PLANNING COMMISSION AGENDA
MEETING OF AUGUST 17, 2023
Council Chambers, City Hall South, 1501 Truxtun Ave
Regular Meeting 5:30 P.M.

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1. ROLL CALL

ZACHARY BASHIRTASH, CHAIR
DANIEL CATER, VICE-CHAIR
CASSIE BITTLE
GURTARPREET KAUR
LARRY KOMAN
BARBARA LOMAS
CANDACE NEAL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

a. Agenda Item Public Statements

b. Non-Agenda Item Public Statements

4. CONSENT CALENDAR ITEMS

a. Approval of Planning Commission minutes August 3, 2023.
Staff recommends approval.

5. CONSENT PUBLIC HEARINGS

Ward(s) 1, 4, 5, 7

a. **GPA/ZC 23-0244:** The City of Bakersfield is proposing: (1) General Plan Amendment to change land use designation from R-IA (Resource – Intensive Agriculture), GC (General Commercial), HC (Highway Commercial), HI (Heavy Industrial), ER (Estate Residential), RR (Rural Residential), SR (Suburban Residential), and LR (Low Density Residential) to SR (Suburban Residential), LR (Low Density Residential), LMR (Low Medium Density Residential), HMR (High Medium Density Residential), HR (High Density Residential), GC (General Commercial), and OS (Open Space); and (2) Prezone Change classification from A (Agricultural), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), M-3 (Heavy Industrial), R-S-20A (Residential Suburban – 20 acre minimum), R-S-5A (Residential Suburban – 5 acre minimum), R-S-2.5A (Residential Suburban – 2.5 acre minimum) to RS (Residential Suburban), R-1 (One Family Dwelling), R-2 (Limited Multiple Family Dwelling), R-3 (Multiple Family Dwelling), R-4 (High Density Multiple Family Dwelling), R-5 (Very High Density Residential), C-1

(Neighborhood Commercial), C-2 (Regional Commercial), and OS (Open Space) to facilitate compliance with California's Housing Element Law. This is proposed on various locations throughout the metropolitan Bakersfield area within the City of Bakersfield's sphere of influence. Notice of Exemption on file.

Staff recommends approval.

6. NON-CONSENT PUBLIC HEARINGS

7. REPORTS

a. Subdivision Map - Extension of Time: Background information on extension of time for subdivision maps.

Receive and file.

8. COMMUNICATIONS

a. Presentation to Commissioner Barbara Lomas.

9. COMMISSION COMMENTS

10. ADJOURNMENT



Paul Johnson
Planning Director

COVER SHEET

PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023 **ITEM NUMBER:** 1.()

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:
ZACHARY BASHIRTASH, CHAIR
DANIEL CATER, VICE-CHAIR
CASSIE BITTLE
GURTARPREET KAUR
LARRY KOMAN
BARBARA LOMAS
CANDACE NEAL

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

COVER SHEET

PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023 **ITEM NUMBER:** 3.(a.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT: Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

COVER SHEET

PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023 **ITEM NUMBER:** 3.(b.)

TO:

FROM:

PLANNER:

DATE:

WARD:

SUBJECT:
Non-Agenda Item Public Statements

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023

ITEM NUMBER: Consent Calendar Items4.(a.)

TO: Chair and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT: Approval of Planning Commission minutes August 3, 2023.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:
Staff recommends approval.

ATTACHMENTS:

	Description	Type
🗋	Approval of Minutes for 08/03/23 Planning Commission Meeting	Cover Memo

PLANNING COMMISSION MINUTES

Regular Meeting of August 3, 2023 – 5:30 p.m.
Council Chambers, City Hall, 1501 Truxtun Avenue

ACTION TAKEN

1. ROLL CALL

Present: Chair Bashirtash, Vice-Chair Cater, Commissioners Bittle, Kaur, Koman, Neal

Absent: Commissioner Lomas

Staff Present: Paul Johnson, DS Planning Director; Viridiana Gallardo-King, Deputy City Attorney II; Adrian Castro, PW Civil Engineer III; Susanna Kormendi, PW Civil Engineer III; Peter Armagost, Fire Prevention/Environmental Officer II; Roque Nino, DS Principal Planner; Tony Jaquez, DS Principal Planner; Shannon Clark, DS Engineer II; Louis Ramirez, DS Associate Planner II; Veronica Martinez, DS Associate Planner I; Macy Iacopetti, DS Secretary I; Ana Solis, Secretary II

2. PLEDGE OF ALLEGIANCE

3. PUBLIC STATEMENTS

a. Agenda Item Public Statements

Edward Robinson spoke.

b. Non-Agenda Item Public Statements

None.

4. CONSENT ITEMS

a. Approval of Minutes: Regular scheduled Planning Commission meeting of July 20, 2023.

Motion by Commissioner Bittle, seconded by Commissioner Koman, to approve Consent Calendar Item 4.a. Motion approved with Commissioner Lomas absent and Commissioner Neal abstaining.

APPROVED LOMAS ABSENT NEAL ABSTAINING

ACTION TAKEN

5. **CONSENT PUBLIC HEARINGS**

There are no Consent Public Hearing items.

NON-CONSENT PUBLIC HEARINGS

6.

a. General Plan Amendment and Zone Change No. 22- 0421: Swanson Engineering, Inc. is requesting: (1) General Plan Amendment to change the land use designation from GC (General Commercial) to HR (High Density Residential); and (2) Zone Change to change the zone classification from C-2 (Regional Commercial) to R-4 (High Density Multiple-Family Dwelling) on 2.49 acres located at 2700 White Lane. Notice of Exemption on file. *Public hearing continued from July 20, 2023*

REFER BACK TO STAFF

Staff report given by Paul Johnson, Planning Director. Public hearing opened. Seven people spoke in favor. Nine people spoke in opposition. There were no rebuttals in favor. Three speakers gave a rebuttal in opposition. Public hearing closed. Planning Commission deliberated. Motion by Commissioner Neal, seconded by Commissioner Bittle, with Commissioner Lomas absent to refer item 6.a. back to Staff and return to the Commission after additional clarification is provided on the owners' business model, and further analysis of the neighborhood concerns. Motion approved.

7. **COMMUNICATIONS**

a. Planning Director Johnson announced the next Planning Commission meeting will be August 17, 2023. Planning Director Johnson introduced the new Planning Secretary, Ana Solis, to the Planning Commission. He also stated that the next meeting will be Commissioner Lomas' last meeting.

8. **COMMISSION COMMENTS**

a. None.

ADJOURNMENT

9. There being no further business, Chair Bashirtash adjourned the meeting at 8:47 pm.

Macy Iacopetti
Recording Secretary

Paul Johnson
Planning Director

COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023

ITEM NUMBER: Consent Public Hearings5.(a.)

TO: Chair Bashirtash and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER: Jose Fernandez, Associate Planner

DATE:

WARD: Ward(s) 1, 4, 5, 7

SUBJECT:

GPA/ZC 23-0244: The City of Bakersfield is proposing: (1) General Plan Amendment to change land use designation from R-IA (Resource – Intensive Agriculture), GC (General Commercial), HC (Highway Commercial), HI (Heavy Industrial), ER (Estate Residential), RR (Rural Residential), SR (Suburban Residential), and LR (Low Density Residential) to SR (Suburban Residential), LR (Low Density Residential), LMR (Low Medium Density Residential), HMR (High Medium Density Residential), HR (High Density Residential), GC (General Commercial), and OS (Open Space); and (2) Prezone Change classification from A (Agricultural), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), M-3 (Heavy Industrial), R-S-20A (Residential Suburban – 20 acre minimum), R-S-5A (Residential Suburban – 5 acre minimum), R-S-2.5A (Residential Suburban – 2.5 acre minimum) to RS (Residential Suburban), R-1 (One Family Dwelling), R-2 (Limited Multiple Family Dwelling), R-3 (Multiple Family Dwelling), R-4 (High Density Multiple Family Dwelling), R-5 (Very High Density Residential), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), and OS (Open Space) to facilitate compliance with California's Housing Element Law. This is proposed on various locations throughout the metropolitan Bakersfield area within the City of Bakersfield's sphere of influence. Notice of Exemption on file.

APPLICANT: City of Bakersfield

OWNER: Various

LOCATION: See attached Map Set

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

	Description	Type
🗋	Staff Report	Staff Report
🗋	Map Set Taft Hwy & Gosford	Backup Material
🗋	Map Set Snow & Calloway	Backup Material
🗋	Map Set Cottonwood & East Pacheco	Backup Material

	Map Set Zerker & 7th Standard	Backup Material
	Property Owner Comment	Backup Material
	Planning Commission Draft GPA Resolution Taft Hwy & Gosford	Resolution
	Planning Commission Draft ZC Resolution Taft Hwy & Gosford	Resolution
	Planning Commission Draft GPA Resolution Snow & Calloway	Resolution
	Planning Commission Draft ZC Resolution Snow & Calloway	Resolution
	Planning Commission Draft GPA Resolution Cottonwood & East Pacheco	Resolution
	Planning Commission Draft ZC Resolution Cottonwood & East Pacheco	Resolution
	Planning Commission Draft GPA Resolution Zerker & 7th Standard	Resolution
	Planning Commission Draft ZC Resolution Zerker & 7th Standard	Resolution

CITY OF BAKERSFIELD
PLANNING COMMISSION

MEETING DATE: August 17, 2023 **AGENDA:** 5.a

TO: Chair Bashirtash and Members of the Planning Commission

FROM: Paul Johnson, Planning Director PJ

DATE: August 11, 2023

FILE: General Plan Amendment/Prezone Change 23-0244

WARD: 1, 4, 5, and 7

STAFF PLANNER: Jose Fernandez, Associate Planner II

REQUEST: (1) General Plan Amendment to change land use designation from R-IA (Resource – Intensive Agriculture), GC (General Commercial), HC (Highway Commercial), HI (Heavy Industrial), ER (Estate Residential), RR (Rural Residential), SR (Suburban Residential), and LR (Low Density Residential) to SR (Suburban Residential), LR (Low Density Residential), LMR (Low Medium Density Residential), HMR (High Medium Density Residential), HR (High Density Residential), GC (General Commercial), and OS (Open Space); and (2) Prezone Change classification from A (Agricultural), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), M-3 (Heavy Industrial), R-S-20A (Residential Suburban – 20 acre minimum), R-S-5A (Residential Suburban – 5 acre minimum), R-S-2.5A (Residential Suburban – 2.5 acre minimum) to RS (Residential Suburban), R-1 (One Family Dwelling), R-2 (Limited Multiple Family Dwelling), R-3 (Multiple Family Dwelling), R-4 (High Density Multiple Family Dwelling), R-5 (Very High Density Residential), C-1 (Neighborhood Commercial), C-2 (Regional Commercial), and OS (Open Space) to facilitate compliance with California's Housing Element Law.

APPLICANT: City of Bakersfield
1715 Chester Avenue
Bakersfield, CA 93301

OWNER: Various

LOCATION: See attached Map Set

APN: See attached Map Set

PROJECT SIZE: Approximately 1,601 acres

STAFF RECOMMENDATION: (1) adopt Resolutions **APPROVING** the general plan amendment to change the land use designation from R-IA, GC, HC, HI, ER, RR, SR, and LR to SR, LR, LMR, HMR, HR, GC, and OS or a more restrictive designation; and (2) adopt Resolutions **APPROVING** the change in prezone classification from A, C-1, C-2, M-3, R-S-20A, R-S-5A, and R-S-2.5A to RS, R-1, R-2, R-3, R-4, R-5, C-1, C-2, and OS or a more restrictive classification, and recommend same to City Council.

SITE CHARACTERISTICS: The General Plan Amendments and prezoning covers areas located within the City of Bakersfield's Sphere of Influence boundary and generally abutting the City's jurisdiction.

PROJECT BACKGROUND:

Housing Element Law. Since 1969, California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community. Cities and Counties meet this requirement by adopting Housing Elements as part of their "General Plan", also required by the state.

California's Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, Cities and Counties must adopt plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in California rests largely on the effective implementation of local General Plans and, in particular, local Housing Elements.

General Plan Housing Element. Updating a Housing Element, while important to meeting one of the most basic needs of Californians, can be a daunting task. Individuals and families are directly affected by each jurisdiction's ability to plan for the housing needs of those who will live, work, and play in every community. Additionally, State funding programs for transportation, infrastructure, and housing often require or consider a local jurisdiction's compliance with Housing Element Law. In some cases, funding from state/federal housing programs can only be accessed if the jurisdiction has a compliant Housing Element. In other cases, a compliant Housing Element is not a requirement to apply for funding; however, those applying for funding will receive extra points on their application if they do have a compliant Housing Element; thereby, increasing their chances in the competitive application process.

Bakersfield's 5th Cycle Housing Element. Housing cycles operate within eight-year intervals. Bakersfield's Housing Element for the period spanning 2015 to 2023 was formulated in strict accordance with the provisions outlined in the State's General Plan law pertaining to Housing Elements. This comprehensive document underwent a thorough review process and was officially adopted by the City Council on January 20, 2016. Subsequently, it received formal certification from the California Department of Housing and Community Development (HCD) on February 16, 2016.

Bakersfield's 6th Cycle Housing Element. The Housing Element for the 6th Cycle necessitates formal certification by HCD no later than December 31, 2023. Demonstrating adherence to this timeline, the City of Bakersfield diligently submitted the revised Housing Element to HCD in July of 2023. The City and its consultant remain steadfast in its commitment to timely compliance, with plans in place to enact the requisite adoption of the Housing Element in alignment with HCD's stipulated deadline.

The formulation of the 2023-2031 Housing Element was a process characterized by robust public engagement. This inclusive approach ensured that the document accurately reflects the insights and perspectives of the community. Moreover, the Housing Element was meticulously designed to encompass the City's allocation of dwelling units determined by the Kern Council of Governments (KernCOG), the entity responsible for designating the number of residential units to be constructed in the region within the ensuing eight-year period.

Regional Housing Needs Allocation. State law requires that every Housing Element include an inventory of land suitable and available for residential development, based on land use designations, zoning, and other factors. This inventory of land must meet the jurisdiction's share of the regional housing mandate called the Regional Housing Needs Allocation (RHNA). The RHNA is based on population projections, income distribution, and access to jobs, developed through a methodology by the KernCOG. For the 6th Cycle Housing Element (2023-2031), the City of Bakersfield is tasked with creating a land inventory that can accommodate 37,461 housing units in the next eight years. Table 1 compares the 5th Cycle and 6th Cycle RHNA allocations for each jurisdiction in the region.

Table 1 – KernCOG RHNA Allocations					
Jurisdiction	**5th Cycle Allocation (2015-2023)**	**6th Cycle Allocation (2023-2031)**	**# Increase # Decrease**	**% Increase % Decrease**	**Overall % of 6th Cycle Allocation**
Unincorporated County Areas	21,583	9,243	-12,340	-57.2%	16.0%
Arvin	1,168	1,174	6	0.5%	2.0%
Bakersfield	36,290	37,461	1,171	3.2%	65.0%
California City	1,268	427	-841	-66.3%	0.7%
Delano	1,462	1,866	404	27.6%	3.2%
Maricopa	35	13	-22	-62.9%	0.0%
McFarland	311	244	-67	-21.5%	0.4%
Ridgecrest	1,346	1,436	90	6.7%	2.5%
Shafter	2,036	3,294	1,258	61.8%	5.7%
Taft	254	504	250	98.4%	0.9%
Tehachapi	496	902	406	81.9%	1.6%
Wasco	1,426	1,086	-340	-23.8%	1.9%
Total Kern County	**67,675**	**57,650**	**-10,025**	**-14.8%**	

Source: KernCOG 5th Cycle Regional Housing Needs Allocation Plan June 2015-December 2023
KernCOG 6th Cycle Regional Housing Needs Allocation Plan June 2023-December 2031

Area Median Income. The RHNA is further delineated into distinct affordability categories, contingent upon the local Area Median Income (AMI). As of June 6, 2023, the AMI designated for Kern County stands at $83,800. This computation employs a household composition of four individuals as the basis. For contextualization, it's worth noting that the median income for a single-person household is $58,650, while an eight-person household reflects a median income of $110,600 within Kern County. With an emphasis on strategic planning and funding considerations, the California Department of Housing and Community Development (HCD) has devised a set of commonly recognized income categories rooted in the AMI.

- Acutely Low income: 0-15% of AMI
- Extremely Low income: 15-30% of AMI
- Very Low income: 30-50% of AMI
- Low income: 50-80% of AMI (alternatively denoted as 0-80% of AMI)
- Moderate income: 80-120% of AMI
- Above Moderate income: exceeding 120% of AMI

Table 2 provides a comparative analysis of the 6th Cycle RHNA allocations for each jurisdiction in the region, classified by their respective income categories. Notably, the Acutely Low and Extremely Low income levels are included under the Very Low income category.

Table 2 – 6th Cycle KernCOG RHNA Allocations by Income Category							
Jurisdiction	**Very-Low Income Units**	**Low Income Units**	**TOTAL Lower Income (Very Low & Low)**	**Moderate Income Units**	**Above-Moderate Income Units**	**TOTAL Higher Income (Mod & Above Mod)**	**TOTAL RHNA Allocation**
Unincorporated County Areas *	1,551	987	2,539	1,852	4,852	6,704	9243
Arvin	124	79	203	268	703	971	1,174
Bakersfield	11,129	7,082	18,211	5,317	13,933	19,250	37,461
California City	39	25	64	101	263	364	428
Delano	324	206	530	369	967	1,336	1,866
Maricopa	1	1	2	3	8	11	13
McFarland*	50	32	81	45	117	162	244
Ridgecrest	379	241	620	225	591	816	1,436
Shafter*	678	431	1,110	603	1,581	2,185	3,294
Taft*	68	43	112	108	284	393	504
Tehachapi	188	119	307	164	431	595	902
Wasco*	127	81	208	242	635	877	1,086
Total Kern County*	**14,658**	**9,328**	**23,986**	**9,299**	**24,365**	**33,664**	**57,650**

Source: KernCOG 6th Cycle Regional Housing Needs Allocation Plan June 2023-December 2031
*Note: mathematical errors in some cells; unclear if incorrect allocation number, or decimal rounding, or…

Project Proposal. As previously indicated, KernCOG has assigned the City of Bakersfield with the responsibility of formulating a comprehensive land inventory that can feasibly accommodate 37,461 housing units. This allocation corresponds to approximately 65% of the total housing demand projected for the region over the upcoming eight years. Recognizing the disparity between the City's existing housing inventory and the outlined requirements, it becomes imperative to undertake measures aimed at strategically addressing this housing deficit. In this regard, it is essential to appropriately pre-zone identified lands and deliberate their potential annexation into the City's jurisdiction, thereby aligning with KernCOG's stipulated RHNA allocations.

With the objective of realizing this strategic vision, the City of Bakersfield is proposing amendments to the General Plan designation and prezoning status of select parcels shown on the attached map set and detailed in Table 3. These parcels are situated within the City of Bakersfield's Sphere of Influence. Significantly, their geographical proximity to the City's existing jurisdiction renders them pertinent in the pursuit of achieving the envisaged housing goals.

Table 3 – Project Site Description							
			Designation		Prezoning		
General Location	Aprx Acres	No. Parcels	From	To	From	To	Site Development
Taft Hwy & Gosford	1,021.5	32	GC, HC, R-IA, ER, RR, LR	LR, LMR, HMR, HR, GC	A, C-2, R-S-20A, R-S-5A, R-S-2.5A	R-1, R-2, R-3, R-4, R-5, C-2	Agriculture, Fallow Land, Residential (large lots), vacant
Snow & Calloway	97.5	9	GC, R-IA, SR	LR, LMR, HMR, GC	A, C-1	R-1, R-2, R-3, C-1	Fallow Land, Residential (large lots), Residential (under construction) vacant
Cottonwood & East Pacheco	274.5	16	HI, R-IA	LR, LMR, HR, OS	A, M-3	R-1, R-2, R-3, R-4, R-5, OS	Agriculture, Fallow Land, Residential (large lots), storage yard, old chicken farm, vacant
Zerker & 7th Standard	207.5	9	GC, RR, SR	SR, LR, LMR, HR, GC	A	RS, R-1, R-2, R-4, R-5, C-2	Agriculture, Fallow Land, Residential (large lots), vacant
Total	**1,601**	**66**					

Site Development. No physical development is contemplated within the scope of this application, as the project solely involves an amendment to the current General Plan land use designation and the prezoning arrangement for the property. In the event of a successful annexation of these areas, pre-existing land uses authorized by the County will be permitted to continue their operations while adhering to the stipulations set forth in Bakersfield Municipal Code Chapter 17.68, specifically addressing Nonconforming Uses, Structures, and Lots.

It is noteworthy that any potential future development on these sites will be subject to the City's established development standards. These include but are not limited to street enhancements, the implementation of safe access design principles, compliance with green building codes, incorporation of air district prerequisites pertaining to both construction and operation, establishment of connections to public water and sewer infrastructure, provision of adequate fire protection measures, accommodations for density bonuses as dictated by State Law, and other pertinent stipulations.

Local Agency Formation Commission. The Local Agency Formation Commission (LAFCo) was established in each county by the California Legislature in April 1963. An entire division of the California Government Code, (Government Code § 56000 et seq.), the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 exists to provide LAFCo with its powers, procedures, and functions. This law gives LAFCo power to “approve or disapprove with or without amendment, wholly, partially or conditionally” proposals concerning the formation of cities, annexation or detachment of territory to cities, and other changes in jurisdiction or organization of local government agencies. They are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, and preparing a sphere of influence for each city within each county. Kern LAFCo’s efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected.

Prezoning. A city must prezone unincorporated territory that the city expects to annex in the future, or present evidence satisfactory to LAFCo that the existing development entitlements on the territory are vested or are already at buildout and are consistent with the city's general plan. The proposed zoning must be consistent with the city general plan and a public hearing must be held. LAFCo may not, however, dictate the specific zoning to be applied by the city. There are two advantages to prezoning. First, the city will have zoning in effect immediately upon annexation. Residents will thereby have prior knowledge of the land use regulations that would affect them should annexation occur. Second, prezoning serves as notice to the LAFCo of the city's intentions regarding its adjacent areas.

As such, upon annexation of the territory, the city is restricted for a period of two years after the annexation's effective date from amending the general plan designation and zoning for the territory that is a departure from the prezoning. This restriction may be waived if the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitates a departure from the prezoning. To be effective, the prezoning must be consistent with the city general plan. It should be noted that none of the identified parcel are within a physical constraint or hazard area that would impede sustainable development.

R-5 (Very-High Density Multi-Unit Dwelling) Zone. In alignment with State regulations and as per the directives of the City Council, a comprehensive revision of the Bakersfield Municipal Code, Title 17 (Zoning), is presently underway. This revision encompasses various modifications, including the introduction of a new residential zone. This undertaking is significantly motivated by the City of Bakersfield's obligation to facilitate the creation of 18,211 units designated for low and very low income households. Remarkably, this constitutes 76% of the entire inventory of lower income units across the County, as detailed in Table 2. In essence, this signifies the City's responsibility to facilitate the development of more than 3/4 of the lower income units anticipated to be required Countywide within the next eight years.

The introduction of the new R-5 zoning designation serves the specific purpose of delineating parcels for the construction, utilization, and habitation of multi-unit residential structures such as condominiums and apartments. Notably, this zoning category is designed to support high densities of development. A primary objective of this zone is to foster the establishment of a livable, pedestrian-friendly, and ecologically sustainable residential development with emphasis reflected in the encouragement of innovative site planning approaches that facilitate the incorporation of on-site recreational amenities situated in proximity to neighborhood commercial centers.

The residential density range stipulated for this zone spans from 30.1 to 100 dwelling units per net acre. Additionally, the minimal lot size requirement is set at 1,500 square feet, further delineating the parameters within which development is to be executed.

ENVIRONMENTAL REVIEW AND DETERMINATION:

State policy and legislative directives emphasize that land-use policies and planning serve a broader purpose beyond merely enhancing housing affordability. These processes also exert influence on the nature and placement of housing options, directly impacting families' access to neighborhoods offering opportunities for advancement. These neighborhoods often encompass attributes such as higher-performing educational institutions, increased availability of middle-class employment prospects, and convenient access to transportation and essential services. This policy orientation is consistently mirrored within the statutes and regulations of the California Environmental Quality Act (CEQA), with an emphasis on facilitating the implementation of diverse forms of higher density housing solutions throughout the county.

The State of California has enacted housing legislation founded upon the belief that housing serves as a fundamental cornerstone for both quality of life and opportunity. Acknowledging that housing affordability and homelessness yield widespread consequences, these issues reverberate through various critical facets affecting the entirety of California. These spheres encompass health, education, transportation, economic prosperity, and the imperative challenge of addressing climate change.

These four selected locations are consistent with the requirements of the following government codes applicable to CEQA and these projects, when implemented under the adopted regulations of all State governing agencies and local and special district laws and regulations are exempt from further environmental review.

- CEQA Statute Public Resources Code 21159.25. Exemption: Residential or Mixed-Use Housing Projects
- CEQA Statute Public Resources Code 21083.3. Application of Division to Approval of Subdivision Map or Other Project
- CEQA Statute Public Resources Code 21159.24. Infill Housing Exemption
- CEQA Guidelines 15183 (Special Situation). Projects Consistent with a Community Plan or Zoning
- CEQA Guidelines 15303 (Class 3 - Categorical Exemption). New Construction or Conversion of Small Structures

Based on the whole of the record, it has been determined that the implementation of this request when designed and constructed in accordance with all applicable development standards and green building codes at these locations are exempt from further environmental review under the statutory exemptions adopted by the State of California.

NOTIFICATION:

Property Owners. The selection of parcels identified for the General Plan Amendment and prezoning were carefully analyzed by both the City and its consulting experts. This assessment was conducted to ascertain the alignment of these parcels with a predetermined set of criteria mandated by State legislation. In maintaining transparency and adequately informing property owners of the parcels under consideration, formal letters were mailed in July 2023 apprising owners of the proposed changes and potential future annexation of their properties. These letters, seeking concurrence, aimed to ensure that owners were well-informed in the decision-making process.

While many of the letters were returned indicating concurrence with the proposed changes, one property owner communicated a desire to be excluded from the scope of consideration. In a separate email provided to staff, copy attached, the owner stated their property is zoned M-3 (Heavy Industrial) and they are in contact with the County to have a metal building permitted on the property. They have already contracted and paid for the building and installed a block wall and gate. The owner further stated they want to start their own business and this property is their future and dream, and want to stay in the County.

In response to the property owner's comment and as noted above, cities may prezone lands located within the surrounding county in the same way that they approve zoning within the city. Prezoning is done before annexation of the land to the city in order to facilitate its transition into the city boundaries. Prezoning does not change the allowable uses of the land nor the development standards until such time as the site is officially annexed to the city. Likewise, land that has been prezoned continues to be subject to county zoning regulations until annexation is completed. In the event of a successful annexation, any pre-existing land uses authorized by the county will be permitted to continue their operations.

Therefore, if the metal building is constructed on the property and the business is established through the appropriate County permitting process, the City must allow the building to remain as a legal nonconforming structure and the business to continue operating as a legal nonconforming use, if it is determined the building and land use do not conform to the proposed prezoning of R-1 (One Family Dwelling) for this site. It should be noted that metal buildings are allowed in the R-1 zone, provided the site can accommodate the size. In this instance, the parcel is less than one acre, so County development standards would align with City developments standards. Staff remains in communication with the property owner to obtain additional information on the business operations to determine the appropriate prezoning. Annexation of this parcel is not being considered as part of this project before your Commission.

Although the mailing initiative was executed to disseminate pertinent information to every property owner, City staff has continued to engage with the public, offering opportunities to review the list and ensuring that owners remain informed about the status of their properties in relation to the outlined project.

Tribal Consultation. In adherence to the provisions outlined in Senate Bill 18 (SB 18), formal correspondence was mailed on July 17, 2023 notifying the American Indian Tribes of the details pertaining to the proposed project and its specific site locations. The issuance of this notice signifies the initiation of the 90-day consultation period mandated by SB 18. As of this writing, no formal request for tribal consultation has been received.

General Public. Public notice for the proposed project and environmental determination was advertised in *The Bakersfield Californian*. Additionally, all property owners within a 300-foot radius of the project sites were duly apprised by United States Postal Service mailing of the public hearing. This notification process adheres to both city ordinance and state law. Pertinent to the public notification protocol, the installation of signs is mandated as an integral element. These signs play a critical role in ensuring widespread awareness and must be visibly displayed 20 to 60 days preceding the scheduled public hearing date. Documentation, including photographs capturing the deployed signage and the Declaration of Posting Public Hearing Notice, are on file at the Development Services Department/Planning Division. As of this writing, no written comments have been received.

COMPATIBILITY ANALYSIS:

As part of identifying parcels for this project, staff and its consultant reviewed the properties for compatibility with the applicable goals and policies contained within the *Metropolitan Bakersfield General Plan* Land Use Element and found the following:

- Goal 1 - Accommodate new development, which captures the economic demands generated by the marketplace and establishes Bakersfield's role as the capital of the southern San Joaquin Valley.

  The project is consistent with this goal by providing for a mix of residential densities to address the state’s housing crisis.

- Goal 2 - Accommodate new development which provides a full mix of uses to support its population.

  The project, as proposed, would meet this goal by providing the land use and zoning districts needed to provide the community with a variety of density options for housing.

- Goal 3 - Accommodate new development which is compatible with and complements existing land uses.

  The proposal helps facilitate development of land at a mix of densities that will enhance and complement existing character of the neighborhood. Any future development will incorporate landscaping and architecture design consistent with the Municipal Code to complement the surrounding land uses.

- Policy 2 - Allow for the development of a variety of residential types and densities.

  The project is consistent with this policy by providing land use designations and zoning districts for multiple-family development. The facilitation of multiple-family residential throughout the City would allow for the increased development of a variety of residential types and densities.

- Policy 78 - Accommodate new projects which are infill or expansion of existing urban development.

  The project is consistent with this policy by facilitating the development of vacant and/or underutilized land adjacent to existing urban development.

- Policy 80 - Assure that General Plan Amendment proposals for the conversion of designated agricultural lands to urban development occur in an orderly and logical manner giving full consideration to the effect on existing agricultural areas.

  It is staff's professional determination that any sites currently designated/zoned as agriculture would be better suited as residential or commercial to accommodate the growth in population and expanding city limits. Agricultural uses would not be consistent with the surrounding residential neighborhoods.

CONCLUSION:

Summary. Based on that limitation, the City could not identify sufficient suitable parcels to satisfy the RHNA within the City's 151 square mile limits. Even when amending the zoning code to enhance residential density and provide for mixed-use opportunities along under-utilized commercial corridor's, the total residential units identified fell far short of the RHNA. Therefore, processing a General Plan Amendment and prezoning will provide a solution to creating housing units sufficient to satisfy the RHNA and provide for certification of the 6th Cycle Housing Element upon annexations.

While the proposed project entails modifications to the land use designations and zone classifications over a span of approximately 1,601 acres, the stipulations of State law impose constraints on the acreage of individual parcels that contribute toward the City's RHNA. In accordance with these regulations, the maximum acreage accounted for in higher density RHNA, is limited to 10 acres. This signifies that if a parcel's dimensions exceed 10 acres, only a portion of it—specifically 10 acres—would be factored into the compliance calculation.

Given this limitation, the City has encountered challenges in identifying parcels that sufficiently meet the criteria outlined by the RHNA within the confines of the City's existing 151 square miles. Even when amending the zoning code to enhance residential density and provide for greater mixed-use opportunities along under-utilized commercial corridor's, the total residential units identified fell far short of the RHNA objectives.

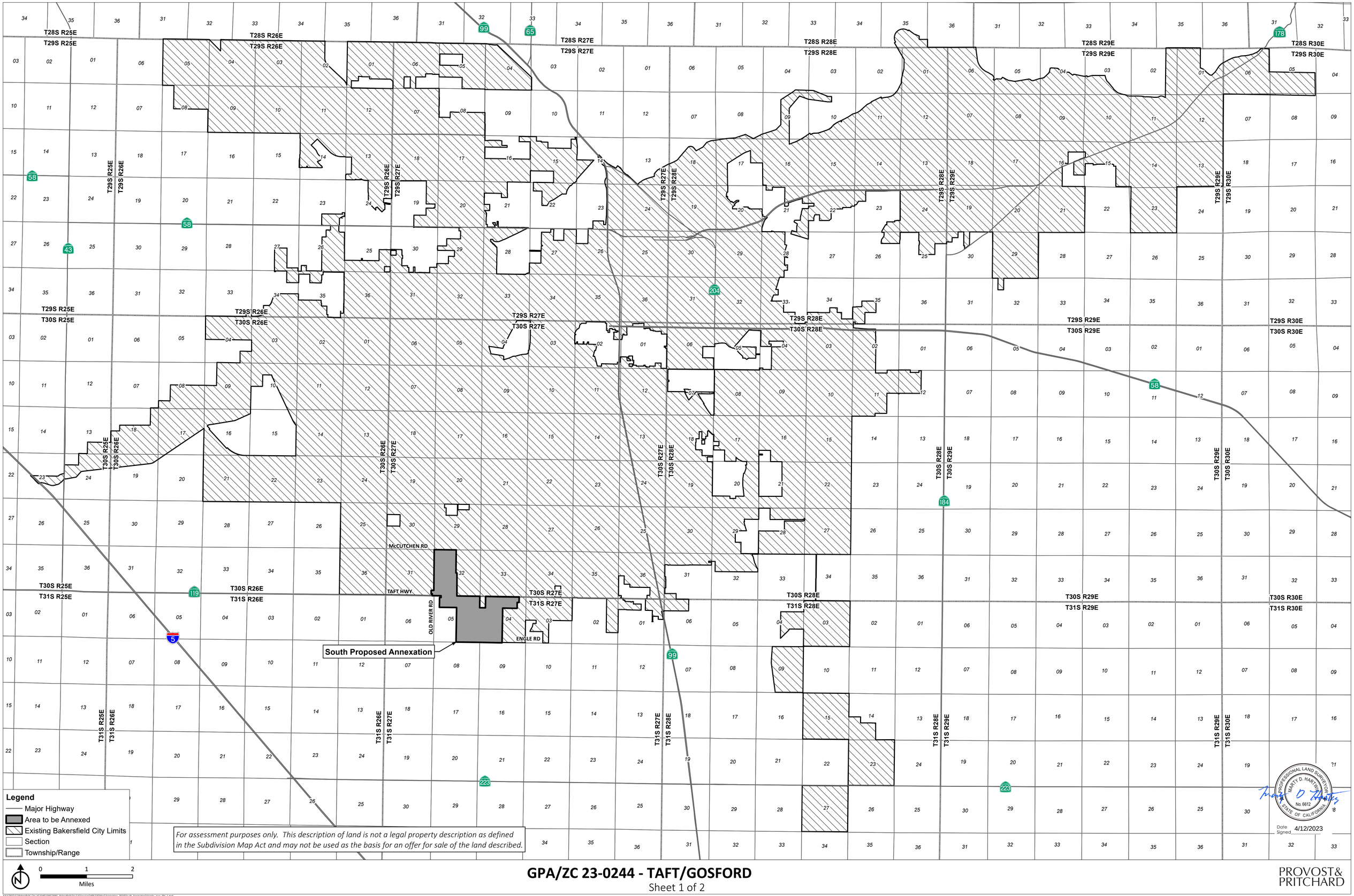
Consequently, a viable solution necessitates the undertaking of a General Plan Amendment and prezoning initiative. These measures collectively offer a strategic avenue to generate a quantifiable inventory of housing units that align with the RHNA requirements. The successful realization of this solution not only fulfills the RHNA mandate but also contributes to the attainment of certification for the 6th Cycle Housing Element in tandem with forthcoming annexation efforts.

Consistency with General Plan/Zoning Ordinance. The proposal is consistent with land use goals and policies as contained in the General Plan related to residential development, as noted above. Any future development projects on these parcels are required to comply with the requirements and regulations as set forth in the Bakersfield Municipal Code Title 17 (Zoning) and City Development Standards.

Recommendation. Staff finds that the applicable provisions of CEQA have been complied with, and the proposal is compatible with the surrounding area, land use designation, and zoning ordinance. Therefore, staff recommends your Commission: (1) adopt Resolutions **APPROVING** the general plan amendment to change the land use designation from R-IA, GC, HC, HI, ER, RR, SR, and LR to SR, LR, LMR, HMR, HR, GC, and OS or a more restrictive designation; and (2) adopt Resolutions **APPROVING** the change in prezone classification from A, C-1, C-2, M-3, R-S-20A, R-S-5A, and R-S-2.5A to RS, R-1, R-2, R-3, R-4, R-5, C-1, C-2, and OS or a more restrictive classification, and recommend same to City Council.

