

Article 5:

VESTING TENTATIVE MAPS

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Sec. 9-2.0500:

Purpose

The purpose of this Article is to establish procedures for the review, approval and administration of vesting tentative maps in accordance with the authority granted by California Government Code Section 66498.1 et seq.

Sec. 9-2.0505:

Applicability

Whenever this Chapter requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed in accordance with the provisions of this section.

Sec. 9-2.0510:

Filing and Processing of Vesting Tentative Maps

A vesting tentative map shall be filed in the same form, shall have the same content, accompanying data and reports and shall be processed in the same manner described for tentative maps in Article 4 except described in this article.

Sec. 9-2.0515:

Application Materials

At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map". The application shall be submitted in accordance with Section 9-2.0435 of Article 4 accompanied by the following additional materials

- A. A map showing division of the land for the sale of individual property, if any;
- B. Proposed off-street parking, including the location, number of stalls, dimensions, and circulation pattern;
- C. Lot dimensions and all recorded easements;
- D. Locations and dimensions of proposed bicycle, pedestrian, and/or equestrian paths;
- E. Details on the height, size, and location of proposed buildings.
- F. Architectural elevations, schematic plans, and materials board for proposed building(s).

- G. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings, and other such uses;
- H. Areas proposed for any other uses to be established within the project;
- I. Proposed location and elevations of buildings on land, including dimensions, the size of structure, height, setback, materials, and yard areas;
- J. Proposed landscaping, walls, fencing, screening, trash collection areas, and usable open space areas;
- K. If phasing is proposed, a construction schedule for the off-site improvements to be associated with each phase; the total number of acres in the proposed project and the number and percent thereof designated for various uses; and the number of dwelling units proposed, by type of dwelling unit, for each phase;
- L. A detailed grading plan showing cut/fill quantities, pad elevations, typical drainage pattern, top/toe of slope, retaining walls, with information as required by the City Engineer; and
- M. Such additional information as may be required by the Planning Director, and/or City Engineer.

Sec. 9-2.0520:
Development Rights

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Section 66474.2 of the Government Code. However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map 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 is approved or conditionally approved.
- B. The above notwithstanding, a permit, approval, extension, or entitlement may be made conditional or may be denied if any of the following are determined:
 - 1. 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(s) or denial is required in order to comply with state or federal law.
- C. The provisions of this section shall not:
 - 1. Limit the City from imposing reasonable conditions on subsequently required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subsection A.
 - 2. Diminish or alter the types of conditions, which may be imposed by the City on a development of the City's power to protect against a condition dangerous to the public health or safety.

Sec. 9-2.0525:
Mandatory Findings for Denial

A vesting tentative map shall be denied by the City of Ontario only if the City makes any of the findings listed in Section 9-2.0460.

Sec. 9-2.0530:**Term of Vesting Tentative Map**

- A. The approval or conditional approval of a vesting tentative map by the City shall expire twenty-four (24) months after such approval. Prior to the expiration date, upon written request therefore, the vesting tentative map expiration date may be extended by the City Council for a period or periods not exceeding a total of five (5) years. The Council may deny an extension if it makes a finding that the extension will:
1. Adversely affect the public health safety or welfare; or
 2. Map fails to comply with state or federal law; or
 3. That any of the findings required by Section 9-2.0460 can not be made.
- B. If a final tract map is approved prior to the expiration of the vesting tentative map, the tentative map vesting rights for the final tract map area shall last for the periods listed below:
1. An initial time period of one (1) year following recordation of the final tract map. Where several final tract maps are recorded on phases of a project covered by a single vesting tentative map, the 1 year time period for each final tract map shall begin on the date of recordation of that final tract map.
 2. The initial time period set forth in the above paragraph shall be automatically extended by any time used by the City for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, provided however, that such extension shall only be for the number of days in excess of thirty days.
 3. If, during the two-year period following approval of a final tract map or parcel map, the City receives a complete application for a building permit and the subdivider has satisfied all requirements for the issuance of a building permit, the right to proceed with development in accordance with the tentative map shall continue until the expiration of the building permit.

Sec. 9-2.0535:**Modifications to Vesting Tentative Maps**

At any time prior to the expiration of a vesting tentative map, the subdivider, his or her successor, or his or her assignee, may apply for a modification to such map. A public hearing shall be held by the Planning Commission on any application involving a modification to the vesting tentative map or by the development related thereto, following procedures set forth for the modification of tentative maps in Section 9-2.0485 Approval of a modification to a vesting tentative map or development related thereto, shall not be evaluated for compliance with the City regulations, standards, and policies in effect at the time the request for modification is deemed complete.

Sec. 9-2.0540:**Expiration of Vesting Development Rights**

- A. The rights referred to herein shall expire if a final map is not filed for approval prior to the expiration of the vesting tentative map as provided in Section 9-2.0530. If the final map is approved, these rights shall last for the following periods of time beyond the recording of the final map:
1. An initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative tract 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 Section 9-2.0540 (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 thirty (30) days, from the date a complete application is filed.
3. A subdivider may apply for a one (1) year extension at any time before the initial time period set forth in Section 9-2.0540 (c)(1) expires. If the extension is denied, the subdivider may appeal that denial to the City Council within fifteen (15) days; and
4. If the subdivider submits a complete application for a building permit during the periods of time specified in Section 9-2.0540 (c)(1), (2) or (3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.