

Article 4:

TENTATIVE MAPS

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Sec. 9-2.0400:

General

The procedures set forth in this Chapter shall be applicable to Tentative Tract Maps and Tentative Parcel Maps.

Sec. 9-2.0405:

Compliance with the General Plan and Development Code

All divisions of land pursuant to this Title shall conform to those development standards set forth in the Development Code for the Zoning District in which the property to be divided is located at the time the application for the tentative map is deemed complete. In accordance with Section 9-2.0125, all divisions of land pursuant to this Title shall also conform with the General Plan including all maps, goals, objectives, policies and implementation measures, in effect at the time the tentative map is deemed complete.

Sec. 9-2.0410:

Filing Application

Unless otherwise provided in this Chapter, each proposed parcel, tract map or vesting parcel or tract map shall first be submitted to the City in the form of a tentative map. Tentative maps shall be prepared and submitted in compliance with all applicable state laws and City ordinances. Tentative maps shall be filed with the Planning Department.

Sec. 9-2.0415:

Determination of Application Completeness

When the required number of copies of a tentative map and accompanying reports (including required environmental reports) and applications have been received by the Planning Department, the map shall be examined by the Planning Department staff in light of the requirements of this Chapter to determine whether or not it contains all of the required information and is acceptable for filing. The case planner shall notify the applicant of its determination of completeness of the subdivision application, as required by Government Code

Section 65943. The applicant shall have the right to appeal a decision that an application is incomplete to the Planning Commission, pursuant to Government Code Section 65943(c), through the appeal process set forth in Sec. 9-1.0500 of Ontario Development Code.

Tentative map applications shall not be deemed complete until all environmental documentation required under the California Environmental Quality Act and local environmental processing procedures has been completed.

Sec. 9-2.0420:**Tentative Map Review and Distribution Procedures**

The review and distribution procedures for Tentative map applications filed with the Planning Department shall be as follows:

- A. Environmental Review:** After an application has been determined to be complete, an initial study of the project's potential environmental impacts shall be completed pursuant to Government Code Section 15063 (CEQA). During the review period, the City shall determine the appropriate type of environmental review.

The Planning Director may request the preparation of additional studies to respond to issues raised during the review of the tentative map and preparation of the initial study. Once required studies have been completed and/or the Planning Director has determined the appropriate environmental action, the Director shall prepare and distribute the proper environmental notice.

- B. Distribution of maps and receipt of comments:** Within five (5) business days after an application has been determined to be complete, the Planning Director shall send notice of said determination to affected school districts pursuant to Government Code Section 66455.7. The application shall be forwarded to other departments and agencies for review pursuant to the provision of Government Code Section 66453 et seq. of the State.

- C. Public hearing and notification:** Public hearing notification shall take place in the manner set forth in Government Code Sections 65090 and 65091 and Section 9-1.0450 of the Ontario Development Code.

Tentative map applications shall not be deemed complete until all environmental documentation required under the California Environmental Quality Act (CEQA) and local environmental procedures have been submitted and deemed complete.

Sec. 9-2.0425:**Map Numbers**

Map numbers for subdivisions requiring preparation of a parcel map shall be obtained from the Planning Department. Map numbers for subdivisions requiring preparation of a final map shall be obtained from the San Bernardino County surveyor.

Sec. 9-2.0430:**Information to be contained on Tentative Maps**

All tentative maps shall be prepared in a manner acceptable to the Planning Director and City Engineer and shall be prepared by a licensed land surveyor or State registered civil engineer authorized to practice land surveying. The map shall consist of one (1) or more sheets which shall all be of equal size and shall not exceed thirty-six (36) inches along any side. The scale of the map shall be one (1) inch equals one hundred (100) feet or larger. The Planning Director or City Engineer may approve the use of another scale or sheet size not specified herein if warranted due to the size of the property. The number of copies of tentative maps to be submitted shall be as specified in the application for tentative subdivision maps (tract and parcel maps). The map shall contain the

following information in addition to any other requirement of the City's General Plan or Development Code: (note: this info needs to get on App. Form).

A. General Information:

1. Map Number;
2. Name, address and telephone number of subdivider;
3. Name, address, and telephone number of person preparing the map
4. Name and address of owner of record;
5. North arrow and scale of map;
6. Date map was prepared and/or revisions
7. Registered Civil Engineer or Licensed Land Surveyor signature and seal;
8. Area of the subdivision, both as total area and as area excluding existing right (s)-of-way (s) dedicated for public use; and
9. General plan designation, existing zoning of property and proposed land use, as well as any proposed zoning changes, whether immediate or future;
10. Names, addresses and telephone numbers of utilities, school districts, fire protection agencies, and cable television services serving the tract.