ATTACHMENTS:

- Map Set Taft Hwy & Gosford
- Map Set Snow & Calloway
- Map Set Cottonwood & East Pacheco
- Map Set Zerker & 7th Standard
- Property Owner Comment
- Planning Commission Draft Resolutions Taft Hwy & Gosford
- Planning Commission Draft Resolutions Snow & Calloway
- Planning Commission Draft Resolutions Cottonwood & East Pacheco
- Planning Commission Draft Resolutions Zerker & 7th Standard



Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 1 2 Miles

GPA/ZC 23-0244 - TAFT/GOSFORD

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTWIG
No. 6612
STATE OF CALIFORNIA

Date Signed 4/12/2023

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\South_Annexation\Vicinity_map_Sht_1.mxd

Course #	Bearing	Distance (ft)
1	S 01° 06' 45" W	1307.45
2	S 88° 57' 38" E	660.86
3	N 01° 06' 41" E	1305.86
4	S 88° 49' 21" E	1982.50
5	S 88° 49' 03" E	1864.18
6	S 01° 06' 48" W	616.42
7	N 88° 49' 03" W	212.00
8	S 01° 06' 48" W	680.48
9	N 88° 57' 31" W	1652.07
10	S 01° 06' 27" W	3982.58
11	N 88° 56' 21" W	2642.76
12	N 89° 15' 55" W	2635.28
13	N 01° 02' 37" E	3969.37
14	N 89° 33' 19" W	1981.22
15	N 00° 57' 54" E	1138.92
16	S 89° 11' 11" E	180.00
17	N 00° 57' 54" E	197.00
18	N 89° 11' 11" W	840.51
19	N 89° 10' 14" W	170.51
20	N 00° 26' 56" E	214.00
21	N 89° 10' 14" W	135.00
22	N 00° 26' 56" E	387.70
23	S 89° 10' 14" E	305.51
24	N 00° 26' 56" E	2038.45
25	N 00° 27' 24" E	2639.75
26	S 89° 17' 52" E	2534.70
27	S 00° 50' 06" W	2643.36
28	S 89° 40' 35" E	124.00
29	S 00° 24' 05" W	2642.49
30	S 89° 11' 11" E	2640.63

Point of Beginning
Northwest corner Section 4,
Township 31 South, Range 27 East,
Mount Diablo Base & Meridian

T30S R27E
T31S R27E

(×) Course Number
Area to be Annexed (1,050.20 acres +/-)
Railroad
Parcel
Existing Bakersfield City Limits
Section
Township/Range

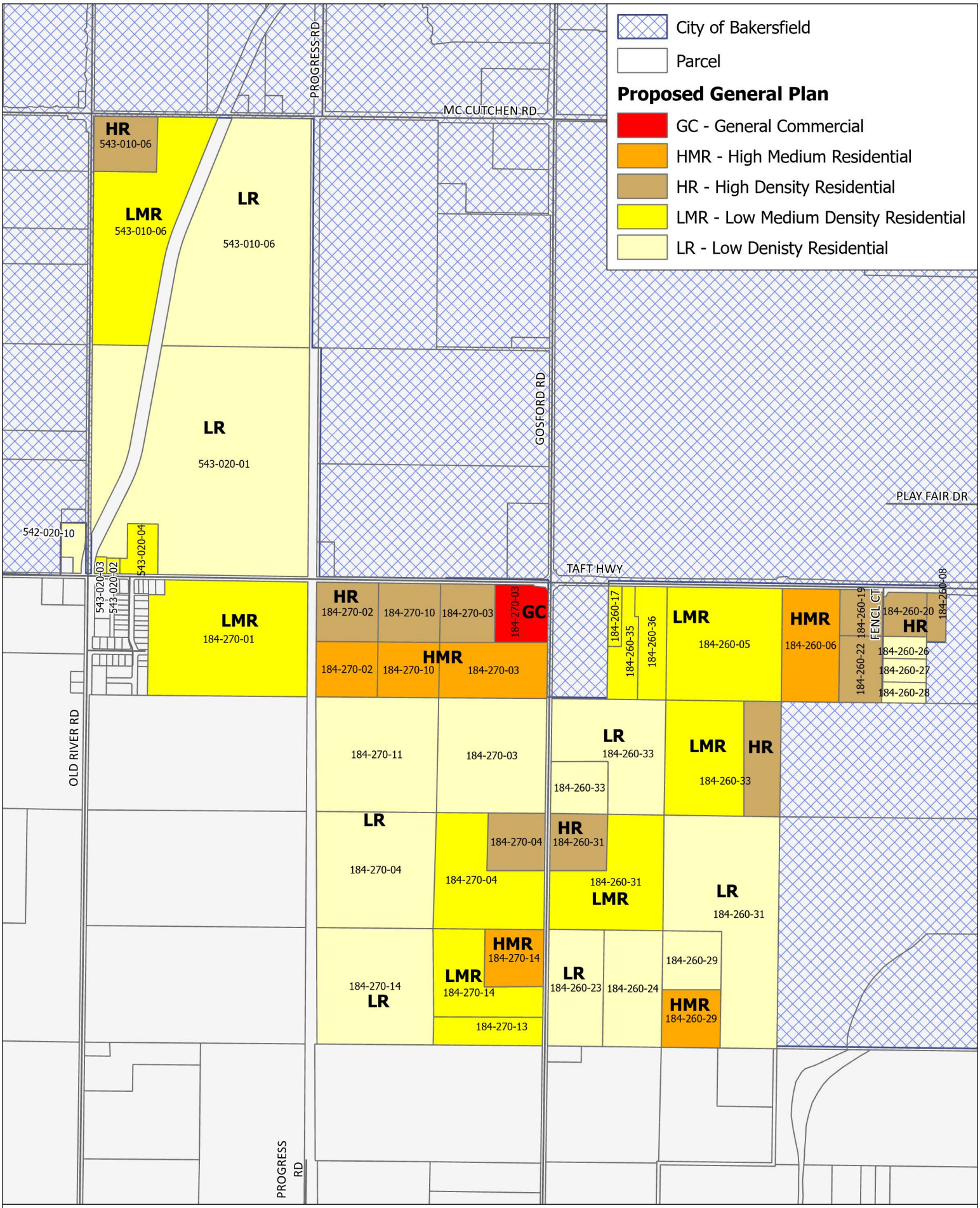
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 500 1,000 Feet

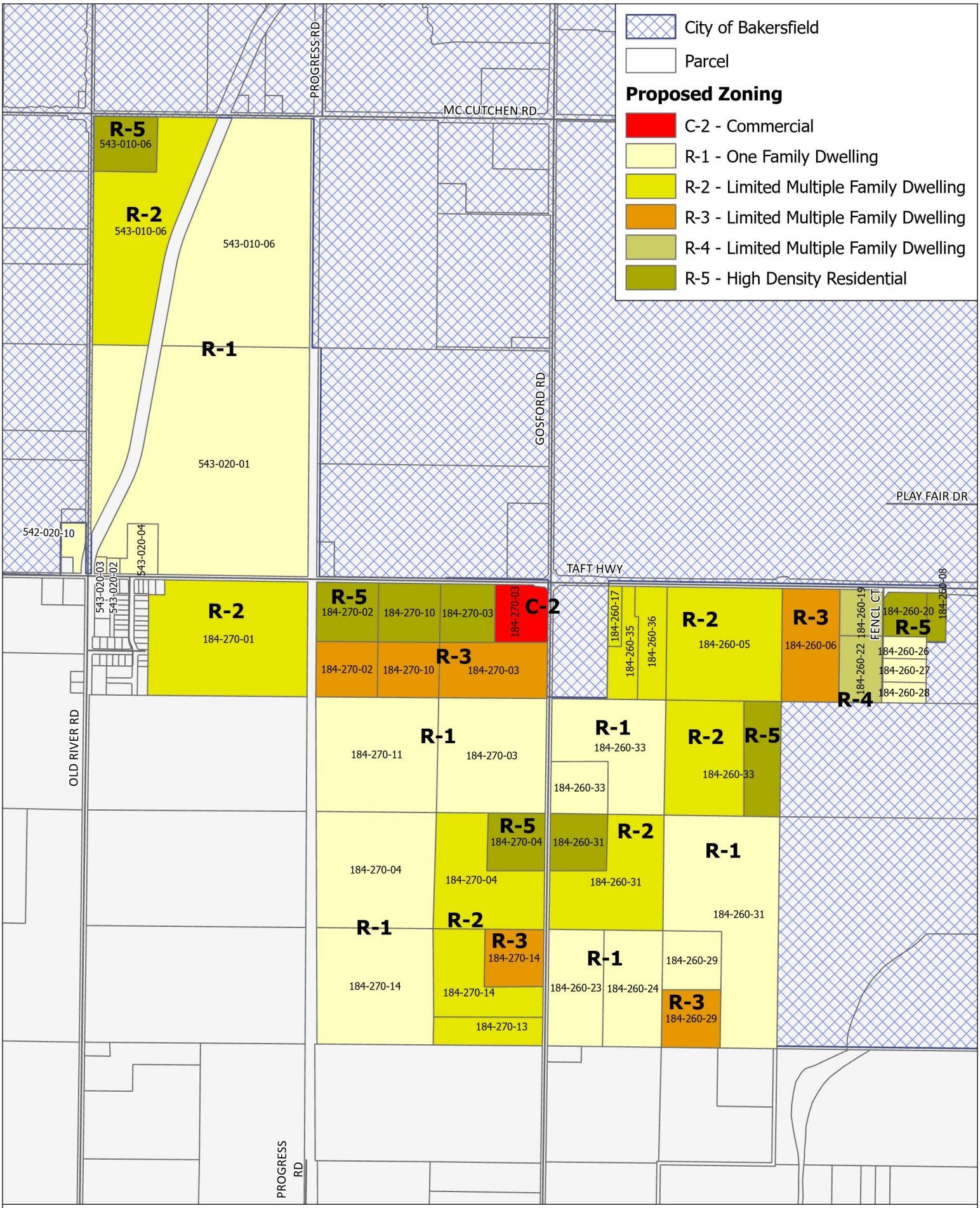
GPA/ZC 23-0244 - TAFT/GOSFORD City of Bakersfield

PROVOST& PRITCHARD

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7/24/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx



7/24/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

Calloway & Snow
Proposed Annexation

SNOW RD

CALLOWAY DR

T28S R25E
T29S R25E
T28S R26E
T29S R26E
T28S R27E
T29S R27E
T28S R28E
T29S R28E
T28S R29E
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T28S R30E
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T31S R25E T31S R26E
T31S R26E T31S R27E
T31S R27E T31S R28E
T31S R28E T31S R29E
T31S R29E T31S R30E

58 43 99 65 178 204 58 119 5 99 184 58 223 223

Legend
- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTMAN
No. 6612
STATE OF CALIFORNIA
Date Signed 4/12/2023

0 1 2 Miles

GPA/ZC 23-0244 - Calloway and Snow

Sheet 1 of 2

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Calloway_Snow\Vicinity_map_SH_1.mxd

Course #	Bearing	Distance (ft)
1	N 89° 51' 19" W	2,671.21
2	N 00° 59' 16" E	1,320.42
3	S 89° 51' 13" E	1,121.70
4	N 00° 08' 45" E	349.28
5	S 89° 51' 07" E	790.37
6	S 00° 08' 53" W	55.42
7	S 89° 51' 07" E	760.24
8	S 00° 52' 25" W	1,614.14

BREMGARTEN CT
VALLE DE BAZTAN DR
VERDUGO LN
MEEKER WY
REDSTONE WY
CALLOWAY DR
MAR AZUL WY
TORTUGA DEL MAR DR
COULTHARD DR
GAVARNIE CT
PYRENEES WY
HOCKENHEIM DR
MONSANTO DR
HEIDFELD CT
RITZ DR
ELLINGTON DR
SLEEPY LAGOON DR
PALLADIUM DR
NORRIS RD
CARNEGIE CT
STELLA CT
PAVILION DR
GLENN MILLER CT
WALDORF WY
AMBASSADOR LN
COPA CABANA CT
CAFE ROUGE DR
SNOW RD
CORTONA CT
BRUNELLO CT
VAL DI CHIANA DR
QUAIL BROOK CT
CRIPPLE CREEK AV

492-090-59
492-090-60
492-090-62
492-090-63
492-090-34
492-090-35
492-090-36
492-090-37
492-090-72
492-090-73
492-090-12
492-080-12
492-080-11
492-080-37
492-080-38
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492-403-15
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492-402-28
492-402-27
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492-382-14
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525-192-10
525-192-09

(1) (2) (3) (4) (5) (6) (7) (8)

06
07
08
05

T29S R27E

Point of Beginning
Southeast corner of Section 6, Township 29 South, Range 27 East, Mount Diablo Base & Meridian

Legend
- (X) Course Number
- Parcel
- Area to be Annexed (92.37 acres +/-)
- Section
- Existing Bakersfield City Limits

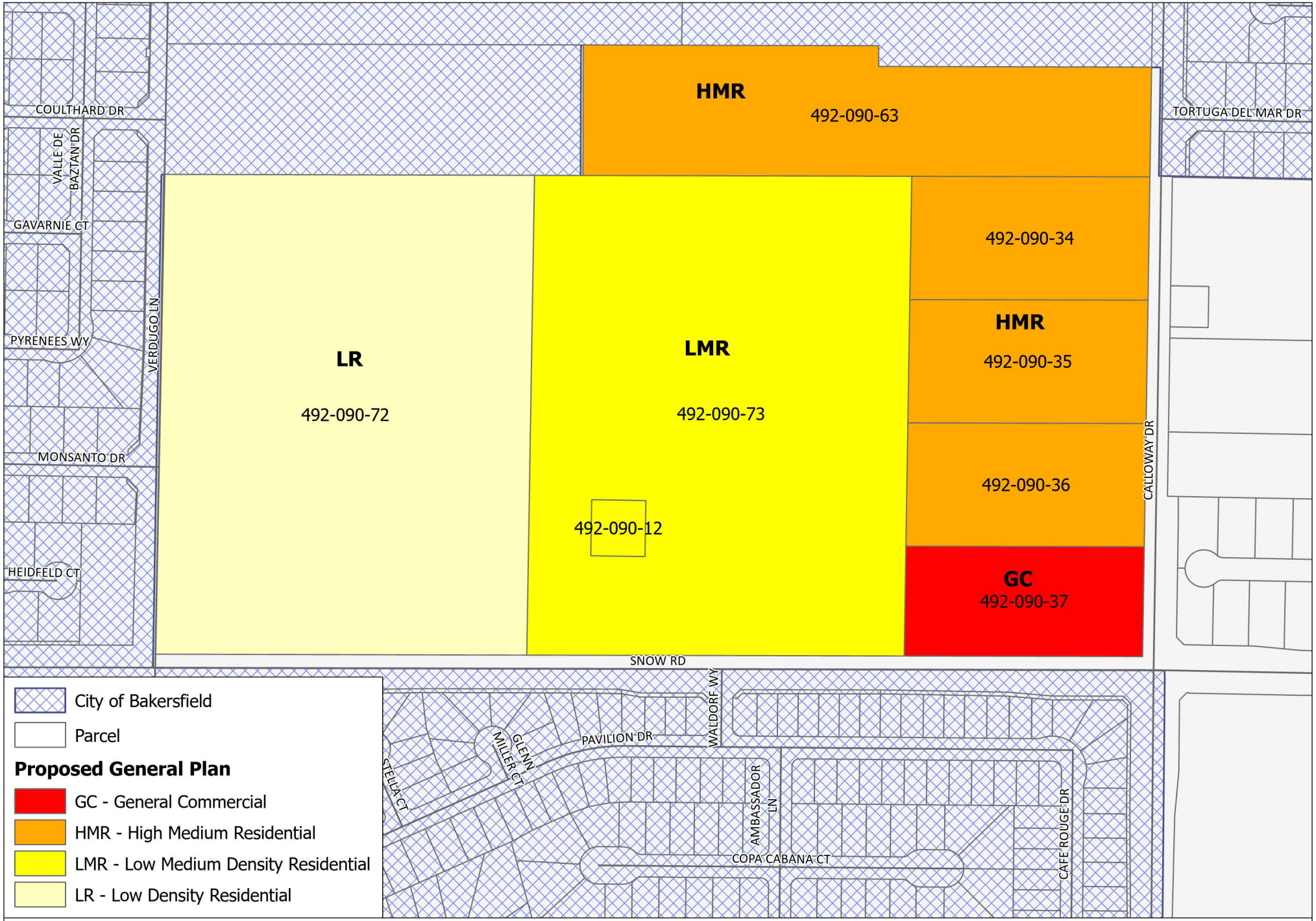
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 150 300
Feet

GPA/ZC 23-0244 - Calloway and Snow

PROVOST& PRITCHARD

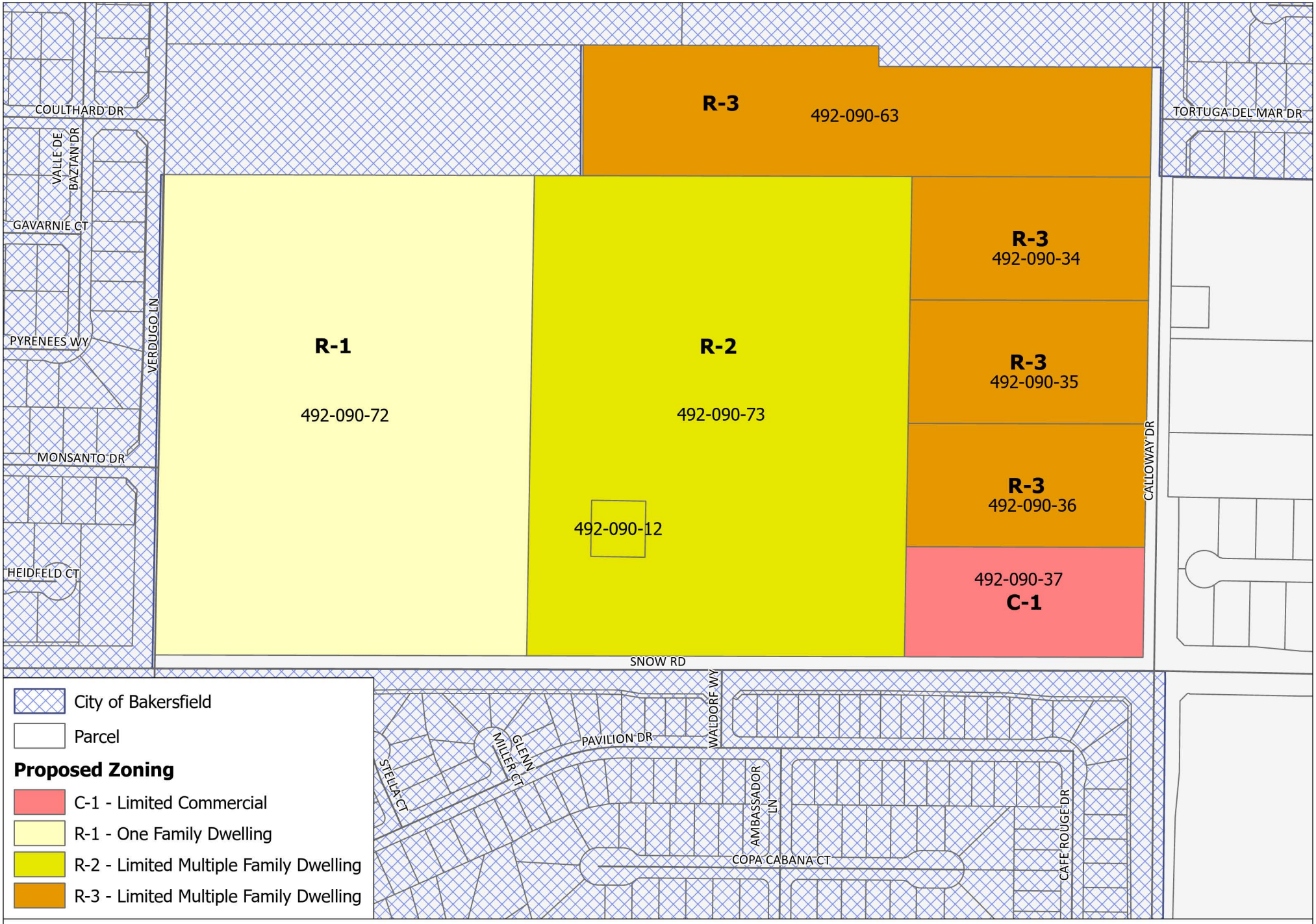
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Proposed General Plan Designation

PROVOST& PRITCHARD

7/28/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx



Proposed Zoning Designation

PROVOST& PRITCHARD

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Cottonwood & Pacheco Proposed Annexation

PACHECO RD

COTTONWOOD RD

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

0 1 2 Miles

GPA/ZC 23-0244 COTTONWOOD AND PACHECO

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTING
No. 6612
STATE OF CALIFORNIA

Date Signed_____

CHECKED by
KERN COUNTY SURVEYORS OFFICE

Date _____

Approved by

_____

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of 1040\1040230001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Cottonwood_Pacheco\Vicinity_map_Sht_1.mxd

Course #	Bearing	Distance (ft)
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2	N 89° 48' 44" E	400.00
3	N 00° 05' 29" E	100.00
4	S 89° 48' 44" W	400.00
5	N 00° 05' 29" E	431.34
6	N 89° 47' 41" E	1,326.86
7	S 00° 05' 22" W	1,321.82
8	N 89° 48' 44" E	1,326.90
9	S 00° 03' 53" W	2,643.32
10	S 00° 02' 48" W	1,321.65
11	S 89° 52' 41" W	2,650.29
12	N 00° 00' 29" E	3,961.92

172-020-14
172-070-20
172-020-04
172-020-13
(6)
172-070-41
172-060-03
172-060-01
17
16
(5)
172-060-13
(2) (4) (3)
172-060-04
172-060-10
172-060-15
172-060-16
172-060-08
172-060-07
(7)
172-060-05
172-010-02
(1)
172-070-41
172-060-06
PACHECO RD
(8)
Point of Beginning
Southwest corner of Section 16,
Township 30 South, Range 28 East,
Mount Diablo Base & Meridian
414-010-08
414-210-10
414-210-10
414-210-10
T30S R28E
(9)
414-010-10
414-210-01
21
414-210-07
(12)
414-220-01
20
414-210-16
414-210-02
(10)
414-190-05
414-210-04
COTTONWOOD RD
(11)
414-190-32
414-210-03

(X) Course Number
Area to be Annexed (280.63 acres +/-)
Parcel
Existing Bakersfield City Limits
Section

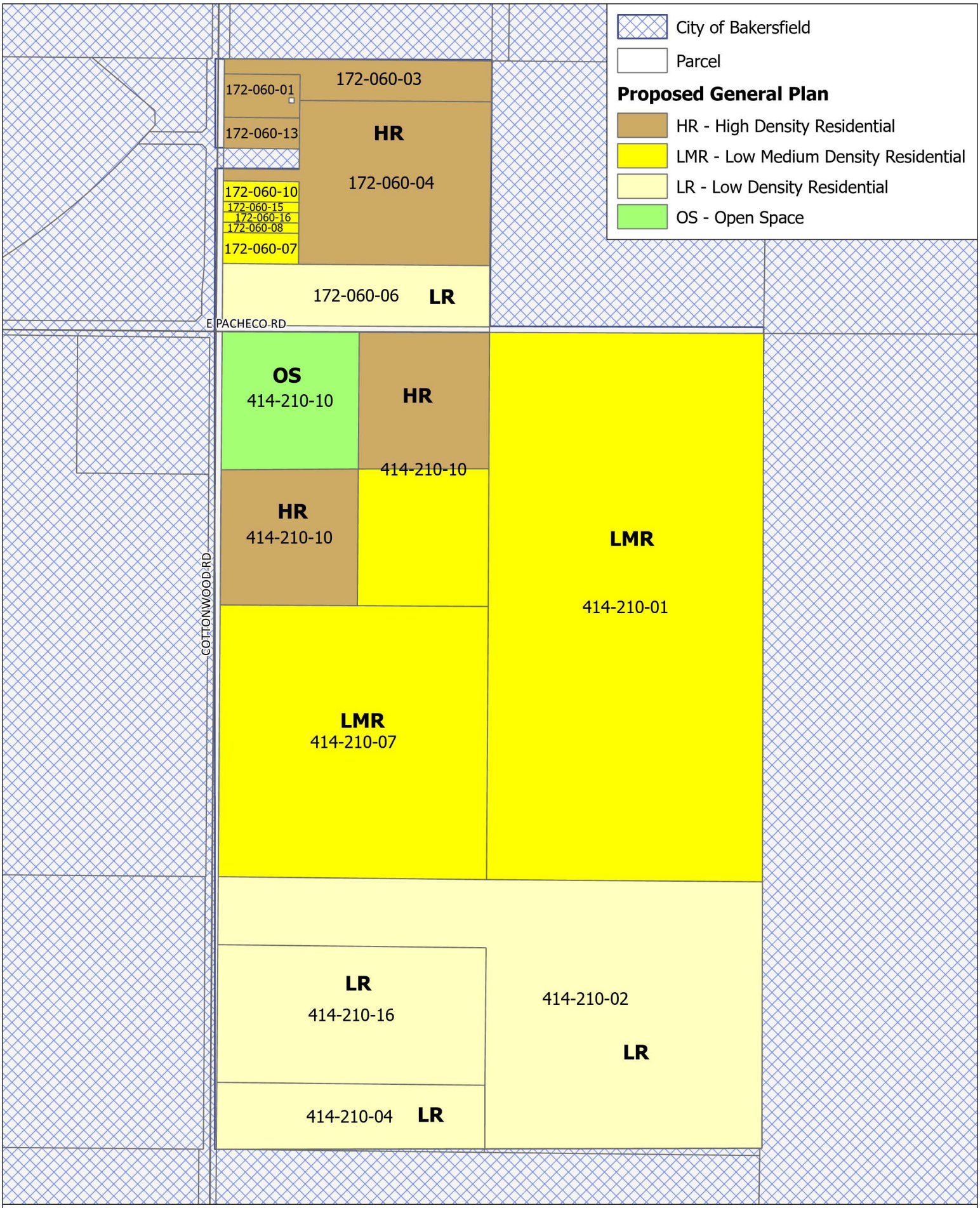
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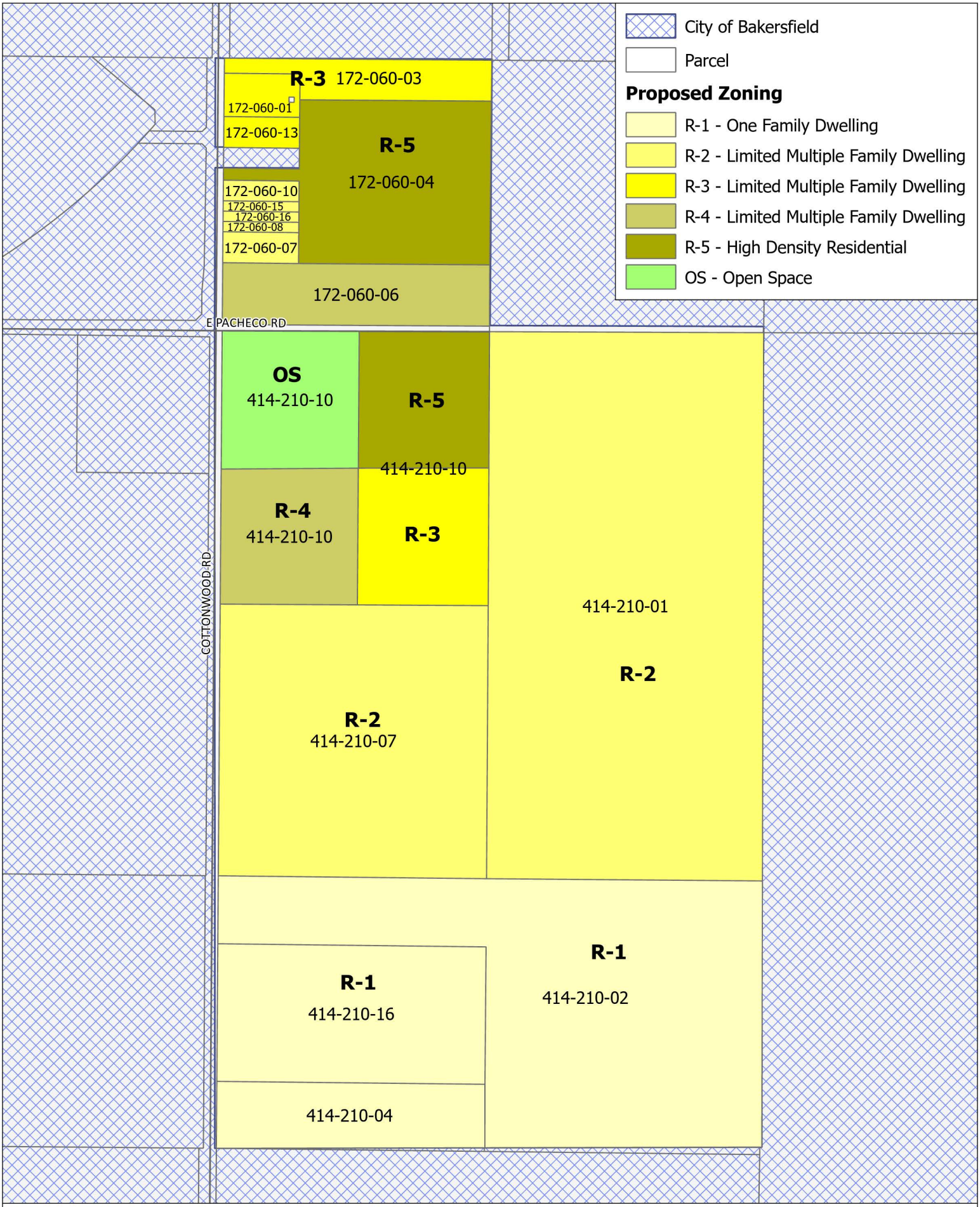
GPA/ZC 23-0244 COTTONWOOD AND PACHECO

PROVOST& PRITCHARD

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Proposed Zoning Designation

PROVOST& PRITCHARD

Zerker and 7th Standard
Proposed Annexation

7th STANDARD RD

ZERKER RD

T28S R25E
T29S R25E
T28S R26E
T29S R26E
T28S R27E
T29S R27E
T28S R28E
T29S R28E
T28S R29E
T29S R29E
T28S R30E
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T31S R29E
T30S R30E
T31S R30E

99 65 178 58 43 204 119 5 223 184

Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

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PROFESSIONAL LAND SURVEYOR
MARTY D. HARTWIG
No. 6612
STATE OF CALIFORNIA

Date Signed_____

CHECKED by
KERN COUNTY SURVEYORS OFFICE

Date _____

Approved by

_____

0 1 2 Miles

GPA/ZC 23-0244 ZERKER AND SEVENTH STANDARD

Sheet 1 of 2

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Zerker_7thStandard\Vicinity_map_SH1_1.mxd

Point of Beginning
Northeast corner of Section 2, Township 29 South, Range 26 East, Mount Diablo Base & Meridian

Course No.	Bearing	Distance (ft)	Radius (ft)	Delta	Arc Length (ft)	Long Chord Bearing	Long Chord Distance (ft)
1	S 00° 07' 04" E	2644.36					
2	S 00° 07' 17" E	2284.13					
3			1205.00	29° 55' 53"	629.50	N 32° 27' 53" W	622.36
4	N 47° 25' 50" W	2557.89					
5			1095.00	47° 20' 25"	904.74	N 23° 45' 37" W	879.22
6	N 00° 05' 25" W	1865.54					
7	N 89° 56' 17" E	2564.77					

(X) Course Number
Area to be Annexed (207.52 acres +/-)
Parcel
Existing Bakersfield City Limits
Section
Township/Range

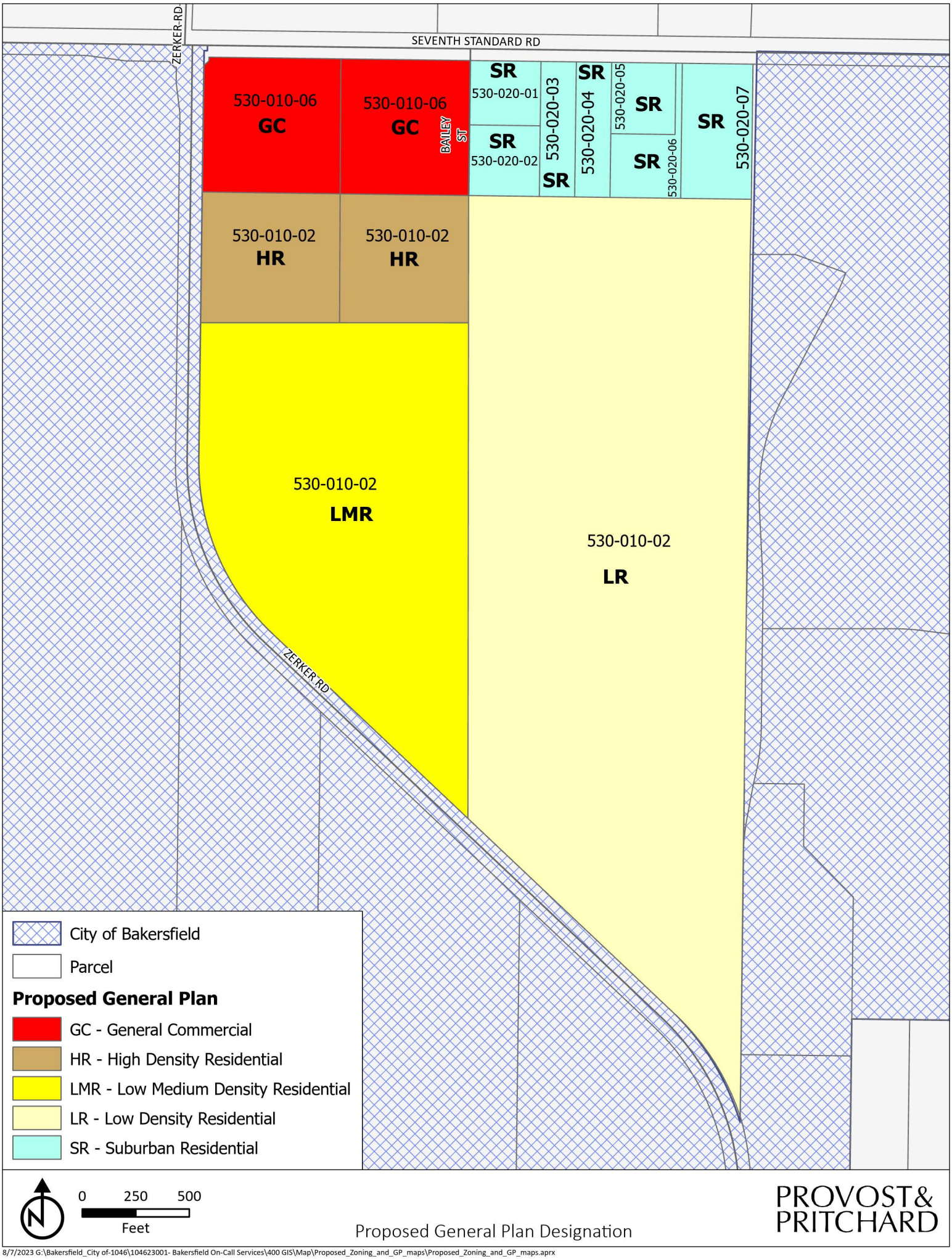
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 250 500
Feet

GPA/ZC 23-0244 ZERKER AND SEVENTH STANDARD

PROVOST& PRITCHARD

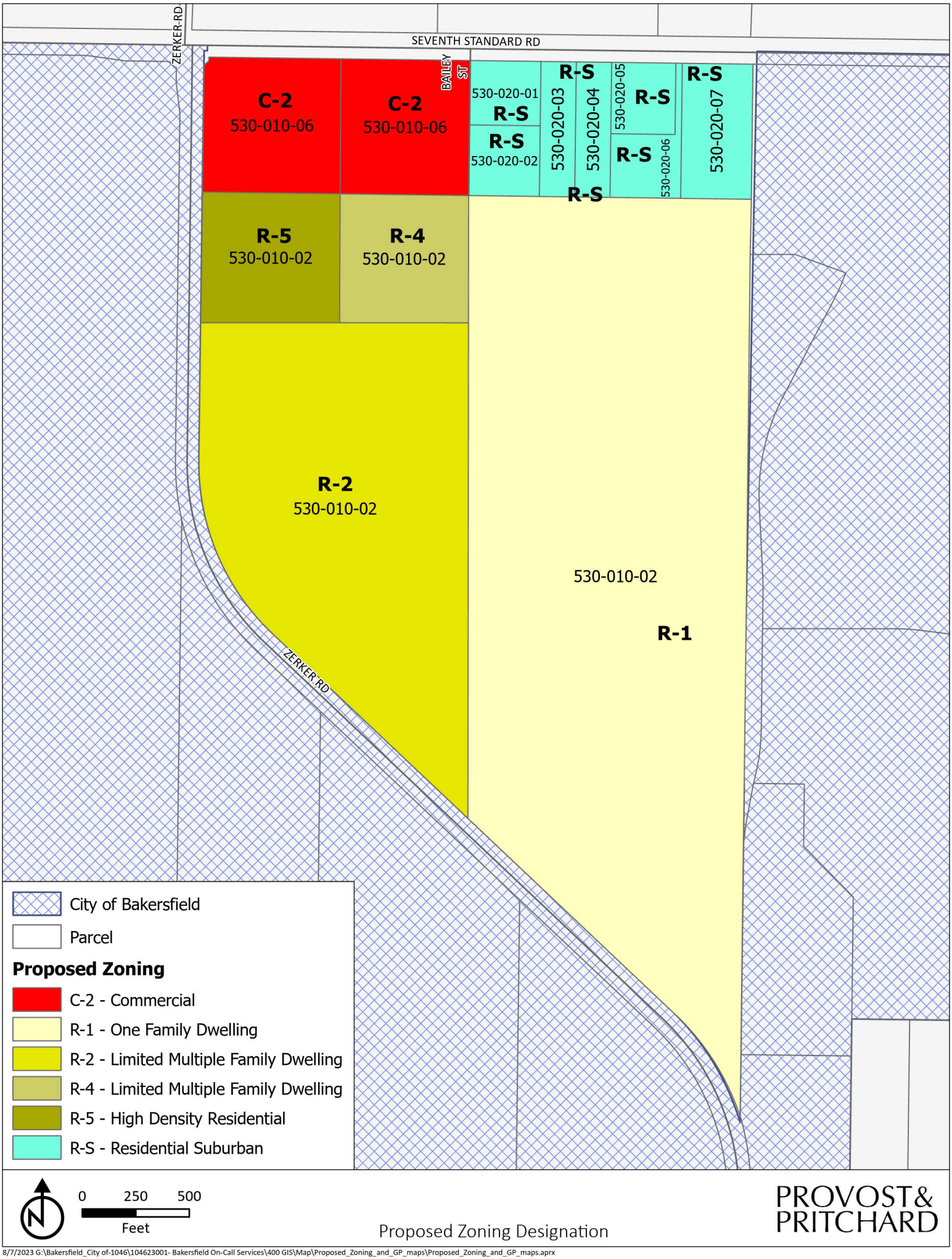
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Proposed General Plan Designation

PROVOST& PRITCHARD

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8/7/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

From: Gurinder Kaur <gukaur810@gmail.com>
Sent: Wednesday, August 9, 2023 11:34 AM
To: Jose G. Fernandez <jfernandez@bakersfieldcity.us>
Subject: Re: 4700 Cottonwood Drive

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Also I am working in the county building department and I want to stay in the county. Thank you

On Wed, Aug 9, 2023 at 11:24 AM Gurinder Kaur <gukaur810@gmail.com> wrote:
Hi Mr. Fernandez,
Thank you for your support and for returning my call yesterday.
I am reaching out regarding my property on 4700 cottonwood Rd Bakersfield CA 93307. Currently it is zoned for M3 and I have been in contact with the county to have a metal building permit on this property. I already contracted and paid Borga for the building and had a block wall and gate on the property. I spent all my savings for this project to start my own business. I do not want to change zones for my property, I want to start my own business and this is my future and dream. Maybe this is not a good property for the city but it is really worth it to me. I hope the city can take this into consideration.
Thank you,
Gurinder Kaur

On Tue, Aug 8, 2023 at 2:55 PM Jose G. Fernandez <jfernandez@bakersfieldcity.us> wrote:

Hello, this is my email address. Please send me any comments you may have, and I will include it in the record.

