special events; temporary outside sales; and temporary promotional signs; and Title 18 (subdivisions) related to administrative procedures for the subdivision of land; and

WHEREAS, the proceedings and all evidence introduced before the Planning Commission at the public hearing on the Project held on January 9, 2013, and the minutes and Resolution resulting there from, are incorporated into the record of these proceedings; and

B. City Council Record on Application

WHEREAS, the City Clerk set the time and place for the hearing on the Project and notices of the hearing, together with its purposes given by its publication in a newspaper of general circulation in the City at least ten (10) days prior to the hearing; and

WHEREAS, a duly called and noticed public hearing on the Project was held before the City Council of the City of Chula Vista on February 26, 2013, at 2:00 p.m. in the Council Chambers at 276 Fourth Avenue to receive the recommendations of the Planning Commission, and to hear public testimony with regard to the same; and

NOW, THEREFORE, the City of Chula Vista City Council hereby ordains as follows:

I. AMENDMENTS TO THE CHULA VISTA MUNICIPAL CODE


That Chula Vista Municipal Code Title 19 (Zoning Ordinance); Title 19, Chapter 19.58, Sections 19.58.370(B) (Temporary Outside Sales); 19.58.380 (Special Events); and Chapter 19.60, Section 19.60.500(C) (Temporary Promotional Signs), and Title 18 (Subdivisions) approval of Tentative Maps and Vesting Tentative Maps by the Planning Commission instead of the City Council be amended to read in the manner presented in Exhibits "A" and "B," respectively, attached to this ordinance.

II. EFFECTIVE DATE

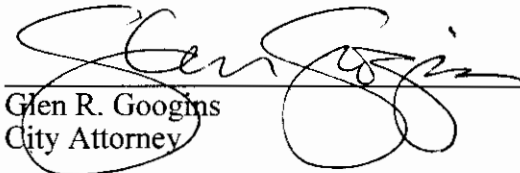
This ordinance shall take effect and be in full force on the thirtieth day from and after its final adoption.

Presented by

Approved as to form by



 Gary Halbert, P.E., AICP
 Assistant City Manager/Director of
 Development Services



 Glen R. Googins
 City Attorney

Exhibits:

- Exhibit A: Amendments to CVMC Title 19 Chapter 19.58 (Uses), Sections 19.58.370(B); 19.58.380; and Chapter 19.60 (Signs) Section 19.60.500(C)
- Exhibit B: Amendments to CVMC Title 18 (Subdivisions)

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 5th day of March 2013, by the following vote:

- AYES: Councilmembers: Aguilar, Bensoussan, Ramirez, Salas and Cox
- NAYS: Councilmembers: None
- ABSENT: Councilmembers: None



 Cheryl Cox, Mayor

ATTEST:




 Donna R. Norris, CMC, City Clerk

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

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3256 had its first reading at a regular meeting held on the 26th day of February 2013 and its second reading and adoption at a regular meeting of said City Council held on the 5th day of March 2013; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

March 18, 2013
 Dated



 Donna R. Norris, CMC, City Clerk

19.58.370 Outside sales and display – Permanent and temporary.

B. Temporary. Temporary outside sales and display of merchandise for a period of 24 days in any calendar year, but not exceeding seven consecutive days, may be permitted upon approval of a temporary outside sales permit by the Director of Development Services. Not more than six permits a year shall be issued to any one business or shopping complex. Notwithstanding the foregoing, the Director of Development Services shall allow temporary holiday sales (e.g. Christmas tree and pumpkin patch lots) to exceed seven consecutive days, provided that all other requirements of this section are met. Each such permit shall be accompanied by the required filing fee(s) established by the Master Fee Schedule.

Applications shall be submitted a minimum of 15 business days prior to the requested commencement date. The applicant shall submit a completed application, two site plans showing the location of the proposed outside sales or promotional display area. The plan shall include sufficient information to ensure that the display and sales will be conducted in a safe and proper manner and will not obstruct traffic or cause a hazardous condition based on the standards adopted by the City. The permit shall designate the commencement and termination dates.

