

## Title 18. Subdivisions

### Chapter 18.05. TENTATIVE MAP APPLICATIONS-MINISTERIAL

#### § 18.05.010. Tentative map required.

A tentative map shall be required wherever a final map or parcel map is required by the Subdivision Map Act, unless specifically waived by the provisions of this title or the Subdivision Map Act. (Ord. 2747 § 1, 1993; Ord. 6477 § 4, 2022; Ord. 6828, 6/19/2024)

#### § 18.05.020. Application required.

Whenever a tentative map is required, the subdivider shall submit to the director a complete tentative map application to be processed in accordance with the provisions of this chapter and title. An application shall be processed pursuant to Chapter **18.06** unless consistent with one of the following:

- A. Ministerial Affordable Housing Map. It is a parcel map associated with a residential multi-unit (three or more units) or mixed-use housing project that provides a minimum of 20 percent of the units as affordable units for low, very low or extremely low income households and where the applicant agrees to enter into an affordable housing agreement prior to recordation of the parcel map (hereinafter affordable housing project),
- B. Ministerial Two-Lot Single-Family Map. The application meets the following qualifying criteria for a ministerial two-lot parcel map:
  1. The parcel is located within a single-family residential zone, which are the city's single-family residential (R1) and small lot residential (RS) zones.
  2. The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.
  3. Both newly-created parcels are a minimum of 1,200 square feet.
  4. The parcel being subdivided has not been established through prior exercise of a parcel map pursuant to this section, nor has the owner or any person acting in concert with the owner previously subdivided an adjacent parcel pursuant to this section.
  5. The proposed parcel map would not require demolition or alteration of any of the following types of housing:
    - a. Housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    - b. Housing which has been occupied by a tenant anytime within the last three years.

- c. Housing subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - d. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under **Government Code** Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1, as may be amended from time to time, to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
6. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the **Public Resources Code**, as may be amended from time to time, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
  7. The parcel is not located on a site that is or contains any of the following, pursuant to **Government Code** subparagraphs (B) to (K), as may be amended from time to time, inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as may be amended from time to time:
    - a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
    - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
    - c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, as may be amended from time to time, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the **Public Resources Code**, as may be amended from time to time. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the **Government Code**, as may be amended from time to time, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
    - d. A hazardous waste site that is listed pursuant to Government Code Section 65962.5, as may be amended from time to time, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the **Health and Safety Code**, as may be amended from time to time, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
    - e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the **Health and Safety Code**, as may be amended from time to time), and by any local building department under **Government Code** Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2, as may be amended from time to time.

- f. Within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
    - i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
    - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations, as may be amended from time to time.
  - g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations, as may be amended from time to time. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.
  - h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the **Fish and Game Code**, as may be amended from time to time), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq., as may be amended from time to time), or other adopted natural resource protection plan.
  - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq., as may be amended from time to time), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the **Fish and Game Code**, as may be amended from time to time), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code, as may be amended from time to time.
  - j. Lands under conservation easement.
- C. Ministerial Multifamily Map. The application is for a ministerial map of 10 or fewer parcels resulting in 10 or fewer residential units and meets all of the following qualifying criteria:
1. [The parcel is one of the following:](#)
    - a. The parcel is a legal lot located within the city's multi-family residential (R3) zone [and meets the following criteria:](#)

- i. The parcel is no greater than five acres.
    - ii. The proposed parcels are no smaller than 600 square feet.
  - b. The parcel is a vacant legal lot, as defined by Government Code Section 66499.41(a)(2)(A)(ii), as may be amended from time to time, located within the City's single-family residential (R1 or RS) zone and meets the following criteria:
    - i. The parcel is no greater than 1.5 acres
    - ii. The proposed parcels are no smaller than 1,200 square feet.
2. The parcel being subdivided has not been established through prior exercise of a map pursuant to Chapter **18.05**.
  3. The parcel is substantially surrounded by urban uses. As defined in paragraph (2) of subdivision (a) of Section 21159.25 of the Public Resources Code, as may be amended from time to time, substantially surrounded means at least 75 percent of the perimeter of the project site adjoins or is separated only by an improved public right-of-way from any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. The remaining 25 percent of the perimeter of the project must adjoin or be separated only by an improved public right-of-way from parcels that have been designated for any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses, by the Zoning Ordinance, a specific plan/community plan, or the General Plan.
  4. The project shall result in at least ~~as many~~ 66 percent of the maximum allowable units as projected for that parcel in the General Plan Housing Element and shall also provide at least as many low or very low income units identified in the General Plan Housing Element for the parcel (subject to a recorded affordability restriction of at least 45 years). If the parcel is not identified in the General Plan Housing Element, the project shall result in at least ~~as many~~ 66 percent of ~~units as~~ the maximum allowable residential density.
  5. The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet. Habitable space is defined by the California Building Code, as may be amended from time to time, as a space in a building for living, sleeping, eating, or cooking (bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar areas are not included in net habitable space).
  6. Any parcels proposed to be created pursuant to this section will be served by a public water system and a municipal sewer system.
  7. The proposed project would not require demolition or alteration of any of the following types of housing:
    - a. Housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    - b. Housing which has been occupied by a tenant anytime within the last five years.
    - c. Housing subject to any form of rent or price control through a public entity's valid exercise of its police power.
    - d. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under **Government Code** Chapter 12.75 (commencing with Section 7060) of Division 7 of Title **1**, as may be amended from time to time, to withdraw

accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

8. The parcel is not located on a site that is or contains any of the following, pursuant to **Government Code** subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as may be amended from time to time:
  - a. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
  - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
  - c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, as may be amended from time to time, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the **Public Resources Code**, as may be amended from time to time. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the **Government Code**, as may be amended from time to time, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
  - d. A hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, as may be amended from time to time, unless:
    - i. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the **Health and Safety Code**, as may be amended from time to time, based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses.
    - ii. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the **Health and Safety Code**, as may be amended from time to time, has otherwise determined that the site is suitable for residential use or residential mixed uses.
  - e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the **Health and Safety Code**, as may be amended from time to time), and by any local building department under **Government Code** Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2, as may be amended from time to time.
  - f. Within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency

Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- i. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
  - ii. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations, as may be amended from time to time.
- g. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations, as may be amended from time to time. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.
  - h. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the **Fish and Game Code**, as may be amended from time to time), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq., as may be amended from time to time), or other adopted natural resource protection plan.
  - i. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq., as may be amended from time to time), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the **Fish and Game Code**, as may be amended from time to time), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code, as may be amended from time to time).
  - j. Lands under conservation easement.
9. The housing units on the lot proposed to be subdivided are to be constructed on fee simple ownership lots, as part of a common interest development, as part of a housing cooperative, or are to be owned by a community land trust, consistent with **Government Code** 66499.41(a) (4), as may be amended from time to time.
  10. The proposed subdivision conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410, as may be amended from time to time)), except as otherwise expressly provided in this section, and the

project conforms to Government Code Section 65852.28, as may be amended from time to time.

11. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.