

BEFORE THE COUNCIL OF THE CITY OF SAN MATEO
COUNCIL CHAMBERS, 330 WEST 20TH AVENUE

ORDINANCE INTRODUCED: October 3, 2011
ORDINANCE ADOPTION TO BE CONSIDERED AT 7 P.M. ~~October 17, 2011~~

ORDINANCE NO. 2011- 9

AMENDING SECTIONS 26.48.140, "VESTING TENTATIVE MAPS,"
26.56.090, "PREPARATION," AND 27.08.060, "DECISIONS FINAL," AND
ADDING SECTIONS 26.48.135, "EXPIRATION AND EXTENSION
OF TENTATIVE MAPS," 26.48.140, "VESTING TENTATIVE MAPS,"
26.52.010, "PREPARATION," AND 26.56.087, "EXPIRATION OF
TENTATIVE PARCEL MAPS" OF THE SAN MATEO MUNICIPAL CODE
(PLANNING APPROVAL AND SUBDIVISION MAP EXTENSIONS)

WHEREAS, tentative map approvals currently expire after two years in the City of San Mateo; and

WHEREAS, state law requires that the City provide up to six years of discretionary extensions; and

WHEREAS, staff proposes providing three discretionary two-year extensions for subdivision maps; and

WHEREAS, planning approvals currently expire after two years in the City of San Mateo; and

WHEREAS, until July 1, 2015, the City of San Mateo wishes to allow a project applicant to apply for two-year extensions of planning approvals;

NOW, THEREFORE, the City Council of the City of San Mateo ordains as follows:

Section 1. A Section 26.48.135, "Expiration and Extension of Tentative Maps," is added to Chapter 26.48, "Tentative Map," of Title 26, "Subdivisions," of the San Mateo Municipal Code to read as follows:

"26.48.135 EXPIRATION AND EXTENSION OF TENTATIVE MAPS.

(a) Initial Term. The approval of a tentative map expires two years after its date of approval, unless extended.

(b) Extensions. In accordance with Government Code section 66452.6(e), an applicant may apply to the Zoning Administrator for up to three two-year extensions.

(c) Additional State Law Extensions. All other extensions available pursuant to the state Subdivision Map Act, codified at Government Code sections 66452 and following, apply."

Section 2. Section 26.48.140, "Vesting Tentative Maps," of Chapter 26.48, "Tentative Map," of Title 26, "Subdivisions," of the San Mateo Municipal Code is amended to read as follows:

"26.48.140 VESTING TENTATIVE MAPS.

(a) A subdivider may file a vesting tentative map as authorized by the Subdivision Map Act, instead of a tentative map. Such a vesting tentative map shall be processed and reviewed pursuant to the standards and procedures contained in this Title for tentative maps. In addition, no vesting tentative map shall be approved unless the Planning Commission determines that the extension of the rights provided by the Subdivision Map Act for such a map will not endanger the health, safety, or welfare of the City or its inhabitants.

(b) For purposes of determining whether the vested right to proceed with development is in substantial compliance with ordinances, policies, and standards in effect at the time of completion of an application or approval, "substantial compliance" shall mean substantial compliance as established by City policies and standards for planning and subdivision approvals through practice.

(c) The approval of a vesting tentative map expires if no final map is filed within the time limits specified for expiration of tentative maps in the state Subdivision Map Act and Section 26.48.135 of this Code and the vesting tentative map is not extended in accordance with the state Subdivision Map Act, codified at Government Code sections 66410 and following.

(d) It is the intention of the Council in enacting this ordinance to assume all rights extended by the Subdivision Map Act to review, condition, or deny vesting tentative maps, and no omission in this Section of language contained in the Subdivision Map Act shall be construed as limiting the authority of the City over vesting tentative map applications."

