

Subdivisions

What is a Subdivision?

A subdivision is the act of dividing land into two or more parcels or ownership units. The traditional residential subdivision consists of a large parcel of vacant land that is subdivided into smaller parcels for the construction of new homes and resale to individual owners. Condominium projects and conversions of existing apartment buildings to condominium units are also subdivisions.

The State of California and the City of San Bernardino have laws regulating subdivisions in order to achieve the following public purposes:

1. To ensure orderly community development.
2. To plan and inspect the completion of “public improvements” such as streets, storm drains, and sidewalks.
3. To legally define property for sale and protect the public and prospective buyers from fraud.

Tentative Tract Maps

Subdivision regulations require the filing of a Tentative Tract Map for developments of five or more lots or units. Smaller projects and commercial/ industrial subdivisions qualify for a separate procedure.

Filing of the Tentative Tract Map

The first step in processing a subdivision is the preparation, review and approval of a Tentative Tract Map application. A Tentative Tract Map shows the precise boundaries of the site. It will also show the dimensions of any public rights-of-way that are adjacent to the site. The Tentative Tract Map must be prepared by a California Registered Civil Engineer or a California Licensed Land Surveyor.

Environmental Review

All Tentative Tract Map applications require environmental review. When a Tentative Tract Map application is received, the level of review needed will be determined by the City's Environmental Review Committee.

The environmental review of the Tentative Tract Map will cover the subdivision and the associated development project. No further review required for the Final Map unless the project is substantially changed.

Public hearing before the Planning Commission

The Planning Commission will conduct a public hearing during which it approves, approves with conditions, or denies the Tentative Tract Map application. The following findings are required for approval of a Tentative Tract Map:

1. The Tentative Tract Map is consistent with the General Plan;
2. The site is physically suitable for the type and density of development;
3. The design of the subdivision is not likely to cause serious environmental damage or create health and safety hazards; and
4. The design of the subdivision and its improvements will not conflict with the use of public improvements that are dedicated as part of the subdivision.

Subdivisions applications are scheduled for a public hearing by the Planning Commission. All property owners within 500 feet of the property are notified by mail of the hearing and are afforded the opportunity to testify for or against the requested subdivision.

Plan Check-Public improvements

Subdividers are required to install or repair public improvements adjacent to the project site such as streets, alleys, sewers, street lights, utilities, traffic controls, curbs, gutters, and sidewalks. To ensure that these improvements are completed, the subdivider is required to submit plans for public improvements to the Community Development Department for approval. A "completion bond" equal to or exceeding the value of the

improvements also required. The bond guarantees that the owner does not complete the public improvements, the funds will be available for completion.

Final Map Certification

Prior to recordation of the subdivision, a Final Map is prepared. The City Engineer reviews the Final Map, for compliance with the State Subdivision Map Act, and the conditions of approval of the Tentative Tract Map. The Final Map is then transmitted to the City Council for approval. The City Council must approve the Final Map if it has been certified by the City Engineer and all conditions placed on the Tentative Tract Map have been satisfied.

Recording the Final Map

Prior to transferring the title of a new parcel or dwelling unit in the subdivision, the City records the approved Final Map with the County of San Bernardino. The subdivision must also have a disclosure statement issued by the California Department of Real Estate regarding project financing, covenants, codes, and restrictions and any on-site hazards.

Parcel Maps

If a subdivision project will create four or fewer new parcels, or if it is part of a commercial or industrial development, it will be processed as a Parcel Map. The procedures for processing a Tentative Parcel Map are identical to those of a Tentative Tract Map.

In the case of a Parcel Map of four or fewer parcels, public improvements may be deferred until time of development when deemed appropriate by the City Engineer and subject to execution of an agreement placing a lien the property that guarantees timely completion of the improvements. In all cases, the public improvement design plans are required to be completed at the subdivider's expense and approved by the City Engineer prior to recording the map. Final Parcel Maps are filed with the City Engineer. After all the conditions of approval have been satisfied, the City Engineer will certify the Parcel Map. The Parcel Map will be recorded with the County Recorder.

Fees

Planning application fees are adopted by a resolution of the Mayor and Common Council. These fees are adjusted from time to time. A current fee schedule is available from the Community Development Department, and online at www.sbcity.org

To cover the cost of processing, the application fee is due at the time the application is filed. The service fee is non-refundable whether the application is approved or denied. An additional service fee is charged to file an appeal to the City Council. For more information please call the Planning Division at (909) 384-5057.

NOTE: This summarizes Chapter 19:30 of the Development Code. Copies are available online and at the Planning Counter.