

TOWN OF SAN ANSELMO
ORDINANCE NO. 880

AN ORDINANCE OF THE TOWN OF SAN ANSELMO
ESTABLISHING REGULATIONS FOR VESTING TENTATIVE
MAPS

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES ORDAIN AS
FOLLOWS:

Title 10, Chapter 2, Section 504 is hereby added to the San
Anselmo Municipal Code to read as follows:

(a) Vesting Tentative Map Statute

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, hereinafter
referred to as the Vesting Tentative Map Statute.

(b) Purpose

It is the purpose of this article to establish
procedures necessary for the implementation of the
provisions of the Subdivision Map Act and local laws
pertaining to subdivisions. Except as otherwise set
forth in this section all the provisions of this
Code pertaining to subdivisions shall apply to
this section.

(c) Consistency

No land shall be subdivided and developed pursuant
to a vesting tentative map for any purpose which is
inconsistent with the General Plan and any
applicable specific plan or not permitted by the
zoning or other provisions of this Code.

(d) Definition

(1) A "Vesting Tentative Map" shall mean a "Tentative Map"
as defined in this code that guarantees the applicant's right
for a period of time as specified hereafter to proceed with
development of subject property in substantial compliance
with the approved tentative map and with the ordinances,
policies, and standards in effect at the time the
application for a vesting tentative map is determined to
be complete.

(2) A "vesting tentative map" shall have printed conspicuously its face the words "Vesting Tentative Map" at the time it is filed in accordance with paragraph (f) and is thereafter processed in accordance with the provisions hereof.

(3) All other definitions set forth in the Subdivisions Ordinance are applicable.

(e) Application

(1) This article shall apply only to residential developments prior to January 1, 1988 but shall subsequent to that date apply to both residential and nonresidential development. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Code, requires the filing of a tentative subdivision map or tentative parcel map for a development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(2) 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.

(f) 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 Code for a tentative map except as hereinafter provided:

(1) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(2) At the time a vesting tentative map is filed, a subdivider shall also concurrently apply and provide application material for environmental and design review approval and any use permits required by the zoning designation.

(3) The subdivider shall also supply any additional information required, and meet any additional requirements imposed, by the Town during the vesting tentative map approval process.

(4) The subdivider shall secure Town approval of these additional required items prior to receiving approval of the vesting tentative map.

(g) Fees

Upon filing a vesting tentative map, the subdivider shall pay all fees required by resolution for the filing and processing of such a vesting tentative map, including those fees required for separate but associated and required applications.

(h) Expiration

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Code for the expiration of the approval or conditional approval of a tentative map.

(i) Vesting on Approval of Vesting Tentative Map

(1) 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 Government Code 66474.2.

(2) Notwithstanding subparagraph (1), a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

(i) 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.

(ii) The condition or denial is required, in order to comply with state or federal law.

(3) The rights referred to herein shall begin upon approval of the vesting tentative map. 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 paragraph (h). If the final map is approved, these rights shall last for the following period of time:

(i) An initial time period of one year beyond the recording of the final map. 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.

(ii) The initial time period set forth in (3) (i) shall be automatically extended by the amount of time required for processing a complete application for a grading permit or for design or architectural review, if the time required for processing said application exceeds 30 days from the date a complete application is filed.

(iii) A Subdivider may apply to the Planning Commission for a one-year extension at any time before the initial time period set forth in (3) (i) expires. If the extension is denied, the subdivided may appeal that denial to the Town Council within 15 days.

(iv) If the subdivider submits a complete application for a building permit during the periods of time specified in sub paragraphs (i)-(iii) the rights referred to herein shall continue until the expiration of that permit, or any extension that has been approved for that building permit.

(j) Amendments

An approved or conditionally approved vesting tentative map shall be subject to the same amendment procedures and fees as established by local subdivision regulations for a Tentative Map.

Introduced at a regular meeting of the San Anselmo Town Council held on March 11, _____, 1986, and thereafter passed and adopted at a regular meeting of the San Anselmo Town Council held on March 25, _____, 1986 by the following vote:

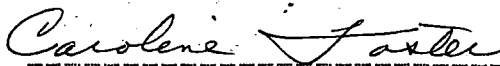
AYES: Capurro, Cordingley, Toal, Wooliever, Ollinger

NOTES: None

ABSENT: None


WILLIAM VP OLLINGER, MAYOR

ATTEST:



CAROLINE FOSTER, TOWN CLERK