# CITY OF CARLSBAD ENGINEERING DEPARTMENT POLICY

NUMBER:	30	SUBJECT: SI	JBSTANTIAL CONFORMANCE TO APPROVED
EFFECTIVE:	6/1/2011		ENTATIVE MAPS
SUPERSEDES: _	7/5/1990	APPROVED BY:	Alen X. Van Peshi
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## **PURPOSE:**

Sections 66442 and 66450 of the Subdivision Map Act require that the city engineer shall, by certificate on the final map or parcel map, state that "the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof." Since the tentative map or tentative parcel map shows pad elevations, utility locations, and other development details, by extension, there is some inferred judgment by the city engineer, in the approval of the grading and improvement plans, that the final design shown is reasonably consistent with the approved tentative map or tentative parcel map.

## POLICY:

When a final map or parcel map, and related final engineering documents are submitted, the design falls into one of four categories, in the judgment of the city engineer, after consulting the city planner:

#### 1. Closely conforms

The design shown clearly matches virtually exactly the design shown on the approved tentative map/tentative parcel map.

### 2. Substantially conforms

While there are some areas that can be seen to differ slightly from the approved tentative map/tentative parcel map, in the judgment of the city engineer, the final design clearly matches the intent of the approved tentative map/tentative parcel map. The changes in the final constructed result would be indistinguishable to the untrained eye from the approved tentative map/tentative parcel map.

#### 3. Substantially conforms after an approved alteration (substantial conformance exhibit, or SCE)

The final design reflects changes from the approved tentative map/tentative parcel map which the untrained eye would notice in the final constructed result, but in the judgment of the city engineer, in consultation with the city planner, achieve the intent of the approving body, and do not represent a change in the character of the subdivision. In these cases, the applicant prepares a substantial conformance exhibit (SCE), to document the adjusted design to the tentative map/tentative parcel map. The Planning Division may also require a consistency determination (CD), to document the changes to related discretionary approvals such as site development plans (SDPs), coastal development permits (CDPs), etc.

#### 4. Does not substantially conform

The final design has changed significantly enough that in the judgment of the city engineer, in consultation with the city planner, the decision-making body needs to review and approve the proposed changes. The applicant must file amendments to the discretionary approvals which will be reviewed by staff and acted upon by the decision-making body.

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#### **GUIDELINES:**

There are many variables that determine the significance of a particular change for a specific project. Some of these factors include:

- Was the change an issue during the project approval? (for instance, raising pad heights when the level of the proposed grading was a major issue in the project approval)
- Does the change require a variance from city standards not already approved?
- Does the change require additional or higher retaining walls? Are the retaining walls visible?
- Does the change alter drainage patterns from the approved tentative map/tentative parcel map?
- Does the change potentially impact adjoining property owners?
- Is the proposed change covered by the previous environmental review and approval?
- Does the change increase the number of residential lots or units?
- Are the slope heights or locations significantly different on the proposed change?
- Does the change significantly modify the public utility layout or project circulation?

### PROCEDURE:

The city engineering planchecker will review the final/parcel map, grading and improvement plans against the approved tentative map/tentative parcel map as part of their plancheck review. The planchecker will flag any differences for the city project engineer. The city project engineer will take the lead role in determining substantial conformance with the approved tentative map/tentative parcel map. The project engineer will coordinate with the Engineering Manager – Land Development Engineering (performing in the capacity of city engineer) as to whether the design shown on the engineering plans and final/parcel map can be found to substantially conform to the approved tentative map/tentative parcel map, would substantially conform after processing an SCE, or does not substantially conform. The city engineer will consult with the city planner and staff. If the submittal of an SCE is required for a finding of substantial conformance, the project engineer will inform the applicant to submit and process the SCE application. If it is determined that the design does not substantially conform to the approved tentative map/tentative parcel map, the project engineer will inform the applicant in writing to submit an application for amendments to the discretionary approvals.

If an SCE is required, the application for SCE will be submitted to the Land Development Engineering Division and the appropriate fees collected. The application package will include the items indicated on the submittal checklist. The SCE will be assigned, where feasible, to the original project engineer, and also distributed to the Planning Division and any other affected city departments or utility agencies. The city engineer will meet with the city planner and any affected city departments or utility agencies. The city engineer, based on a concurrence with the city planner, will make a determination as to substantial conformance. Once approved, a revised SCE mylar will be submitted, approved, scanned and hung per the current procedures.