Thank you,

Jose Fernandez | Associate Planner

Development Services Department

City of Bakersfield
email: jfernandez@bakersfieldcity.us
web: www.bakersfieldcity.us
phone: 661-326-3778

BAKERSFIELD 2045 RISE

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN FROM R-IA (RESOURCE – INTENSIVE AGRICULTURE), GC (GENERAL COMMERCIAL), HC (HIGHWAY COMMERCIAL), ER (ESTATE RESIDENTIAL), RR (RURAL RESIDENTIAL) AND LR (LOW DENSITY RESIDENTIAL) TO GC (GENERAL COMMERCIAL), LR (LOW DENSITY RESIDENTIAL), LMR (LOW MEDIUM DENSITY RESIDENTIAL), HMR (HIGH MEDIUM DENSITY RESIDENTIAL) AND HR (HIGH DENSITY RESIDENTIAL) LOCATED GENERALLY ON TAFT HIGHWAY AND GOSFORD ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the land use map designation of the Metropolitan Bakersfield General Plan from R-IA, GC, HC, ER, RR and LR to GC, LR, LMR, HMR and HR located generally on Taft Highway and Gosford Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

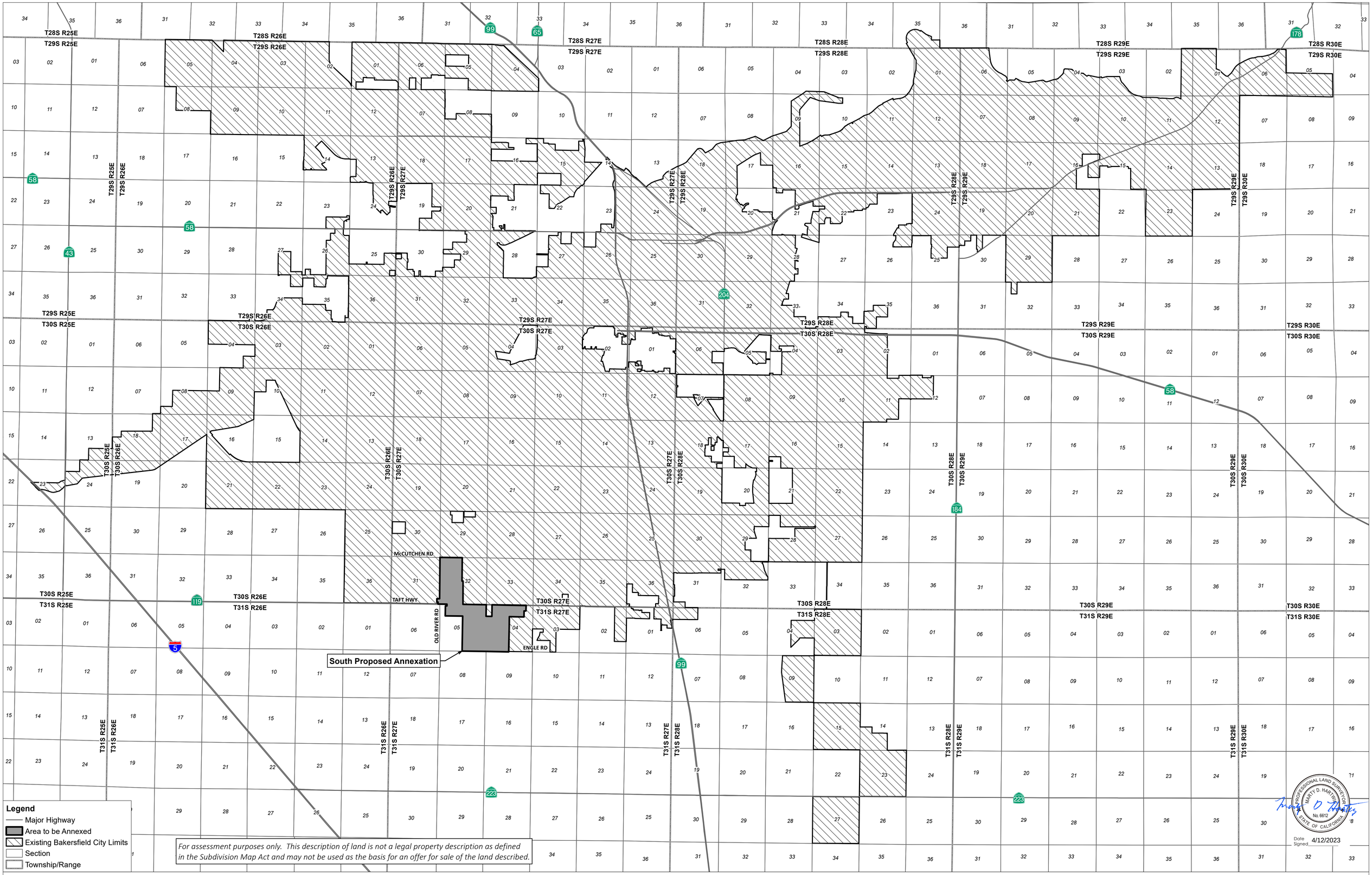
ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps



Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 1 2 Miles

EXHIBIT A: GPA/ZC 23-0244 - TAFT/GOSFORD

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTWIG
No. 6612
STATE OF CALIFORNIA
Date Signed 4/12/2023

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\South_Annexation\Vicinity_map_Sht_1.mxd

Course #	Bearing	Distance (ft)
1	S 01° 06' 45" W	1307.45
2	S 88° 57' 38" E	660.86
3	N 01° 06' 41" E	1305.86
4	S 88° 49' 21" E	1982.50
5	S 88° 49' 03" E	1864.18
6	S 01° 06' 48" W	616.42
7	N 88° 49' 03" W	212.00
8	S 01° 06' 48" W	680.48
9	N 88° 57' 31" W	1652.07
10	S 01° 06' 27" W	3982.58
11	N 88° 56' 21" W	2642.76
12	N 89° 15' 55" W	2635.28
13	N 01° 02' 37" E	3969.37
14	N 89° 33' 19" W	1981.22
15	N 00° 57' 54" E	1138.92
16	S 89° 11' 11" E	180.00
17	N 00° 57' 54" E	197.00
18	N 89° 11' 11" W	840.51
19	N 89° 10' 14" W	170.51
20	N 00° 26' 56" E	214.00
21	N 89° 10' 14" W	135.00
22	N 00° 26' 56" E	387.70
23	S 89° 10' 14" E	305.51
24	N 00° 26' 56" E	2038.45
25	N 00° 27' 24" E	2639.75
26	S 89° 17' 52" E	2534.70
27	S 00° 50' 06" W	2643.36
28	S 89° 40' 35" E	124.00
29	S 00° 24' 05" W	2642.49
30	S 89° 11' 11" E	2640.63

Point of Beginning
Northwest corner Section 4,
Township 31 South, Range 27 East,
Mount Diablo Base & Meridian

T30S R27E
T31S R27E

(×) Course Number
Area to be Annexed (1,050.20 acres +/-)
Railroad
Parcel
Existing Bakersfield City Limits
Section
Township/Range

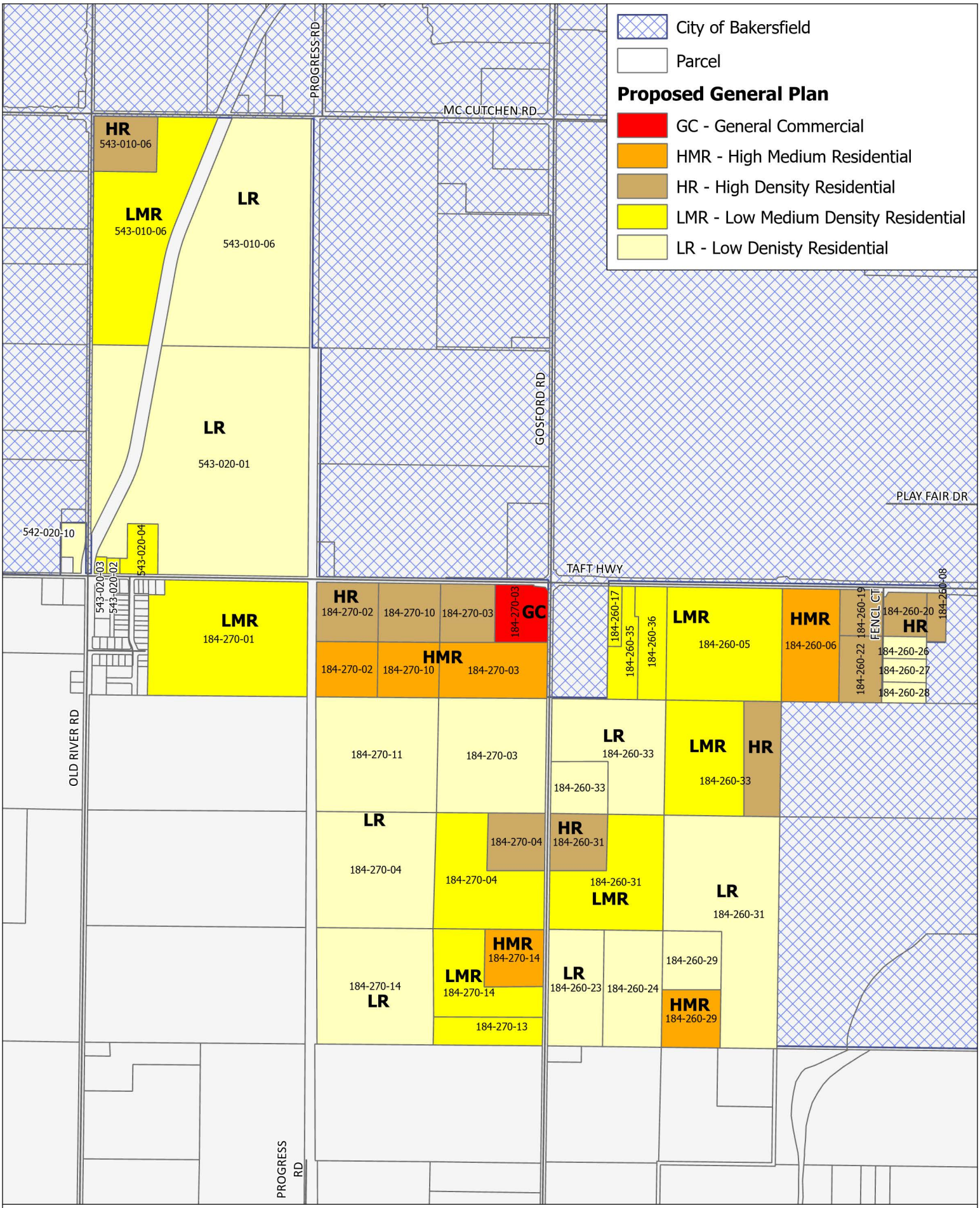
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0 500 1,000 Feet

GPA/ZC 23-0244 - TAFT/GOSFORD City of Bakersfield

PROVOST& PRITCHARD

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City of Bakersfield
Parcel
Proposed General Plan
GC - General Commercial
HMR - High Medium Residential
HR - High Density Residential
LMR - Low Medium Density Residential
LR - Low Denisty Residential
PROGRESS RD
MC CUTCHEN RD
GOSFORD RD
TAFT HWY
PLAY FAIR DR
FENCL CT
OLD RIVER RD
PROGRESS RD
HR 543-010-06
LMR 543-010-06
LR 543-010-06
LR 543-020-01
542-020-10
543-020-04
543-020-02
543-020-03
LMR 184-270-01
HR 184-270-02 184-270-10 184-270-03 184-270-03 GC
HMR 184-270-02 184-270-10 184-270-03
184-270-11
184-270-03
LR 184-270-04
184-270-04
184-270-04
HR 184-260-31
LMR 184-260-31
LR 184-260-31
HMR 184-270-14
LMR 184-270-14
LR 184-270-14
184-270-13
LR 184-260-23
184-260-24
184-260-29
HMR 184-260-29
184-260-17
184-260-35
184-260-36
LMR 184-260-05
HMR 184-260-06
184-260-22
184-260-19
184-260-20
HR
184-260-26
184-260-27
184-260-28
184-260-08
LR 184-260-33
184-260-33
LMR 184-260-33
HR
0
750
1,500
Feet
Proposed General Plan Designation
PROVOST& PRITCHARD

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE PREZONE CLASSIFICATION FROM A (AGRICULTURE), C-2 (REGIONAL COMMERCIAL), R-S-20A (RESIDENTIAL SUBURBAN 20 ACRE MINIMUM), R-S-5A (RESIDENTIAL SUBURBAN 5 ACRE MINIMUM) AND R-S-2.5A (RESIDENTIAL SUBURBAN 2.5 ACRE MINIMUM) TO C-2 (REGIONAL COMMERCIAL), R-1 (ONE FAMILY DWELLING), R-2 (LIMITED MULTIPLE FAMILY DWELLING), R-3 (MULTIPLE FAMILY DWELLING), R-4 (HIGH DENSITY MULTIPLE FAMILY DWELLING) AND R-5 (VERY HIGH DENSITY RESIDENTIAL) LOCATED GENERALLY ON TAFT HIGHWAY AND GOSFORD ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to official zoning map in Title 17 of the Bakersfield Municipal Code by changing the prezone classification from A, C-2, R-S-20A, R-S-5A and R-S-2.5A to C-2, R-1, R-2, R-3, R-4 and R-5, located generally on Taft Highway and Gosford Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and.

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA, and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

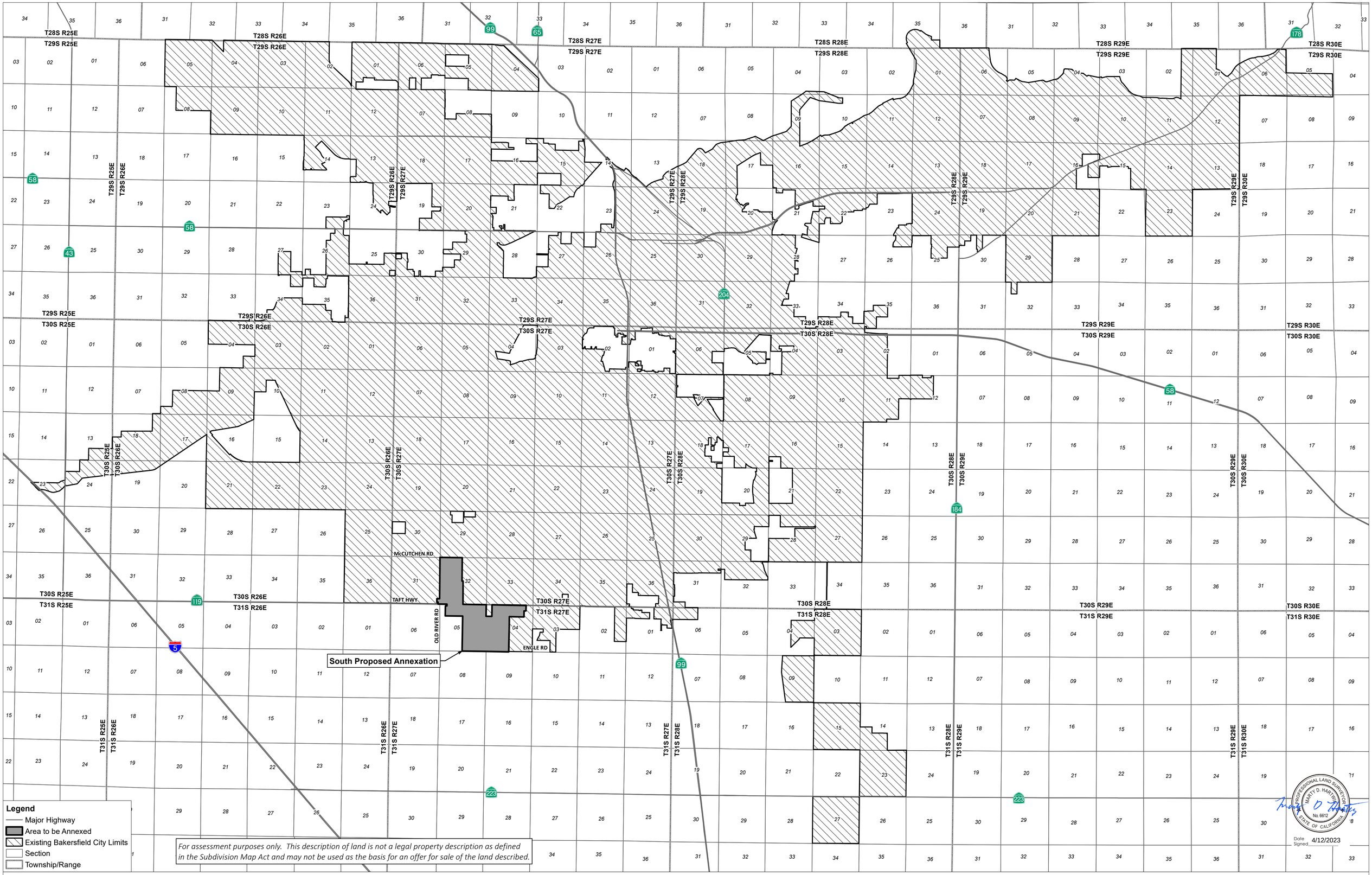
ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps



Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

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0 1 2 Miles

EXHIBIT "A": GPA/ZC 23-0244 - TAFT/GOSFORD

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTWIG
No. 6612
STATE OF CALIFORNIA

Date Signed 4/12/2023

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\South_Annexation\Vicinity_map_Sht_1.mxd

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30	S 89° 11' 11" E	2640.63

Point of Beginning
Northwest corner Section 4,
Township 31 South, Range 27 East,
Mount Diablo Base & Meridian

T30S R27E
T31S R27E

(×) Course Number
Area to be Annexed (1,050.20 acres +/-)
Railroad
Parcel
Existing Bakersfield City Limits
Section
Township/Range

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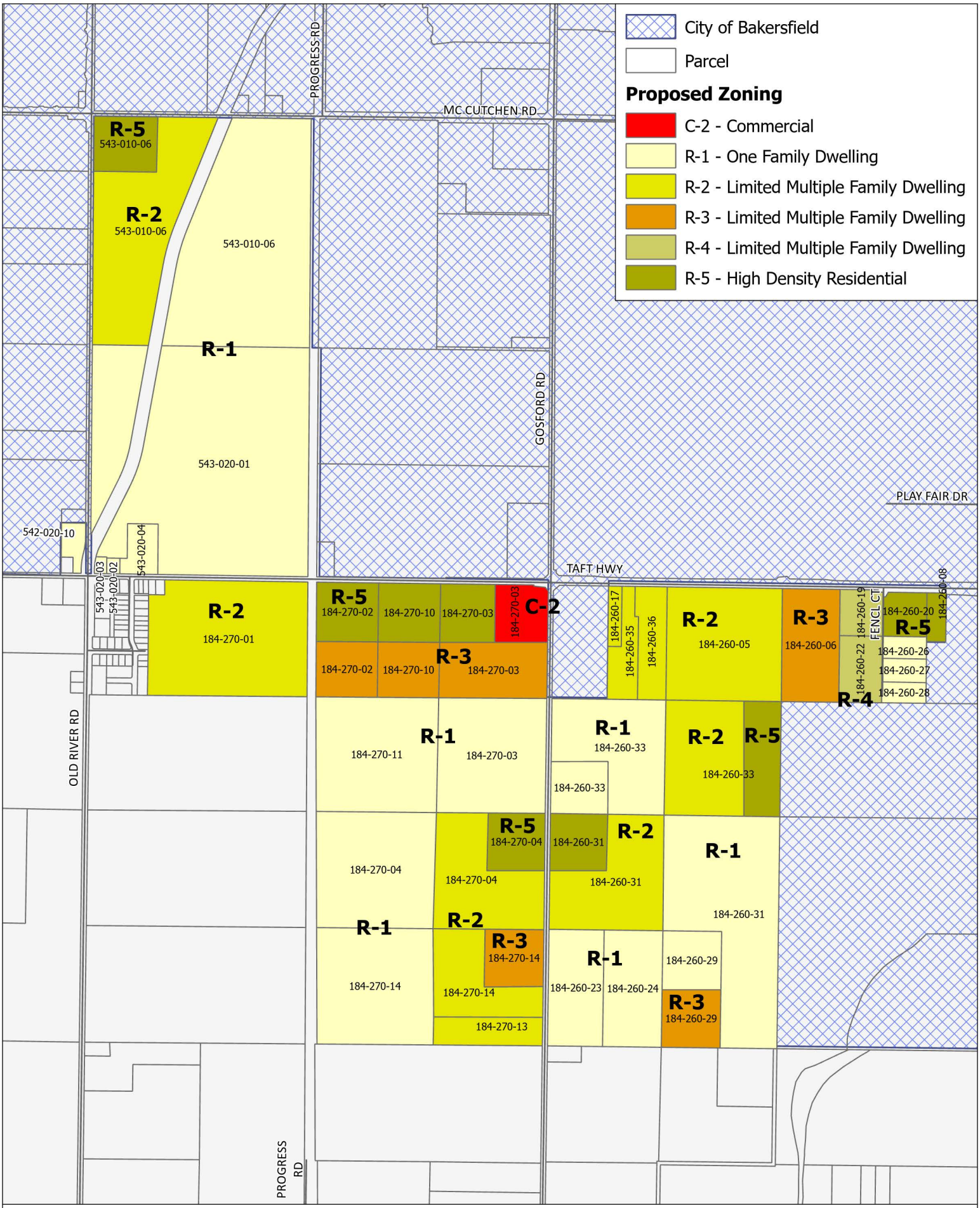
0 500 1,000 Feet

EXHIBIT "A": GPA/ZC 23-0244 - TAFT/GOSFORD City of Bakersfield

GP 2

PROVOST& PRITCHARD

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7/24/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN FROM R-IA (RESOURCE – INTENSIVE AGRICULTURE), SR (SUBURBAN RESIDENTIAL) AND GC (GENERAL COMMERCIAL) TO GC (GENERAL COMMERCIAL), LR (LOW DENSITY RESIDENTIAL), LMR (LOW MEDIUM DENSITY RESIDENTIAL) AND HMR (HIGH MEDIUM DENSITY RESIDENTIAL) LOCATED GENERALLY ON SNOW ROAD AND CALLOWAY DRIVE IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan from R-IA, SR and GC to GC, LR, LMR and HMR located generally on Snow Road and Calloway Drive in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Calloway & Snow
Proposed Annexation

SNOW RD

CALLOWAY DR

T28S R25E
T29S R25E
T28S R26E
T29S R26E
T28S R27E
T29S R27E
T28S R28E
T29S R28E
T28S R29E
T29S R29E
T28S R30E
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T31S R30E

Legend
- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

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0 1 2 Miles

EXHIBIT "A": GPA/ZC 23-0244 - Calloway and Snow

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTMAN
No. 6612
STATE OF CALIFORNIA
Date Signed 4/12/2023

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 10481\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Calloway_Snow\Vicinity_map_SH_1.mxd

Course #	Bearing	Distance (ft)
1	N 89° 51' 19" W	2,671.21
2	N 00° 59' 16" E	1,320.42
3	S 89° 51' 13" E	1,121.70
4	N 00° 08' 45" E	349.28
5	S 89° 51' 07" E	790.37
6	S 00° 08' 53" W	55.42
7	S 89° 51' 07" E	760.24
8	S 00° 52' 25" W	1,614.14

BREMGARTEN CT
VALLE DE BAZTAN DR
VERDUGO LN
MEEKER WY
REDSTONE WY
CALLOWAY DR
MAR AZUL WY
TORTUGA DEL MAR DR
COULTHARD DR
GAVARNIE CT
PYRENEES WY
HOCKENHEIM DR
MONSANTO DR
HEIDFELD CT
RITZ DR
ELLINGTON DR
SLEEPY LAGOON DR
PALLADIUM DR
NORRIS RD
CARNEGIE CT
STELLA CT
PAVILION DR
GLENN MILLER CT
WALDORF WY
AMBASSADOR LN
COPA CABANA CT
CAFE ROUGE DR
SNOW RD
CORTONA CT
BRUNELLO CT
VAL DI CHIANA DR
QUAIL BROOK CT
CRIPPLE CREEK AV

492-090-59
492-090-60
492-090-62
492-090-63
492-090-34
492-090-35
492-090-36
492-090-37
492-090-72
492-090-73
492-090-12
492-080-12
492-080-11
492-080-37
492-080-38
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492-403-16
492-403-15
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525-201-08
525-192-18
525-192-17
525-192-16
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525-192-14
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525-192-19
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525-192-10
525-192-09

(1) (2) (3) (4) (5) (6) (7) (8)

06
07
08
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T29S R27E

Point of Beginning
Southeast corner of Section 6, Township 29 South, Range 27 East, Mount Diablo Base & Meridian

Legend
- (X) Course Number
- Parcel
- Area to be Annexed (92.37 acres +/-)
- Section
- Existing Bakersfield City Limits

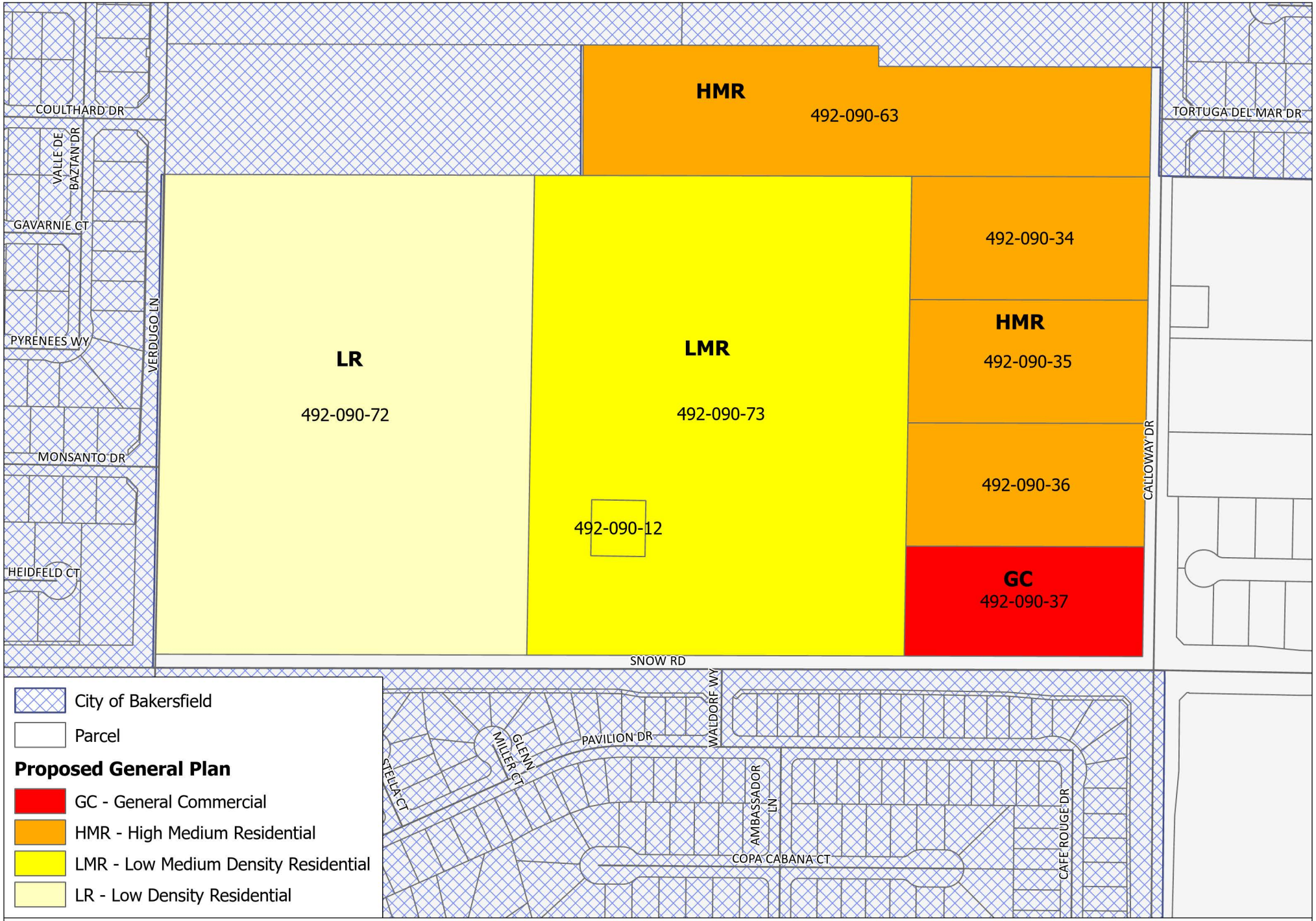
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 150 300
Feet

GPA/ZC 23-0244 - Calloway and Snow

PROVOST& PRITCHARD

5/17/2023 G:\Bakersfield_City of 1040\104623001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Calloway_Snow\Calloway_Snow_Sheet_2.mxd



Proposed General Plan Designation

PROVOST& PRITCHARD

7/28/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE PREZONE CLASSIFICATION FROM A (AGRICULTURE) AND C-1 (NEIGHBORHOOD COMMERCIAL), TO C-1 (NEIGHBORHOOD COMMERCIAL), R-1 (ONE FAMILY DWELLING), R-2 (LIMITED MULTIPLE FAMILY DWELLING) AND R-3 (MULTIPLE FAMILY DWELLING), LOCATED GENERALLY ON SNOW ROAD AND CALLOWAY DRIVE IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan and prezone change amending Title 17 of the Bakersfield Municipal Code and City Zoning Map from A and C-1 to C-1, R-1, R-2 and R-3, located generally on Snow Road and Calloway Drive in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and.

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA, and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Calloway & Snow
Proposed Annexation

SNOW RD

CALLOWAY DR

T28S R25E
T29S R25E
T28S R26E
T29S R26E
T28S R27E
T29S R27E
T28S R28E
T29S R28E
T28S R29E
T29S R29E
T28S R30E
T29S R30E
T29S R25E
T30S R25E
T29S R26E
T30S R26E
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T29S R28E
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T29S R29E
T30S R29E
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T30S R26E
T31S R26E
T30S R27E
T31S R27E
T30S R28E
T31S R28E
T30S R29E
T31S R29E
T30S R30E
T31S R30E

99
65
178
58
43
204
119
5
184
223

Legend
- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 1 2 Miles

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTMAN
No. 6612
STATE OF CALIFORNIA
Date Signed 4/12/2023

EXHIBIT "A":GPA/ZC 23-0244 - Calloway and Snow

Sheet 1 of 2

PROVOST& PRITCHARD

4/12/2023 G:\Bakersfield_City of 1040\104623000- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Calloway_Snow\Vicinity_map_SH_1.mxd

Course #	Bearing	Distance (ft)
1	N 89° 51' 19" W	2,671.21
2	N 00° 59' 16" E	1,320.42
3	S 89° 51' 13" E	1,121.70
4	N 00° 08' 45" E	349.28
5	S 89° 51' 07" E	790.37
6	S 00° 08' 53" W	55.42
7	S 89° 51' 07" E	760.24
8	S 00° 52' 25" W	1,614.14

BREMGARTEN CT
VALLE DE BAZTAN DR
VERDUGO LN
MEEKER WY
REDSTONE WY
CALLOWAY DR
MAR AZUL WY
TORTUGA DEL MAR DR
COULTHARD DR
GAVARNIE CT
PYRENEES WY
HOCKENHEIM DR
MONSANTO DR
HEIDFELD CT
RITZ DR
ELLINGTON DR
SLEEPY LAGOON DR
PALLADIUM DR
NORRIS RD
CARNEGIE CT
STELLA CT
PAVILION DR
GLENN MILLER CT
WALDORF WY
AMBASSADOR LN
COPA CABANA CT
CAFE ROUGE DR
SNOW RD
CORTONA CT
BRUNELLO CT
VAL DI CHIANA DR
QUAIL BROOK CT
CRIPPLE CREEK AV

492-090-59
492-090-60
492-090-62
492-090-63
492-090-34
492-090-35
492-090-36
492-090-37
492-090-72
492-090-73
492-090-12
492-080-12
492-080-11
492-080-37
492-080-38
494-013-01
492-403-16
492-403-15
492-403-01
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492-402-27
492-382-16
492-382-15
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525-192-09

(1) (2) (3) (4) (5) (6) (7) (8)

06
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T29S R27E

Point of Beginning
Southeast corner of Section 6, Township 29 South, Range 27 East, Mount Diablo Base & Meridian

Legend
- (X) Course Number
- Parcel
- Area to be Annexed (92.37 acres +/-)
- Section
- Existing Bakersfield City Limits

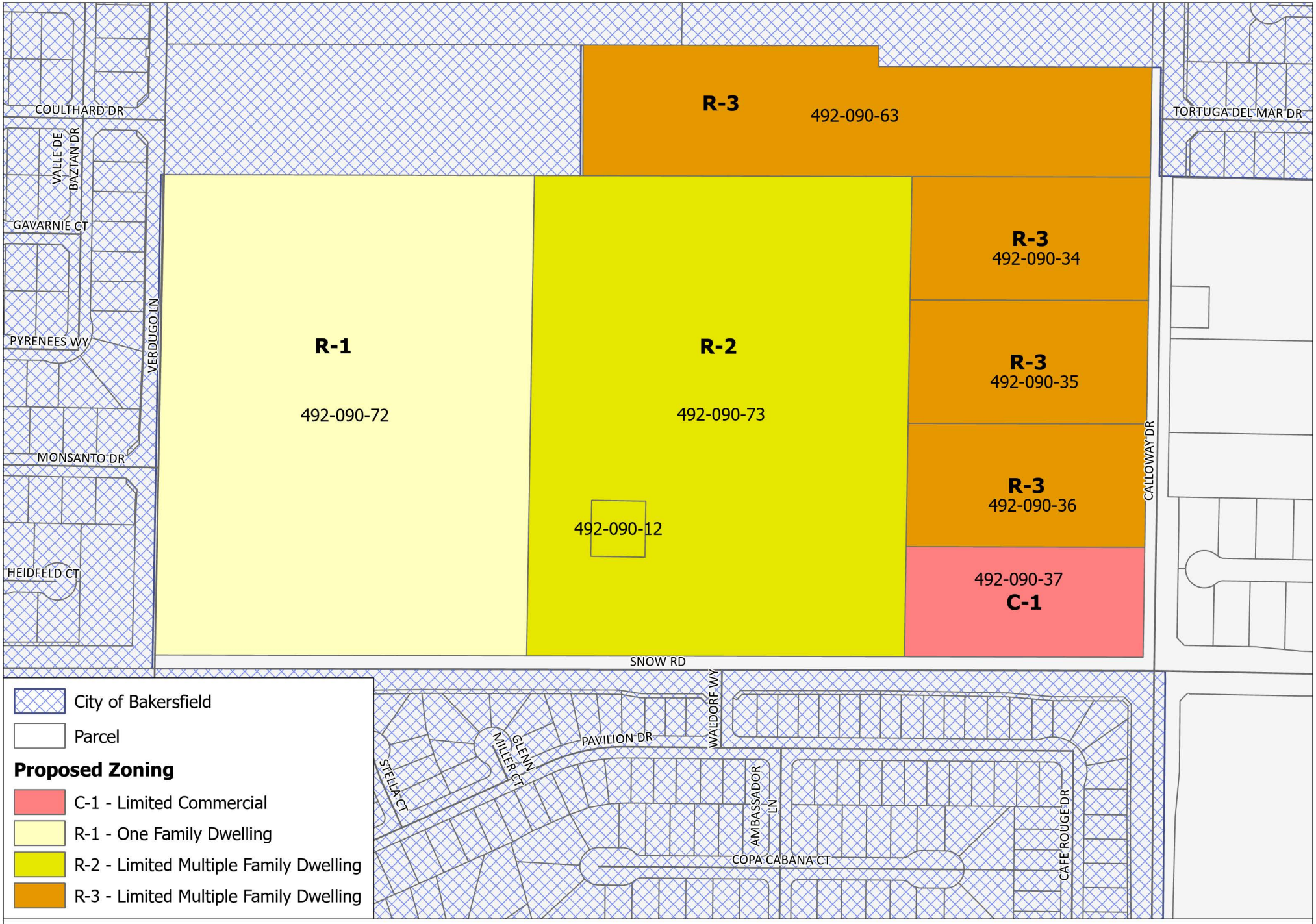
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0 150 300
Feet

GPA/ZC 23-0244 - Calloway and Snow

PROVOST& PRITCHARD

5/17/2023 G:\Bakersfield_City of 1040\104623001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Calloway_Snow\Calloway_Snow_Sheet_2.mxd



Proposed Zoning Designation

PROVOST& PRITCHARD

7/28/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN FROM R-IA (RESOURCE - INTENSIVE AGRICULTURE) AND HI (HEAVY INDUSTRIAL) TO LR (LOW DENSITY RESIDENTIAL), LMR (LOW MEDIUM DENSITY RESIDENTIAL), HR (HIGH DENSITY RESIDENTIAL) AND OS (OPEN SPACE), LOCATED GENERALLY ON COTTONWOOD ROAD AND PACHECO ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan from R-IA and HI to LR, LMR, HR and OS located generally on Cottonwood Road and Pacheco Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Cottonwood & Pacheco Proposed Annexation