1. Other Required Conditions.

- a. There shall be a minimum of 30 days between the commencement dates when multiple events are requested.
- b. Temporary outside sales are prohibited in residential, C-O, C-N and C-V zones.
- c. The sales area shall maintain a 25-foot setback from the street when within an area designated for parking. Promotional items shall not be located in the front setback.
- d. The sales area may utilize a portion of required parking to a maximum of 20 percent.
- e. The sales area shall not interfere with the internal circulation of the site.
- f. Pennants may be used only for safety and precautionary purposes.
- g. The sales area shall be kept in a neat and well-kept manner at all times.
- h. Temporary promotional signs shall be regulated by CVMC 19 60.500(C).
- i. Only merchandise customarily sold on the premises shall be considered for temporary outside sales and display. Provided that all other requirements of this section are met, the Director of Development Services shall make an exception for temporary holiday sales (e.g. Christmas tree and pumpkin patch lots).

19.58.380 Special events – Repealed.

19.60.500 Sign rules – All commercial zones.

C. Temporary Promotional Signs. Temporary promotional signs in conjunction with promotional events as regulated by CVMC 19.58.370 are allowed for any nonresidential use in a commercial zone. Commercial messages on such signs will pertain to grand openings, change of business address, change of ownership or lessee, business anniversaries and similar promotional events. Said signs may consist of A- and I-frame signs and signs on paper, cardboard, plastic or fabric. The signs shall be located on the premises of the business having the event. The number and location of the signs shall not create a traffic hazard because of the distractive character to motorists of any sign or the cumulative effect of all the signs on the lot, nor shall any sign unreasonably obscure existing signs or adjacent properties. Only one freestanding sign shall be allowed on each street frontage; such sign shall not be more than eight feet in height or contain more than 40 square feet of sign area. Pennants may be used only for safety and precautionary purposes. Price signs may be used but shall not exceed 12 by 16 inches. Excluding price signs, the total area of all promotional signage shall not exceed two square feet of lineal street frontage of the sales area.

EXHIBIT B

**Chapter 18.12
TENTATIVE MAPS***

Sections:

- 18.12.010 Filing – Fees.
- 18.12.020 Filing – Number of copies.
- 18.12.030 Filing – Title report.
- 18.12.040 Filing – Time of.
- 18.12.050 Map preparation – Registered engineer.
- 18.12.060 Map preparation – Compliance with subdivision manual specifications.
- 18.12.070 Processing – Transmission and review of documents and data.
- 18.12.080 Processing – Pre-Commission conference.
- 18.12.090 Processing – Report to Commission.
- 18.12.100 Commission – Review and report duties.
- 18.12.110 Planning Commission – Setting date for consideration.
- 18.12.120 Planning Commission – Determination.
- 18.12.130 Planning Commission – Variance or suspension of requirements.
- 18.12.140 Planning Commission – Public hearing required when.
- 18.12.150 Planning Commission – Public hearing – Notice.
- 18.12.160 Director of Development Services – Notice of determination.
- 18.12.170 Filing of approved or conditionally approved maps.
- 18.12.180 Expiration of tentative map.
- 18.12.190 Extension of tentative map – Application and hearing.

* For statutory provisions relating to tentative maps, see Bus. and Prof. Code § 11550, et seq.

Prior legislation: Ord. 2134.

18.12.010 Filing – Fees.

Fees shall be paid in accordance with CVMC 18.28.020 through 18.28.090. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.202. Formerly 18.12.020).

18.12.020 Filing – Number of copies.

Each subdivider of a major subdivision shall file with the Director of the Development Services Department such number of copies of the tentative map as may be required in the subdivision manual. (Ord. 3153 § 2 (Exh. C), 2010).

18.12.030 Filing – Title report.

Two copies of a preliminary title report on the property to be subdivided shall accompany the tentative map. (Ord. 3153 § 2 (Exh. C), 2010).

18.12.040 Filing – Time of.

The time of filing of a tentative map shall be construed to be the time at which the same, together with the required data, is received in the office of the Director of Development Services, who shall indicate the date of filing upon all copies of the tentative map and accompanying data. (Ord. 3153 § 2 (Exh. C), 2010).