Section 3. Section 26.52.010, "Preparation," of Chapter 26.52, "Final Map," of Title 26, "Subdivisions," of the San Mateo Municipal Code is amended to read as follows:

"26.52.010 PREPARATION. The subdivider may cause a final map to be prepared pursuant to the conditions of approval of the tentative map, the provisions of this title, and the Subdivision Map Act. The final map, together with the prescribed fees and deposits, shall be filed with the city engineer. The failure to file a final map within the time limit specified in this Chapter or the state Subdivision Map Act, or any extension granted pursuant to this chapter, shall terminate all proceedings and the approval of the tentative map shall expire. Before a final map may thereafter be recorded, a new tentative map shall be submitted for review pursuant to this Chapter. The final map shall be prepared by a registered civil engineer or licensed land surveyor and shall be based upon a field survey, unless otherwise approved by the city engineer. Return of a map filed within the time period provided by this chapter or the state Subdivision Map Act in order to correct minor technical deficiencies will not be considered a failure to file within the required time limit if the converted map is filed within 30 days of return to the applicant."

Section 4. Section 26.56.087 is added to Chapter 26.56, "Parcel Maps," of Title 26, "Subdivisions," of the San Mateo Municipal Code to read as follows:

"26.56.087 EXPIRATION OF TENTATIVE PARCEL MAPS. The approval of a tentative parcel map expires if no final parcel map is filed within the time limits specified for expiration of tentative maps by Section 26.48.135 of this Code."

Section 5. Section 26.56.090, "Preparation," of the San Mateo Municipal Code is amended to read as follows:

"26.56.090 PREPARATION. The subdivider may cause a final parcel map to be prepared pursuant to the conditions of approval of the tentative map, the provisions of this title, and the Subdivision Map Act. The final parcel map, together with the prescribed fees and deposits, shall be filed with the city engineer. The failure to file a final parcel map within the time limit specified in this Chapter or the state Subdivision Map Act, or any extension granted pursuant to this chapter, shall terminate all proceedings and the approval of the tentative parcel map shall expire. Before a final parcel map may thereafter be recorded, a new tentative parcel map shall be submitted for review pursuant to this chapter. The final parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall be based upon a field survey, unless otherwise approved by the city engineer. Return of a map filed within the time period provided by this chapter or the state Subdivision Map Act in order to correct minor technical deficiencies will not be considered a failure to file within the required time limit if the converted map is filed within 30 days of return to the applicant."

Section 6. Section 27.08.060, "Decisions Final," of Chapter 27.08, "Rules of Procedure," of Title 27, "Zoning," of the San Mateo Municipal Code is amended to read as follows:

"27.08.060 DECISIONS FINAL.

(a) Approvals or Denials. Decisions on all applications on which the Zoning Administrator or the Planning Commission may take final action shall become effective ten (10) calendar days after the decision is made, unless an appeal is filed. Decisions of the City Council, unless otherwise stated, are effective and shall be final on the date Council action is taken. Reclassifications and projects requiring reclassifications or ordinance amendments shall, however, become effective on the effective date of the reclassification or other ordinance, or on the date of another event if prescribed in the reclassification or other ordinance.

(b) Réapplications. New applications for the same planning project involving similar purposes shall not be accepted for review, if previously denied, for a period of one year from the date of the final action. However, the one-year limitation shall not apply if the final approval body (1) waives the limitation after an applicant's written request; or (2) states at the time of decision that the denial is without prejudice.

(c) Covenants and Conditions. Unless otherwise provided, the decisions of the approval bodies shall run with the land. Conditions imposed by the approval bodies on a project are binding upon successors to the applicant."

Section 7. A Section 27.08.085, "Planning Approval Expiration," is added to Chapter 27.08, "Rules of Procedure," of Title 27, "Zoning," of the San Mateo Municipal Code to read as follows:

"27.08.085 PLANNING APPROVAL EXPIRATION. Final approval of a planning application shall expire two years from the date of approval, with the following exceptions:

(a) A completed building permit application is filed before the expiration date and a building permit is issued prior to or within six months after the two year expiration date.