PACHECO RD

COTTONWOOD RD

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

0 1 2 Miles

EXHIBIT "A":GPA/ZC 23-0244 COTTONWOOD AND PACHECO

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTING
No. 6612
STATE OF CALIFORNIA
Date Signed_____

CHECKED by
KERN COUNTY SURVEYORS OFFICE
Date _____
Approved by
_____

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of 1040\104623001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Cottonwood_Pacheco\Vicinity_map_Sht_1.mxd

Course #	Bearing	Distance (ft)
1	N 00° 05' 29" E	790.08
2	N 89° 48' 44" E	400.00
3	N 00° 05' 29" E	100.00
4	S 89° 48' 44" W	400.00
5	N 00° 05' 29" E	431.34
6	N 89° 47' 41" E	1,326.86
7	S 00° 05' 22" W	1,321.82
8	N 89° 48' 44" E	1,326.90
9	S 00° 03' 53" W	2,643.32
10	S 00° 02' 48" W	1,321.65
11	S 89° 52' 41" W	2,650.29
12	N 00° 00' 29" E	3,961.92

172-020-14
172-070-20
172-020-04
172-020-13
(6)
172-070-41
172-060-03
172-060-01
17
16
(5)
172-060-13
(2) (4) (3)
172-060-04
172-060-10
172-060-15
172-060-16
172-060-08
172-060-07
(7)
172-060-05
172-010-02
(1)
172-070-41
172-060-06
PACHECO RD
(8)
Point of Beginning
Southwest corner of Section 16,
Township 30 South, Range 28 East,
Mount Diablo Base & Meridian
414-010-08
414-210-10
414-210-10
414-210-10
T30S R28E
(9)
414-010-10
414-210-01
21
414-210-07
(12)
414-220-01
20
414-210-16
414-210-02
(10)
414-190-05
414-210-04
COTTONWOOD RD
(11)
414-190-32
414-210-03

(X) Course Number
Area to be Annexed (280.63 acres +/-)
Parcel
Existing Bakersfield City Limits
Section

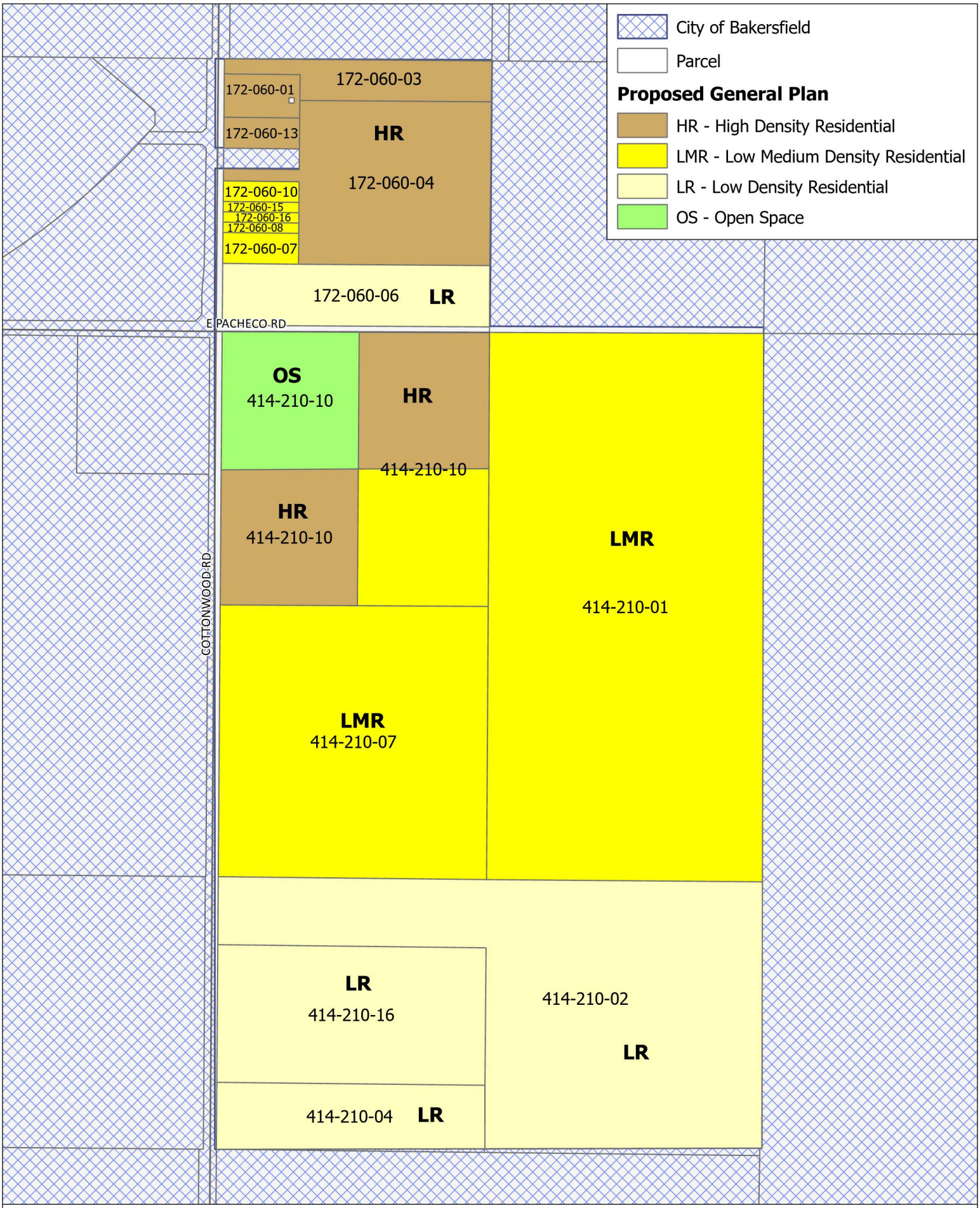
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0 200 400
Feet

GPA/ZC 23-0244 COTTONWOOD AND PACHECO

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Cottonwood_Pacheco\Cottonwood_Pacheco_Sheet_2.mxd



6/6/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Proposed_Zoning_and_GP_maps\Proposed_Zoning_and_GP_maps.aprx

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE PREZONE CLASSIFICATION FROM A (AGRICULTURE) AND M-3 (HEAVY MANUFACTURING) TO R-1 (ONE FAMILY DWELLING), R-2 (LIMITED MULTIPLE FAMILY DWELLING), R-3 (MULTIPLE FAMILY DWELLING), R-4 (HIGH DENSITY MULTIPLE FAMILY DWELLING), R-5 (VERY HIGH DENSITY RESIDENTIAL) AND OS (OPEN SPACE), LOCATED GENERALLY ON COTTONWOOD ROAD AND PACHECO ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan and prezone change amending Title 17 of the Bakersfield Municipal Code and City Zoning Map from A and M-3 to R-1, R-2, R-3, R-4, R-5 and OS, located generally on Cottonwood Road and Pacheco Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and.

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA, and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Cottonwood & Pacheco Proposed Annexation

PACHECO RD

COTTONWOOD RD

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

Legend

- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

0 1 2 Miles

EXHIBIT "A":GPA/ZC 23-0244 COTTONWOOD AND PACHECO

Sheet 1 of 2

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTING
No. 6612
STATE OF CALIFORNIA
Date Signed

CHECKED by
KERN COUNTY SURVEYORS OFFICE
Date
Approved by

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of 10401\10462300- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Cottonwood_Pacheco\Vicinity_map_Sht_1.mxd

Course #	Bearing	Distance (ft)
1	N 00° 05' 29" E	790.08
2	N 89° 48' 44" E	400.00
3	N 00° 05' 29" E	100.00
4	S 89° 48' 44" W	400.00
5	N 00° 05' 29" E	431.34
6	N 89° 47' 41" E	1,326.86
7	S 00° 05' 22" W	1,321.82
8	N 89° 48' 44" E	1,326.90
9	S 00° 03' 53" W	2,643.32
10	S 00° 02' 48" W	1,321.65
11	S 89° 52' 41" W	2,650.29
12	N 00° 00' 29" E	3,961.92

172-020-14
172-070-20
172-020-04
172-020-13
(6)
172-070-41
172-060-03
172-060-01
17
16
(5)
172-060-13
(2) (4) (3)
172-060-04
172-060-10
172-060-15
172-060-16
172-060-08
172-060-07
(7)
172-060-05
172-010-02
(1)
172-070-41
172-060-06
PACHECO RD
(8)
Point of Beginning
Southwest corner of Section 16,
Township 30 South, Range 28 East,
Mount Diablo Base & Meridian
414-010-08
414-210-10
414-210-10
414-210-10
T30S R28E
(9)
414-010-10
414-210-01
21
414-210-07
(12)
414-220-01
20
414-210-16
414-210-02
(10)
414-190-05
414-210-04
COTTONWOOD RD
(11)
414-190-32
414-210-03

(X) Course Number
Area to be Annexed (280.63 acres +/-)
Parcel
Existing Bakersfield City Limits
Section

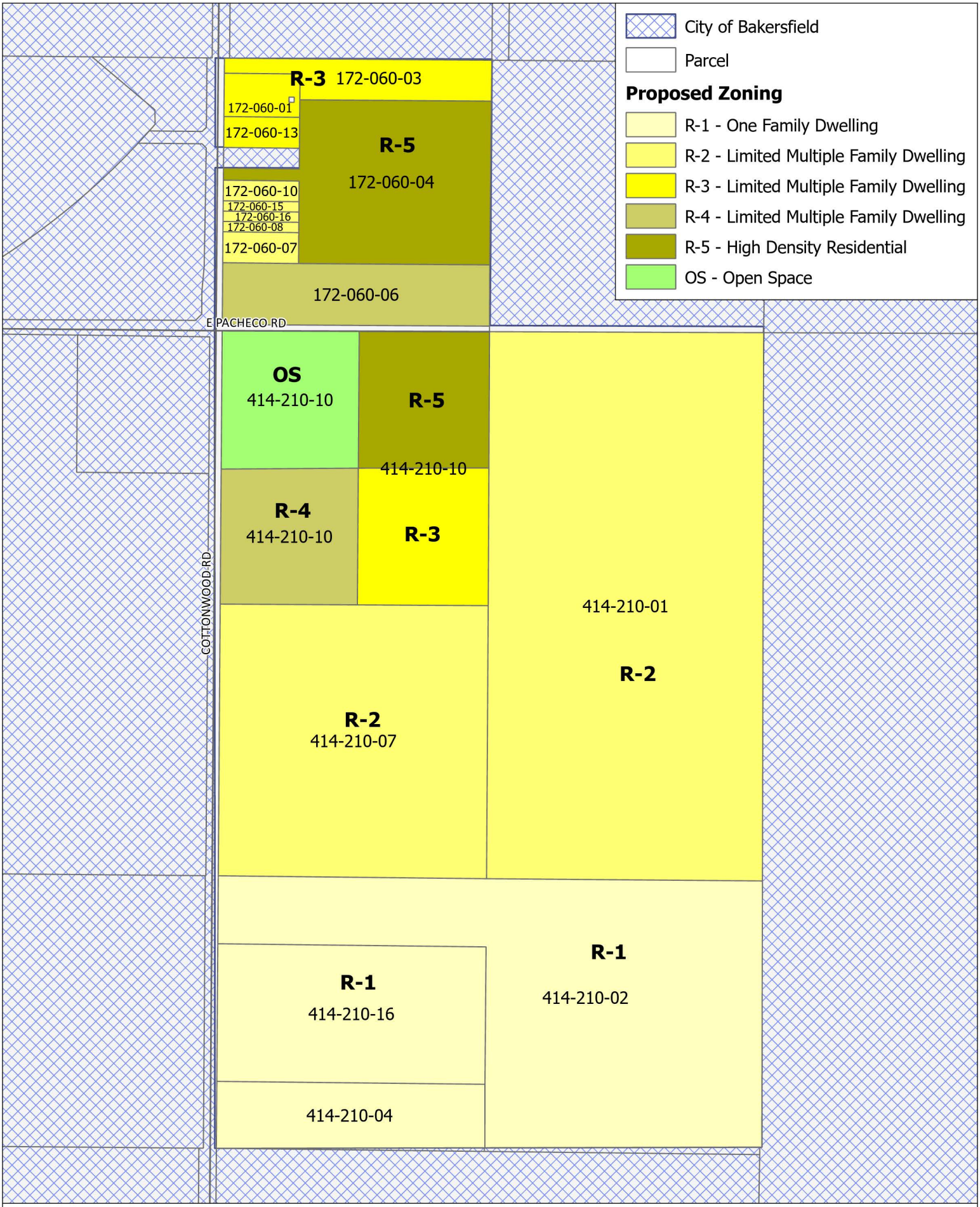
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0 200 400
Feet

GPA/ZC 23-0244 COTTONWOOD AND PACHECO

PROVOST& PRITCHARD

3/17/2023 G:\Bakersfield_City of-1046\104623001- Bakersfield On-Call Services\400 GIS\Map\Annexation_2023\Cottonwood_Pacheco\Cottonwood_Pacheco_Sheet_2.mxd



Proposed Zoning Designation

PROVOST& PRITCHARD

RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE LAND USE MAP DESIGNATION OF THE METROPOLITAN BAKERSFIELD GENERAL PLAN FROM RR (RURAL RESIDENTIAL), SR (SUBURBAN RESIDENTIAL) AND GC (GENERAL COMMERCIAL) TO GC (GENERAL COMMERCIAL), SR (SUBURBAN RESIDENTIAL), LR (LOW DENSITY RESIDENTIAL), LMR (LOW MEDIUM DENSITY RESIDENTIAL) AND HR (HIGH DENSITY RESIDENTIAL), LOCATED GENERALLY SOUTHEAST OF ZERKER ROAD AND SEVENTH STANDARD ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan from RR, SR and GC to GC, SR, LR, LMR and HR, located generally southeast of Zerker Road and Seventh Standard Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Zerker and 7th Standard
Proposed Annexation

7th STANDARD RD

ZERKER RD

T28S R25E
T29S R25E
T28S R26E
T29S R26E
T28S R27E
T29S R27E
T28S R28E
T29S R28E
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| | | |

Point of Beginning
Northeast corner of Section 2, Township 29 South, Range 26 East, Mount Diablo Base & Meridian

Course No.	Bearing	Distance (ft)	Radius (ft)	Delta	Arc Length (ft)	Long Chord Bearing	Long Chord Distance (ft)
1	S 00° 07' 04" E	2644.36					
2	S 00° 07' 17" E	2284.13					
3			1205.00	29° 55' 53"	629.50	N 32° 27' 53" W	622.36
4	N 47° 25' 50" W	2557.89					
5			1095.00	47° 20' 25"	904.74	N 23° 45' 37" W	879.22
6	N 00° 05' 25" W	1865.54					
7	N 89° 56' 17" E	2564.77					

(X) Course Number
Area to be Annexed (207.52 acres +/-)
Parcel
Existing Bakersfield City Limits
Section
Township/Range

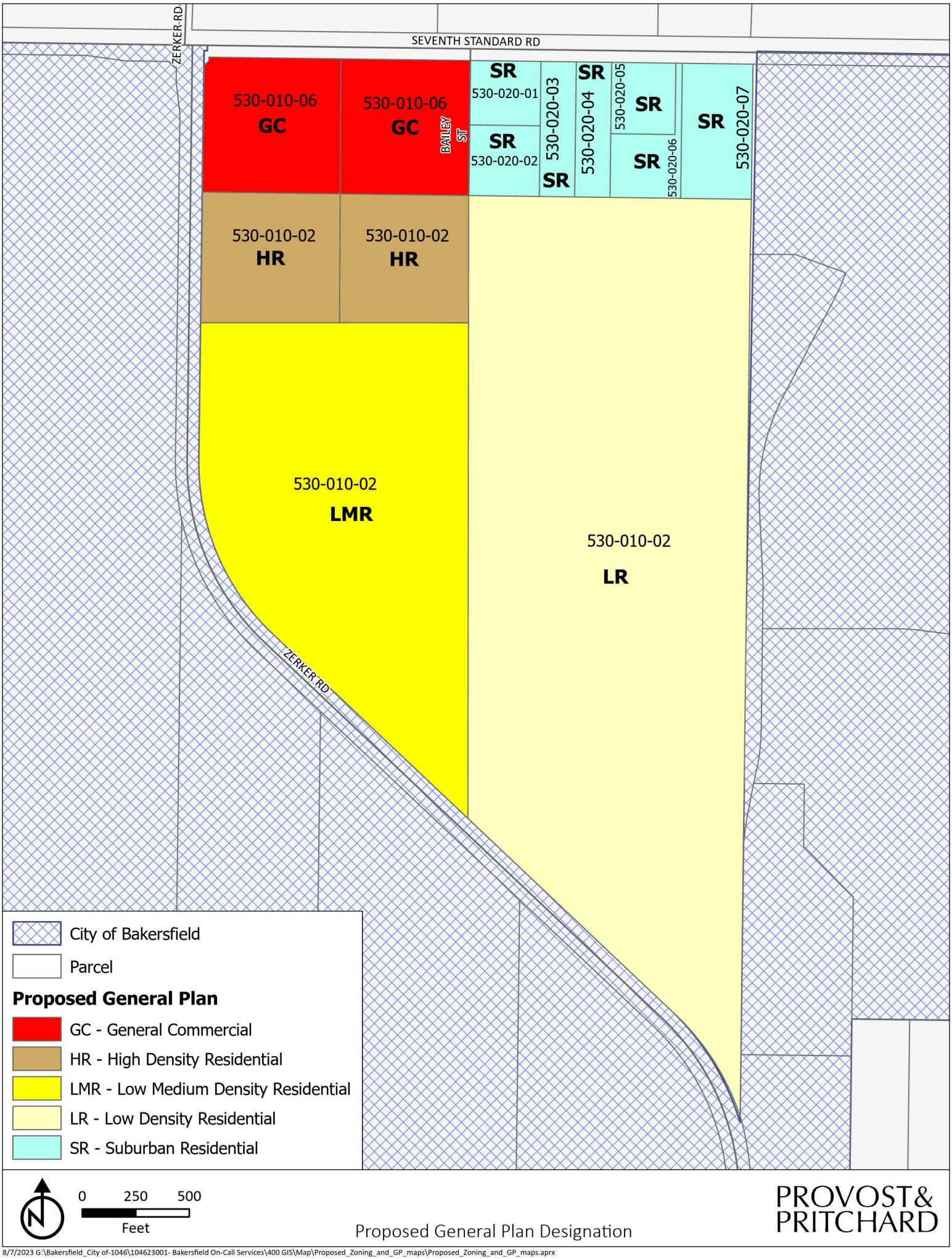
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 250 500
Feet

GPA/ZC 23-0244 ZERKER AND SEVENTH STANDARD

PROVOST& PRITCHARD

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Proposed General Plan Designation

PROVOST& PRITCHARD

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RESOLUTION NO. _____

RESOLUTION OF THE BAKERSFIELD PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLE 17 OF THE BAKERSFIELD MUNICIPAL CODE TO CHANGE THE PREZONE CLASSIFICATION FROM A TO C-2 (REGIONAL COMMERCIAL), R-S (RESIDENTIAL SUBURBAN), R-1 (ONE FAMILY DWELLING), R-2 (LIMITED MULTIPLE FAMILY DWELLING), R-4 (HIGH DENSITY MULTIPLE FAMILY DWELLING) AND R-5 (VERY HIGH DENSITY RESIDENTIAL), LOCATED GENERALLY SOUTHEAST OF ZERKER ROAD AND SEVENTH STANDARD ROAD IN THE METROPOLITAN BAKERSFIELD AREA WITHIN THE CITY OF BAKERSFIELD'S SPHERE OF INFLUENCE (GPA/ZC NO. 23-0244).

WHEREAS, the City of Bakersfield filed an application requesting an amendment to the Land Use Map of the Metropolitan Bakersfield General Plan and prezone change amending Title 17 of the Bakersfield Municipal Code and City Zoning Map from A to C-2, R-S, R-1, R-2, R-4 and R-5, located generally southeast of Zerker Road and Seventh Standard Road in the metropolitan Bakersfield area within the City of Bakersfield's Sphere of Influence (the "Project"); and.

WHEREAS, the Project proposes to facilitate compliance with California's Housing Element Law; and

WHEREAS, the Secretary of the Planning Commission set Thursday, August 17, 2023 at 5:30 p.m. in the Council Chambers of City Hall, 1501 Truxtun Avenue, Bakersfield, California, as the time and place for a public hearing before the Planning Commission to consider the Project as required by Government Code Section 65353, and notice of the public hearing was given in the manner provided in Title 17 of the Bakersfield Municipal Code; and

WHEREAS, the facts presented in the staff report and evidence received both in writing and by verbal testimony at the above referenced public hearing support the following findings:

1. All required public notices have been given. Hearing notices regarding the Project were mailed to property owners within 300 feet of the Project area and published in the *Bakersfield Californian*, a local newspaper of general circulation, 10 days prior to the hearing.

2. The provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Bakersfield CEQA Implementation Procedures have been followed. Staff determined that the proposal is exempt under CEQA, and a Notice of Exemption was prepared.

3. The public necessity, general welfare, and good planning practices justify the Project.

4. The Project is compatible with the land use designations and zone classifications, and is internally consistent with the *Metropolitan Bakersfield General Plan.*

NOW, THEREFORE, BE IT RESOLVED by the Bakersfield Planning Commission as follows:

1. The above recitals, incorporated herein, are true and correct.

2. The Project is hereby recommended for approval by the City Council, incorporating the change into the official zoning map as described in Bakersfield Municipal Code Section 17.06.020 located on the maps as shown in Exhibit A and incorporated herein.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the Planning Commission of the City of Bakersfield at a regular meeting thereof held on the 17th day of August 2023, on a motion by _____ and seconded by _____, by the following vote.

AYES:

NOES:

RECUSE:

ABSTAIN:

ABSENT:

APPROVED

_____
ZACHARY BASHIRTASH, CHAIR
City of Bakersfield Planning Commission

Exhibits (attached):

Exhibit A: Maps

Zerker and 7th Standard
Proposed Annexation

7th STANDARD RD

ZERKER RD

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99 65 178 58 43 204 119 5 184 223

PROFESSIONAL LAND SURVEYOR
MARTY D. HARTWIG
No. 6612
STATE OF CALIFORNIA
Date Signed_____

CHECKED by
KERN COUNTY SURVEYORS OFFICE
Date _____
Approved by
_____

Legend
- Major Highway
- Area to be Annexed
- Existing Bakersfield City Limits
- Section
- Township/Range

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

0 1 2 Miles

EXHIBIT "A": GPA/ZC 23-0244 ZERKER AND SEVENTH STANDARD

Sheet 1 of 2

PROVOST& PRITCHARD

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Point of Beginning
Northeast corner of Section 2, Township 29 South, Range 26 East, Mount Diablo Base & Meridian

Course No.	Bearing	Distance (ft)	Radius (ft)	Delta	Arc Length (ft)	Long Chord Bearing	Long Chord Distance (ft)
1	S 00° 07' 04" E	2644.36					
2	S 00° 07' 17" E	2284.13					
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6	N 00° 05' 25" W	1865.54					
7	N 89° 56' 17" E	2564.77					

(X) Course Number
Area to be Annexed (207.52 acres +/-)
Parcel
Existing Bakersfield City Limits
Section
Township/Range

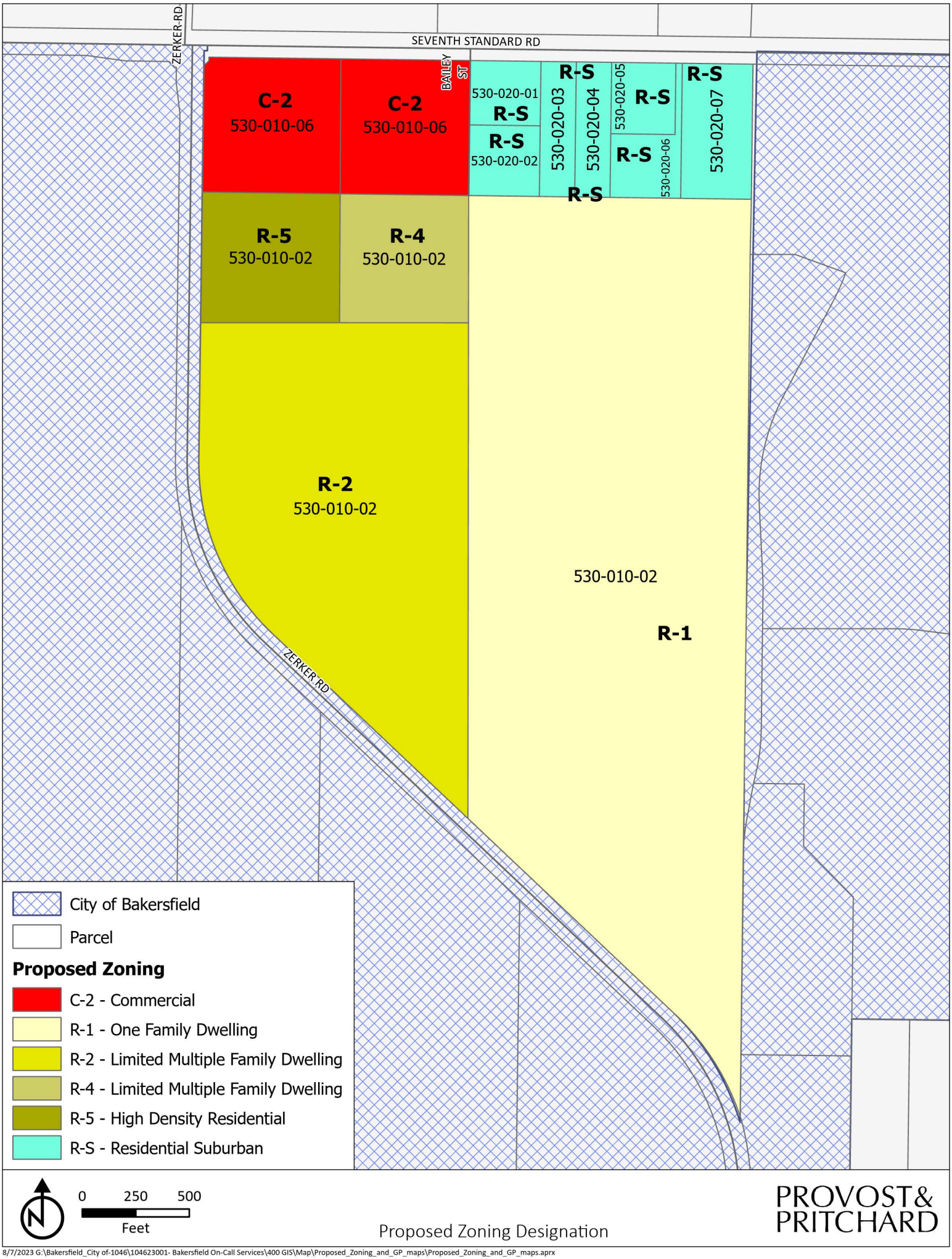
For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

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Feet

GPA/ZC 23-0244 ZERKER AND SEVENTH STANDARD

PROVOST& PRITCHARD

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COVER SHEET
PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023 **ITEM NUMBER:** Workshop7.(a.)

TO: Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT: Subdivision Map - Extension of Time: Background information on extension of time for subdivision maps.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION:
Receive and file.

ATTACHMENTS:

	Description	Type
🗋	CA State Bills	Backup Material
🗋	BMC Title 16 - Subdivisions	Backup Material
🗋	GOV Title 7 - Division 2	Backup Material

SB-1185 Land use: subdivision maps. (2007-2008)

SHARE THIS:

Senate Bill No. 1185

CHAPTER 124

An act to amend Sections 66452.6 and 66463.5 of, to add Section 66452.21 to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 2008. Filed with Secretary of State July 15, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by, the city, county, or city and county in which the land is situated a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2011. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.

This bill instead would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.
Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66452.6 of the Government Code is amended to read:

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. However, if the subdivider is required to expend one hundred seventy-eight thousand dollars ($178,000) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way which abut the boundary of the property to be subdivided and which are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2005, and each calendar year thereafter, the amount of one hundred seventy-eight thousand dollars ($178,000) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency which approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies which regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action prior to expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency which owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency which owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency which owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

SEC. 2. Section 66452.11 of the Government Code, as added by Section 6 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.14 (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of

:

(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner's intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on _____. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

_____

_____ **(signature of owner or owner's agent)**

_____

_____ **(date)"**

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

SEC. 3. Section 66452.12 of the Government Code, as added by Section 7 of Chapter 612 of the Statutes of 2007, is amended and renumbered to read:

66452.15 (a) Pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice within five days after receipt of the subdivision public report to each tenant of his or her exclusive right for at least 90 days after issuance of the subdivision public report to contract for the purchase of his or her respective unit in the form outlined in subdivision (b).

(b) The notice shall be as follows:

"To the occupant(s) of

:

(address)

The owner(s) of this building, at (address), have received the final subdivision report on the proposed conversion of this building to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

_____

_____ **(signature of owner or owner's agent)**

_____

_____ **(date)"**

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

SEC. 4. Section 66452.21 is added to the Government Code, to read:

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval

has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (e) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

SEC. 5. Section 66463.5 of the Government Code is amended to read:

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(d) (1) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(e) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (c), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a parcel map.

(g) Notwithstanding subdivisions (a), (b), and (c), for the purposes of Chapter 4.5 (commencing with Section 66498.1), subdivisions (b), (c), and (d) of Section 66498.5 shall apply to vesting tentative maps prepared in connection with a parcel map except that, for purposes of this section, the time periods specified in subdivisions (b), (c), and (d) of Section 66498.5 shall be determined from the recordation of the parcel map instead of the final map.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and a city and county to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take immediate effect.

AB-333 Land use: subdivision maps: expiration dates. (2009-2010)

SHARE THIS:

Assembly Bill No. 333

CHAPTER 18

An act to amend Section 65961 of, and to add Section 66452.22 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 2009. Filed with Secretary of State July 15, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 333, Fuentes. Land use: subdivision maps: expiration dates.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on January 1, 2011. This extension is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 24 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions and that will expire, as specified, before January 1, 2012. By adding to the procedures that officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65961 of the Government Code is amended to read:

65961. Notwithstanding any other provision of law, except as provided in Section 66452.22, relating to the extension of the expiration date for subdivisions subject to that section, upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five-year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

SEC. 2. Section 66452.22 is added to the Government Code, to read:

66452.22. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2012, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Sections 66452.13 and 66452.21.

(d) (1) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2012, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) Section 65961 applies to a tentative subdivision map or parcel map that relies on the 24-month extension pursuant to this section, except for both of the following:

(1) The five-year period described in Section 65961 shall be three years.

(2) Section 65961 does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee upon the issuance of a building permit or after the issuance, including, but not limited to, a fee as defined in Section 66000.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

AB-208 Land use: subdivision maps: expiration dates. (2011-2012)

SHARE THIS:

Assembly Bill No. 208

CHAPTER 88

An act to amend Section 65961 of, and to add Section 66452.23 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 2011. Filed with Secretary of State July 15, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 208, Fuentes. Land use: subdivision maps: expiration dates.

(1) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified.

This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that has not expired as of the effective date of this act and will expire prior to January 1, 2014. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(2) The Permit Streamlining Act prohibits a local agency, after its approval of a tentative map for a subdivision of single- or multiple-family residential units, from requiring conformance with, or the performance of, any conditions that the local agency could have lawfully imposed as a condition to the previously approved tentative or parcel map, as a condition to the issuance of any building permit or equivalent permit upon approval of that subdivision, during a 5-year period following the recordation of the final map or parcel map for that subdivision. The act also prohibits a local agency from refusing to issue a building permit or equivalent permit for a subdivider's failure to conform with or perform those conditions. However, the act also provides that this 5-year period is a 3-year period for a tentative map extended pursuant to a specified provision of law, and the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units.

This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.
Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65961 of the Government Code is amended to read:

65961. Notwithstanding any other provision of law, except as provided in subdivisions (e) and (f), upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five-year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

(e) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22 or 66452.23, the five-year period described in this section shall be three years.

(f) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22 or 66452.23, this section does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee, including an adopted fee that is not included within an applicable zoning ordinance, upon the issuance of a building permit, including, but not limited to, a fee defined in Section 66000.

SEC. 2. Section 66452.23 is added to the Government Code, to read:

66452.23. (a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, has been approved that has not expired on or before the date that the act that added this section became effective, and that will expire before January 1, 2014, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on or before the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, and 66452.22.

(d) (1) For purposes of this section, the determination of whether a tentative map or parcel map expires before January 1, 2014, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the effective date of the act that added this section, and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the effective date of the act that added this section.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

AB-116 Land use: subdivision maps: expiration dates. (2013-2014)

SHARE THIS:

Assembly Bill No. 116

CHAPTER 62

An act to amend Section 65961 of, and to add Section 66452.24 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 11, 2013. Filed with Secretary of State July 11, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 116, Bocanegra. Land use: subdivision maps: expiration dates.

(1) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified.

This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that was approved on or after January 1, 2000. The bill would additionally require the extension of an approved or conditionally approved tentative map or vesting tentative map, or parcel map for which a tentative map or vesting tentative map was approved on or before December 31, 1999, upon application by the subdivider at least 90 days prior to the expiration of the map, as specified. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(2) The Permit Streamlining Act prohibits a local agency, after its approval of a tentative map for a subdivision of single- or multiple-family residential units, from requiring conformance with, or the performance of, any conditions that the local agency could have lawfully imposed as a condition to the previously approved tentative or parcel map, as a condition to the issuance of any building permit or equivalent permit upon approval of that subdivision, during a 5-year period following the recordation of the final map or parcel map for that subdivision. The act also prohibits a local agency from refusing to issue a building permit or equivalent permit for a subdivider's failure to conform with or perform those conditions. However, the act also provides that this 5-year period is a 3-year period for a tentative map extended pursuant to a specified provision of law, and the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units.

This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, as specified, or

imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.
Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65961 of the Government Code is amended to read:

65961. Notwithstanding any other provision of law, except as provided in subdivisions (e) and (f), upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five-year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

(e) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, or 66452.24, the five-year period described in this section shall be three years.

(f) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, or 66452.24, this section does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee in the amount in effect upon the issuance of a building permit, including an adopted fee that is not included within an applicable zoning ordinance, upon the issuance of a building permit, including, but not limited to, a fee defined in Section 66000.

SEC. 2. Section 66452.24 is added to the Government Code, to read:

66452.24. (a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2000, and

that has not expired on or before the effective date of the act that added this section, shall be extended by 24 months.

(b) Upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 1999, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(c) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, or 66463.5.

(d) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, and 66452.23.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

AB-1303 Subdivision Map Act: map expiration dates. (2015-2016)

SHARE THIS:

Assembly Bill No. 1303

CHAPTER 751

An act to amend Section 65961 of, and to add Section 66452.25 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1303, Gray. Subdivision Map Act: map expiration dates.

(1) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified.

This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map that was approved on or after January 1, 2002, and not later than July 11, 2013, within a county that meets certain criteria, except as specified. The bill would additionally require the extension of an approved or conditionally approved tentative map or vesting tentative map, or parcel map for which a tentative map or vesting tentative map was approved on or before December 31, 2001, upon application by the subdivider at least 90 days prior to the expiration of the map, as specified. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(2) The Permit Streamlining Act prohibits a local agency, after its approval of a tentative map for a subdivision of single- or multiple-family residential units, from requiring conformance with, or the performance of, any conditions that the local agency could have lawfully imposed as a condition to the previously approved tentative or parcel map, as a condition to the issuance of any building permit or equivalent permit upon approval of that subdivision, during a 5-year period following the recordation of the final map or parcel map for that subdivision. The act also prohibits a local agency from refusing to issue a building permit or equivalent permit for a subdivider's failure to conform with or perform those conditions. However, the act also provides that this 5-year period is a 3-year period for a tentative map extended pursuant to a specified provision of law, and the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units.

This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, as specified, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.
Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65961 of the Government Code is amended to read:

65961. Notwithstanding any other provision of law, except as provided in subdivisions (e) and (f), upon approval or conditional approval of a tentative map for a subdivision of single- or multiple-family residential units, or upon recordation of a parcel map for such a subdivision for which no tentative map was required, during the five-year period following recordation of the final map or parcel map for the subdivision, a city, county, or city and county shall not require as a condition to the issuance of any building permit or equivalent permit for such single- or multiple-family residential units, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map. Nor shall a city, county, or city and county withhold or refuse to issue a building permit or equivalent permit for failure to conform with or perform any conditions that the city, county, or city and county could have lawfully imposed as a condition to the previously approved tentative or parcel map. However, the provisions of this section shall not prohibit a city, county, or city and county from doing any of the following:

(a) Imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary to impose the condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, "a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map," as used in this section, refers to conditions the county could have imposed had there been no incorporation.

(e) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, 66452.24, or 66452.25, the five-year period described in this section shall be three years.

(f) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, 66452.24, or 66452.25, this section does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee in the amount in effect upon the issuance of a building permit, including an adopted fee that is not included within an applicable zoning ordinance, upon the issuance of a building permit, including, but not limited to, a fee defined in Section 66000.

SEC. 2. Section 66452.25 is added to the Government Code, to read:

66452.25. (a) If the map was approved within a county described in subdivision (c), the expiration date of a tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2002, and not later than July 11, 2013, and that has not expired on or before the effective date of the act that added this section, shall be extended by 24 months.

(b) If the map was approved or conditionally approved within a county described in subdivision (c), upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 2001, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(c) This section shall apply within a county when the following conditions within the county are met:

(1) The annual mean household income within the county is less than 80 percent of the statewide annual mean income, as determined by the most recent annual report of the federal American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014) published by the United States Census Bureau.