18.12.050 Map preparation – Registered engineer.

The subdivider shall cause the tentative map of the land proposed to be subdivided to be prepared by a civil engineer registered in the state of California. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.203. Formerly 18.12.030).

18.12.060 Map preparation – Compliance with subdivision manual specifications.

The tentative map shall be drawn to such size and scale and contain such information as set forth in the subdivision manual, including, but not limited to, a depiction of the property proposed to be subdivided and all lands in or under option to the subdivider and/or the owner of the property proposed to be subdivided. The Development Services Department shall make available to the subdivider or his representative a copy of the subdivision manual and such other instruction sheets providing information relative to the preparation of said tentative map. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.204. Formerly 18.12.040).

18.12.070 Processing – Transmission and review of documents and data.

Within five working days of the filing of a tentative map, and the filing of a water availability assessments prepared by the water district for projects proposing 500 or more dwellings or equivalent flows, the Director of Development Services shall transmit the requested number of copies of said map together with accompanying data to such public agencies and public and private utilities as may be concerned. Each of the public agencies and utilities may, within 15 days after the tentative map has been received by such agency, forward to the Commission a written report of its findings and recommendations thereon. Within 14 days after submittal of an application package and all required documents as required by the Director of Development Services, the Director of Development Services or his designee will hold a pre-Commission conference on the tentative map with the subdivider and the Committee. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(1). Formerly 18.12.050).

18.12.080 Processing – Pre-Commission conference.

The Director of Development Services or designated members of his staff shall make such recommendations to the subdivider as seem proper regarding the tentative map, and shall recommend consultations by the subdivider with relevant organizations, including public and private utilities, and report conclusions and findings to the subdivider within seven days of said conference. This procedure is not required in the processing of a parcel map. However, consultation with the Director of Development Services prior to the preparation of a tentative parcel map is recommended. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(2). Formerly 18.12.060).

18.12.090 Processing – Report to Commission.

The Director of Development Services or his designee shall prepare a written report of recommendations on the tentative map in relation to the requirements of this chapter and other applicable regulations of the City or public and private utilities, and shall submit the same to the Commission within 21 days after receipt of the map. In the coastal zone, the report of the Director of Development Services shall also state how the tentative map complies with the requirements of the certified local coastal program. Pursuant to Government Code 66452.3, if the Tentative Map is for a Condo Conversion, the existing residents within the Tentative Map shall be provided a copy of the staff report at least 3 days prior to the the Planning Commission meeting. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(3). Formerly 18.12.070).

18.12.100 Commission – Review and report duties.

The Commission shall consider the tentative map as submitted by the subdivider together with the recommendations prepared by the City Engineer and the Director of Development Services. The Director of Development Services may, with a minimum of three working days prior to the Commission's consideration of the project, require that all or any part of the boundaries and/or streets of a proposed subdivision be flagged at the site to facilitate any field review of the Commission. The Commission shall report, in writing, on the map of any subdivision submitted to it within 50 days after the tentative map has been filed, which report shall recommend to the Commission approval, conditional approval or disapproval of the tentative map. The 50-day time period shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. The number, size and configuration of lots to be created and the alignment and width of streets and easements shall be clearly depicted upon the tentative map prior to recommendation of the Commission. Conditions to make the tentative map approvable, which involve modifications to lots in terms of number, size or configuration, or to streets in terms of alignment or width, may be set forth by the Commission for the guidance of the subdivider. However, when such conditions are

substantial, the Commission may require that these changes be incorporated upon a revised tentative map and returned to the Director of Development Services who shall have the authority to determine on behalf of the Commission if the map is clearly in conformity with the conditions established by the Commission. The Director of Development Services may, at his discretion, require that the revised map be submitted to the Commission for further review in any instance where the map is not clearly in conformity with such conditions. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(4). Formerly 18.12.080).

18.12.120 Planning Commission – Determination.

On the date set for consideration of the tentative map, the Commission shall approve the tentative map if it finds that the tentative map complies with the requirements of this chapter. If the Commission finds that the tentative map does not meet the requirements of this chapter, it shall conditionally approve or disapprove said map. In the coastal zone, the tentative map shall, in addition, meet the requirements of the certified local coastal program and not result in the creation of a parcel or lot proposed for development that is totally located within an environmentally sensitive habitat area or flood hazard area. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 2091 § 1, 1984; Ord. 1369, 1971; prior code § 28.205(5). Formerly 18.12.090).