B. Vicinity information:

1. A vicinity or area map, located on the tentative map, at a scale of one (1) inch equals five hundred (500) feet, or as otherwise approved by the Planning Director showing only the existing major street pattern and major water courses and flood control channels within one-half (1/2) mile of exterior boundaries of the subdivision;
2. All boundary lines of the subdivision with approximate bearing and distances described with any identifying tree row, dikes, or channels;
3. Existing buildings or structures identified by use, including those within one hundred (100) feet of the tract boundary;
4. Adjoining property lines and land uses, including adjacent subdivision map numbers, if any; and
5. Average lot area of adjacent subdivisions;
6. Location of existing trees, and proposed tree removals.

C. Topographic information:

1. Topography, including: one (1) foot contour lines where slope is less than five (5) percent; two (2) foot contour lines where slope is between five (5) percent and ten (10) percent and five (5) foot contour lines where slopes are greater than ten (10) percent. Every fifth (5th) contour shall be clearly labeled and indicated so as to be distinctive. Contour lines shall extend a minimum of one hundred (100) feet beyond the tract boundary. Dashed lines shall represent existing contours. Topographic mapping

shall include any significant features which can materially affect the design of the subdivision, including, but not limited to structures, fences, walls and utility poles. Source and date of existing contours shall be included.

2. Pad elevation and drainage pattern of each lot;
3. Tops and toes of all manufactured slopes, including all daylight lines;
4. Estimated quantities of cut and fill material in cubic yards; and
5. Existing and proposed retaining wall locations and heights.

D. Site Access and Circulation information:

1. Existing and proposed street alignments, including public alleys, cross-sections, and rights-of-way widths;
2. Existing and future adjacent and connecting street alignments including widths of rights-of-ways;
3. Proposed street grades;
4. Centerline radii of street curves;
5. The location and radii of the rights-of-way at all curb returns and cul-de-sacs.
6. The width and location of all necessary and approved off-site access from the proposed subdivision onto the nearest public street; and
7. Street names on all existing streets within, fronting, or adjacent to the proposed subdivision. Proposed public or private streets shall be designated as such and those not officially named should be shown as "A" Street, "B" Court, or "C" Road, unless a current listing of desired names has been approved for said tentative tract.

E. Utilities information:

1. Names and addresses of all operators and providers of proposed subdivision utility systems; if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply;
2. All watercourses, storm drainage easements, utility facilities, fire hydrants, street lights, wells, and Special Flood Hazard Areas which are subject to inundation or storm water overflow in accordance with current Federal Emergency Management Agency Maps;
3. Location of and size of existing overhead utilities on peripheral streets;
4. Preliminary plan of off-site drainage channel and any other drainage devices;
5. Approximate location of all existing and proposed public and private easements and easements to be abandoned pursuant to Section 66499.20 1/2 of the State Subdivision Map Act;
6. Location and size of existing and proposed water, sewer, and storm drain lines with their approximate slope, connection point, and elevation; and

7. Method of collection and disposal of stormwater run-off including detention facility location and storage volume;

F. Lot information:

1. Minimum, maximum, and average lot sizes within the subdivision;
2. The location of any remainder of the original parcel shall be indicated by deed reference to the existing record boundaries of such remainder if such remainder has an area of five (5) acres or more; remainder parcels shall be subject to review for design access, water and sewer availability and other such improvements as may be necessary to protect the public health, safety and welfare, are necessary for orderly development, and are consistent with the intent of this Code. Waiver of improvements may be granted for remainder parcels where the size exceeds five (5) acres (Ontario Draft);
3. Total number of lots proposed;
4. Lot lines, dimensions, and identifying number or letter; common lots shall be lettered lots and define use or purpose of such common lot(s);
5. If phasing is proposed, show all phase boundaries and the number of each phase; and
6. The location of each lot boring shall be shown on the exhibit attached to the preliminary soils report described in Section 9-2.0435 (k).