(2) The annual nonseasonal unemployment rate is at least 2.75 percent higher than the statewide annual nonseasonal unemployment rate, as defined by the report on Labor Market Review published by the Employment Development Department in January of the year in which the community revitalization plan is prepared.

(3) The population for whom poverty status is determined is at least 4 percent higher than the statewide median poverty rate, as determined by the most recent annual report of the American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014).

(d) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, 66452.24, or 66463.5.

(e) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, 66452.23, and 66452.24.

(f) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

AB-1561 Planning and zoning: housing element and entitlement extensions. (2019-2020)

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Assembly Bill No. 1561

CHAPTER 195

An act to amend Section 65583 of, and to add Section 65914.5 to, the Government Code, relating to land use.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, Cristina Garcia. Planning and zoning: housing element and entitlement extensions.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use and development within its boundaries that includes, among other things, a housing element. The housing element is required to include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, as provided.

This bill would additionally authorize an analysis, at the department's discretion, of those constraints upon housing for persons with a characteristic identified by a specified provision of the Unruh Civil Rights Act. By increasing the duties of local officials, this bill would impose a state-mandated local program.

Existing law requires a lead agency to consult with a California Native American tribe prior to releasing a negative declaration, mitigated negative declaration, or environmental impact report for a project where the California Native American tribe is traditionally and culturally affiliated with the geographic area and the tribe responds in writing within 30 days.

This bill would extend the California Native American tribe's time for response by an additional 30 days for any housing development project application completed between March 4, 2020, and December 31, 2021.

Existing law, the Permit Streamlining Act, among other things, requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods.

This bill would extend by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that will expire before December 31, 2021, except as specified. The bill would also provide that if the state or a local agency extends, on or after March 4, 2020, but before the effective date of the bill, the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months and pursuant to the same conditions provided by this bill, that housing entitlement shall not be extended an additional 18 months pursuant to this bill. This bill clarifies that nothing in these provisions is intended to preclude a local government from exercising its existing authority to provide an extension to an entitlement. By adding to the duties of local officials with respect to housing entitlements, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

This bill would incorporate additional changes to Section 65583 of the Government Code proposed by SB 1138 to be operative only if this bill and SB 1138 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.
Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares as follows:

(a) According to the Department of Housing and Community Development in its report entitled, "California's Housing Future: Challenges and Opportunities: Final Statewide Housing Assessment 2025" (February 2018), homeownership rates for Black or African Americans are 35 percent, for Latino or Hispanic, 43 percent, and for American Indian or Alaskan Native, 45 percent.

(b) This report also found that among renters paying more than 30 percent of their income toward rent, 59 percent are Black or African American, 57 percent are Hispanic, and 51 percent are Pacific Islander, American Indian, or Alaskan Native.

SEC. 2. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency

shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction’s need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate

the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a

low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph

(9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American Tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section 51 of the Civil Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

SEC. 2.5. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of one or more zones or zoning designations that allow residential use, including mixed-use areas, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. If a zoning district or designation is not possible or feasible where residential use is a

permitted use, a local government may, instead, designate zones for emergency shelters in a nonresidential zone if the local government demonstrates that the zone is connected to amenities services that serve people experiencing homelessness. "Connected to amenities and services" includes, but is not limited to, offering free transportation to services or offering services on site. Shelters shall include other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards that apply to emergency shelters are objective and encourage and facilitate the development of, or conversion to, emergency shelters.

(B) Emergency shelters shall only be subject to the following written, objective standards:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(C) If a local government has adopted written, objective standards pursuant to subparagraph (B), the local government shall include an analysis of the standards in the analysis of constraints pursuant to paragraph (5).

(D) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(E) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(F) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(G) A zone or zones where emergency shelters are allowed, as described in subparagraph (A), shall include sites that meet at least one of the following standards:

(i) Vacant sites zoned for residential use.

(ii) Vacant sites zoned for nonresidential use that allow residential development. Vacant sites in a nonresidential zoning designation may be included if the local government can demonstrate how the zone is connected to amenities and services that serve people experiencing homelessness.

(iii) A nonvacant site, provided that a description is provided regarding the current use of each property at the time it is identified and an analysis is provided indicating how the site is adequate and available for use as a shelter in the current planning period, while meeting all of the state and local health, safety, habitability, and building requirements necessary for any other residential development. If a nonvacant site is identified, the analysis required by this clause shall indicate the current existing use of the site and what factors indicate that the existing use will be terminated during the planning period.

(H) The number of people experiencing homelessness that can be accommodated on each identified site shall be demonstrated by calculating a minimum of 200 square feet per person. This standard is intended only for calculating site capacity pursuant to this section.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality’s share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, and the percentage of those in emergency shelters that move to permanent housing solutions. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. “Assisted housing developments,” for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. “Assisted housing developments” shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality’s low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element that the department has found to be in substantial compliance with state law within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than one year from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the

program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

(8) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(9) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(10) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or

negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect before August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction’s emergency shelter need.

(B) The jurisdiction’s contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(i) Notwithstanding any other law, the otherwise applicable timeframe set forth in paragraph (2) of subdivision (b) and subdivision (d) of Section 21080.3.1 of the Public Resources Code, and paragraph (3) of subdivision (d) of Section 21082.3 of the Public Resources Code, for a Native American Tribe to respond to a lead agency and request consultation in writing is extended by 30 days for any housing development project application determined or deemed to be complete on or after March 4, 2020, and prior to December 31, 2021.

(j) On or after January 1, 2024, at the discretion of the department, the analysis of government constraints pursuant to paragraph (5) of subdivision (a) may include an analysis of constraints upon the maintenance, improvement, or development of housing for persons with a characteristic identified in subdivision (b) of Section 51 of the Civil Code. The implementation of this subdivision is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose.

SEC. 3. Section 65914.5 is added to the Government Code, to read:

65914.5. (a) The Legislature finds and declares each of the following:

(1) On January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern, and, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency.

(2) On March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.

(3) According to the United States Bureau of Labor Statistics, the United States economy, as measured by gross domestic product, contracted by 4.8 percent in the first quarter of 2020.

(4) In July of 2020, California's unemployment rate tripled, the largest increase since 1976.

(5) It is estimated that California lost 2,000,000 jobs by March 27, 2020.

(6) In July of 2020, 3,100,000 Californians filed for unemployment benefits, and California became the first state in the nation to borrow money from the federal government to continue paying out rising claims for unemployment benefits.

(7) The Governor has labeled California's economic crisis a "pandemic-induced recession."

(8) Even before the pandemic-induced recession, California was in the midst of a housing affordability crisis caused fundamentally by a consistent failure to supply enough new housing for Californians of all income levels.

(9) According to the League of California Cities, over 90 percent of cities in this state report they are considering cutting or furloughing city staff or decreasing public services, and 72 percent of cities report they may take both actions. In addition, over 70 percent of cities, and 90 percent of the largest cities, report that they expect a significant impact to "core" planning and housing services.

(10) The pandemic-induced recession, combined with mandatory social distancing, stringent construction protocols, and anticipated reductions in the capacity of local governments to deliver services to the housing industry, will drastically impact all segments of a complex ecosystem that delivers the essential housing California so desperately needs to combat the ongoing housing crisis.

(11) To facilitate and expedite the return of this vital industry, it is necessary to relieve any additional pressure on housing development as a result of the lapse in planning, finance, and construction due to the pandemic-induced recession. An essential component of ensuring the survival of the housing industry is proactively extending the life of the myriad state and local approvals, permits, and other entitlements required to develop and construct housing in California.

(12) A uniform statewide entitlement extension measure is necessary to avoid the significant statewide cost and allocation of local government staff resources associated with addressing individual permit extensions on a case-by-case basis.

(b) Except as provided in subdivision (c), notwithstanding any law, including any inconsistent provision of a local agency's general plan, ordinances, or regulations, the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement that is within the scope of the timeframes specified in paragraphs (1) and (2) is extended by 18 months. For the purposes of this section, housing entitlements that are extended are entitlements where both of the following apply:

(1) It was issued prior to and was in effect on March 4, 2020; and

(2) It will expire prior to December 31, 2021.

The otherwise applicable time for the utilization of a housing entitlement provided by this section includes any requirement to request the issuance of a building permit within a specified period of time.

(c) If the state or a local agency extends, on or after March 4, 2020, but before the effective date of the act adding this section, the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months and pursuant to the same conditions provided in subdivision (b), that housing entitlement shall not be extended for an additional 18 months by operation of subdivision (b).

(d) For purposes of this section, the following terms have the following meanings:

(1) "Housing entitlement" means:

(A) A legislative, adjudicative, administrative, or any other kind of approval, permit, or other entitlement necessary for, or pertaining to, a housing development project issued by a state agency.

(B) An approval, permit, or other entitlement issued by a local agency for a housing development project that is subject to Chapter 4.5 (commencing with Section 65920).

(C) A ministerial approval, permit, or entitlement by a local agency required as a prerequisite to issuance of a building permit for a housing development project.

(D) A requirement to submit an application for a building permit within a specified period of time after the effective date of a housing entitlement described in subparagraph (B) or (C).

(E) A vested right associated with an approval, permit, or other entitlement described in subparagraphs (A) to (D), inclusive.

(2) For the purposes of this section, a housing entitlement does not include any of the following:

(A) A development agreement issued pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4.

(B) An approved or conditionally approved tentative map that is extended for a minimum of 18 months pursuant to Section 66452.6 on or after March 4, 2020.

(C) A preliminary application as defined in Section 65941.1.

(D) An application for development approved pursuant to Section 65913.4 and any subsequent permit as described in paragraph (2) of subdivision (f) of Section 65913.4.

(3) "Housing development project" means any of the following:

(A) A tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, has been approved.

(B) A residential development.

(C) A mixed-use development in which at least two-thirds of the square footage of the development is designated for residential use. Both of the following apply for the purposes of calculating the square footage usage of a development for purposes of this subparagraph:

(i) The square footage of a development shall include any additional density, floor area, and units, and any other concession, incentive, or waiver of development standards pursuant to Section 65915.

(ii) The square footage of a development shall not include any underground space, including, but not limited to, a basement or underground parking garage.

(4) "Local agency" means a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state.

(e) The extension granted pursuant to subdivision (b) shall be tolled during any time that the housing entitlement is the subject of a legal challenge.

(f) Nothing in this section is intended to preclude a local government from exercising its existing authority to provide an extension to an entitlement identified in this section.

(g) The Legislature finds and declares that for reasons described in subdivision (a), this section addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.

SEC. 4. Section 2.5 of this bill incorporates amendments to Section 65583 of the Government Code proposed by both this bill and Senate Bill 1138. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 65583 of the

Government Code, and (3) this bill is enacted after Senate Bill 1138, in which case Section 2 of this bill shall not become operative.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Title 16
SUBDIVISIONS*

Chapters:

16.04 **General Provisions**
16.08 **Definitions**
16.12 **General Requirements**
16.16 **Tentative Maps**
16.20 **Final Tract Maps**
16.22 **Final Parcel Map**
16.24 **Vesting Tentative Maps**
16.28 **Design Standards**
16.32 **Improvements**
16.36 **Optional Design and Improvement Standards**
16.38 **Merger of Parcels**
16.40 **Dedications**
16.41 **Reservations**
16.44 **Soil and Grading Reports**
16.48 **Reversion to Acreage**
16.52 **Appeals**

* Prior history: Prior code Chs. 16.04, 16.08, 16.12, 16.16, 16.20, 16.24, 16.28, 16.32, 16.36, 16.40, 16.44, 16.48, 16.52, 16.56, 16.60, 16.64, 16.68 and Ords. 2611, 2732, 2733, 2788, 2827, 2890, 2908, 2938, 2954, 3008, 3010, 3058, 3062, 3092, 3108, 3138, 3139, 3153, 3175, 3178, 3216, 3238, 3349, 3354, 3374, 3418, and 3494.

Chapter 16.04
GENERAL PROVISIONS

Sections:

16.04.010 **Title.**
16.04.020 **Purpose.**

16.04.010 Title.

This title shall be known as the subdivision ordinance of the city. (Ord. 3515 § 1, 1993)

16.04.020 Purpose.

This title is adopted to supplement and implement the Subdivision Map Act of the state; to set forth rules and regulations for the subdivision of real property. (Ord. 3515 § 1, 1993)

Chapter 16.08
DEFINITIONS

Sections:

16.08.010 Generally.
16.08.020 Advisory agency.
16.08.030 Certificate of compliance.
16.08.050 Design.
16.08.060 Final tract map.
16.08.070 Improvements.
16.08.080 Map Act.
16.08.090 Original parcel.
16.08.100 Parcel created.
16.08.110 Final parcel map.
16.08.120 Record of survey map.
16.08.130 Subdivider.
16.08.140 Subdivision.
16.08.150 Tentative map.
16.08.155 Timely filing of a final tract map or final parcel map.
16.08.160 Vesting tentative map.

16.08.010 Generally.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the words set out in this chapter shall have the meanings respectively ascribed to them. (Ord. 3515 § 1, 1993)

16.08.020 Advisory agency.

The city engineer, or designated representative, shall constitute the advisory agency for any parcel map waiver pursuant to Section 16.12.030, except for any subdivision which requires a public hearing, any lot line adjustment, any certificate of compliance, and any waiver of signatures pursuant to Section 66436 of the Map Act. The planning

commission shall constitute the advisory agency for all proposed subdivisions, including those which require a public hearing. (Ord. 3748 § 2, 1997; Ord. 3515 § 1, 1993)

16.08.030 Certificate of compliance.

Certificate of compliance means the certificate of compliance described in Section 66499.35 of the Map Act and Section 16.12.035 of this code. (Ord. 3748 § 3, 1997; Ord. 3515 § 1, 1993)

16.08.050 Design.

Design means:

A. Street alignments, grades and widths;

B. Drainage and sanitary facilities and utilities, including alignments and grades thereof;

C. Location and size of all required easements and rights-of-way;

D. Fire roads and firebreaks;

E. Lot size and configuration;

F. Traffic access;

G. Grading;

H. Land to be dedicated for park or recreational purposes; and

I. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of Title 7 of the Government Code. (Ord. 3515 § 1, 1993)

16.08.060 Final tract map.

Final tract map means the final subdivision map required for all subdivisions creating five or more parcels, five or more condominiums or a community apartment project containing five or more parcels except where subsections A., B., C., D., or E. of Section 16.12.010 of this title apply. (Ord. 3515 § 1, 1993)

16.08.070 Improvements.

Improvements refer to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the map. It also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by city or by a combination thereof is necessary or convenient to insure conformity to or implementation of the general plan or any specific plan. (Ord. 3515 § 1, 1993)

16.08.080 Map Act.

Map Act means the Subdivision Map Act of the state, being Division 2 of Title 7 (commencing with Section 66410) of the Government Code. (Ord. 3515 § 1, 1993)

16.08.090 Original parcel.

Original parcel means a subdivision of land for which a parcel map is required, exclusive of any contiguous whole parcel or lot established by a subdivision, record of survey map or parcel map which was lawfully made, approved and recorded. (Ord. 3515 § 1, 1993)

16.08.100 Parcel created.

Parcel created means and includes any parcel or lot which is created by the subdivision of an original parcel, including the remainder of the original parcel. (Ord. 3515 § 1, 1993)

16.08.110 Final parcel map.

Final parcel map means the final parcel map required for all subdivisions creating five or more parcels which are excepted from final tract map requirements by Section 16.12.010(A), (B), (C), (D) or (E) and which are required for all divisions of land into four or fewer parcels. (Ord. 3515 § 1, 1993)

16.08.120 Record of survey map.

Record of survey map means the documents prepared by a licensed land surveyor or registered civil engineer as provided in Article 5, Chapter 15 of Division 3 (commencing with Section 8760) of the Business and Professions Code. (Ord. 3515 § 1, 1993)

16.08.130 Subdivider.

Subdivider means a person who proposes to divide, divides or causes to be divided real property into a subdivision for him or herself or for others. (Ord. 3515 § 1, 1993)

16.08.140 Subdivision.

Subdivision means the division by any subdivider of any unit or units or improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. Subdivision includes a condominium project, as defined in Section 1350 of the Civil Code, a community apartment project, as defined in Section 11004 of the Business and Professions Code, and the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels. As used in this section, agricultural purposes means the cultivation of food or fiber or the grazing or pasturing of livestock. (Ord. 3515 § 1, 1993)

16.08.150 Tentative map.

Tentative map means any tentative map (tract or parcel) required or permitted by this title to be filed for a proposed subdivision. When the term tentative parcel map is used in this title, it shall refer to the tentative map required for a division of land falling within Section 16.12.010(A), (B), (C), (D) or (E) and for divisions of land into four or fewer parcels; when the term tentative tract map is used, it shall refer to the tentative map required for a division of land creating five or more parcels except in cases provided for in Section 16.12.010(A), (B), (C), (D) or (E). (Ord. 3515 § 1, 1993)

16.08.155 Timely filing of a final tract map or final parcel map.

Timely filing of a final tract map or final parcel map is made upon the submittal of all items listed on the city engineer's most current checklist for final tract map recordation. Submittal of all items to the city shall occur prior to the expiration date of the approved or conditionally approved tentative map. (Ord. 4560 § 1, 2009)

16.08.160 Vesting tentative map.

A vesting tentative map shall mean a tentative map for any subdivision that shall have printed conspicuously on its face the words Vesting Tentative Map at the time it is filed in accordance with Section 16.24.060, and is thereafter processed in accordance with the provisions hereof. (Ord. 3515 § 1, 1993)

Chapter 16.12
GENERAL REQUIREMENTS

Sections:

I. Generally

16.12.010 Tentative and final tract maps required—Exception.
16.12.020 Tentative and final parcel maps required.
16.12.030 Waiver of requirement of parcel map and lot line adjustments.
16.12.035 Certificate of compliance.
16.12.040 Advisory agency and staff responsibility.
16.12.050 Limitation as to minor land division.
16.12.060 Exceptions to filing requirements.
16.12.070 Fees.
16.12.075 Approval of maps conditioned on indemnification of city.

II. Enforcement

16.12.080 Limitations on issuance of permits.
16.12.090 Filing of map prerequisite to certain transactions.
16.12.110 Voidability of certain transactions.
16.12.120 Remedies not barred.

I. Generally

16.12.010 Tentative and final tract maps required—Exception.

Tentative and final tract maps shall be required for all subdivisions creating five or more parcels or lots, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except in the following cases:

A. The land before division contains fewer than five acres; each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required;

B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access improved to city standards to a maintained public street or highway;

C. The land consists of a parcel or parcels of land having approved access improved to city standards to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the city as to street alignments and widths;

D. Each parcel created by the division has a gross area of forty acres or more or is not less than a quarter of a quarter section;

E. When at least two-thirds of the owners of mobilehomes who are tenants in the mobilehome park sign a petition indicating their intent to purchase the mobile home park for purposes of converting it to tenant-owned, condominium ownership interest, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following exist:

1. There are design or improvement requirements necessitated by health or safety concerns.

2. Subsequent to recordation of the existing parcel or final map, there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.

3. The existing lot or lots were not created by a recorded parcel or final map.

4. The conversion would result in the creation of additional parcels.

The petition shall be in the form set forth in Section 66428.1(b) of the Map Act. After the waiver application is deemed complete pursuant to Section 16.12.030, the advisory agency shall approve or deny the application within sixty days. The applicant shall have the right to appeal that decision to the city council as set forth in Chapter 16.52.

F. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, which are created by short-term leases (terminable by either party on not more than thirty days' notice in writing).

G. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for right-of-way, unless a showing is made in individual cases, upon substantial evidence that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, an easement, or a license. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.020 Tentative and final parcel maps required.

Tentative and final parcel maps shall be required in the following cases:

A. All those subdivisions described in Section 16.12.010(A) through (D);

B. Divisions of land into four or fewer parcels, which may be referred to as a minor land division. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.030 Waiver of requirement of parcel map and lot line adjustments.

A. *Waiver of Requirement.* In any case provided in Section 16.12.020, the requirement of a parcel map may be waived in accordance with the procedures set forth in this section. No tentative map shall be required in cases where a parcel map is waived.

B. *Application for Waiver of Parcel Map.* An application for waiver of the requirement of a parcel map shall be filed with the planning director upon such forms and accompanied by a plot plan and such information as may be prescribed or requested by the planning director.

C. *Application for Lot Line Adjustment.* An application for a lot line adjustment between four or fewer existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than previously existed is not thereby created, shall be filed with the planning director upon such forms and accompanied by a plot plan and such information as may be prescribed or requested by the planning director.

D. *Action by Advisory Agency.*

1. An application for waiver of the requirement of a parcel map or lot line adjustment shall be acted upon by the advisory agency within fifty days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, unless such time is extended by agreement with the applicant.

2. The advisory agency, or the city council on appeal, shall by written decision, and deposited in the U.S. mail, approve the application for waiver if the advisory agency finds that the proposed division of land complies with, such requirements as may have been established by the Subdivision Map Act or Title 16 of this

code, as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act, or this title and other ordinances which are applicable to the proposed division of land.

3. An application for a lot line adjustment may be approved, conditionally approved, or denied at the discretion of the city engineer or, on appeal, the city council. Conditions imposed on a lot line adjustment must relate to conformance to city zoning or building ordinances or facilitate the relocation of existing utilities, infrastructure or easements. An application for a lot line adjustment that is determined to be inconsistent with the zoning or building ordinances shall be denied.

E. *Approval, Issuance and Recording of a Certificate of Compliance.*

1. Approval of an application for waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act. When approval has been given to an application for waiver of the requirement of a parcel map, the city engineer shall issue a certificate of compliance, and shall cause said certificate of compliance to be filed for record with the recorder of the county.

2. When approval or conditional approval has been given to an application for a lot line adjustment, the city engineer, upon finding that the proposed division of land complies with the conditions of approval, if any, shall issue a certificate of compliance and shall cause said certificate of compliance and a deed, which reflects said lot line adjustment and provided by the applicant, to be filed concurrently for record with the recorder of the county. A record of survey shall also be recorded if required by Section 8762 of the Business and Professions Code.

F. No requirements of a parcel map shall be waived or lot line adjustment approved which would result in a lot which will be used for residential purposes with a net area of less than that described in Title 17 of this code or a width less than described in Section 16.28.170 of this code; unless the applicant first obtains a modification of lot width or area as per requirements under Chapter 17.64 of this code and the proposed modification will result in a substandard lot that is larger or wider than that which presently exists and no substandard lot of lesser size or width is created.

G. *Appeals.* Within ten days after mailing of the decision of the advisory agency, an applicant may appeal to the city council any conditional approval or denial of an application. Such appeal shall be governed by the procedures set forth in Chapter 16.52. The city council on appeal shall have full authority to act on the application, including all authority granted under this chapter to the advisory agency.

H. The certificate of compliance shall be recorded within one year of the date of approval by the advisory agency, or city council. If said certificate of compliance is not recorded within said period, the application shall be deemed withdrawn by the applicant. (Ord. 4842 § 1, 2016; Ord. 4704 § 1, 2012; Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.035 Certificate of compliance.

Any person requesting a certificate of compliance or conditional certificate of compliance pursuant to Section 66499.35 of the Map Act shall submit a written request to the city engineer. Such request shall be in the form the city engineer determines is necessary to issue a certificate of compliance or conditional certificate of compliance. Required information may include, but not be limited to, title reports, plot plans and deeds. The city engineer shall issue a certificate of compliance or conditional certificate of compliance within fifty days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. (Ord. 3748 § 4, 1997)

16.12.040 Advisory agency and staff responsibility.

A. The advisory agency shall make investigations and reports on the design and improvement of any proposed division of real property for which tentative maps are required to be filed, and shall have the authority to impose requirements and conditions upon such divisions of land, and to approve, conditionally approve or disapprove such maps and division of land.

B. The planning director and city engineer shall advise and assist in making investigations and reports on all tentative maps. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.050 Limitation as to minor land division.

Whenever the advisory agency requires improvements pursuant to this title for a division of land into four or fewer parcels, such advisory agency's authority is limited to requiring dedication of rights-of-way, easements, and the construction of reasonable off-site and on-site improvements for the parcels being created. For lot line adjustments, parcel map waivers, mergers or certificates of compliance not requiring a public hearing, all such requirements shall be pursuant to those ordinances, policies and standards in effect on the date the local agency has determined that the application is complete. (Ord. 4705 § 1, 2012; Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.060 Exceptions to filing requirements.

This title shall be inapplicable to those transactions and procedures exempted from the Subdivision Map Act by Article 1 thereof, provided that a lot line adjustment be reflected in a deed, and that a record of survey need to be performed only if required by Section 8762 of the California Business and Professions Code. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.070 Fees.

A. Fees for filing, checking and processing of any map or any other papers, maps, diagrams, or documents required under this title, fees for preparation and filing of any certificate of compliance and fees for any appeal authorized under this chapter shall be in the amounts prescribed by ordinance or resolution of the city council.

B. Notwithstanding subsection A of this section, payment of maintenance district fees shall be made concurrently with recordation of the certificate of compliance, providing, however, that the developer record, as a requirement of processing the parcel map waiver, a covenant agreeing to not protest the formation (and/or merging) of any maintenance district and providing for payment of maintenance district fees prior to recordation of the certificate of compliance.

C. In establishing, increasing or imposing a fee, as defined in Section 66000 of the Government Code, the city council shall comply with Section 66000 et seq., of the Government Code. (Ord. 4004 § 3, 2001; Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.075 Approval of maps conditioned on indemnification of city.

As a condition of approval of any map in this title, including, but not limited to, a general plan amendment, tract map or parcel map, the city shall require that the applicant and/or property owner and/or subdivider indemnify, defend, and hold harmless the city of Bakersfield, its officers, agents, employees, departments, commissioners, and boards against any and all liability of any kind arising from the terms and provisions of the development entitlement application, including, without limitation, any California Environmental Quality Act (CEQA) approval or any related development approvals or conditions. Terms of this condition shall be subject to approval by the city attorney. (Ord. 4706 § 1, 2012; Ord. 4676 § 2, 2012)

II. Enforcement

16.12.080 Limitations on issuance of permits.

A. No permit shall be granted for the construction, installation or replacement of any building for sale, lease or financing on any lot or parcel, except for a model home, or to allow occupancy thereof, for which a final map or parcel map is required by this title, until such map thereof, in full compliance with the provisions of this title and the Map Act, has been filed for record by the county recorder.

B. Any permit issued contrary to the provisions of this section shall be void. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.090 Filing of map prerequisite to certain transactions.

It is unlawful to sell, lease or finance any lot or parcel of real property, except for leases of agricultural land for agricultural purposes, or commence construction of any building for sale, lease or financing thereon, except for a model home, or allow occupancy thereof, for which a final tract map or final parcel map is required by this title until such map, in full compliance with the provisions of this title and the Map Act, has been filed for record by the county recorder. Nothing contained herein shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease, financing or the commencement of construction is expressly conditioned upon the approval and filing for recordation of a final tract map or final parcel map. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.110 Voidability of certain transactions.

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of the Map Act or this title, is voidable to the extent and in the same manner provided in Section 66499.32 of the Map Act. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

16.12.120 Remedies not barred.

This title does not bar any legal, equitable or summary remedy to which the city or any aggrieved public agency or person may otherwise be entitled and the city or any aggrieved public agency or person may file a suit in the superior court to restrain or enjoin any attempted or proposed division of land or other act which is in violation of this title. (Ord. 3748 § 4, 1997; Ord. 3515 § 1, 1993)

Chapter 16.16
TENTATIVE MAPS

Sections:

16.16.010 Filing.
16.16.020 Form.
16.16.030 Information shown.
16.16.050 Transmittal of maps to public agencies and utilities.
16.16.060 Public hearing.
16.16.070 Findings by advisory agency.
16.16.080 Expiration of map approval—Extension.
16.16.090 California Environmental Quality Act (CEQA) documentation for map approval.
16.16.100 Map approval conditioned on compliance with grading and erosion control.

16.16.010 Filing.

A tentative map (tract or parcel) for which approval is sought for any subdivision shall be filed as follows:

A. Each subdivider shall file or cause to be filed such copies of the tentative map as may be required by the planning director with the planning director of the city of Bakersfield, California.

B. Every person submitting a tentative map shall pay a processing fee as set by city council resolution.

C. The copies of the tentative maps shall be accompanied by a letter of transmittal from the subdivider or authorized representative specifying all documents or papers being filed, including required information not shown on the map, and such other information and documentation as may be required by the planning director.

D. Every person submitting a tentative map shall also submit copies of a preliminary title report, or other similar document acceptable by, and as required by, the planning director, dated no more than sixty days prior to the subdivision application submittal date covering all easements, ownerships and title with respect to all lots or parcels of the subdivision, including mineral owners and lessees of record.

E. Every person submitting a tentative map shall also submit two sets of postage prepaid, unsealed envelopes addressed to all mineral owners and lessees of record appearing on the title report as shown in the state of California Department of Conservation, Geological Energy Management Division (herein referred to as CalGEM) records as operators who have not waived their right of surface entry underlying the subdivision. The applicant shall submit a copy of the letter from CalGEM or copy of records from the CalGEM website identifying the operator of record, if any, with the subdivision application. The letter or website records from CalGEM shall be dated no more than thirty days prior to the subdivision application submitted and shall list the name of operator of record and their addresses as shown in CalGEM's records or a written statement from CalGEM that there is no party of record with CalGEM relative to the site.

F. A request for waiver of signatures pursuant to Section 16.20.060 shall accompany a tentative map submittal. The request for waiver of signatures shall be in typed letter form addressed to the city of Bakersfield and shall describe the ordinance provisions under which the waiver of signatures is being requested and the nature and location of the project, including a tract or parcel map number and a clearly drawn location map of the project area.

G. Every person submitting a tentative parcel map who desires consideration of deferral and waiver of any improvements in accordance with Section 16.32.080 shall submit a written request which details what deferrals and waivers are requested for consideration with justification for each requested deferral and waiver.

H. Every person submitting a tentative map who desires modification of standards required in Chapter 16.28 of this code shall submit a written request for the modification. The request shall detail each substandard design feature, the applicable ordinance section, and justification for each request. A diagram showing typical setbacks and building envelopes may also be required.

I. Every person submitting an optional design subdivision shall also submit a letter of justification.

J. The subdivider shall specify in a statement the intent to file multiple final maps.

K. Every person submitting a tentative map and requesting private streets shall make a specific request for each deviation, with a citation to the pertinent ordinance or standard requirement from which a deviation is requested and submit cross sections of the private streets and other appropriate details shown on the tentative map for all the requested deviations.

L. Every person submitting a tentative map shall submit a completed indemnification agreement as allowed by Map Act Section 66474.9, in the form approved by the city attorney.

M. A tentative map submittal shall include a completed mitigation measures agreement form, if applicable.

N. Information set forth in Section 16.16.030 which may not practicably be shown on the map shall be contained in a statement accompanying the tentative map.

O. The applicant shall file a completed application for a tentative map, together with any required fees, preliminary title report, or other similar document acceptable by the planning director, and required data, information, and documentation. The determination of completeness shall be made by the planning director. (Ord. 5090 § 1, 2022; Ord. 4966 § 1, 2019; Ord. 4843 § 1, 2016; Ord. 4232 § 1, 2005; Ord. 4153 § 1, 2003; Ord. 4059 § 2, 2002; Ord. 4004 § 4, 2001; Ord. 3748 § 5, 1997; Ord. 3599 § 1, 1994; Ord. 3515 § 1, 1993)

16.16.020 Form.

The tentative map shall be prepared by or under the direction of a registered civil engineer authorized to perform land surveying or a licensed land surveyor and shall be in the following form:

A. The tentative map and all information thereon shall be clearly and legibly drawn, written, printed or reproduced, and may be rejected by the planning director if not so done.

B. The tentative map shall be submitted on sheets of paper or other acceptable mediums, such as vellum or mylar.

C. The tentative map shall contain a legible stamp and signature of the registered civil engineer or licensed land surveyor.

D. The size of each sheet shall be at least eighteen by twenty-six inches but not larger than twenty-four by thirty-six inches, unless another sheet size is approved by the planning director prior to submittal of the application.

E. The scale of the map shall be large enough, at least one inch equals one hundred feet, or another scale may be approved by the planning director if requested prior to submittal of the application. In all cases, the scale of the map shall be large enough to show clearly all details as required of this chapter.

F. The tentative map shall include enough sheets to show details at that scale of the map. The number of the sheet and the total number of sheets comprising the tentative map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

G. Each parcel or lot shall be numbered or otherwise designated.

H. The exterior boundary of the parcels or lots being created shall be indicated by shaded border. The map shall show the definite location of the parcels or lots and the map's relation to surrounding surveys. (Ord. 4146 § 1, 2003; Ord. 4004 § 5, 2001; Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.030 Information shown.

The tentative map shall show the following information:

A. The number of subdivision as secured from the county planning department and date of preparation;

B. Names and addresses for:

1. The record owner or owners,

2. The registered engineer or licensed land surveyor,

3. The subdivider;

C. Partial legal description (1/4 section, township/range);

D. Vicinity map;

E. Four inch by four inch clean area for stamps;

F. Sufficient description to define the location and boundaries of the proposed subdivision including the subdivision's relationship to existing, adjacent subdivisions, the subdivision's surroundings, and bearings and distances indicating the map boundaries. At the option of the applicant, electronic data may be submitted to provide the bearings and distances indicating the map boundaries;

G. The locations, names, widths and purposes of all existing and proposed streets, rights-of-way, pedestrian ways, easements, and appurtenant utilities on-site and within two hundred feet of the exterior subdivision boundaries. Approximate grades of existing and proposed streets or access easements;

H. Radius of each curve (in accordance with subdivision and engineering design manual);

I. Label private streets, and show cross section of all private streets;

J. Lot or parcel layout, dimensions, and area (square feet) of each lot or parcel; and the area (acreage) of the entire subdivision;

K. The total number of lots, total number of buildable lots, the net density of the subdivision (number of dwelling units per net acre); and the boundaries of the entire portion of land being subdivided. (The boundaries of the entire land subdivided may be shown on a separate sheet);

L. Boundaries of areas subject to inundation or stormwater of overflow and the location, width and direction of flow of all watercourses, drainage channels and existing drainage structures;

M. Existing topographic contours to one hundred feet past subdivision boundary (unless a lesser distance is approved by the city engineer) and proposed direction of drainage flows in streets;

N. A preliminary grading plan whenever a subdivision has:

1. Any excavation two feet or more in vertical depth and/or any cut slope five feet or more in vertical height,

2. Any embankment placed on natural grade greater than three feet in depth with slope steeper than five feet horizontal to one foot vertical. No such embankment shall obstruct a drainage course,

3. Any portion with an elevation differential of one and one-half feet or more from adjacent property;

O. All existing buildings, structures or uses, including trees, fences, utility towers, pole lines, pipelines and their purpose or function, existing oil wells and petroleum related operations and idle and abandoned wells accurately located on the property being divided together with their dimensions; the distance between buildings and structures, the number of stories of each building, and their locations in relation to existing or proposed streets and lot or parcel lines;

P. The distance of buildings or structures to the boundary lines of parcels on which located;

Q. Location of all obstructions within existing or proposed rights-of-way;

R. Proposed use or uses of the property including drilling islands for oil wells and/or production operations together with easements for pipelines and access. If land is to be reserved for future petroleum related uses, the applicant shall submit a plan depicting the ultimate use of the land if petroleum operations cease or are unneeded;

S. Proposed method of water supply, sewage disposal and other utility supply;

T. Present and proposed zone district(s), including acreage of each, and present general plan land use and circulation designations, and, if applicable, the specific plan name and designations;

U. Proposed public areas and facilities, if any;

V. Specific plan freeway alignment;

W. For any residential subdivision, the school district and schools serving the subdivision;

X. Show all dedications and irrevocable offers of dedication on the tentative map or to be made by separate instrument;

Y. Proposed secondary access to the proposed subdivision whenever the subdivision contains two hundred or more residential dwelling units, or if portions of the subdivision combined with adjacent existing or approved residential dwelling units total two hundred or more residential dwelling units, as determined by the city engineer. (Ord. 4815 § 1, 2015; Ord. 4004 § 6, 2001; Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.050 Transmittal of maps to public agencies and utilities.

A. When the tentative map is received and filed under the provisions of this title, the planning director shall, within three days thereafter, transmit the tentative map to each of the following:

1. City engineer;

2. Building department;

3. Police department;

4. Fire department;

5. Kern County planning director;

6. California Department of Transportation as required by Section 66455 of the Map Act;

7. California Water Service Company or other affected water provider;

8. Pacific Gas and Electric Company or other affected gas or electric utility;

9. Affected telephone or telegraph company;

10. Cable TV companies affected;

11. School districts as required by Section 66455.7 of the Map Act;

12. Golden Empire Transit;

13. Geologic Energy Management Division (CalGEM), of the Department of Conservation of the state of California;

14. Affected owners of irrigation ditches or canals, and any other public agency or public utility affected by the subdivision.

B. Such public agencies and public utilities shall review the tentative map and transmit any report or recommendations thereon to the planning director who shall incorporate them into his or her report and recommendations to the advisory agency.

C. The departments of the city to which the map is transmitted shall file with the planning director within ten days of receipt thereof its approval thereof or a report showing what changes are necessary to make such map conform to the requirements of this title and the Map Act coming within the jurisdiction of such department. (Ord. 5090 § 2, 2022; Ord. 4633 § 1, 2010; Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.060 Public hearing.