18.12.125 Appeals from determinations – Procedure.

In the event that the applicant or any interested party adversely affected by a determination is dissatisfied with any determination of the Planning Commission, the applicant or interested party may appeal to the Council by filing a statement in writing with the Director of Development Services stating the reasons for appeal within 10 business days following the determination. The matter shall be placed on the Council agenda and heard within 30 days of receipt of a valid application of appeal.

18.12.130 Planning Commission – Variance or suspension of requirements.

In approving a tentative map, the Council may grant a suspension of any of the subdivision requirements set forth in Section 19.14.190 of Title 19. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.206. Formerly 18.12.120).

18.12.140 Planning Commission – Public hearing required when.

In certain instances, Planning Commission shall hold a hearing on the tentative map prior to their determination. Those specific situations follow:

A. If the Subdivision and Development Committee determines that a tentative map is possessed of sufficient public or community interest to justify the holding of a public hearing

by the Commission prior to action being taken on the tentative map, it may request the Director of Development Services to set such hearing before Commission.

B. If a suspension or variance is requested. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(6). Formerly 18.12.100).

18.12.150 Planning Commission – Public hearing – Notice.

In the event that a public hearing is held, notice shall be mailed to the subdivider and to the owners of all property within 500 feet of the exterior boundaries of the property involved at least 10 days prior to the date of the hearing. The last known name and address of each owner as shown on the records of the county assessor may be used for the aforementioned notice. In the coastal zone, notice shall be given at least 10 calendar days before the public hearing of the time, date, and place of such hearing, including a general description of the area to be affected, and the street address, if any, of the property involved. Said notice shall be published at least once in a newspaper of general circulation in the City. In addition, notice of the hearing shall be given by mail or delivery to all persons, including businesses, corporations, or other public and private entities, shown on the last equalized assessment roll as owning real property within 500 feet of the property that is the subject of the proposed change, as well as all residents within 100 feet of the property which is the subject of the proposed change, the California Coastal Commission, and any person who has filed a written request with the Director of Development Services. Such a request may be submitted at any time during the calendar year and shall apply for the balance of the calendar year. A reasonable fee may be imposed on persons requesting such notice for purpose of recovering the cost of such mailing. Substantial compliance with these provisions shall be sufficient, and technical failure to comply shall not affect the validity of any action taken pursuant to the procedures of this chapter or the certified local coastal program. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985. Formerly 18.12.105).

18.12.160 Director of Development Services– Notice of determination.

The Director of Development Services shall notify the subdivider, in writing, of the action taken by the Commission. In the coastal zone, the Director of Development Services shall provide notice within seven calendar days of the final decision on the application for a tentative map. Such notice shall include conditions of approval, if any, written findings to support the decision, and the procedures for filing an appeal to the Coastal Commission, if applicable, and shall be sent by first class mail to the subdivider, the Coastal Commission, and any person who specifically requested notice of final decisions on subdivision applications. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.205(7). Formerly 18.12.110).

18.12.170 Filing of approved or conditionally approved maps.

One copy of the map and accompanying data, together with the Commission's report and a record of the Commission's action with conditions of approval, if any, shall be filed in the office of the Department of Development Services and retained until recordation of the final map or maps encompassing the total area included in the tentative map. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2100 § 1, 1985; Ord. 1369, 1971; prior code § 28.207. Formerly 18.12.130).

18.12.180 Expiration of tentative map.

The approved or conditionally approved tentative map shall expire in 36 months in accordance with the total authorized period of the present or as-amended requirements of Section 66452.6 of the Map Act, unless it is extended in accordance with the provisions of CVMC 18.12.190. Within such time period or the period of any extension thereof, the subdivider may cause a final map to be prepared and submitted to the City Engineer for approval or disapproval in accordance with the tentative map as approved or conditionally approved and in accordance with the Map Act and the provisions of this title. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2790, 1999; Ord. 2100 § 1, 1985; Ord. 2008 § 1, 1982; Ord. 1369, 1971; prior code § 28.208. Formerly 18.12.140(A)).

