

ORDINANCE NO. 6828

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING CHAPTER  
18.05 OF THE ROSEVILLE MUNICIPAL CODE REGARDING PARCEL MAP  
APPLICATIONS - MINISTERIAL

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. The Chapter of the Roseville Municipal Code listed above is hereby amended to read as shown on Attachment “A”.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville, this 19<sup>th</sup> day of June, 2024, by the following vote on roll call:

AYES COUNCILMEMBERS: Houdesheldt, Bernasconi, Alvord, Roccucci, Mendonsa

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



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MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read "Cam Avalos", written in a cursive style.

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City Clerk

ATTACHMENT "A"

# **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.

### **§ 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 a legal lot located within the City's multifamily residential (R3) zone.
  2. The parcel is no greater than five (5 acres).
  3. The proposed parcels are no smaller than 600 square feet.
  4. The parcel being subdivided has not been established through prior exercise of a map pursuant to Chapter 18.05.
  5. 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% 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.
  6. The project shall result in at least as many 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 units as the maximum allowable residential density.
  7. 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).

8. Any parcels proposed to be created pursuant to this section will be served by a public water system and a municipal sewer system.
9. 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.
10. 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.



11. 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.
12. 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.

## **§ 18.05.030. Application materials 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.

A complete application shall include the following:

### **A. Application Form.**

1. The application shall be in a form specified by the director and shall be accompanied with the correct filing fee;
2. A description of the applicant's interest in the property shall be stated on the application form;
3. A dated signature by the property owner, or owners, authorizing the processing of the application, and, if so desired by the property owner, authorizing a representative to bind the property owner on matters addressed in the application.

### **B. Tentative Map: Preparation, Form and Number of Copies.**

1. The tentative map shall be clearly and legibly drawn and prepared by or under the direction of a registered civil engineer or licensed land surveyor.
2. The scale of the map shall be at least one inch equals 40 feet unless otherwise specified by the director. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each.
3. No single sheet shall exceed 60 inches in length and 42 inches in width.
4. Full size copies, and one copy reduced to eight and one-half inches by 11 inches (suitable for reproduction) of the tentative map. The number of the tentative map copies shall be specified by the director.

### **C. The following information shall appear on the face of the tentative map:**

1. The proposed subdivision name;
2. Names, addresses and telephone numbers of the record owner and subdivider of the land;
3. Name, address and telephone number of the person, firm or organization that prepared the tentative map, and the applicable registration or license number;
4. Date of preparation, north arrow and scale of the map;
5. If the tentative map is based on a survey, the date of the survey;
6. A vicinity map of appropriate scale sufficiently covering adjoining territory to clearly indicate the nearby street patterns, major access streets, property lines, and other adjacent properties in the subdivider's ownership (north arrow pointing in the same direction as the north direction of the subdivision);
7. A statement of existing and proposed zoning and general plan categories, and existing and

proposed uses of the property, with the approximate areas of the proposed uses by type;

8. Boundaries and dimensions of the property(ies) involved in the subdivision, with sufficient information to locate the property(ies), and the total area of the subdivision;
  9. A list of all service providers and districts, including water, sewer, electric, natural gas, phone, cable and schools;
  10. The name of all adjacent subdivisions, if any, and property lines sufficient to show their relationship to the proposed subdivision;
  11. Contour lines at intervals of not more than two feet where the general slope of the property is less than 10 percent, and/or at five-foot intervals where the general slope of the property exceeds 10 percent. Contour lines shall extend beyond the tract boundaries where necessary to show drainage conditions on surrounding property which may affect the subdivision;
  12. Topographic information shall be sufficient to fully show the configuration of the land and any and all depressions that present drainage problems;
  13. The location and general description of any trees with notations as to their specimen type, and other significant natural features with notations as to their retention or destruction;
  14. The location of all structures within the subdivision boundaries, notations if they are to remain or be removed, and their distances from other structures and existing or proposed streets and lot lines;
  15. The locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public or private purposes, shown by dashed lines, within and adjacent to the subdivision;
  16. The location of any 100-year future floodplain. The city engineer may require additional hydrologic analysis to update or determine the boundaries of the 100-year floodplain;
  17. Any area of fill or excavation and their respective quantities within the 100-year future floodplain;
  18. The locations, widths and names or designations of all existing or proposed streets, alleys, pedestrian ways and other rights-of-way, whether public or private, within and adjacent to the subdivision (including the radius of each centerline curve);
  19. The lines and approximate dimensions of all lots, with sequential numbers assigned to each;
  20. The total number of lots (listed by phase, if applicable);
  21. The total area in square footage or acreage to the nearest one-tenth acre of each lot proposed to be utilized for other than single-family or two-family housing; and
  22. A statement on the face of the tentative map declaring that all easements of record are shown on the tentative map and will appear on the final maps.
- D. Additional Information and Plans Required With Ministerial Tentative Map Application . In addition, the following plans and information shall be submitted with a tentative map application:
1. A statement of proposed improvements, including all utilities and landscaping; and
  2. A preliminary title report issued not more than six months prior to its submission to the city.
  3. For a ministerial two-lot map, an affidavit signed by the applicant stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the parcel map. This requirement shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, as may be amended from time to time, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code, as may be amended from time to time. The affidavit shall further state that the applicant understands that uses allowed on the newly-created lots shall be limited to residential uses.

## **§ 18.05.040. Prefiling.**

Within 30 days of receiving a tentative map application the planning department shall, in writing, determine if the application meets the requirements of Section 18.05.020 and Section 18.05.030. When an application is either ineligible for the ministerial parcel map process or is missing any required information it will not be processed. Prefiling occurs on the date that the application is received with all required information.

## **§ 18.05.050. Application referral.**

Within five days of prefiling the director will refer copies of the tentative map application to any city department, local, state or federal agency, or other individual or group the director believes may be interested in the project. If no response is received within 21 days of the referral date, the director will assume that the outside agency, individual or group has no comments.

## **§ 18.05.060. Acceptance of application.**

Pursuant to Government Code Section 65943, as may be amended from time to time, a tentative map application shall be accepted as complete by the director if it meets the requirements of Section 18.05.030 of this title.

Within 30 days of prefiling, the director shall send a letter to the applicant indicating:

- A. If all of the required information for a tentative map application has been correctly submitted pursuant to Section 18.05.030; and
- B. All information necessary to accept a complete application and to clarify, amplify, correct or supplement the application; and
  - C. Suggested design changes or conditions of approval which may need to be met in order to receive approval. If the director determines additional information is required, and the additional information has not been received within six months of the letter requesting the information, then the application shall be deemed withdrawn, unless extended pursuant to Section 18.06.150.

## **§ 18.05.070. Application deemed "filed."**

An application shall be deemed filed in accordance with Section 66452.1 of the Subdivision Map Act, as may be amended from time to time, on the date the tentative map application is accepted as complete as specified in Section 18.05.060.

## **§ 18.05.080. Approval by city engineer.**

After an application is filed, the city engineer shall approve the tentative map based upon the minimum findings below, and in accordance with the requirements of this title.

- A. The tentative map 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.
- B. The tentative map conforms to objective zoning standards, objective subdivision standards, and

objective design review standards, except that conformance is not required where imposition of the standards would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet, nor shall it be required to correct existing non-conforming zoning conditions.

- C. The tentative map provides necessary easements for the provision of public services and facilities.
- D. The parcels have access to, provide access to, or adjoin the public right-of-way.
- E. The project will not have a specific, adverse impact, as defined and determined in Government Code paragraph (2) of subdivision (d) of Section 65589.5, as may be amended from time to time, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.