G. Other information:

1. Proposed recreation sites, trails, and parks for private or public use;
2. Proposed common areas and areas to be dedicated to public open space;

Sec. 9-2.0435:

Documentation to be submitted with Tentative Maps

- A. A signed statement by all owners in fee simple estate, or authorized agents thereof, consenting to such filing of the subdivision of the parcel(s) involved;
- B. A legal description of the land within the proposed subdivision;
- C. The disposition to be made of all existing structures, tree rows, and other significant vegetation and natural features, wells, tanks, irrigation facilities and public utility lines;
- D. A statement as to the intention of the subdivider in regard to slope planting and erosion control
- E. Source, name of supplier, quality and estimate of available quantity of water, or, if to be served by an established mutual water company or an established public utility, a letter shall be furnished to indicate that satisfactory arrangements have been made or can be made for water supply;
- F. A description of the proposed method and plan of sewage disposal. Whenever the method of sewage disposal proposed is other than by a public sewage disposal system, a soil evaluation report or geologic report, acceptable to the San Bernardino County Environmental Health Division, indicating that individual sewage disposal systems will function properly, shall also be submitted. A public sewage system is a sewage disposal system directly controlled by public authority;

- G. A certification by the applicant, supported by a preliminary title report (dated within 60 days of tentative map submittal), that the design of the subdivision and 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;
- H. A list of all proposed deviations to City standards for map, street and storm drainage design, together with justification for each;
- I. A preliminary drainage report describing the proposed method and plan of stormwater disposal (the plan including location of storm drain lines, detention facilities, inlets and ultimate outlet may be shown on the tentative map) prepared by a State registered civil engineer. The drainage report shall include a hydrologic and hydraulic study, indicating the following conditions before and after development: Drainage areas, major water courses, quantity of stormwater and patterns, diversions and collection systems. Flood hazard areas, based on 100-year storm frequency, shall be delineated on the tentative map. Special Flood Hazard Areas as shown on the applicable FEMA's maps shall also be delineated on the tentative maps. All developments in flood plains shall comply with the City's Damage Prevention Ordinance (No. 2409). Building sites, as designated in the soils report, shall be located outside of flood hazard areas. Drainage requirements of the City of Ontario, as published by the City Engineer's Office and as updated, and San Bernardino County Road Standards also apply; and
- J. The disclosure of all proposed mitigation measures recommended by any applicable environmental document, with a statement of how measures will be incorporated within the project.
- K. A soils report, prepared by a civil or geotechnical engineer registered in the State of California and based upon adequate test borings to adequate depths (subject to review by the City Engineer), will be required for use in evaluating and reporting the impact that the subdivision may have upon the environment.
 - 1. The soils report shall describe the nature of the subsurface soils and any soil conditions which would affect the geometrics of the proposed development. The soils report shall state whether the proposed plan is feasible and provide general solution for all known geotechnically hazardous conditions or problems. The report shall include the locations and logs of any test borings, percolation test results and a hydrological evaluation of on-site sewage disposal if proposed. A liquefaction report shall also be required in areas of high groundwater, less than 50 feet deep, or as determined by the City Engineer. The City Engineer may require that the soils report address all additional issues deemed pertinent by him or her.
 - 2. If the City Engineer has knowledge of, or the soils report indicates, the presence of critically expansive soils, collapsible soils or other soils problems which, if not corrected, could possibly lead to investigation of each lot in the subdivision may be required. Such soils investigation shall be performed by a Civil or Geotechnical engineer, registered in this State, who shall recommend the corrective action which is likely to prevent structural damage and eliminate any hazards to each structure proposed to be constructed in the area where the soils problems exist. The Advisory Agency may approve the subdivision or portion thereof where these soils problems exist if it determines the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated into the construction of each structure.
 - 3. An engineering geology evaluation, prepared by an engineering geologist registered in the State of California, defining the geologic conditions of the site, shall be submitted. The geologic evaluation shall state any geologically hazardous conditions which may exist on the site and whether the proposed plan is feasible and shall provide general solutions for all known hazardous conditions or problems. The evaluation report shall point out specific areas where development may create geologically hazardous conditions. The engineering geology evaluation requirements may be waived

if the City Engineer finds that, due to the knowledge his or her staff has as to the geologic characteristics of the subdivision area, no engineering geology evaluation is necessary.

4. The geotechnical/engineering geology report shall designate a suitable building site for each lot, which is safe from liquefaction, settlement, landsliding, mudsliding, seismic, fault rupture and flood hazards and which has reasonable access thereto as determined by the City Engineer.
- L. Methane Gas Assessment: A methane gas assessment, shall be prepared by a licensed professional with expertise in soil gas assessments for subdivisions proposed on former dairies, poultry ranches, hog ranches, livestock feed operations and similar facilities to determine the presence of methane gas within the project boundary. The methane gas assessment shall identify monitoring and mitigation strategies and approaches. All mitigation measures/plans and specifications shall be reviewed and approved by the City of Ontario.