A. The planning director shall, not less than ten days before the date of the hearing, give notice of the date, time, place of hearing, location of the property and the nature of the request, including any request for waiver of signatures pursuant to Section 16.20.060(A), in the following manner:

1. By publishing once in a newspaper of general circulation in the city; and

2. By mailing a notice, postage prepaid, to the applicant; to the owner of the property to be subdivided or the owner's duly authorized agent; to the owners of interests in mineral or hydrocarbon substances where combined with right of entry; and to lessees of mineral or hydrocarbon substances, using for purposes of notifying owners, mineral owners and lessees the names and addresses as shown on the preliminary title report, or other similar document acceptable by the planning director, required by Section 16.16.010(D) and shown on information required by Section 16.16.010(E); to the owners of all property within three hundred feet of the exterior boundaries of the property involved, using for these purposes the names and addresses as shown on the last equalized county assessment roll; to each local agency (if not the city) expected to provide water, sewage, streets, roads, schools or other essential facilities to the project, whose ability to provide those facilities and services may be significantly affected; and any other person filing with the planning director a written request for notice; and

3. In addition, not less than twenty days but not more than sixty days prior to the hearing, the applicant shall post signs on the property indicating the date, time, and place of the hearing on the proposed tentative map.

a. One sign shall be posted for every three hundred feet of street frontage, or portion thereof, with a maximum of two signs per street frontage. If no portion of the property fronts an existing public street, at least one sign shall be posted on the property nearest the point of legal access from a public street or as otherwise directed by the planning director.

b. The size of the sign shall be eight feet wide by four feet high. Lettering style, formatting, mounting, and materials to be used shall be as set forth in the administrative policy manual approved by the development services director.

c. The applicant shall file with the planning department, on a form provided by the city, photograph(s) of the posted sign(s) and a declaration, signed under penalty of perjury, that the property has been posted according to the requirements of this section.

d. If the applicant fails to post the signs within the specified time, and if the photographs and declaration are not filed with the planning department within five days of the signs being posted, the public hearing may be postponed until the signs are posted and proof of posting has been submitted.

e. The applicant shall remove all signs posted pursuant to this section within ten days after the appeal period for the hearing has expired or ten days after final city council action on the tentative map, whichever is later. Should the applicant withdraw their application for a tentative map, all signs posted shall be removed within ten days of the withdrawing of the application.

f. Should the applicant fail to remove any sign within the specified time, the city may remove any such sign and the costs thereof shall be borne by the applicant.

B. After notice as provided in subsection A of this section, the advisory agency shall hold and conduct a public hearing.

C. Following the public hearing, the advisory agency shall either approve, conditionally approve or disapprove the tentative map and shall take such action within fifty days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, unless such time is extended by agreement with the subdivider. Where a subdivider has specified his intent to file multiple final maps at the time of filing a tentative tract map, the advisory agency shall consider and may impose reasonable conditions relating thereto.

D. After the public hearing and decision by the advisory agency, the planning director shall, within thirty days after the date of decision, return to the subdivider one copy of the map with the resolution setting forth the action of the advisory agency.

E. At the same time the advisory agency shall designate the improvements which will be required under the provisions of this title and the dedications and irrevocable offers of dedication and the form thereof, which will be required under the provisions of this title, and shall designate any other requirements lawfully authorized to be made.

F. If multiple tentative maps covering the same parcel of property are filed at the same time, the action of the advisory agency shall relate only to one such map. For purposes of this subsection, a lot line adjustment or parcel map waiver does not constitute a different tentative map.

G. The decision of the advisory agency shall be subject to appeal as provided in this title. (Ord. 4966 § 1, 2019; Ord. 4939 § 7, 2018; Ord. 4714 § 1, 2012; Ord. 4633 § 2, 2010; Ord. 4598 § 1, 2009; Ord. 4392 § 1, 2006; Ord. 4059 § 3, 2002; Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.070 Findings by advisory agency.

A. *Delegation.* The responsibility for determining satisfaction of the following requirements is assigned to the advisory agency pursuant to Section 66474.7 of the Map Act:

1. No map shall be approved unless the advisory agency finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the general plan as required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code, and makes the findings required by Sections 66412.3 and 66473.1 of the Map Act.

2. The advisory agency shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

a. That the proposed map is not consistent with applicable general and specific plans;

b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

c. That the site is not physically suitable for the type of development;

d. That the site is not physically suitable for proposed density of development;

e. Except as provided in Section 66474.01 of the Map Act, that the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the advisory agency may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to those previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the advisory agency to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

3. The advisory agency shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

B. *Compliance with Tentative Map.* The city council shall not deny approval of a final map pursuant to Section 66474 of the Map Act if the advisory agency (or city council on appeal) has previously approved a tentative map for the proposed subdivision, if the city council finds that the final map is in substantial compliance with the previously approved tentative map.

C. *Appeal.* Any interested person may appeal any decision of the advisory agency relative to the matters set forth in subsection A of this section to the city council, following the procedure set forth in Chapter 16.52. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5. (Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.080 Expiration of map approval—Extension.

A. An approved or conditionally approved tentative map shall expire thirty-six months after its approval or conditional approval; provided, however, that any tentative map approved or conditionally approved by Kern County for an area which is subsequently annexed into the city prior to recordation of a final map shall expire in accordance with the ordinance requirements of Kern County and the Subdivision Map Act.

B. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of six years. However, if an extension of time application is appealed in accordance with Chapter 16.52, an approved or conditionally approved tentative map shall not expire prior to a decision by the city council in accordance with Chapter 16.52.

C. The subdivider may request an extension of the tentative map approval or conditional approval by written application to the advisory agency. Such application shall be filed before the approval or conditional approval is due to expire, but shall not be filed any sooner than sixty days prior to expiration date of the tentative map. The application shall state the reasons for requesting the extension. Consent of the subdivider to new or revised conditions required by the advisory agency shall be a prerequisite to approval of any extension.

D. Failure to file a final tract map or a final parcel map with the city engineer within thirty-six months from the approval or conditional approval of the tentative map or within the specified time period on any extension thereof, shall terminate all proceedings. Before such final tract or final parcel map may thereafter be filed with the county recorder a new tentative map shall be submitted.

E. If the subdivider whose tract has been approved by the advisory agency for multiple, or phased, final maps is subject to a requirement of two hundred thirty-six thousand seven hundred ninety dollars or more, as adjusted pursuant to Section 66452.6(a)(2) of the Map Act, to construct or improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a final map authorized by Section 66456.1 of the Map Act shall extend the expiration of the approved or conditionally approved tentative map by thirty-six months from the date of its expiration as provided in this section, or the date of the previously approved final map, whichever is later. The extensions shall not extend the tentative map more than ten years from its approval or conditional approval.

Prior to the filing of the first final map, the subdivider shall make written notification to the city engineer of eligibility for such extension of time. Such notification shall include documentation as determined by the city engineer by which eligibility can be verified. Public improvements, as used in this subsection, include fees, traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

F. A tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.

G. After approval of the tentative map, if changes deemed substantial by the city engineer are proposed, a filing of a revised tentative map will be required.

1. The previously assigned tract number will be used with the word “Revised” added to the number. The procedure for filing a revised tentative map is the same as for the tentative map. A revised tentative map cannot be filed if the approval on the original map has expired. An approved revised tentative map supersedes the tentative map for which it was filed.

2. A revised tentative map will be required to include all the land subdivided under the originally assigned tract number, as approved by the advisory agency, except a phase or phases of the original tentative map which have recorded in accordance with this chapter shall be excluded from the revised tentative map.

3. A revised map cannot materially increase the area being subdivided under the original map.

4. With the approval of the city engineer and planning director, two adjacent tentative maps may be remapped through application for a revised map as one revised tentative map. The map number utilized on the revised map shall be subject to approval by the city.

5. The revised map process may be utilized to remap an area of a recorded parcel, which was originally established for recordation of the future phases of the underlying tentative map. (Ord. 4707 § 1, 2012; Ord. 4599 § 1, 2009; Ord. 4147 § 1, 2003; Ord. 4004 § 7, 2001; Ord. 3748 § 5, 1997; Ord. 3612 § 1, 1994; Ord. 3515 § 1, 1993)

16.16.090 California Environmental Quality Act (CEQA) documentation for map approval.

A. No tentative map shall be approved until the appropriate CEQA documentation is prepared, processed and considered in accordance with the provisions of the city’s CEQA resolution.

B. The subdivider shall provide such additional data and information, which may be required to appropriately evaluate environmental impacts, and deposit and pay such fees as may be required for the preparation and processing of any required documents. (Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

16.16.100 Map approval conditioned on compliance with grading and erosion control.

Every tentative map approved pursuant to this title shall be conditioned to comply with the requirements for grading and erosion control, including the prevention of sedimentation or damage to off-site property, set forth in Chapter 70 of the Building Code adopted by the city. (Ord. 4715 § 1, 2012; Ord. 3748 § 5, 1997; Ord. 3515 § 1, 1993)

Chapter 16.20
FINAL TRACT MAPS

Sections:

16.20.010 Preparation.
16.20.020 Filing.
16.20.030 Improvements completed or completion of agreement.
16.20.040 Form and contents.
16.20.050 Statements and acknowledgments.
16.20.060 Statement of parties having record title interest.
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16.20.130 Approval procedure—Subdivision guarantee.
16.20.140 Transmittal of maps.
16.20.150 Correction and amendment of final maps.
16.20.160 Multiple final maps.

16.20.010 Preparation.

The final tract map shall be prepared by or under the direction of a registered civil engineer authorized to perform land surveying or licensed land surveyor, shall be based upon a survey and shall conform to all provisions of this title. (Ord. 3515 § 1, 1993)

16.20.020 Filing.

A. A final tract map conforming to the approved or conditionally approved tentative map shall be filed with the city council by the city engineer for approval, after all required statements on such map have been signed and, where necessary, acknowledged. Filing of a final tract map with the city clerk shall constitute filing with the city council.

B. The city engineer shall complete and file the final map within twenty days from the time it is submitted to him by the subdivider for approval.

C. The city engineer shall determine if a final tract map has been filed in a timely manner consistent with Section 16.08.155 of this title. (Ord. 4560 § 2, 2009; Ord. 3515 § 1, 1993)

16.20.030 Improvements completed or completion of agreement.

A. If, at the time of approval of the final map by the city council, any public improvements required by the city pursuant to the provisions of this title have not been completed and accepted in accordance with standards established in this title applicable at the time of the approval or conditional approval of the tentative map, the city council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into an improvement agreement upon mutually agreeable terms to thereafter complete such improvements at the subdivider's expense.

B. The city shall require that performance of such agreement be guaranteed by the security specified in Chapter 16.32. (Ord. 3515 § 1, 1993)

16.20.040 Form and contents.

A. The final tract map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-based film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-based film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be indicated on the map in a commonly used one-inch-to-feet relationship, and shall include a bar scale and a north arrow and shall be large enough (not smaller than one inch equals one hundred feet unless otherwise approved by the city engineer) to show all details clearly. Enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

B. All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and

distances of straight lines, radii, arc length, central angle, and tangents for all curves and segments of curves, and such information as may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

C. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to existing, adjacent subdivisions, records of survey, legally divided parcels, and dedicated streets, and shall comply with the Land Surveyors Act (Section 8700et seq. of the Business and Professions Code).

D. Each phase or unit shall be numbered in consecutive order, beginning with the number "1." For each phase or unit, each buildable lot shall be numbered in consecutive order beginning with the number "1." Each nonbuildable lot shall be lettered in consecutive order beginning with the letter "A." Each street shall be labeled with the name approved by the planning director.

E. When a soils report, a geologic report, or soils and geologic reports have been prepared specifically for the subdivision, such fact shall be noted on the final map, together with the date of such report or reports, the name of the engineer making the soils report and geologist making the geologic report and the location where the reports are on file pursuant to Section 66434.5 of the Government Code. When no final soil report has been prepared prior to recordation of the final map, this fact shall also be noted on the final map.

F. The title of each final map shall consist of a tract number as secured from the appropriate county agency, conspicuously placed at the top of the sheet, followed by the words "Consisting of...sheets" (showing the number thereof), followed by the words "in the city of Bakersfield or partly in the city of Bakersfield and partly in unincorporated territory."

G. The name of the engineer or surveyor, his or her license number, and seal shall be shown on each sheet and the scale of the map and north arrow shall be shown on each sheet.

H. The total acreage being subdivided and the total number of lots being created shall be shown on the first map sheet.

I. The total area shall be shown for each lot.

J. If the final map is for a land project as defined in Section 11000.5 of the Business and Professions Code, a statement identifying it as such shall be included. (Ord. 4967 § 1, 2019; Ord. 4232 § 2, 2005; Ord. 3748 § 6, 1997; Ord. 3515 § 1, 1993)

16.20.050 Statements and acknowledgments.

Prior to filing, those statements and acknowledgments set forth in Sections 16.20.040 through 16.20.120 shall appear on the final tract map and may be combined where appropriate. (Ord. 3515 § 1, 1993)

16.20.060 Statement of parties having record title interest.

A statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final tract map is required, except as omitted pursuant to this section.

A. The signatures of each party owning a recorded interest in, or right to, minerals, including, but not limited to, oil, gas, or other hydrocarbon substances, not including lessees of such rights, shall be required unless his or her name and the nature of his or her respective interest are stated on the final map and the advisory agency determines, or on appeal the city council finds, at least one of the following applies:

1. The party's right of surface entry has been expressly waived by recorded document, including, but not limited to, quitclaim deed and/or reservation.

2. The party's interest is less than twenty percent of the mineral interest estate and the signature or express waiver of right of surface entry by recorded document including, but not limited to, quitclaim deeds and/or reservations of one or more parties having a combined interest of more than fifty percent of the mineral interest estate has been obtained. The subdivider shall comply with the notice requirements listed below:

a. At least thirty days prior to the date of hearing on the tentative map, the subdivider has given written notice by registered mail or, if impracticable as determined by the planning director, by publication once in a newspaper of general circulation;

b. Notice shall be given to each mineral owner and lessee and operator of record who has not waived his or her right of surface entry underlying the subdivision as set forth in the preliminary title report, or other similar document acceptable by the planning director, as required by Section 16.16.010(D) and as shown in CalGEM records as operator of record as of thirty days of the date of application of the tentative map;

c. Such notice shall include the nature and location of the project, including a tract or parcel map number and a clearly drawn location map of the project area, and the tentative date, time and place of the hearing;

d. A copy of the notice and proof of mailing shall be provided to the planning director within ten days of the mailing/publication date.

3. The subdivider intends to reserve a drill site or sites as defined in Section 15.66.080(C) on or within a practicable distance of the subdivision as determined by the advisory agency, and as to which the owner of the mineral interest has a right of access and use that is or has been reserved and is delineated and labeled as such on the approved tentative map for the subdivision or, if outside the boundaries of the subdivision, is specifically described on the approved tentative map; and is subject to the following notice requirements:

a. At least thirty days prior to the date of hearing on the tentative map, the subdivider has given written notice by registered mail or, if impracticable as determined by the planning director, by publication once in a newspaper of general circulation.

b. Notice shall be given to each mineral owner and lessee of record who has not waived his or her right of surface entry underlying the subdivision as set forth in the preliminary title report, or other similar document acceptable by the planning director, as required by Section 16.16.010(D) and as shown in CalGEM records as operator of record as of thirty days of the date of application of the tentative map.

c. Such notice shall include a statement of intent to reserve a drill site or sites as defined in Section 15.66.080(C) on or within a practicable distance of the subdivision map as determined by the advisory agency, and as to which the owner of the mineral interest has a right of access and use, is or has been reserved and is delineated and labeled as such on the approved tentative map for the subdivision or, if outside the boundaries of the subdivision, is specifically described on the approved tentative map. Said notice shall also include the nature and location of the project, including a tract or parcel map number and a clearly drawn location map of the project area, and the tentative hearing date, and time and place of the hearing.

d. A copy of the notice and proof of mailing shall be provided to the planning director within ten days of the mailing/publication date. The advisory agency may require the subdivider to install a wall or fence and landscaping around any or all reserved drill sites and that adequate provisions be made for maintenance thereof. Drilling within the reserved drill site shall be subject to compliance with all conditions and mitigation required under applicable regulations and processes.

e. Such drill site reservation(s) shall remain in effect for a period not less than ten years from approval of the tentative map. The commencement of drilling and/or extraction of minerals upon that site shall automatically extend the ten-year time period until operations on the drill site are properly abandoned to the satisfaction of the CalGEM. If no drilling and/or extraction of minerals occurs on the drill site within ten years and the surface fee owner has provided notice and documentation as required in subsection (A)(4) of this section, or upon the planning director receiving proof of well abandonment to the satisfaction of the CalGEM, the surface fee owner may apply for tentative map approval on a drill site(s) or, by written correspondence to the planning director, may request that the planning commission conduct a public hearing to consider the filing of an amending map to remove the drill site(s) reservation designation from the final map. Said request shall be processed as an amending map in accordance with Section 66472.1 of the Map Act. Such request shall include a preliminary title report, or other similar document acceptable by the planning director, covering all easements, ownerships and titles with respect to the drill site parcel(s), including mineral owners and lessees of record as set forth in the preliminary title report, or other similar document acceptable by the planning director, required by Section 16.16.010(D), and two sets of postage prepaid, unsealed envelopes addressed to all mineral owners and lessees of record appearing on the title report. Notice of public hearing shall be in accordance with Section 16.16.060.

4. The subdivider submits with the subdivision application competent, technical evidence that production of minerals from beneath the subdivision is improbable. The subdivider shall comply with the notice

requirements listed below. If the advisory agency determines to its satisfaction that production of minerals from beneath the subdivision is improbable, the advisory agency shall make such finding.

a. At least thirty days prior to the date of hearing on the tentative map, the subdivider has given written notice, by registered mail or, if impracticable as determined by the planning director, by publication once in a newspaper of general circulation.

b. Notice shall be given to each mineral owner and lessee and operator of record who has not waived his or her right of surface entry underlying the subdivision as set forth in the preliminary title report, or other similar document acceptable by the planning director, required by Section 16.16.010(D) and as shown in CalGEM records as operator of record as of thirty days of the date of application of the tentative map.

c. Such notice shall include a statement of intent to present at the hearing competent, technical evidence establishing to the satisfaction of the advisory agency that production of minerals from beneath the subdivision is improbable. The notice shall also include the nature and location of the project, including a tract or parcel map number and a clearly drawn location map of the project area, and the tentative date, time and place of the hearing.

d. A copy of the notice and proof of mailing shall be provided to the planning director within ten days of the mailing/publication date.

B. The provisions of subsection A of this section shall be applicable to any final subdivision map unless each lot or parcel created has a gross area of twenty acres or more. In addition, the provisions of subsection A of this section shall not apply where the initial gross area of the final subdivision map is less than five acres in a residential zone or less than two acres in any zone other than a residential zone. In addition, the provisions of subsection A of this section shall not apply to parcel maps creating four or fewer parcels.

C. The provisions of subsection A of this section shall not be applicable to any tract map or final parcel map which is fully developed or further subdivides property which has been previously subdivided and to which the requirements of subsection A of this section were applied at the time of the previous subdivision, unless the tract or parcel map proposes subdivision of a drilling site.

D. For purposes of subsection A of this section, a party's ownership of a fractional portion of an undivided interest in minerals shall be considered a separate interest in the minerals estate. For example, ownership of one one-hundredth of a one-half undivided interest in the mineral estate shall be considered ownership of one-half percent of the mineral estate. (Ord. 5091 § 1, 2022; Ord. 4966 § 1, 2019; Ord. 4708 § 1, 2012; Ord. 4598 § 2, 2009; Ord. 4299 § 1, 2006; Ord. 4232 § 3, 2005; Ord. 4059 § 4, 2002; Ord. 3576 § 1, 1994; Ord. 3515 § 1, 1993)

16.20.070 Dedications.

A. Dedications of, or offers to dedicate, interests in real property for specified public purposes shall be made by a certificate on the final map.

B. If a subdivider is required to make a dedication of land for public purposes (other than for open space, schools or parks), the local agency shall record a certificate with the county recorder identifying the subdivider and the land being dedicated, and stating that the land shall be reconveyed to the subdivider if the same public purpose for which it was dedicated no longer exists, or the land or a portion thereof is not needed for public utilities. The subdivider may request that the local agency make such a determination and reconvey the land to the subdivider as provided above, but the local agency may assess a fee for making the determination. The fee may not exceed the cost of making the determination. The local agency shall give the subdivider sixty days notice prior to vacating, leasing, selling or otherwise disposing of the dedicated property, unless the dedicated property will be used for the same public purpose for which it was dedicated. (Ord. 3515 § 1, 1993)

16.20.080 Clerk's statement.

The final map shall contain a certificate for execution by the clerk of the city council stating that the city council approved the map and accepted, accepted subject to improvements, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication. (Ord. 3515 § 1, 1993)

16.20.090 Engineer's or surveyor's statement.

A. A statement by the engineer or surveyor responsible for the survey and final tract map is required. His or her certificate shall give the date of the survey, state that the survey and final tract map were made by him or her or under his or her direction, and that the survey is true and complete as shown. The certificate shall be wet signed by the engineer or surveyor.

B. The statement shall also state that all interior monuments are of the character and occupy the positions indicated on the map, or that they will be set in such positions on or before a specified later date prior to issuance of a building permit. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced. (Ord. 4816 § 1, 2015; Ord. 3515 § 1, 1993)

16.20.100 Statement of city surveyor.

A statement by the city surveyor is required on the final tract map. He or she shall state that:

A. He or she has examined the map;

B. The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof;

C. All provisions of the Map Act and this title applicable at the time of approval of the tentative map have been complied with;

D. He or she is satisfied that the map is technically correct. All such statements shall be dated. (Ord. 3597 § 1, 1994; Ord. 3515 § 1, 1993)

16.20.110 Statement of planning director.

A statement by the planning director is required on the final tract map. He or she shall state that:

A. The planning commission, or city council upon appeal, approved or conditionally approved the tentative map and any applicable extensions thereof and the date such action was taken.

B. The subdivision, as shown on the final map, is substantially the same as it appeared on the tentative map and in accordance with any conditions approved by the commission, or city council upon appeal. (Ord. 4004 § 8, 2001; Ord. 3515 § 1, 1993)

16.20.120 Filing certificates, security and making payments prior to filing map.

Prior to the filing of the final map with the city council, the owner or subdivider shall file such certificate and such security and make such payments as are required by Sections 66492, 66493 and 66494 of the Map Act, and shall comply fully with such provisions of law. (Ord. 3515 § 1, 1993)

16.20.130 Approval procedure—Subdivision guarantee.

A. The city council shall, at the meeting at which it receives the map or at its next regular meeting after the meeting at which it receives the map, approve the map unless it fails to conform to or satisfy requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map. Disapproval shall be accompanied by findings identifying requirements or conditions which have not been met. The city council may waive compliance with the conditions and requirements if it finds such noncompliance to have been the result of technical and inadvertent error not materially affecting the validity of the map.

B. If the city council does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all said requirements and rulings, it shall be deemed approved, and the clerk of the city council shall certify its approval thereon.

C. Before recording of any final tract map, the subdivider shall obtain a subdivision guarantee in a form and amount acceptable to the city attorney, providing assurance to the county and city that the parties consenting to the filing of the final map are all of the parties having a record title interest in the real property being subdivided whose signatures are required in Section 16.20.060, as shown by the records in the office of the recorder. (Ord. 3515 § 1, 1993)

16.20.140 Transmittal of maps.

After approval by the city council of a final tract map, the city clerk shall transmit the map in accordance with the provisions of Section 66464 of the Map Act. (Ord. 3515 § 1, 1993)

16.20.150 Correction and amendment of final maps.

A. A recorded final tract map may be amended as set forth in Section 66470 of the Map Act for any of the reasons set forth in Section 66469 of the Map Act.

B. A recorded final tract map may be modified by a certificate of correction or an amending map for reasons other than those set forth in Section 66469 of the Map Act, if after a noticed public hearing, the Planning Commission finds as follows:

1. There are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary; and

2. The modifications do not impose any additional burden on the present fee owner of the property; and

3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and

4. The map, as modified, conforms to the provisions of Section 66474 of the Map Act.

The public hearing shall be noticed pursuant to Section 66451.3 of the Map Act and Section 16.16.060 and shall be confined to consideration of and action on the proposed modification. (Ord. 3515 § 1, 1993)

16.20.160 Multiple final maps.

Multiple (or phased) final maps may be permitted in accordance with Section 66456.1 of the Map Act. The number of phased final maps may be determined by the advisory agency. If the subdivider does not depict phase lines on the tentative map or the phase lines shown on the tentative map change prior to filing with the city council, and prior to recordation of a final map(s), the city engineer may require installation of appropriate improvements prior to recordation of the final map or any phase to ensure public safety and orderly development, including, but not limited to, providing secondary access. (Ord. 3748 § 7, 1997; Ord. 3515 § 1, 1993)

Chapter 16.22
FINAL PARCEL MAP

Sections:

16.22.010 Preparation.
16.22.020 Form and contents.
16.22.025 Filing.
16.22.030 Statements on map.
16.22.035 Dedications on map.
16.22.040 Improvements completed or completion agreement.
16.22.050 Transmittal of maps.
16.22.051 Correction and amendments of parcel maps.

16.22.010 Preparation.

A. The final parcel map shall be prepared by or under the direction of a registered civil engineer authorized to do land surveying or a licensed land surveyor.

B. Such map may be based either upon a field made in conformity with the Land Surveyor's Act except that parcel maps in which all parcels exceed twenty acres may be compiled from recorded or filed data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map if the location of at least one of these boundary lines can be established from an existing monumented line. (Ord. 4004 § 9, 2001; Ord. 3515 § 1, 1993)

16.22.020 Form and contents.

A. The final parcel map shall show the location of streets and property lines bounding the property.

B. The final parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester-base film. Certificates may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

C. The size of each sheet shall be eighteen by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

D. Each phase or unit shall be numbered in consecutive order, beginning with the number "1." For each phase or unit, each buildable lot shall be numbered in consecutive order beginning with the number "1." Each nonbuildable lot shall be lettered in consecutive order beginning with the letter "A." The scale of the map and north arrow shall be shown on each sheet. Each street shall be labeled with the name approved by the planning director.

E. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

F. The final parcel map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel need not be shown as a matter of survey but only by deed reference to the existing record boundaries if such remainder has a gross area of five acres or more.

G. The title of each final parcel map shall consist of a parcel map number as secured from the appropriate county agency conspicuously placed at the top of the sheet.

H. The area of each parcel shall be shown. (Ord. 4232 § 4, 2005; Ord. 3515 § 1, 1993)

16.22.025 Filing.

The city engineer shall determine if a final parcel map has been filed in a timely manner consistent with Section 16.08.155 of this title. (Ord. 4560 § 3, 2009)

16.22.030 Statements on map.

A. The engineer or surveyor who made or under whose direction the parcel map was made shall execute and wet sign the following statement on the map:

> **Engineer's (Surveyor's) Statement**
>
> This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (person authorizing map) on the ____ day of ____, 20__. This parcel map substantially conforms to the approved tentative map and the conditions of approval thereof.
>
> (Signed) _____
>
> R.C.E. (or L.S.) No. _____

If a field survey was performed, the certificate shall also state that all monuments are of the character and occupy the positions indicated on the map, or that they will be set in such positions on or before a specified date prior to issuance of a building permit, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

B. Subject to the provisions of Section 66436 of the Map Act, unless otherwise determined by the advisory agency, a separate certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required; provided,

however, that for good and sufficient cause shown by the subdivider, the advisory agency may waive any or all such signatures and/or names and nature of the respective interests otherwise required by Section 66436 of the Map Act at any time after the tentative map is submitted for approval. Such waiver shall be certified by the city engineer. The provisions of Section 16.20.060(B) shall apply to the waiver of signatures of parties owning a recorded interest in, or right to, minerals, including, but not limited to, oil, gas or other hydrocarbon substances, except where the initial gross area of the final parcel map is less than five acres in a residential zone or less than two acres in any zone other than a residential zone.

C. There shall appear on the parcel map a recorder's statement for execution by the recorder, as follows:

Recorder's Statement

Filed this _____ day of _____, 20__, at ___ a.m. in Book _____of _____, at page ____, at the request of _____

Signed _____

County Recorder

D. The parcel map, and evidence of record title interest, shall be submitted to the city engineer for his or her examination prior to filing. Within twenty calendar days after receiving the parcel map, such officer shall examine it for the survey information shown thereon and if satisfied that it complies with this title and all required provisions of the Map Act, and that such parcel map is technically correct, the following certificate shall be executed on the map by the city engineer:

City Engineer's Statement

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Dated: _____

Signed _____

City Engineer

(Ord. 4967 § 1, 2019; Ord. 4817 § 1, 2015; Ord. 3515 § 1, 1993)

16.22.035 Dedications on map.

A. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final map or by separate instrument at the discretion of the city engineer.

B. If a subdivider is required to make a dedication of land for public purposes (other than for open space, schools or parks), the local agency must record a certificate with the county recorder identifying the subdivider and the land being dedicated, and stating that the land shall be reconveyed to the subdivider if the same public purpose for which it was dedicated no longer exists or the land or a portion thereof is not needed for public utilities. The subdivider may request that the local agency make such a determination and reconvey the land to the subdivider as provided above, but the agency may assess a fee for making the determination. The fee may not exceed the cost of making the determination. The local agency must give the subdivider sixty days' notice prior to vacating, leasing, selling or otherwise disposing of the dedicated property unless the dedicated property will be used for the same public purpose for which it was dedicated. (Ord. 3515 § 1, 1993)

16.22.040 Improvements completed or completion agreement.

A. If, at the time of certification of the final parcel map by the city engineer, any public improvements required by the advisory agency under Section 16.32.080 have not been completed and accepted in accordance with standards established in this title applicable at the time of the approval or conditional approval of the tentative map, the city engineer, as a condition precedent to approval of the parcel map, shall require the subdivider to enter into an improvement agreement to thereafter complete such improvements at the subdivider's expense, upon terms mutually agreeable to the subdivider and the city council.

B. The city shall require that the performance of such agreement be guaranteed by the security specified in Sections 16.32.020, 16.32.030 and 16.32.040. (Ord. 3748 § 8, 1997; Ord. 3515 § 1, 1993)

16.22.050 Transmittal of maps.

After approval by the city of a final parcel map, the city engineer shall transmit the map in accordance with Section 66464 of the Map Act. (Ord. 3515 § 1, 1993)

16.22.051 Correction and amendments of parcel maps.

A. A recorded parcel map may be amended as set forth in Section 66470 of the Map Act for any of the reasons set forth in Section 66469 of the Map Act.

B. A recorded parcel map may be modified by a certificate of correction or an amending map for reasons other than those set forth in Section 66469 of the Map Act, if after a noticed public hearing, the Planning Commission finds as follows:

1. There are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary; and

2. The modifications do not impose any additional burden on the present fee owner of the property; and

3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and

4. The map, as modified, conforms to the provisions of Section 66474 of the Map Act.

The public hearing shall be noticed pursuant to Section 66451.3 of the Map Act and Section 16.16.060 and shall be confined to consideration of and action on the proposed modification. (Ord. 3515 § 1, 1993)

Chapter 16.24
VESTING TENTATIVE MAPS

Sections:

16.24.010 Citation and authority.
16.24.020 Purpose and intent.
16.24.030 Consistency.
16.24.050 Application.
16.24.060 Filing and processing.
16.24.070 Fees.
16.24.080 Expiration.
16.24.090 Vesting on approval of vesting tentative map.
16.24.100 Development inconsistent with zoning—Conditional approval.
16.24.110 Applications inconsistent with current policies.

16.24.010 Citation and authority.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the state of California (hereinafter referred to as the vesting tentative map statute). (Ord. 3515 § 1, 1993)

16.24.020 Purpose and intent.

It is the purpose of this chapter to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement the provisions of the Subdivision Map Act and this title. Except as otherwise set forth in the provisions of this chapter, the provisions of this title shall apply to maps considered under this chapter.

To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (Ord. 3515 § 1, 1993)

16.24.030 Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or not permitted by Title 17 or other applicable provisions of this code. (Ord. 3515 § 1, 1993)

16.24.050 Application.

Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, requires the filing of a tentative map or tentative parcel map, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (Ord. 3515 § 1, 1993)

16.24.060 Filing and processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this title for a tentative map except as hereinafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words Vesting Tentative Map.

B. At the time a vesting tentative map is filed, a subdivider may also be required to supply the following information:

1. In the case of optional design subdivisions, a site development plan showing, in general, height, size, and location of buildings, number of dwelling units, number and location of parking spaces, landscape areas, and park sites, if any;

2. Sewer, water, drainage system details (including size and location of all mains) and size, location, and landscaping (and walls) of all streets;

3. Flood control information (as required by the city engineer);

4. Preliminary soils report;

5. Other information which is deemed to be necessary for determining consistency with CEQA, and/or which is necessary to comply with federal or state requirements. (Ord. 3515 § 1, 1993)

16.24.070 Fees.

Upon filing a vesting tentative map, the subdivider shall pay the fees required by city council resolution. (Ord. 3515 § 1, 1993)

16.24.080 Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by this title for the expiration of the approval or conditional approval of a tentative map. (Ord. 3515 § 1, 1993)

16.24.090 Vesting on approval of vesting tentative map.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

2. The condition or denial is required in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.24.080. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of twelve months. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial time period set forth in subsection (C)(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days, from the date a complete application is filed.

3. The initial time period set forth in subsection (C)(1) of this section shall be automatically extended by one year as permitted by Government Code Section 66498.5 without the need for a separate application.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (C)(1) through (3) of this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. The time limits set forth herein shall specifically apply only to those building permit applications submitted during the periods of time specified in subsections (C)(1) through (3) of this section. The expiration and extension of such building permits shall be governed by the specific provisions of Chapter 15.05 of this code (Building Code) pertaining to permit issuance. (Ord. 4985 § 1, 2019; Ord. 4715 § 1, 2012; Ord. 4232 § 5, 2005; Ord. 4004 § 10, 2001; Ord. 3748 § 9, 1997; Ord. 3515 § 1, 1993)

16.24.100 Development inconsistent with zoning—Conditional approval.

Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city shall deny such a vesting tentative map or approve it conditioned on the subdivider, or designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 16.24.090(A), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

The rights conferred by this section shall be for the time periods set forth in Section 16.24.090(C). (Ord. 3515 § 1, 1993)

16.24.110 Applications inconsistent with current policies.

Notwithstanding any provision of this chapter, a property owner or designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Sections 16.24.090(A) and 16.24.100, and the city may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (Ord. 3515 § 1, 1993)

Chapter 16.28
DESIGN STANDARDS

Sections:

16.28.010 Generally.
16.28.020 Streets and highways.
16.28.030 Arterials and collectors—Widths and alignments.
16.28.040 Local streets.
16.28.050 Dead-end streets—Turnarounds.
16.28.060 Boundary line streets—Widths.
16.28.070 Private streets—Approval—Map—Posting.
16.28.080 Intersection angle and block cutoff.
16.28.090 Curve radius.
16.28.100 Grades of streets.
16.28.110 Alleys—Width—Intersections.
16.28.120 Street and alley arrangement.
16.28.130 Street names.
16.28.140 Easements.
16.28.150 Removal of obstructions—Drainage.
16.28.160 Blocks—Length and width.
16.28.170 Lots.
16.28.180 Reserve strips for controlling access.
16.28.190 Approved access required.

16.28.010 Generally.

Each subdivision and the map thereof shall conform to adopted city standards, standards approved by the city engineer and to those contained in this chapter. (Ord. 3515 § 1, 1993)

16.28.020 Streets and highways.

A. The map shall show the sidelines of each street, the total width of each street, the width of the portion being dedicated, and the widths of existing dedications.

B. The widths and locations of adjacent streets and other public properties shall be shown.

C. If any street in the subdivision is a continuation, or approximately a continuation of an existing street, the conformity or the amount of nonconformity of such a street to such existing street shall be accurately shown.

D. Whenever the county surveyor or the city engineer has established the centerline of a street or alley, the data shall be shown on the final map.

E. All streets may be required to be in alignment with existing adjacent streets or their proper projections and shall be in general conformity with the most advantageous development of the area affected by such subdivision. (Ord. 3515 § 1, 1993)

16.28.030 Arterials and collectors—Widths and alignments.

Each arterial and collector shall conform in width and alignment to those designated in the circulation element of the general plan. (Ord. 3515 § 1, 1993)

16.28.040 Local streets.

Each local collector street and all other streets in any subdivision, except major streets, shall have right-of-way and paved widths of not less than those specified in city standards. (Ord. 3515 § 1, 1993)

16.28.050 Dead-end streets—Turnarounds.

A. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivided property and the resulting dead-end streets may be approved without turnarounds.

B. In all other cases, turnarounds having minimum right-of-way radii of fifty feet, with curb radii of forty-two feet, shall be provided except where extraordinary conditions make a strict enforcement of this rule impracticable. (Ord. 3515 § 1, 1993)

16.28.060 Boundary line streets—Widths.

A. Any land intended to be a part of the ultimate width of a major highway, or any reservation therefor, lying along and adjacent to any boundary of the subdivision, shall have such a width as will conform to the lines shown on the circulation element of the general plan and adopted city standards.

B. Subject to all of the provisions of this title, any land intended to be a part of the ultimate width of a highway or street, other than any such major or secondary highway, or any reservation therefor, lying along and adjacent to any such boundary shall have a width not less than one half of the full width required for any such highway or street by the provisions of subsection A. of this section unless special conditions of alignment require some other width, except when the street has been determined to be a local street in which case the street shall have a right-of-way width of not less than forty feet with a roadway of not less than thirty two feet. (Ord. 3515 § 1, 1993)

16.28.070 Private streets—Approval—Map—Posting.

A. 1. With approval of the advisory agency, any street, highway or way which is intended to be kept closed to public travel and posted as a private street shall be shown as a private street on the tentative and final map. Such private street shall be permitted only on conditions which guarantee reasonable maintenance thereof in accordance with Section 16.36.020.

2. A plan and profile of any such street as required by Section 16.32.060 must accompany said final tract or final parcel map. Private streets shall be shown on the maps as separate lots or parcels.

B. Where the subdivider files a final tract map or final parcel map, private streets may, with the approval of the city engineer, and advisory agency, deviate from the requirements prescribed by this title for public streets provided that:

1. With the submittal of the tentative map, the subdivider makes a specific request for each deviation, with a citation to the pertinent ordinance or standard requirement from which a deviation is requested.

2. Cross sections and other appropriate details are shown on the tentative map for all the requested deviations.

C. All private streets within the city must be posted as private streets by the subdivider. Each such street shall be named and names shall be subject to planning director approval. (Ord. 3748 § 10, 1997; Ord. 3515 § 1, 1993)

16.28.080 Intersection angle and block cutoff.

A. Any highway or street intersecting any other highway or street shall intersect at an angle as near a right angle as is practicable.