18.12.190 Extension of tentative map – Application and hearing.

The subdivider may request an extension of the approved or conditionally approved tentative map by written application to the Director of Development Services. Such application shall be filed at least 30, and not more than 90, calendar days before the approval or conditional approval is due to expire. The application shall state the reasons for the requested extension. The Director of Development Services shall determine whether a public hearing is required based on changing conditions in the area. After conducting a public hearing or reviewing the requested extension, the Commission may approve or deny the requested extension. An extension shall not exceed 24 months as provided in Section 66452.6(e) of the Map Act. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2790, 1999; Ord. 2100 § 1, 1985; Ord. 2008 § 1, 1982; Ord. 1369, 1971; prior code § 28.208. Formerly 18.12.140(B)).

**Chapter 18.13
VESTING TENTATIVE MAPS**

Sections:

- 18.13.010 Authority.
- 18.13.020 Filing and processing.
- 18.13.030 Rights conferred.
- 18.13.040 Consistency with zoning and General Plan.
- 18.13.050 Expiration of rights conferred.
- 18.13.060 Extension of time.

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. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2134 § 3, 1985).

18.13.020 Filing and processing.

A. Whenever this title requires the filing of a tentative map for a residential development, the subdivider may file and have processed a vesting tentative map in the same manner and subject to the same requirements as a tentative map, except as provided in this chapter.

B. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face “vesting tentative map.”

C. In addition to the other information required by this title to be shown on or provided with a tentative map, a vesting tentative map shall show or be accompanied by the following information in a form satisfactory to the Director of Development Services 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 Development Services 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 Commission after a report and recommendation by the Director of Development Services.

E. A vesting tentative map shall not be approved or conditionally approved unless the Commission 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 is valid, plus any time during which the rights conferred by CVMC 18.13.030 exist. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2134 § 3, 1985).

18.13.030 Rights conferred.

A. Approval or conditional approval of a vesting tentative 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 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 Commission.

B. Notwithstanding subsection (A) of this section, 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 Commission on appeal that:

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. Notwithstanding subsection (A) of this section, 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. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2134 § 3, 1985).

18.13.040 Consistency with zoning and General Plan.

No vesting tentative map shall be approved if the proposed map or the design or improvement of the proposed development is not consistent with the applicable general, specific or master plans or with applicable provisions of CVMC Title 19. If development of the project for which a vesting tentative map requires any permits or approvals pursuant to CVMC Title 19, those permits or approval shall be processed concurrently with the vesting tentative map. A vesting tentative 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. (Ord. 3153 § 2 (Exh. C), 2010; Ord. 2134 § 3, 1985).

18.13.050 Expiration of rights conferred.

Unless extended pursuant to CVMC 18.13.060, a vesting tentative map shall expire one year from the date of approval or conditional approval, and 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 if:

A. A final map is not approved prior to the expiration of the vesting tentative map.

B. 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 has been approved. (Ord. 3153 § 2 (Exh. C), 2010).

18.13.060 Extension of time.

A. Upon the recordation of a final map for a vesting tentative map, the rights conferred by CVMC 18.13.030(A) shall continue for one year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this period shall begin for each phase when the final map for that phase is recorded. No phased final map shall be approved after a Vesting Tentative Map has expired.

B. The time period set forth in subsection (A) of this section 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.

C. The subdivider may apply to the Commission for an extension of the time period set forth in subsection (A) of this section no more than 90 days before such time period expires. An extension may be granted only if the Commission finds that the map still complies with the requirements of this chapter. Pursuant to Government Code 66452.6(e), the Planning Commission may approve, conditionally approve, or deny the extension in its sole discretion.

D. If the subdivider submits a complete application for a building permit during the periods of time set forth in subsections (A) through (C) of this section, the rights referred to therein shall continue until the expiration of that building permit or any extension of that permit.

E. 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 vesting tentative maps shall terminate all proceedings, and no final 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. (Ord. 3153 § 2 (Exh. C), 2010).