Sec. 9-2.0440:**Referrals**

The Planning Department shall transmit copies of the tentative map and, where applicable, the accompanying drawings and statements to City Departments comprising the Development Advisory Board (DAB), together with a request for written recommendations on the proposed subdivision to be returned to the project. The project planner may transmit additional applicable copies to such other public and private agencies or departments as may be affected by the proposed subdivision, together with requests for written recommendations thereon. Failure to submit such written recommendations may be deemed recommended approval of the proposed subdivision. Copies of reports by City departments and/or agencies shall be transmitted to the subdivider upon completion.

Sec. 9-2.0445:**Development Advisory Board Action**

Prior to Planning Commission action, the Development Advisory Board shall review the tentative map for conformity with the provisions of this title and other applicable ordinances, and conformity of the proposed uses with the general plan and zoning regulations, and shall advise on possible improvements in the design of the proposed subdivision. The Development Advisory Board also shall advise on the requirements, if any, of county, special district, State and other public private agencies affected by the proposed subdivision. The report of the Development Advisory Board shall be reviewed for consideration by the Planning Commission.

Sec. 9-2.0450:**Staff reports and recommendations for Tentative Maps**

Any staff report or recommendation on a tentative map to the Planning Commission shall be in writing and a copy thereof shall be made available to the subdivider or applicant at least three (3) days prior to any hearing or action on such map by the Planning Commission.

Sec. 9-2.0455:

Time Frames for Action on Tentative Maps

A. Tentative Parcel and Tract Maps:

1. The approving authority shall hold a public hearing on the map, and upon making all findings required in Section 9-2.0460, shall approve, or conditionally approve the tentative map, or if such findings are not made, shall deny the tentative map, within the time frames established by Public Resources Code Section 21151.5, and Government Code Section 66452 and 66452.1.
2. The time frames noted above may be extended as provided by prevailing statutory law or court decisions.
3. In the event that action on a tentative map application is not taken in a timely manner and the application is deemed approved by operation of law, pursuant to Government Code Section 66452.4, then the standard conditions of approval prepared by the City that are in effect at the time the application was deemed complete shall automatically be applied to the tentative map.

Sec. 9-2.0460:

Findings for Denial of Tentative Maps

Any tentative map shall be denied if any of the following findings are made:

- A. The proposed subdivision is not consistent with the City of Ontario General Plan and any applicable specific plan for the area;
- B. The design or improvement of the proposed subdivision is not consistent with the City of Ontario General Plan and any applicable specific plan for the area;
- C. The tentative map proposes to divide land which is subject to a contract entered into pursuant to the California Land Conservation Act of 1965, or the land is subject to a Land Conservation Act contract and the resulting parcels following division of the land will be too small to sustain their agricultural use;
- D. The site is not physically suitable for the type and proposed density of development proposed by the tentative map;
- E. The design of the subdivision and proposed improvements, with conditions of approval are either:
 1. Likely to cause significant environmental damage or substantially and avoidably injure fish or wildlife or their habitat; or
 2. An environmental impact report has been prepared and a finding has been made, pursuant to Public Resources Code Section 21081(a) (3), finding that specific economic, social, or other considerations make infeasible mitigation measures or project alternatives identified in the environmental impact report;
- F. The design of the subdivision and the type of improvements are likely to cause serious public health problems;
- G. The design of the subdivision does not provides for future passive or natural heating and cooling opportunities in the subdivision to the extent feasible;
- H. The design of the subdivision and 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, or the design of

the alternate easements which are substantially equivalent to those previously acquired by the public will not be provided.

- I. The subdivision is not consistent with the City's parkland dedication requirements (Quimby);
- J. In approving the subdivision the Planning Commission (or City Council) has considered its effects and the effects of adopted ordinances and actions relating to the review and approval of subdivisions on the housing needs of the region and balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