B. At street intersections which include major highways, intersecting at an angle of approximately ninety degrees, the block corner shall be rounded at the property line by a radius of not less than thirty feet.

C. At intersections of other streets, the radius shall not be less than twenty feet.

D. An optional method of a diagonal cutoff may be used; provided, that the dimensions thereof do not reduce the visibility, sidewalk width or curb radius obtained by the method specified above.

E. The curb radius may be required to conform to the radius of existing corners at the same intersection where such radius is greater than twenty feet.

F. Streets intersecting at an angle other than ninety degrees shall have sufficient radius or cut-off to provide the same results as to traffic movement, visibility and design as provided by the foregoing requirements of this section. (Ord. 3515 § 1, 1993)

16.28.090 Curve radius.

The centerline curve radii on all streets and highways shall conform to city standards of design and shall be subject to approval by the city engineer. (Ord. 3515 § 1, 1993)

16.28.100 Grades of streets.

Street and highway grades shall conform to city standards. (Ord. 3515 § 1, 1993)

16.28.110 Alleys—Width—Intersections.

A. Alleys twenty five feet in width, or other adequate off-street loading facilities, may be required by the city engineer in the rear of all lots used or intended to be used for commercial, industrial and high density residential purposes.

B. The city engineer shall determine the corner cutoff required wherever an alley intersects a street. Where two alleys intersect, a corner cutoff of not less than ten feet measured from the point of intersection along the sideline of the alley shall be required. (Ord. 3515 § 1, 1993)

16.28.120 Street and alley arrangement.

The street and alley arrangement shall be such as the advisory agency, in the exercise of its sound discretion, may determine will cause no undue hardship to owners of adjoining property when they subdivide their land, and adequate and convenient access to adjoining property shall be required. (Ord. 3515 § 1, 1993)

16.28.130 Street names.

Each street or way which is to be dedicated, which is a continuation of, or approximately the continuation of, any existing dedicated street or way shall be shown on the tentative map and shall be given the same name as such existing street or way. The proposed name of each other street or way shall be shown on the tentative map and submitted to the planning director for approval, and if such name is not a duplication of, or so nearly the same as to cause confusion with, the name of any existing street or way located in the city, or in close proximity thereto, and if such name is appropriate for a street name, such name shall be approved. When any such street or way forms a portion of any proposed street or way ordered by the city council to be surveyed, opened, widened or improved, and in such order a name therefor is assigned or designated, the name of such street or way shown on the map shall be the same as the name contained in said order. (Ord. 3645 § 1, 1995; Ord. 3515 § 1, 1993)

16.28.140 Easements.

A. Utility distribution lines shall be placed underground within the public right-of-way. On all public streets, the advisory agency may require additional utility easements adjacent to the outside of the public right-of-way line.

B. The sidelines of all easements shall be shown by fine dotted lines. If any easement already of record cannot be definitely located, a statement of its existence, nature, and recorded reference must appear on the title sheet. Distances and bearing on the sidelines of lots which are cut by an easement must be arrowed or so shown that the map will indicate clearly the actual lengths of the lot lines. The widths of all easements and sufficient ties thereto definitely to locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified; if an easement shown on the map is already of record, its recorded reference must be given. If an easement is being dedicated by the map, it shall be set out in the owner's certificate of dedication. All notes and figures pertaining to easements shall be considerably smaller and lighter than those relating to the subdivision itself.

C. The city may require the subdivider to remove any trees, brush, or other obstructions lying within an easement or right-of-way. The subdivider shall be required to remove or trim trees or brush lying within the easements or rights-of-way over which utilities are to be constructed, when such trees or brush interfere with the construction of such utility lines. Such work shall be completed in a manner satisfactory to the utilities concerned. (Ord. 3515 § 1, 1993)

16.28.150 Removal of obstructions—Drainage.

A. The term obstruction as used in this section means any interference with the free use of the road right-of-way of whatever kind or nature and shall include, but shall not be limited to, structures, electrical power, telephone or cable television poles, lines and appurtenances, pipe lines, conduits and canals. Obstructions shall be relocated and/or removed as provided below. This shall include, but is not limited to, the quitclaim or subordination of rights to the city by all interest and easement holders having the right to place facilities or otherwise obstruct the free use of the road right-of-way or alternative arrangement acceptable to the city engineer.

1. All obstructions shall be removed from the streets, roadways or rights-of-way dedicated in the final map of a subdivision or which are deeded to the city in connection therewith which in the determination of the city engineer interfere with the use thereof or constitute a dangerous or hazardous condition to the traveling public.

2. All obstructions shall be removed which are located within existing county, state, or city streets or roadways lying immediately adjacent to streets, roadways or rights-of-way which are dedicated in the final subdivision map or which are deeded by the subdivider to the city in connection therewith and which obstructions, in the determination of the city engineer, interfere with the use of said existing county, state or city streets or roadways, or constitute a dangerous or hazardous condition to the traveling public.

3. Said obstructions shall be relocated without expense to the city to such locations as shall be specified by the city engineer or in the approved plans and profiles for the subdivision.

4. It shall be the responsibility of the subdivider to contact the utility companies, including cable television companies, or other owners of said obstructions to advise them of proposed improvements, and make direct arrangements for the relocation of and compensation for the cost of relocating any conflicting obstructions. Evidence of such completed arrangements shall be presented by the subdivider to the city engineer prior to the final approval of the subdivision plans by the city.

B. Final acceptance of the tract shall be contingent upon the subdivider providing within and/or outside the tract, drainage disposal facilities, methods or easements as required to receive or dispose of storm water. Said facilities, methods, or easements shall be subject to the approval of the city engineer. Unless diversion of water is required to conform to a comprehensive drainage plan, off-site water shall be allowed to flow through the tract and shall be received and discharged at the locations which existed prior to development and as nearly as possible in the manner which existed prior to development. (Ord. 3515 § 1, 1993)

16.28.160 Blocks—Length and width.

A. *Block Lengths.* Blocks shall not exceed one thousand feet in length between street centerlines, except where approved by the advisory agency.

B. *Block Width.* Except as otherwise approved by the advisory agency, the width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this title. (Ord. 3515 § 1, 1993)

16.28.170 Lots.

A. *Lot Sizes.* All residential lots shall have a minimum net area as described in Title 17 of the Bakersfield Municipal Code.

B. *Lot Frontage.* All residential lots shall have a minimum street frontage of fifty-five feet except as follows:

1. The minimum street frontage for an interior one-family dwelling lot that is less than six thousand square feet in area shall be forty-five feet.

2. The minimum lot frontage for a corner lot shall be sixty feet except for a one-family dwelling lot that is less than six thousand square feet in area where it is fifty feet. For purposes of measuring frontage on a corner lot with a radius return, the distance shall be measured from the point of intersection of the extensions of the street side property line and the front property line.

3. *Cul-de-Sac or Knuckle Lot.* Thirty-five lineal feet as measured along the arc.

4. *Flag Lot.* Twenty feet.

5. *Drill Site Required Pursuant to Section 15.66.080(C).* Three hundred five feet.

C. *Lot Depth.* The lot depth is the length of a line that bisects a lot from a point on the front property line measured halfway between the side property lines to a point on the rear of the property. The minimum depth for residential lots shall be one hundred feet, except as follows:

1. The minimum depth for a lot with a rear yard abutting agricultural or residential suburban zoned property shall be one hundred forty feet.

2. The minimum depth for a lot with a rear yard abutting a freeway or railroad right-of-way shall be one hundred twenty feet.

3. The minimum depth for a one family dwelling lot in an R-2 zone shall be ninety feet except as required in subsections (C)(1) and (2).

D. *Lot Width.* The lot width is the length of a line between side property lines that is the perpendicular bisect of the lot depth. The minimum width for residential lots shall be fifty-five feet on interior lots and sixty feet on corner lots, except as follows:

1. The minimum width for a lot with a side yard abutting agricultural or residential suburban zoned property shall be one hundred feet.

2. The minimum width for a lot with a side yard abutting a freeway or railroad right-of-way shall be eighty-five feet on interior lots and ninety feet on corner lots.

3. The minimum depth for a one-family dwelling lot that is less than six thousand square feet in area shall be ninety feet except as required in subsections (C)(1) and (2).

4. The minimum width for a drill site required pursuant to Section 15.66.080(C) shall be three hundred five feet, unless otherwise approved by the planning commission in accordance with Section 16.28.170(O).

E. *Flag Lots.* Flag lots shall not be allowed except where there is no other reasonable design alternative as determined by the planning commission. A flag lot means a lot with two discernible portions; one is the flag portion (building site) not fronting on or abutting a street and located behind another lot; and the second is the pole portion which provides private access to and from the flag portion of the lot and the abutting street. The minimum width of the pole portion of the flag lot shall be twenty feet and have a maximum length of one hundred twenty-five feet from the right-of-way line to the flag portion of the lot. The pole portion of the flag lot shall not be included for the purpose of computing minimum lot area, lot width, or lot depth. The flag portion of the lot and the lot in front of the flag lot shall both meet minimum lot design standards of this title, except as approved in accordance with subsection O. Nonbuildable easements shall be recorded over the pole portion of the flag lot, and define building to property line setbacks on each flag lot as determined adequate by the planning commission.

F. *Lot Lines.* The sidelines of all lots, so far as practicable, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

G. *Divided Lots.* No lot shall be divided by a city boundary line, nor any boundary line between registered (Torrens Title) and unregistered land, nor any boundary line between parcels of registered land under separate ownership. Each such boundary line shall be made a lot line.

H. *Double Frontage Lots.* Double frontage lots having a depth less than two hundred feet will not be approved except where, as determined by the advisory agency, conditions permit no other reasonable form of platting, or where the proposed double frontage lots abut a street which functions as a major street and the advisory agency deems it to be reasonable due to such controlling factors as traffic, safety, appearance and setback. Each such lot shall have a six-foot-high masonry wall (the height shall be measured from whichever side of the wall the adjacent finished grade is higher) with landscaping (on the exterior side) installed by the subdivider adjacent to the rear property line or, where the wall and landscaping are to be maintained by a homeowners association or maintenance district installed within the street rightof-way and additional landscape easement or adjacent common lot. Alternate wall and landscape concepts may be approved in areas where, in the opinion of the advisory agency, topographic or other physical conditions make strict adherence to this criteria undesirable. Conceptual wall and landscaping plans shall be reviewed and approved by the advisory agency prior to filing of any final tract or final parcel map.

I. *Walls Along Side Yards Adjacent to Collector or Arterial Streets.* Where it is found to be necessary for orderly development, residential lots having side yards adjacent to collector or arterial streets shall be required to install a sixfoot-high masonry wall (the height shall be measured from whichever side of the wall the adjacent finished grade is higher) with landscaping (on the exterior side) installed by the subdivider adjacent to the side property line or, where the wall and landscaping are to be maintained by a homeowners association or maintenance district, installed within the street right-of-way and additional landscape easement or adjacent common lot. Alternate wall and landscape concepts may be approved in areas where, in the opinion of the advisory agency, topographic or other physical conditions make strict adherence to this criteria undesirable. Conceptual wall and landscape plans shall be reviewed and approved in accordance with adopted resolutions prior to filing of any final tract or final parcel map.

J. *Landscape Walls Exceeding Four Feet Within Front Yard Setback.* The planning director, in accordance with adopted resolutions, or the advisory agency may permit walls exceeding four feet in height within the front yard setback area of a residential lot when approved as part of a conceptual wall and landscape plan approved in conjunction with a subdivision.

K. *Lots Abutting Commercial Uses.* Where it is found to be necessary for orderly development, residential lots which share a common property line with office, commercial or industrial zoning or land use designations shall be separated by a masonry block wall along said property line a minimum of six feet but not exceeding eight feet in height as measured from highest adjacent finished grade. Timing of said wall installation to be determined by the advisory agency.

L. *Lots Abutting Park Sites, Drilling Islands, Oil Well Sites, and Canals.* Where it is found to be necessary for orderly development, any lot which shares a common property line with a lot designed to serve as a park site, drilling island, oil well site or canal shall be separated by a masonry block wall, along said property line a minimum of six feet but not exceeding eight feet in height as measured from highest adjacent finished grade. Timing of said wall installation to be determined by the advisory agency.

M. *Lot Numbers.* Lot numbers shall begin with the numeral 1 and shall continue consecutively through the tract, with no omissions or duplications, and no block number shall be used. Letters shall be used to designate non-buildable lots.

N. *Lot Dimensions.* Dimensions of all lot lines shall be shown. No ditto marks shall be used on any final tract or final parcel map. All maps shall show the area of each irregular (nonrectangular) lot.

O. *Reduction of Minimum Standards.* The advisory agency may permit a reduction in minimum standards including lot area, width, frontage and/or depth pursuant to the provisions in either Chapter 16.36 or 17.52 or density bonus provisions of the municipal code. Reduction of minimum standards may also be allowed as follows:

1. The advisory agency may permit a five percent reduction of lot area, width, frontage and/or depth for not more than five percent of the lots in a subdivision if it makes the following findings:

    a. The proposed subdivision is within the density range depicted for the property in the general plan.

    b. The proposed subdivision is consistent with the purposes and intent of the subdivision ordinance and zoning ordinance.

    c. The applicant has provided justification for the proposed reduction based on sound engineering practices or subdivision design features.

2. A reduction in lot width, depth and frontage in a subdivision may be permitted by the advisory agency if it makes the following findings:

    a. The minimum lot area complies with zoning.

    b. The applicant has demonstrated that the development will not require a modification for the reduction of the required front, rear, or side yard setbacks on any lot within the subdivision.

    c. The applicant has demonstrated that the reduction is required due to physical constraints, the application of city engineering standards, and a lack of design alternatives.

3. If the project site is zoned for multiple-family dwellings, the advisory agency may permit a reduction of lot area for one-family dwellings (as provided for in Section 17.14.070(B)) in a subdivision if it makes the following findings:

    a. The proposed subdivision is within the density range depicted for the property in the general plan.

    b. The subdivision is planned to provide a balanced housing stock within a defined area.

    c. The subdivision does not result in an unjustified concentration of substandard lots within a defined area.

    d. The applicant has demonstrated that the development will not require a modification for the reduction of the required front, rear, or side-yard setbacks on any lot within the subdivision.

e. The proposed development offers elements unique to the project that justify the reduction in lot area standards such as, but not limited to, one or more of the following:

i. Two percent of the gross acreage of subdivision is designed as active recreational area.

Active recreational area as selected by the applicant shall include, but is not limited to: court sports, field sports, pool areas, indoor recreational facilities, tot lots, playground apparatus areas, and par course facilities. Also included are trails with a paved surface separate from otherwise required improvements (i.e., roads, sidewalks, trails) which are interior or exterior to the subdivision and which connect to public parks, multi-use trails or the Kern River adjacent to or within a reasonable distance from the subdivision.

The active recreational area claimed as a unique element shall include no more than twenty percent of its total area dedicated to passive uses (excluding industry recommended clear space setbacks for separation of apparatus, sport fields and courts).

ii. Two and one-half percent of the gross acreage of subdivision is designed as combination recreational area.

Combination recreational area includes active recreational area and passive recreational area as selected by the applicant when more than twenty percent of the area claimed for unique element credit is dedicated to passive recreational area (excluding industry recommended clear space setbacks for separation of apparatus, sport fields and courts).

Passive recreational area is open space such as open turf and tree areas, park-like landscaped areas, informal open play areas and picnic/BBQ area.

Unique element credit for active or combination recreational areas shall not be allotted for any individually owned open space, landscape areas otherwise required by city ordinances or the State Map Act (river access), or natural and landscaped areas required for mitigation of environmental impacts.

iii. Subdivision design features such as pedestrian oriented parkways providing one twenty-four-inch box size tree per lot (species subject to city parks department approval) installed within a landscaped parkway between the street and sidewalk for all streets within the interior of the subdivision and maintained by the individual lot owners.

iv. Subdivisions less than ten gross acres in size may pay park land in-lieu fees at three acres per one thousand population.

v. Recreational open space and/or other facilities unique to the project subject to the approval of the advisory agency.

P. *Reversed Corner Lots.* Reversed corner lots shall not be allowed in residential zones, except where required to comply with such other ordinances, codes, and design principles of subdivision. In no instances shall an interior lot be bordered by more than one reversed corner lot in residential zones. (Ord. 4818 § 1, 2015; Ord. 4770 §§ 1—4,

2014; Ord. 4616 § 1, 2010; Ord. 4600 § 1, 2009; Ord. 4148 § 1, 2003; Ord. 4059 §§ 5, 6, 2002; Ord. 3994 § 1, 2001; Ord. 3824 § 1, 1998; Ord. 3748 § 11, 1997; Ord. 3743 § 2, 1997; Ord. 3724 § 2, 1996; Ord. 3682 § 2, 1995; Ord. 3608 § 1, 1994; Ord. 3515 § 1, 1993)

16.28.180 Reserve strips for controlling access.

Reserve strips controlling the access to streets or other public rights-of-way from adjoining property will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights and the control and disposal of the land comprising such strips are placed definitely within the jurisdiction of the city under conditions approved by the advisory agency. (Ord. 3515 § 1, 1993)

16.28.190 Approved access required.

A. Legal access to each lot or parcel of a subdivision shall be provided by:

1. Having frontage upon a public street (other than an alley), with the ability to access it (per Section 17.04.370); or

2. Having frontage upon a private easement (or private road) determined by the planning commission to be adequate for purposes of access (per Section 17.04.370); or

3. Dedication, or an offer of dedication, to the city for street purposes from a public road to each parcel; or

4. *Recordation of a covenant of easement in accordance with Section 65870 of the Government Code.* Such covenant may be released by direction of the planning commission, following a public hearing thereon, after the applicant seeking release has paid the fee therefor set by city council resolution.

B. Improved access to each parcel shall be provided as follows:

1. For land divisions where each parcel is twenty gross acres or larger, has no existing structures or buildings, and has a land use of commercial, residential or industrial:

a. Roads to be graded to a minimum width of twenty feet;

b. Maximum grade of roads shall be fifteen percent;

c. Roads shall be traversable by a standard passenger car;

d. Paving and base will not be required;

e. Dust binder or palliative as approved by the city engineer shall be applied;

f. Plans and profiles shall not be required;

g. A grading plan/topography map shall be provided to ensure maximum slope is not exceeded.

2. For all other land divisions, each lot or parcel of a subdivision shall be provided with approved vehicular access improved to city standards.

C. Notwithstanding the foregoing, the improvement of an access as described in subsection B above may be postponed if the planning commission finds, based on all evidence presented, that improvement of said access is premature to ultimate development of the parcel requiring the access. Such postponement may occur until further subdivision of the parcel or until issuance of a building permit on the parcel. Said postponement shall be noted on the parcel map and shall also be described in a covenant recorded over the parcel requiring the access. Said covenant shall run with the land and shall be recorded with the parcel map. (Ord. 3683 § 1, 1995; Ord. 3515 § 1, 1993)

Chapter 16.32
IMPROVEMENTS

Sections:

16.32.010 Completion at subdivider's expense or by improvement agreement.
16.32.020 Security—Required.
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16.32.010 Completion at subdivider's expense or by improvement agreement.

Improvements required as a condition of approval shall be completed at the subdivider's expense prior to filing a final tract map or final parcel map with the county recorder, unless an improvement agreement requiring completion of such improvements upon terms mutually agreeable to the city council and the subdivider has been entered into and improvement security has been posted as provided in this chapter. (Ord. 3515 § 1, 1993)

16.32.020 Security—Required.

The improvement agreement referred to in Section 16.32.010 shall be secured by one of the following:

1. A bond or bonds by one or more duly authorized corporate sureties;

2. A cash deposit with the city; or

3. An irrevocable letter of credit from one or more responsible financial institutions regulated by state or federal government and pledging that the funds are on deposit and guaranteed for payment on demand by the city. (Ord. 4677 § 1, 2012; Ord. 3515 § 1, 1993)

16.32.030 Security—Form of bonds.

A. The form of bond to secure the faithful performance of the improvement agreement shall be in substantially the same form as provided for in Section 66499.1 of the Government Code.

B. The form of bond for the security of laborers and material men shall be in substantially the same form as provided for in Section 66499.2 of the Government Code.

C. Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement. (Ord. 3515 § 1, 1993)

16.32.040 Improvement security—Amount.

A. The improvement security shall be provided in the amount of:

1. One hundred percent of the total estimated cost of the improvement or act to be performed conditioned upon the faithful performance of the act or agreement;

2. Fifty percent of the total estimated cost of the improvement or act to be performed securing payment to the contractor, the subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act; provided, however, where the security provided is that referenced in Section 16.32.020, no additional sum shall be required to guarantee payment provided the security instrument authorizes draws to pay for labor and materials and specifies that not more than fifty percent of the total shall be released, except to the city to pay for completion of improvements, until after the sixty-day lien period has expired;

3. Ten percent of the total estimated costs of the improvements, to be provided prior to city acceptance of completion, to guarantee or warranty the work for a minimum period of one year following completion and acceptance thereof against any defective work or labor done, or defective materials furnished;

4. If the improvement security is a bond or bonds furnished by duly authorized corporate surety, an additional security in the amount of fifteen thousand dollars or fifteen percent of the total estimated cost of improvements, whichever is less, shall be included to cover the cost and reasonable expenses and fees which may be incurred by the city in successfully enforcing the obligation secured. The improvement security shall also secure the faithful performance of any changes or alterations which do not exceed ten percent of the original estimated cost of the improvement.

B. Such security shall be released in accordance with the terms of the improvement agreement. (Ord. 4779 § 1, 2014; Ord. 4678 § 1, 2012; Ord. 3515 § 1, 1993)

16.32.050 Acceptance of improvements.

Work on public improvements shall be deemed accepted upon acceptance by the city engineer; provided, however, that the warranty period(s) shall commence upon recordation of a notice of completion. Work on private improvements shall be deemed accepted, for purposes of satisfaction of the improvement only, upon receipt by the city engineer of a certificate signed by a registered engineer stating that all such improvements have been constructed in accordance with the plans and specifications approved for the subdivision by the city engineer. (Ord. 3515 § 1, 1993)

16.32.060 Tract map improvements—In subdivisions for which final tract map is required.

A. Improvements required in a subdivision for which a final tract map is required shall be installed to permanent line and grade and to the satisfaction of the city engineer in accordance with the requirements of the advisory agency, in accordance with standard specifications of the city on file in the office of city engineer and in accordance with all applicable provisions of Chapter 16.28 of this code.

B. The minimum improvements which the subdivider makes or agrees to make prior to acceptance and approval of the final tract map by the city council shall be:

1. Grading, curbs and gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways, alleys and ways and to the public safety;

2. Installation and surfacing of streets, highways, alleys and ways;

3. Sidewalks, except where sidewalks are premature in relation to the public needs of the present and immediate future;

4. Sanitary sewer facilities and connections for each lot, except as such requirement may be waived by the city engineer and building director in accordance with policies established by them therefor. Dry sewer lines shall be installed wherever outfall sewer lines are not available unless the city engineer, with the approval of

the State Regional Water Quality Control Board, determines an exception to such requirement to be appropriate;

5. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply for each lot of the subdivision and to provide adequate fire protection to meet local neighborhood needs;

6. Services from public utilities, including cable television, and services from sanitary sewers shall be made available for each lot, and in such manner as will obviate the necessity for disturbing the street pavement, gutter, culvert and curb, when service connections are made; provided, however, as to cable television service, that the requirement for installation of such service to any industrial tract may be waived if, based upon a waiver requested by a subdivider supported with proof of satisfaction of the following conditions, the advisory agency finds that the omission of such requirement will not create a break in cable television service (to properties in the vicinity of the tract map) or, even if such omission would result in a break in cable television service, the closest available connection to existing cable television facilities is more than five hundred feet from the closest point in the tract map to the point of such connection (measured along existing or proposed utility easements);

7. Street name signs;

8. a. A chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or an equivalent barrier as determined by the advisory agency, between any subdivision and the right-of-way line of any irrigation canal within or adjacent to the subdivision,

   b. A chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or equivalent barrier as determined by the advisory agency between any subdivision and any concrete lined canal or open conduit waterway, within one-quarter mile of the subdivision,

   c. At the discretion of the advisory agency, a chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or equivalent as determined by the advisory agency between any subdivision and any unlined canal within one-quarter mile of the subdivision,

   d. Based upon a waiver request and supporting evidence submitted by the subdivider as part of the subdivision application, canal fencing requirements may be waived, conditionally waived, modified or conditionally modified by the advisory agency. Evidence submitted with the request for waiver should identify circumstances or characteristics such as canal lining and built-in safety features, water depth, water velocity, existing fencing or barriers, topography, intervening land uses, improvements, agricultural operations, future land uses or project timing that mitigate the need for canal fencing,

   e. Subject to approval by the planning director, temporary fencing may be used in lieu of permanent fencing to address changing circumstances when it can be demonstrated by the subdivider that the intent of the canal fencing requirement will be satisfied;

9. Street lighting;

10. Final soil report shall have been completed and approved by the building director and city engineer prior to the beginning of construction of any buildings or structures;

11. All utility distribution facilities, including cable television, shall be placed underground, except that pre-existing utility distribution facilities on the periphery of the subdivision and located on an arterial or collector street may remain above ground. Where applicable, installation of underground utility distribution facilities shall be in accordance with the rules and regulations of the Public Utilities Commission of the state;

12. All subdividers are required to furnish fire hydrants, hydrant buries and necessary bury extensions and all necessary bolts and gaskets, which shall be purchased from the city;

13. Walls, fences and landscaping as required by ordinance, city standard or the advisory agency, to be maintained by a maintenance district or by an association of property owners pursuant to a declaration of covenants approved by the city engineer.

Exceptions to the above-stated minimum requirements may be allowed in tracts having private streets with the approval of the advisory agency at the time of approval of the tentative map.

C. *Supplemental Improvements—Reimbursement Agreements.*

1. The subdivider of a subdivision for which a final tract map or final parcel map is required may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity or number for the benefit of property not within the subdivision as a condition precedent to the approval of a tentative subdivision map and thereafter to dedicate such improvements to the public.

2. In the event such supplemental improvements are required by the advisory agency as authorized in this subsection, the city shall enter into an agreement with the subdivider to reimburse the subdivider, upon collection of moneys from owners of other property benefited thereby and within a specified time period, for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

3. In order to pay the costs as required by the reimbursement agreement, the city may:

a. Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use;

b. Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse the city for such cost together with interest thereon, if any, paid to the subdivider;

c. Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

D. *Drainage Facilities—Payment of Fees Required.* Prior to filing any final map or parcel map, the subdivider shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from the following local and neighborhood drainage areas pursuant to drainage plans adopted by the council therefor in accordance with Article 5 of Chapter 4 of Division 2 of Title 7 of the California Government Code Section 66483 et seq.:

1. Pioneer planned drainage area;
2. Fairview planned drainage area;
3. Breckenridge planned drainage area;
4. Shalimar planned drainage area;
5. Orangewood planned drainage area;
6. Tevis Ranch planned drainage area;
7. Brimhall planned drainage area;
8. Golden Valley planned drainage area.

Notwithstanding the foregoing, payment of fees for planned drainage area facilities may be postponed if the planning commission finds, based on all evidence presented, that payment of the fees is premature to ultimate development of the property in question. Such postponement may occur until further subdivision of the property.

E. *Sewer Facilities—Payment of Fees Required.* Prior to approval of any development entitlement including, but not limited to, any general plan land use designation amendment, rezoning, the filing of any final map or parcel map, the granting of a conditional use permit, or after the cancellation of a Williamson Act contract within an assessment district, the subdivider/property owner shall pay or cause to be paid any fees for defraying the actual or estimated costs of constructing planned sanitary sewer facilities for local sanitary sewer areas pursuant to sanitary sewer plans adopted by the council, or connection to sanitary sewer facilities therefor in accordance with Article 5 of Chapter 4 of Division 2 of Title 7 of the California Government Code Section 66483 et seq.

In cases where a subdivider/property owner pays greater than its proportionate cost of sewer construction, reimbursement may occur through a reimbursement agreement or, where an assessment district has been formed, credit against assessments previously paid.

The following sanitary sewer areas presently exist:

1. Pierce Road-Oak Street planned sanitary sewer area;
2. Allen Road planned sewer area;
3. Brimhall Road planned sewer area;
4. Mohawk planned sewer area;

5. McDonald planned sewer area (existing residential infill sewer area);

6. McAllister Ranch planned sewer area;

7. Verdugo Lane planned sewer area;

8. Allen Road II planned sewer area;

9. Panama and Union planned sewer area;

10. Curnow planned sewer area;

11. Hooper Avenue and Kimberly Avenue planned sewer area;

12. Panama and Cottonwood planned sewer area.

F. *Bridge Crossings and Major Thoroughfares.*

1. Prior to filing any final tract or parcel map or issuance of a building permit, fees may be assessed and collected pursuant to Section 66484 of the California Government Code for the purpose of defraying the actual or estimated costs of constructing the following bridge crossings or major thoroughfares identified in the transportation or flood control provisions of the circulation element of the Metropolitan Bakersfield 2010 General Plan:

a. Ashe Road planned bridge and major thoroughfare area;

b. Hageman Road planned major thoroughfare area;

c. Miramonte Drive—Chase Avenue planned major thoroughfare area;

d. Panama—Buena Vista Bridge and major thoroughfare area;

e. West Beltway planned major thoroughfare area;

f. West Ming—Kern River Canal Bridge district;

g. Taft Highway—Farmer's Canal Bridge district;

h. East Panama Lane—Central Canal (North Half) Bridge district;

i. Eastside Canal crossings planned major thoroughfare area;

j. Arvin/Edison Canal crossing planned major thoroughfare district.

2. In order for such fees to be assessed and collected, the following requirements must be met:

a. The bridge or thoroughfares for which costs are to be assessed are identified in the transportation or flood control provisions of the circulation element of the Metropolitan Bakersfield 2010 General Plan.

The primary purpose of the major thoroughfares is to carry through traffic and provide a network connecting to the state highway system.

b. A public hearing pursuant to Government Code Section 66484(a)(2) and (3) shall be held by the council for each area benefited, and the boundaries of each such area, costs, and method of fee apportionment shall be set forth in a resolution to be adopted by the council.

c. Payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

d. Payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. The fees shall not be expanded to reimburse the cost of existing bridge facility construction.

e. The city clerk shall receive written protests and endorse on each protest the date and time it was filed.

i. No protest received after the time fixed for the public hearing shall be timely;

ii. If a written protest is filed by owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the council shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section;

iii. Any protests may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of a public hearing held pursuant to subsection (F)(2)(b) of this section;

iv. If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the council may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section prohibits the council, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

3. Fees paid pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge is required to be constructed, a fund may be so established covering all of the bridge projects in the benefit area. Money in the fund shall be expended

solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the city for the cost of constructing the improvement. (Ord. 5073 § 1, 2022; Ord. 5051 § 1, 2021; Ord. 5049 § 1, 2021; Ord. 4989 § 1, 2019; Ord. 4927 § 1, 2018; Ord. 4925 § 1, 2017; Ord. 4853 § 1, 2016; Ord. 4828 § 1, 2015; Ord. 4762 § 1, 2014; Ord. 4752 § 1, 2013; Ord. 4709 § 1, 2012; Ord. 4647 § 1, 2011; Ord. 4634 § 1, 2010; Ord. 4581 § 1, 2009; Ord. 4500 § 1, 2008; Ord. 4465 § 1, 2007; Ord. 4446 § 1, 2007; Ord. 4433 § 3, 2007; Ord. 4430 § 1, 2007; Ord. 4429 § 1, 2007; Ord. 4371 § 1, 2006; Ord. 4362 § 1, 2006; Ord. 4243 § 1, 2005; Ord. 4226 § 1, 2004; Ord. 4197 § 1, 2004; Ord. 4169 § 1, 2004; Ord. 4159 § 1, 2003; Ord. 4144 § 1, 2003; Ord. 4051 § 1, 2002; Ord. 3996 § 1, 2001; Ord. 3854 § 1, 1998; Ord. 3665 § 1, 1995; Ord. 3588 § 1, 1994; Ord. 3574 § 1, 1993; Ord. 3515 § 1, 1993)

16.32.070 Plans and specifications—Filing.

A. Plans and specifications, including profiles where required by the city engineer, of all improvements required under the provisions of this title, as well as other improvements proposed to be installed and constructed by the subdivider in, over, or under any street or right-of-way, easement, lot or parcel of land where improvements are required or proposed, shall, along with an estimated plan check fee, be filed with the city engineer. The city shall not be obligated to accept public improvements shown on any such plan or specification constructed before the plans and specifications therefor have been approved by the city engineer.

B. In all cases where topography controls the design, all detailed plans, specifications and profiles of improvements required must be submitted at the time of the filing of the final parcel map, certificate of compliance or final tract map.

C. The title page of the plans shall have a wet signature. All other submittals may have an electronic signature. (Ord. 4819 § 1, 2015; Ord. 3748 § 12, 1997; Ord. 3515 § 1, 1993)

16.32.080 Improvements—In subdivisions for which parcel map is required.

A. Improvements required in a subdivision for which a parcel map is required shall be installed as provided in subsection A of Section 16.32.060.

B. The improvements which the advisory agency may require, and which, where so required, the subdivider shall make, or agree to make, prior to acceptance and approval of a final parcel map, shall be those set forth in subsection D of this section.

C. The advisory agency, in the determination to require or not require any of such improvements, shall consider the following factors:

1. Whether the installation of any of such improvements would be premature in relation to the public needs of the present and the immediate future;

2. Whether the omission of all or any part of such improvements would be materially detrimental to the public welfare, safety, health or conveniences, or to the orderly implementation of the general plan;

3. Whether the omission of all or any part of such improvements would be injurious to property or improvements in the area;

4. The extent to which the improvements are appropriate to fulfill public needs;

5. The extent to which the community may need protection against potentially adverse effects of the property use or possible use.

D. The following improvements or any of them may be required by the advisory agency and if so required, shall be furnished at the subdivider's expense:

1. Grading, curbs and gutters, drainage and drainage structures necessary to the proper use and drainage of streets, highways, alleys and ways and to the public safety;

2. Streets, highways, alleys and ways;

3. Sidewalks;

4. *Sanitary sewer facilities and connections for each parcel created.* Unless an exception has been granted as provided in Section 16.32.060(B)(4), dry sewer lines shall be installed where an outfall sewer is not reasonably available;

5. Water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate domestic water supply for each parcel created and to provide adequate fire protection to meet local neighborhood needs;

6. Services from public utilities, cable television, and services from sanitary sewers available to each lot and in such manner as will avoid the necessity for disturbing the street pavement, gutter, culvert and curb when service connections are made; provided, however, as to cable television service, that the requirement for installation of such service to any industrial tract may be waived if, based upon a waiver requested by a subdivider supported with proof of satisfaction of the following conditions, the planning commission finds that the omission of such requirement will not create a break in cable television service (to properties in the vicinity of the tract map) or, even if such omission would result in a break in cable television service, the closest available connection to existing cable television facilities is more than five hundred feet from the closest point in the tract map to the point of such connection (measured along existing or proposed utility easements);

7. Street name signs;

8. A chain-link fence six feet in height, as specified in city of Bakersfield Subdivision and Engineering Design Manual Standard S-10, or an equivalent barrier as determined by the advisory agency between any subdivision and the right-of-way line of any irrigation canal within or adjacent to the subdivision;

9. Street lighting;

10. Walls, fences and landscaping as required by ordinance, city standard, or the advisory agency;

11. Any other improvements determined by the advisory agency to be needed for public health or safety or prerequisite to orderly development of the surrounding area.

E. The provisions of subsections C and D of Section 16.32.060 shall apply to subdivisions for which a final parcel map is required. (Ord. 4608 § 1, 2009; Ord. 4004 § 11, 2001; Ord. 3996 § 2, 2001; Ord. 3798 § 1, 1997; Ord. 3748 § 13, 1997; Ord. 3515 § 1, 1993)

16.32.090 Record drawings.

Prior to the time of filing of the notice of completion and acceptance of improvements within any subdivision, the subdivider shall file with the city engineer a reproducible sepia film and one set of blueline prints of the record drawings approved and signed by an engineer. Record sewer drawings shall show the location of all wye branches or house laterals. (Ord. 3515 § 1, 1993)

16.32.100 Survey requirements—Monuments.

A. At the time of making the survey for the final tract or parcel map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

B. Such engineer or surveyor shall set monuments as follows:

1. Set city standard monuments and encasements at all intersections of street centerlines, except as noted in subsection (B)(1.1) of this section, beginning and ending of all curves on streets within the subdivision and at the intersection of the centerline of the streets and the subdivision boundary, except that city standard monuments and encasements need not be set at the intersection of the centerline of the streets and phase boundaries, unless that phase boundary monument is required to comply with other provisions of this chapter. On all curved streets, a sufficient number of monuments shall be set so that connecting chords shall be wholly within the street roadway between curbing. The engineer or surveyor shall measure the vertical elevation based upon data approved by the city engineer, data for each city standard monument set and shall provide a record of this data to the city engineer.

1.1. At the intersection of streets which form a knuckle, street centerline monuments shall be set at the beginning and ending of the centerline curve connecting the two streets.

2. Set two-inch iron pipe twenty-four inches long, filled with concrete and properly tagged, or with a two-inch by two-inch by twelve-inch redwood stake driven into the center and properly tagged or equal as approved by the city engineer, at all angle points and beginning and ending of all curves on the exterior

boundary of the subdivision. All boundary monuments shall be in place prior to recordation of the map. The city engineer may, by a field survey, satisfy him or herself that all monuments actually exist and that their positions are correctly shown. Depth of boundary monuments shall be not less than six inches or more than thirty inches.