- (b) The property within two years has been used in conformance with the final order.
- (c) Approvals granted to the City of San Mateo or the Redevelopment Agency of San Mateo shall be in force and effect for such time period as funds are budgeted in whole or in part for the project by the City or Agency.
- (d) Projects with associated subdivision maps that remain in effect or have been extended by mandate of the state Subdivision Map Act or San Mateo Municipal Code section 26.48.135, 26.48.140, or 26.56.087. Those planning approvals remain effective for the term of the subdivision map approval, if required by state law.
- (e) Projects for which an extension has been obtained in accordance with Section 27.08.087 below.”

Section 8. A Section 27.08.087, “Planning Approval Extension,” is added to Chapter 27.08, “Rules of Procedure,” of Title 27, “Zoning,” of the San Mateo Municipal Code to read as follows:

“27.08.087 PLANNING APPROVAL EXTENSION. The following extensions to planning approvals are available:

(a) Extensions required by state or federal law. Where state or federal law requires that extension of a planning approval be considered, the Zoning Administrator will approve an extension if he or she finds that the project complies with all applicable zoning, planning, and general plan regulations and conditions.

(b) City extensions applied for prior to July 1, 2015. The Zoning Administrator may approve applications filed prior to July 1, 2015, for extensions of planning approvals, as a minor modification to a planning approval, for extensions of two years each. No applications for extensions may be considered on or after July 1, 2015.

(1) Application required. In order to apply for a planning approval extension, an applicant must pay the extension application fee and submit a copy of the project plans as originally approved.

(2) Findings required. In order to approve a time extension, the Zoning Administrator must find all of the following:

- (aa) The approved project is still consistent with the City’s General Plan; and
- (bb) The approved project is still consistent with the City’s Zoning Ordinance; and
- (cc) The project site and its environs are in substantially the same condition as when the project was initially approved.

(c) Notice of Zoning Administrator decision on extension. Notice will be provided to the neighborhood by the same process followed for the original project approval. Notice will also be provided to the Planning Commission and City Council within ten days of the Zoning Administrator’s decision.

(d) Appeals. The decision of the Zoning Administrator is appealable to the Planning Commission within ten days of the Zoning Administrator’s decision by filing a written appeal with the Planning Secretary. With regard to the extension of subdivision maps, the provisions of Municipal Code Chapter 26.72 govern.”

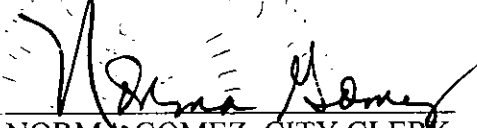
Section 9. SEVERABILITY. In the event any section, clause or provision of this Chapter shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect. It is the intent of the City Council that it would have adopted all other

portions of this ordinance irrespective of any such portion declared to be invalid or unconstitutional.

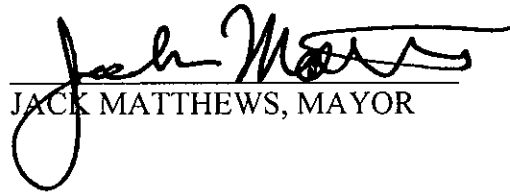
Section 10. CEQA. In accordance with California Environmental Act CEQA Guidelines Section 15061(b)(3), introduction of this Ordinance is not a project subject to CEQA in that it can be seen with certainty that it will not have a significant effect upon the environment.

Section 11. PUBLICATION. This Ordinance shall be published in summary in the Examiner Peninsula Edition, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the Charter and shall be effective 30 days after the date of adoption.

ATTEST:



NORMA GOMEZ, CITY CLERK



JACK MATTHEWS, MAYOR

Ordinance No. 2011-9 introduced on October 3, 2011 and adopted on October 17, 2011 by the City Council of the City of San Mateo, California, at a regular meeting held on October 17, 2011, by the following vote of the Council:

AYES: Council Members LIM, LEE, GROTTI, ROSS
and MATTHEWS

NOES: NONE

ABSENT: NONE

(SEAL) /s/ NORMA GOMEZ, City Clerk