Sec. 9-2.0470:**Appeals**

- A. All appeals shall be in accordance with Government Code Section 66452.5 of the State. Any subdivider or City officer or any other interested person aggrieved by or adversely affected by an action of the Planning Commission may appeal to the City Council for review of the action.
- B. Such appeal shall be in writing and shall be filed with the City Clerk within ten (10) days after date of the Planning Commission's action. The appeal shall fully state the grounds for such appeal and the action or relief requested. Upon the filing of an appeal, the Planning Department shall transmit to the City Clerk a report of the Commission's action.
- C. After the filing, the City Clerk shall set the matter for public hearing. (note: Map act does not set time limit for reporting of appeal).
- D. Such hearing shall be held within thirty (30) days after the date of filing the appeal. Notice of the public hearing shall be as provided by Section 9-1.0450.
- E. Within ten (10) days following the conclusion of the hearing, the City Council shall render its decision. The Decision of the City Council shall comply with the provisions of this Code and Sections 66473, 66473.5 and 66474 of the Subdivision Map Act (or "with Government Code Sections 66473, 66473.5 and 66474 of the State") and shall include all findings required by this Section.
- F. If the City Council fails to act upon an appeal within the time limit specified above, the action of the Planning Commission shall be deemed to be upheld if the appeal was filed by any interested person. If the appeal was filed by the subdivider and the City Council fails to act upon the appeal within the time limit specified, the action of the Planning Commission shall be deemed to be approved or conditionally approved as last approved or conditionally approved, insofar as the map complies with the applicable requirements of this Chapter and the Subdivision Map Act. The fee for filing of an appeal shall be established by the adopted schedule of fees.

Sec. 9-2.0475:**Expiration of a Tentative Maps**

The approval or conditional approval of a tentative map, or vesting tentative tract map, or phases thereof, shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

Failure to cause a timely filing in accordance with Sec. 9-2.0480 of this with the City within 24 months after approval shall terminate all proceedings, and any subdivision of the same land shall require the filing and processing of a new tentative map or vesting tentative tract map. The subdivider shall be responsible for keeping a record as to when a map will expire.

Sec. 9-2.0480:**Extensions of Time for Tentative Maps**

Notwithstanding Section 9-2.0475, the initial two year term of tentative maps may be extended as follows:

- A. Request by subdivider. Not more than sixty (60) calendar days before the expiration of the tentative map, the subdivider may apply for an extension of time not to exceed twelve months. The subdivider shall file with the Director a completed application form, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents required on the City's official application form, including but not limited to, environmental analysis pursuant to CEQA.
- B. The approval authority may additionally approve a maximum of five (5) one-year time extensions, each extension not to exceed 12 months, but may not impose additional conditions of approval.
- C. If a subdivider is required to expend the amount specified in Section 66452.6 of the Government Code to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights of way which abut the boundary of the property to be subdivided and which are reasonable related to the development of that property, each filing of a final tract map authorized by Section 66456.1 of the Government Code shall extend the expiration of the approved or conditionally tentative map by 36 months from the date of its expiration or the date of a previously-filed final tract map, whichever is later. The extensions shall not extend the term of the tentative map more than 10 years from its date of original approval.
- D. The subdivider, or any interested party adversely affected, may appeal any action of the Planning Commission related to the extension of a map to the City Council in accordance with Section 9-2.0470 of this Chapter. Such appeals shall be filed within ten (10) days of final action by the Planning Commission. If the City Council fails to act within the time limits set forth in Sec. 9-2.0470, the extension shall be deemed to be approved, conditionally approved, or denied as originally approved by the Planning Commission, insofar as the approved map complies with all other applicable provisions of the Subdivision Map Act, this Chapter and the City's General Plan

Sec. 9-2.0485:**Modifications of Tentative Maps**

- A. Tentative maps and/or their conditions of approval may be amended upon application by the Subdivider or, with consent of the subdivider by action initiated by the Planning Director, pursuant to this Section. The applicant shall file a letter with the Planning Director requesting that a determination be made regarding the project. The City shall respond within 30 days with its decision.
- B. Minor modifications may be processed administratively without notice or public hearing, provided that the proposed changes are consistent with the intent of the original map approval, do not affect off-site properties, and there are no resulting violations of this Title or the Development Code. The following modifications are considered minor:
 - 1. Modifications to less than ten percent (10%) of the total number of lots in the subdivision, provided that there is not increase or decrease in the total number of lots within the subdivision.
 - 2. Modifications to the horizontal alignment of ten feet (10') or less, or vertical alignment of five feet (5') or less, of any cul-de-sac, local or collector roadway when such modification does not affect off-site property.
 - 3. Any other changes, which in the opinion of the Planning Director and/or City Engineer do not involve substantial changes to the map or the conditions of approval which do not affect off-site property.

- C. Any other amendment or modification of an approved or conditionally approved map shall be processed as a Revised Map, following procedures set forth in this Chapter for tentative map approval, except that such modification approval shall not alter the original expiration date of the tentative map.

Sec. 9-2.0490:

Withdrawal of Tentative Map

Any subdivider wishing to withdraw a tentative map at any time prior to action thereon by the Planning Commission shall do so in writing. If such request for withdrawal is made prior to distribution of the map to the City departments and affected agencies, the filing fee, less a processing fee in the amount of thirty-five dollars shall be refunded to the subdivider.