3. Set two-inch by two-inch by twelve-inch redwood stakes with tag, iron rod with cap or iron pipe with cap and properly tagged at all angle points and beginning and ending of all curves on the boundary of each lot or parcel, which angle point is not covered in subsection (B)(1) or (2) of this section. For front lot or parcel corners, reference points, consisting of "penny" tags epoxied in place together with chisel marks on the top of curbs, may be substituted for the required redwood stake, iron rod or iron pipe. For rear lot corners of double-frontage lots, reference points, consisting of concrete nails and tags mounted on the rear masonry wall, on the lot side, at a visible elevation, may be substituted for the required redwood stake, iron rod or iron pipe.

4. When any of the above-described boundary points fall in a concrete sidewalk, curb, wall, coping, etc., such points shall be marked with a concrete nail and tag.

5. All monuments in subsections (B)(1) and (2) of this section shall be so set as to insure an unobstructed sight between adjacent monuments, whenever feasible, and in no case shall the distance between monuments exceed two thousand seven hundred feet, unless prior approval is obtained from the city engineer.

6. All monuments shall be permanently marked with the certificate number of the engineer or surveyor setting it, preceded by the letters R.C.E. or L.S. respectively, as the case may be.

7. The character, type and position of all monuments and encasements shall be noted on the final map. If a monument is replaced, indicate type and condition of monument found and the date of replacement.

8. A traverse of the boundaries of the map and of all the lots, or parcels, and blocks must close within a limit of error not in excess of one foot in twenty thousand feet.

9. All distances must be expressed on the map to the nearest one one-hundredth of one foot.

10. Any monuments or stakes disturbed by the improvements shall be reset. Where no streets are to be improved, the subdivider shall post a faithful performance bond to guarantee the setting of all the above stakes and monuments. (Ord. 4990 § 1, 2019; Ord. 4780 § 1, 2014; Ord. 4004 § 12, 2001; Ord. 3515 § 1, 1993)

Chapter 16.36
OPTIONAL DESIGN AND IMPROVEMENT STANDARDS

Sections:

16.36.010 Scope and authority.
16.36.020 Maintenance of non-dedicated improvements—Failure unlawful.

16.36.010 Scope and authority.

In considering a tentative map for a condominium, stock cooperative, or community apartment project, or for any subdivision wherein physical constraints or the extraordinary amenities to be provided render application of the design and improvement standards of this title inappropriate, the advisory agency, with the concurrence of the city engineer, may agree to the substitution of alternate design and improvement standards which do not literally comply with the requirements of these subdivision regulations but which serve to facilitate the ultimate development of the property in a manner that will be consistent with the general plan. (Ord. 3515 § 1, 1993)

16.36.020 Maintenance of non-dedicated improvements—Failure unlawful.

A. Where a subdivision has been approved by the advisory agency under the provisions of this chapter, full and adequate provisions acceptable to the city shall be made for the preservation and maintenance of all commonly owned land, improvements and facilities, which are not dedicated to public use, within twenty-five feet of the exterior boundaries of the project.

B. Such provision may be satisfied by a declaration of covenants, conditions and restrictions duly signed and acknowledged by the owner; articles of incorporation forming a homeowner's association or some other legal entity, which shall include provisions empowering the entity created to own and maintain all the properties within its jurisdiction and to exercise the powers and duties of the entity to be set forth in the declaration; and bylaws setting forth rules of membership, fees and assessments; and forms of deeds incorporating the declaration by reference to its recording data.

C. Prior to recordation of a final map, all documents submitted to comply with subsection A of this section must be referred to the city attorney and planning director for review and determination as to their sufficiency to accomplish their purpose. To the extent that these documents are required to be recorded by the planning director, they must be recorded prior to or concurrently with recordation of a final map.

D. The owners of the individual lots shall, as a condition of ownership of said lots, be required to participate in the legal entity so formed and be responsible to said legally formed entity for the cost of performing the necessary maintenance.

E. Any failure to so maintain shall be, and the same is declared to be, unlawful and a public nuisance endangering the health, safety, and general welfare of the public. (Ord. 4844 § 1, 2016; Ord. 3515 § 1, 1993)

Chapter 16.38
MERGER OF PARCELS

Sections:

16.38.010 Property owner initiated merger of contiguous parcels.

16.38.010 Property owner initiated merger of contiguous parcels.

Pursuant to Government Code Section 66499.20 3/4, a property owner owning contiguous parcels is authorized to merge those contiguous legal parcels without requiring the property to be reverted to acreage. Such merger shall be accomplished in accordance with the following procedures:

A. The property owner shall file an application for merger with the city, submit evidence of title to all parcels to be affected, submit a proposed certificate of merger, and pay the processing fee established by resolution of the city council.

B. The city engineer, or an authorized designee, shall consider and approve the application if it is found that the parcel created by the merger will conform to the requirements of this code and applicable state law.

C. The merger shall be evidenced by recording a certificate of merger which lists the parcel numbers affected and is signed by the city engineer. The certificate of merger shall be recorded concurrently with any deed of easement regarding the relocation or elimination of applicable easements. The certificate of merger shall be recorded against each parcel that is merged. (Ord. 4004 § 13, 2001)

Chapter 16.40
DEDICATIONS

Sections:

16.40.010 Requirements.
16.40.020 Waiver of direct street access.
16.40.030 On final tract maps.
16.40.040 In subdivisions not requiring final tract map.

16.40.010 Requirements.

As a condition of approval of a tentative map, the subdivider shall do the following:

A. Dedicate or make an irrevocable offer of dedication of all land within the subdivision that is needed for public streets, alleys, including access rights and abutters' rights, drainage, public utility easements and other public easements.

B. Record a covenant that is approved by the city attorney and city water manager that, among other items, each lot prohibits the pumping and taking of groundwater from the property for any use off the property; provided, however, such pumping and taking may be carried out by the authorized urban water purveyor which provides water service to the subdivided land, or by a county-wide governmental entity with water banking powers, and such pumping is part of an adopted water banking program that will not have a significant adverse

impact on the groundwater levels or diminish the quality of water underlying the subdivision. (Ord. 5063 § 1, 2021; Ord. 3562 § 1, 1993; Ord. 3515 § 1, 1993)

16.40.020 Waiver of direct street access.

The advisory agency may impose a requirement that any dedication or offer of dedication of a street or approval of a map abutting a previously dedicated street shall include a waiver of direct access rights to such street from any property shown on a final tract or final parcel map as abutting thereon. If such dedication is accepted, or if no dedication is otherwise required, such waiver shall become effective in accordance with its provisions. Such provisions shall specify that a portion of the street as to which access is waived may, at the request of the property owner, be revised or relocated to another portion or portions of the same street frontage or of any adjoining street as to which direct access has been waived by recording a certificate therefor signed by the property owner and the city engineer. (Ord. 3515 § 1, 1993)

16.40.030 On final tract maps.

A. Dedications of or offers to dedicate interests in real property for specified public purposes shall be made by a certificate on the final tract map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436 of the Map Act.

B. In the event any street shown on such map is not offered for dedication the certificate shall contain a statement to this effect. If such statement appears on the map and if the map is approved by the city council, the use of any such street or streets by the public shall be permissive only.

C. An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under such real property, unless and only to the extent and intent to dedicate such facilities is expressly stated in the certificate. (Ord. 3515 § 1, 1993)

16.40.040 In subdivisions not requiring final tract map.

A. If dedications or offers of dedication are required by the advisory agency for subdivisions requiring a final parcel map, they may be made either by a certificate on the parcel map, or by separate instrument to be recorded concurrently with, or prior to, the parcel map being filed for record.

B. Such dedication or offers of dedication shall be signed by the same parties and in the same manner as set forth in Section 66439 of the Map Act for dedications by a final tract map.

C. An offer of dedication shall be in such terms as to be binding on the owner, his heirs or successors in interest and shall continue until abandoned as specified in Section 66477.2 of the Map Act. (Ord. 3515 § 1, 1993)

Chapter 16.41
RESERVATIONS

Sections:

16.41.010 Reservation requirement.
16.41.020 Acquisition agreement.
16.41.030 Termination of reservation.

16.41.010 Reservation requirement.

A. As a condition of approval of a tentative map, the subdivider may be required to reserve real property within the subdivision for parks, recreational facilities, fire stations, libraries, freeways or other public uses, subject to the following conditions:

1. Such requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

2. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

3. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

B. The reserved area shall conform to the adopted specific or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

C. The reservation requirement may be in addition to requirements for dedication and/or improvement of property within the subdivision for the same or other purposes. (Ord. 3515 § 1, 1993)

16.41.020 Acquisition agreement.

The city shall, at the time of approval of the final map or parcel map, enter into an agreement to acquire such reserved area within two years after the completion and acceptance of all improvements required as a condition of such map, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area. (Ord. 3515 § 1, 1993)

16.41.030 Termination of reservation.

If the city does not enter into the agreement required in Section 16.41.020, the reservation of such area shall automatically terminate. (Ord. 3515 § 1, 1993)

Chapter 16.44
SOIL AND GRADING REPORTS

Sections:

16.44.010 Preliminary soil report and grading plan required.
16.44.020 Waiver of preliminary soil report and/or grading plan.
16.44.030 Final soils report.
16.44.040 Conditions of issuance of building permit.

16.44.010 Preliminary soil report and grading plan required.

A. A preliminary soils report based upon adequate test borings, and a grading plan, shall be submitted to the city engineer for every subdivision prior to the filing of the final tract map or final parcel map. The city engineer may review the report and may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory. Such soils report and grading plan shall be prepared by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists.

B. If the soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot or parcel in the subdivision may be required by the city engineer. Such soils investigation shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problems exist.

C. If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel and ductile or cast iron to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required.

D. The city may approve the subdivision or portion thereof where soils problems described in subsections B. and C. of this section exist if it is determined that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. 3515 § 1, 1993)

16.44.020 Waiver of preliminary soil report and/or grading plan.

A. A preliminary soils report and/or the grading plan may be waived, but only when the building director and city engineer both find that due to the knowledge the city has as to the quality of the soils or the topography of the land in the subdivision, no preliminary analysis of the soil or grading plan is necessary.

B. If the city engineer or building director requires a preliminary soils report and/or grading plan for subdivisions for which a final parcel map is required, the soils report and/or grading plan may be deferred by the advisory agency as a requirement of the approval of the tentative parcel map and recordation of the final parcel map until such time as a building permit application is filed. (Ord. 3515 § 1, 1993)

16.44.030 Final soils report.

A. Grading shall be performed in accordance with the approved grading plan and the preliminary soils report and compaction tests shall be submitted to the city's building director for each lot in a subdivision prior to recordation of the final map, except as the building director may determine that no public interest would be served thereby.

B. When any soils investigation has indicated any soil problems and a civil engineer has recommended the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problems exist, the final map or parcel map may be approved for recording subject to the following condition: The building director shall not approve any building permit on any lot within any new subdivision until a final soils report has been submitted to him showing that all corrective action set forth in the preliminary soils report and report of the soils investigation has been completed and until the civil engineer has certified that all corrective action likely to prevent any structural damage to any structure proposed to be constructed in the area where the soils problems exist, has been taken and completed to his satisfaction. (Ord. 3515 § 1, 1993)

16.44.040 Conditions of issuance of building permit.

No building permit shall be issued for any lot in any subdivision until all grading has been completed in accordance with the approved grading plan and a final soil report has been submitted to and approved by the building director. Whenever such conditions have not been satisfied prior to recordation of a final map, notice of such conditions shall be set forth on the face of the final map. (Ord. 3515 § 1, 1993)

Chapter 16.48
REVERSION TO ACREAGE

Sections:

16.48.010 Generally.
16.48.020 Initiation of proceedings by owners.
16.48.030 Initiation of proceedings by city council.
16.48.040 Data required to be filed.
16.48.050 Fees.
16.48.060 Proceedings before city council—Conditions of approval.
16.48.070 Release of securities.
16.48.080 Delivery of final map.
16.48.090 Effect of filing reversion map with county recorder.
16.48.100 Parcel map authorized.

16.48.010 Generally.

Subdivided property may be reverted to acreage pursuant to the provisions of this chapter. (Ord. 3515 § 1, 1993)

16.48.020 Initiation of proceedings by owners.

A. Proceedings to revert subdivided property to acreage may be initiated by petition of all the owners of record of the property.

B. The petition shall be in a form approved by the city attorney.

C. The petition shall contain the information as required by Section 16.48.040 and such other information as required by the advisory agency or the city attorney. (Ord. 3515 § 1, 1993)

16.48.030 Initiation of proceedings by city council.

A. The city council at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage.

B. The city council shall direct the city attorney to obtain the necessary information to initiate and conduct the proceedings. (Ord. 3515 § 1, 1993)

16.48.040 Data required to be filed.

Petitioners shall file the following:

A. Evidence of title to the real property; and

B. Evidence of the consent of all of the owners of an interest in the property; or

C. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

D. Evidence that no lots or parcels shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record; or

E. A final map in the form prescribed by this title which delineates dedications which will not be vacated and dedications required as a condition to reversion. (Ord. 3515 § 1, 1993)

16.48.050 Fees.

A. Petitions to revert property to acreage shall be accompanied by a fee set by city council resolution.

B. Fees are not refundable. (Ord. 3515 § 1, 1993)

16.48.060 Proceedings before city council—Conditions of approval.

A. A public hearing shall be held before the city council on all petitions for, and the city council initiations for, reversions to acreage. Notice of the public hearing shall be given as provided in Section 66451.3 of the Map Act. The city council may approve a reversion to acreage only if it finds and records in writing that:

1. Dedications or offers of dedications to be vacated or abandoned by the reversion to acreage as unnecessary for present or prospective public purposes; and

2. Either:

a. All owners of an interest in the real property within the subdivision have consented to reversions; or

b. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

c. No lots or parcels shown on the final or parcel map have been sold within five years from the date such map was filed for record.

B. The city council may require as conditions of the reversions:

1. The owners dedicate or offer to dedicate streets or easements;

2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this chapter. (Ord. 3515 § 1, 1993)

16.48.070 Release of securities.

Except as otherwise provided in this title, upon filing of the final map for reversion of acreage with the county recorder, all improvement securities shall be released. (Ord. 3515 § 1, 1993)

16.48.080 Delivery of final map.

After the hearing before the city council and approval of the reversion, the final map shall be delivered to the county recorder. (Ord. 3515 § 1, 1993)

16.48.090 Effect of filing reversion map with county recorder.

A. Reversion shall be effective upon the final map being filed for record by the county recorder.

B. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect. (Ord. 3515 § 1, 1993)

16.48.100 Parcel map authorized.

A final parcel map may be recorded under this chapter and the provisions of Chapter 6 of the Map Act for the purpose of reverting to acreage land previously subdivided and consisting of four or fewer contiguous parcels under the same ownership. (Ord. 3515 § 1, 1993)

Chapter 16.52
APPEALS*

Sections:

16.52.010 Who may file.
16.52.020 Filing.
16.52.030 Hearing—Notice to subdivider—City council decision.
16.52.040 City council action and findings.
16.52.050 Application completeness appeal.

***** Prior ordinance history: Ords. 3515 and 3748.

16.52.010 Who may file.

The subdivider, the city engineer, the planning director or any interested person adversely affected by a decision of the advisory agency regarding a tentative map or vesting tentative map, may file an appeal from such decision to the city council. (Ord. 4004 § 14, 2001)

16.52.020 Filing.

A. Any such appeal, except for a decision for extension of time for a tentative map, shall be filed with the clerk of the city council within ten days after the action of the advisory agency from which the appeal is being taken. An appeal for a decision for an extension of time for a tentative tract or tentative parcel map shall be filed with the clerk of the city council within fifteen days after the action of the advisory agency from which the appeal is being taken.

B. The appeal may be filed on forms provided by the city. Any appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and shall state reasons why the appellant believes the decision or action of the commission should not be upheld. No appeal filing shall be deemed complete unless all such information is provided.

C. No right of appeal to the council from the advisory agency decision shall exist when the appellant seeks to appeal any ministerial/nondiscretionary city ordinance or resolution requirement, or state or federal law which, when imposed, does not involve the exercise of discretion or personal judgment. Seeking an appeal of the advisory agency decision on such matters shall be grounds for denying an appeal filing, on that particular issue. (Ord. 4004 § 14, 2001)

16.52.030 Hearing—Notice to subdivider—City council decision.

A. Upon the filing of an appeal, the city shall review the appeal application for completeness. If the appeal does not comply with Sections 16.52.020(B) and (C), the city shall forthwith notify the applicant of the defect. If the appeal complies with Sections 16.52.020(B) and (C), the city clerk shall set the matter for hearing upon notice to the subdivider, the advisory agency and affected interested persons.

B. Such hearing shall be held within a reasonable time, but in no event later than sixty days after the date of filing the appeal unless the subdivider consents to a continuance.

C. Within ten days following the conclusion of the hearing, the city council shall render its decision on the appeal. (Ord. 4149 § 1, 2003; Ord. 4004 § 14, 2001)

16.52.040 City council action and findings.

The city council may sustain, modify, reject or overrule any recommendation, finding or ruling of the advisory agency and shall make appropriate findings. (Ord. 4004 § 14, 2001)

16.52.050 Application completeness appeal.

A. If, after receipt of an initial application for tentative subdivision map, the development services director or designee determines that the application is not complete and upon resubmittal of the same application the development services director or designee determines the same, the subdivider or designated representative may appeal the community development director's or designee's determination to the planning commission by filing a written notice of appeal and payment of fees with the planning director within ten days of said determination. The appellant shall set forth in writing the precise basis and issues on appeal and request a hearing thereon.

B. Notice of the date, time and place of the hearing shall be mailed or delivered at least ten days prior to the hearing to the subdivider or designated representative of the subject real property, the owner's duly authorized agent, the project applicant, and the appellant. Notice shall also be mailed to every person filing with the planning director a written request for notice.

C. Any person not satisfied with the decision of the planning commission may, within ten days of the date of that decision, appeal to the city council. All procedures for notice, review of the appeal, and the holding of the public hearing within Section 17.08.080(E) shall also apply to the city council.

D. Failure to file an appeal within the time period prescribed therefor shall be deemed a waiver of the right of appeal. (Ord. 4939 § 8, 2018; Ord. 4714 § 1, 2012; Ord. 4232 § 6, 2005)

The Bakersfield Municipal Code is current through Ordinance 5125, passed March 8, 2023.

Disclaimer: The city clerk has the official version of the Bakersfield Municipal Code. Users should contact the city clerk for ordinances passed subsequent to the ordinance cited above.

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 1. General Provisions and Definitions [66410 - 66424.6] *(Chapter 1 added by Stats. 1974, Ch. 1536.)*

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66410. This division may be cited as the Subdivision Map Act.

(Added by Stats. 1974, Ch. 1536.)

66411. Regulation and control of the design and improvement of subdivisions are vested in the legislative bodies of local agencies. Each local agency shall, by ordinance, regulate and control the initial design and improvement of common interest developments as defined in Section 4100 or 6534 of the Civil Code and subdivisions for which this division requires a tentative and final or parcel map. In the development, adoption, revision, and application of this type of ordinance, the local agency shall comply with the provisions of Section 65913.2. The ordinance shall specifically provide for proper grading and erosion control, including the prevention of sedimentation or damage to offsite property. Each local agency may by ordinance regulate and control other subdivisions, provided that the regulations are not more restrictive than the regulations for those subdivisions for which a tentative and final or parcel map are required by this division, and provided further that the regulations shall not be applied to short-term leases (terminable by either party on not more than 30 days' notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Section 230 of the Public Utilities Code unless a showing is made in individual cases, under substantial evidence, that public policy necessitates the application of the regulations to those short-term leases in individual cases.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 55) by Stats. 2013, Ch. 605, Sec. 29. (SB 752) Effective January 1, 2014.)

66411.1. (a) Notwithstanding Section 66428, whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, the regulations shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of offsite and onsite improvements shall be noticed by a statement on the parcel map, on the instrument evidencing the waiver of the parcel map, or by a separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

(b) Notwithstanding Section 66428, fulfillment of the construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued by the local agency or, where provided by local ordinances, until the time the construction of the improvements is required pursuant to an agreement between the subdivider and the local agency, except that in the absence of an agreement, a local agency may require fulfillment of the construction requirements within a reasonable time following approval of the parcel map and prior to the issuance of a permit or other grant of approval for the development of a parcel upon a finding by the local agency that fulfillment of the construction requirements is necessary for either of the following reasons:

(1) The public health and safety.

(2) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(Amended by Stats. 1994, Ch. 655, Sec. 1. Effective January 1, 1995.)

66411.5. (a) Notwithstanding any other provision of this division, whenever a parcel map or final map is required to effectuate a judicial partition of property pursuant to subdivision (b) and pursuant to Section 872.040 of the Code of Civil Procedure, the local agency approving the parcel map or final map may establish the amount of any monetary exaction or any dedication or improvement requirement authorized by law as a condition of approving the parcel map or final map, but shall not require payment of the exaction, the undertaking of the improvement, or posting of security for future performance thereof and shall not accept any required offer of dedication until the time specified in subdivision (b).

(b) This section applies to judicial partition of real property which is subject to a contract under Article 3 (commencing with Section 51240) of Chapter 7 of Part 1 of Division 1 of Title 5 and which will remain subject to that contract subsequent to the filing of the parcel map or final map. With respect to any parcel created by a parcel map or final map subject to this section, payment of exactions and acceptance of offers of dedication under this section shall be deferred by the local agency until the contract terminates or is canceled as to that parcel, except that no deferral is required under this subdivision as to fees and assessments that are due and payable for governmental services provided to the parcel prior to termination or cancellation of the contract. The applicants for a parcel map or final map subject to this section shall be personally liable for performance of obligations deferred under this section at the time they become due.

(Added by Stats. 1988, Ch. 494, Sec. 1.)

66411.7. (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) 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.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is 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.

(ii) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) 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, 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.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that 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.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, 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.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Off-street parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit 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 urban lot split.

(2) This subdivision 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, or is a

"qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.2, 65852.21, 65852.22, 65915, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Section 65852.2, or a junior accessory dwelling unit as defined in Section 65852.22.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

(Added by Stats. 2021, Ch. 162, Sec. 2. (SB 9) Effective January 1, 2022.)

66412. This division shall be inapplicable to any of the following:

(a) The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobilehome parks, or trailer parks.

(b) Mineral, oil, or gas leases.

(c) Land dedicated for cemetery purposes under the Health and Safety Code.

(d) A lot line adjustment between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created, if the lot line adjustment is approved by the local agency, or advisory agency. A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances. An advisory agency or local agency shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition to the approval of a lot line adjustment. The lot line adjustment shall be reflected in a deed, which shall be recorded. No record of survey shall

be required for a lot line adjustment unless required by Section 8762 of the Business and Professions Code. A local agency shall approve or disapprove a lot line adjustment pursuant to the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1).

(e) Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party.

(f) Any separate assessment under Section 2188.7 of the Revenue and Taxation Code.

(g) The conversion of a community apartment project, as defined in Section 4105 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) The property was subdivided before January 1, 1982, as evidenced by a recorded deed creating the community apartment project.

(2) Subject to compliance with Sections 4290 and 4295 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the project shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the project.

(3) If subdivision, as defined in Section 66424, of the property occurred after January 1, 1964, both of the following requirements are met:

(A) A final or parcel map of that subdivision was approved by the local agency and recorded, with all of the conditions of that map remaining in effect after the conversion.

(B) No more than 49 percent of the units in the project were owned by any one person as defined in Section 17, including an incorporator or director of the community apartment project, on January 1, 1982.

(4) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(h) The conversion of a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code, to a condominium, as defined in Section 783 of the Civil Code, but only if all of the following requirements are met:

(1) The property was subdivided before January 1, 1982, as evidenced by a recorded deed creating the stock cooperative, an assignment of lease, or issuance of shares to a stockholder.

(2) A person renting a unit in a cooperative shall be entitled at the time of conversion to all tenant rights in state or local law, including, but not limited to, rights respecting first refusal, notice, and displacement and relocation benefits.

(3) Subject to compliance with Sections 4290 and 4295, or with Sections 6626 and 6628, of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances and other documents, a majority of owners in the cooperative shall be required to execute the conveyances or other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative.

(4) If subdivision, as defined in Section 66424, of the property occurred after January 1, 1980, both of the following requirements are met:

(A) A final or parcel map of that subdivision was approved by the local agency and recorded, with all of the conditions of that map remaining in effect after the conversion.

(B) No more than 49 percent of the shares in the project were owned by any one person as defined in Section 17, including an incorporator or director of the cooperative, on January 1, 1982.

(5) The local agency certifies that the above requirements were satisfied if the local agency, by ordinance, provides for that certification.

(i) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a wind powered electrical generation device on the

land, if the project is subject to discretionary action by the advisory agency or legislative body.

(j) The leasing or licensing of a portion of a parcel, or the granting of an easement, use permit, or similar right on a portion of a parcel, to a telephone corporation as defined in Section 234 of the Public Utilities Code, exclusively for the placement and operation of cellular radio transmission facilities, including, but not limited to, antennae support structures, microwave dishes, structures to house cellular communications transmission equipment, power sources, and other equipment incidental to the transmission of cellular communications, if the project is subject to discretionary action by the advisory agency or legislative body.

(k) Leases of agricultural land for agricultural purposes. As used in this subdivision, "agricultural purposes" means the cultivation of food or fiber, or the grazing or pasturing of livestock.

(l) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of a solar electrical generation device on the land, if the project is subject to review under other local agency ordinances regulating design and improvement or, if the project is subject to other discretionary action by the advisory agency or legislative body.

(m) The leasing of, or the granting of an easement to, a parcel of land or any portion or portions of the land in conjunction with a biogas project that uses, as part of its operation, agricultural waste or byproducts from the land where the project is located and reduces overall emissions of greenhouse gases from agricultural operations on the land if the project is subject to review under other local agency ordinances regulating design and improvement or if the project is subject to discretionary action by the advisory agency or legislative body.

(n) The leasing of, or the granting of an easement to, a parcel of land, or any portion or portions thereof, in conjunction with the financing, erection, and sale or lease of an electrical energy storage system on the land, if the project is subject to discretionary action by the advisory agency or legislative body. For the purposes of this subdivision, "energy storage system" has the same meaning as defined in Section 2835 of the Public Utilities Code.

(Amended by Stats. 2022, Ch. 212, Sec. 1. (AB 2625) Effective January 1, 2023.)

66412.1. This division shall also be inapplicable to:

(a) The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other local agency ordinances regulating design and improvement.

(b) The financing or leasing of existing separate commercial or industrial buildings on a single parcel.

(Amended by Stats. 1982, Ch. 87, Sec. 4. Effective March 1, 1982.)

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

(Amended by Stats. 2016, Ch. 720, Sec. 6. (SB 1069) Effective January 1, 2017.)

66412.3. In carrying out the provisions of this division, each local agency shall consider the effect of ordinances and actions adopted pursuant to this division on the housing needs of the region in which the local jurisdiction is situated and balance these needs against the public service needs of its residents and available fiscal and environmental resources.

(Added by renumbering Section 66412.2 by Stats. 1983, Ch. 1013, Sec. 1. Effective September 22, 1983.)

66412.5. When so provided by local ordinance, this division shall be inapplicable to subdivisions of four parcels or less for construction of removable commercial buildings having a floor area of less than 100 square feet.

(Added by Stats. 1977, Ch. 412.)

66412.6. (a) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if the parcel resulted from a division of land in which fewer than five parcels were created and if at the time of the creation of the parcel, there was no local ordinance in effect which regulated divisions of land creating fewer than five parcels.

(b) For purposes of this division or of a local ordinance enacted pursuant thereto, any parcel created prior to March 4, 1972, shall be conclusively presumed to have been lawfully created if any subsequent purchaser acquired that parcel for valuable consideration without actual or constructive knowledge of a violation of this division or the local ordinance. Owners of parcels or units of land affected by the provisions of this subdivision shall be required to obtain a certificate of compliance or a conditional certificate of compliance pursuant to Section 66499.35 prior to

obtaining a permit or other grant of approval for development of the parcel or unit of land. For purposes of determining whether the parcel or unit of land complies with the provisions of this division and of local ordinances enacted pursuant thereto, as required pursuant to subdivision (a) of Section 66499.35, the presumption declared in this subdivision shall not be operative.

(c) This section shall become operative January 1, 1995.

(Amended (as added by Stats. 1988, Ch. 1041, Sec. 2) by Stats. 1993, Ch. 500, Sec. 2. Effective January 1, 1994. Section operative January 1, 1995, by its own provisions.)

66412.7. A subdivision shall be deemed established for purposes of subdivision (d) of Section 66499.30 and any other provision of this division on the date of recordation of the final map or parcel map, except that in the case of (1) maps filed for approval prior to March 4, 1972, and subsequently approved by the local agency or (2) subdivisions exempted from map requirements by a certificate of exception (or the equivalent) applied for prior to such date and subsequently issued by the local agency pursuant to local ordinance, the subdivision shall be deemed established on the date the map or application for a certificate of exception (or the equivalent) was filed with the local agency.

(Added by Stats. 1980, Ch. 479.)

66412.8. (a) A project located in Los Angeles County that is approved by a public agency before the effective date of the act adding this section is not in violation of any requirement of this division by reason of the failure to construct a roadway across the property transferred to the state pursuant to subdivision (c) of Section 21080.29 of the Public Resources Code and to construct a bridge over the adjacent Ballona Channel in Los Angeles County, otherwise required as a condition of approval of a vesting tentative map or a tentative map, if all of the following conditions apply:

(1) The improvements specified in subdivision (a) are not constructed, due in whole or in part, to the project owner's or developer's relinquishment of easement rights to construct the improvements.

(2) The easement rights specified in paragraph (1) are relinquished in connection with the acquisition by the State of California, acting by and through the Wildlife Conservation Board of the Department of Fish and Game, of a wetlands project that is a minimum of 400 acres in size and located in the coastal zone.

(b) Where the easement rights have been relinquished, any municipal ordinance or regulation adopted by a charter city or a general law city shall be inapplicable to the extent that the ordinance or regulation requires construction of the transportation improvements specified in subdivision (a), or would otherwise require reprocessing or resubmittal of a permit or approval, including, but not limited to, a final recorded map, a vesting tentative map, or a tentative map, as a result of the transportation improvements specified in subdivision (a) not being constructed.

(Added by Stats. 2003, Ch. 739, Sec. 1. Effective January 1, 2004.)

66412.9. This division shall not apply to leases of agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if all of the following conditions apply:

(1) The property to be leased shall not be more than five acres.

(2) The lease shall be for not less than 30 years.

(3) The lease shall be executed prior to January 1, 2017.

(Added by Stats. 2009, Ch. 447, Sec. 1. (AB 494) Effective January 1, 2010.)

66413. (a) When any area in a subdivision as to which a final map has been finally approved by a board of supervisors and filed for record pursuant to this division is thereafter annexed to a city, the final map and any agreements relating to the subdivision shall continue to govern the subdivision.

(b) When any area in a subdivision or proposed subdivision as to which a tentative map or vesting tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by this division or local ordinance but the final act required to make the parcel map effective has not been taken, is annexed to a city, all procedures and regulations required by this division or by local ordinance of the annexing city shall be deemed to commence as of the effective date of the annexation and the map shall comply with the requirements of any applicable ordinance of the city to which the area is annexed.

(Amended by Stats. 1986, Ch. 613, Sec. 1.)

66413.5. (a) When any area in a subdivision or proposed subdivision as to which a tentative map meeting the criteria of this section has been approved by a board of supervisors is incorporated into a newly incorporated city, the newly incorporated city shall approve the final map if it meets all of the conditions of the tentative map and meets the requirements and conditions for approval of final maps as provided in Article 4 (commencing with Section 66456), and other requirements of this division.

(b) When any area in a subdivision or proposed subdivision as to which a vesting tentative map meeting the criteria of this section has been approved by a board of supervisors is incorporated into a newly incorporated city, the newly incorporated city shall approve the final map and give effect to the vesting tentative map as provided in Chapter 4.5 (commencing with Section 66498.1), if the final map meets all of the conditions of the vesting tentative map and meets the requirements and conditions for approval of final maps as provided in Article 4 (commencing with Section 66456), Chapter 4.5 (commencing with Section 66498.1), and other requirements of this division.

(c) Notwithstanding subdivisions (a) and (b), the newly incorporated city may condition or deny a permit, approval, or extension, or entitlement if it determines either of the following:

(1) Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with state or federal law.

(d) The rights conferred by this section shall expire if a final map application is not timely filed prior to the expiration of the tentative or vesting tentative map. Prior to the approval of the final map, the rights conferred by this section shall be subject to the applicable time periods set forth in Section 66452.6, which shall not exceed eight years from the date of the incorporation unless an applicant and the newly incorporated city mutually agree to a longer period provided by this division.

(e) An approved tentative map or vesting tentative map shall not limit a newly incorporated city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development, and authorized by the ordinances, policies, and standards described in Section 66474.2.

(f) Except as otherwise provided in subdivision (g), this section applies to any approved tentative map or approved vesting tentative map that meets both of the following requirements:

(1) The application for the tentative map or the vesting tentative map is submitted prior to the date that the first signature was affixed to the petition for incorporation pursuant to Section 56704, regardless of the validity of the first signature, or the adoption of the resolution pursuant to Section 56800, whichever occurs first.

(2) The county approved the tentative map or the vesting tentative map prior to the date of the election on the question of incorporation.

(g) This section does not apply to any territory for which the effective date of the incorporation is prior to January 1, 1999.

(h) It is not the intent of the Legislature to influence or affect any litigation pending on or initiated before January 1, 1999.

(Added by Stats. 1998, Ch. 689, Sec. 7.5. Effective January 1, 1999.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 1. General Provisions and Definitions [66410 - 66424.6] *(Chapter 1 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Definitions [66414 - 66424.6] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66414. The definitions in this article apply to the provisions of this division only and do not affect any other provisions of law.

(Added by Stats. 1974, Ch. 1536.)

66415. "Advisory agency" means a designated official or an official body charged with the duty of making investigations and reports on the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority by local ordinance to approve, conditionally approve or disapprove maps.

(Added by Stats. 1974, Ch. 1536.)

66416. "Appeal board" means a designated board or other official body charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the advisory agency to be required.

(Added by Stats. 1974, Ch. 1536.)

66416.5. (a) "City engineer" means the person authorized to perform the functions of a city engineer. The land surveying functions of a city engineer may be performed by a city surveyor, if that position has been created by the local agency.

(b) A city engineer registered as a civil engineer after January 1, 1982, shall not be authorized to prepare, examine, or approve the surveying maps and documents. The examinations, certifications, and approvals of the surveying maps and documents shall only be performed by a person authorized to practice land surveying pursuant to the Professional Land Surveyors Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) Nothing contained in this provision shall prevent a city engineer from delegating the land surveying functions to a person authorized to practice land surveying. Where there is no person authorized to practice land surveying within the city or agency, nothing shall prevent the city engineer from contracting with a person who is authorized to practice land surveying to perform the land surveying functions.

(Amended by Stats. 1996, Ch. 872, Sec. 63. Effective January 1, 1997.)

66417. (a) "County surveyor" includes county engineer, if there is no county surveyor.

(b) A county engineer registered as a civil engineer after January 1, 1982, shall not be authorized to prepare, examine, or approve the surveying maps and documents. The examinations, certifications, and approvals of the surveying maps and documents shall only be performed by a person authorized to practice land surveying pursuant to the Professional Land Surveyors Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the

Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(Amended by Stats. 1996, Ch. 872, Sec. 64. Effective January 1, 1997.)

66418. "Design" means: (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan as required pursuant to Section 66473.5.

(Amended by Stats. 2002, Ch. 1109, Sec. 1.3. Effective January 1, 2003.)

66418.1. "Development" means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

(Added by Stats. 1984, Ch. 1113, Sec. 2. Operative January 1, 1986, by Sec. 10 of Ch. 1113.)

66418.2. (a) "Environmental subdivision" means a subdivision of land pursuant to this division for biotic and wildlife purposes that meets all of the conditions specified in subdivision (b).

(b) Prior to approving or conditionally approving an environmental subdivision, the local agency shall find each of the following:

(1) That factual biotic or wildlife data, or both, are available to the local agency to support the approval of the subdivision, prior to approving or conditionally approving the environmental subdivision.

(2) That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency requiring mitigation.

(3) That an easement will be recorded in the county in which the land is located to ensure compliance with the conditions specified by any local, state, or federal agency requiring the mitigation. The easement shall contain a covenant with a county, city, or nonprofit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. Where the biotic or wildlife habitat, or both, are compatible, the local agency shall consider requiring the easement to contain a requirement for the joint management and maintenance of the resulting parcels. This reservation shall not be inconsistent with the purposes of this section and shall not be incompatible with maintaining and preserving the biotic or wildlife character, or both, of the land.

(4) The real property is at least 20 acres in size, or if it is less than 20 acres in size, the following conditions are met:

(A) The land is contiguous to other land that would also qualify as an environmental subdivision.

(B) The other land is subject to a recorded perpetual easement that restricts its use to a biotic or wildlife habitat, or both.

(C) The total combined acreage of the lands would be 20 acres or more.

(D) Where the biotic or wildlife habitat, or both, are compatible, the land and the other land will be jointly managed and maintained.

(c) Notwithstanding subdivision (a) of Section 66411.1, any improvement, dedication, or design required by the local agency as a condition of approval of an environmental subdivision shall be solely for the purposes of ensuring compliance with the conditions required by the local, state, or federal agency requiring the mitigation.

(d) After recordation of an environmental subdivision, a subdivider may only abandon an environmental subdivision by reversion to acreage pursuant to Chapter 6 (commencing with Section 66499.11) if the local agency finds that all of the following conditions exist:

(1) None of the parcels created by the environmental subdivision has been sold or exchanged.

(2) None of the parcels is being used, set aside, or required for mitigation purposes pursuant to this section.

(3) Upon abandonment and reversion to acreage pursuant to this subdivision, the easement for biotic and wildlife purposes is extinguished.

(e) If the environmental subdivision is abandoned and reverts to acreage pursuant to subdivision (d), all local, state, and federal requirements shall apply.

(f) This section shall apply only upon the written request of the landowner at the time the land is divided. This section is not intended to limit or preclude subdivision by other lawful means for the mitigation of impacts to the environment, or of the land devoted to these purposes, or to require the division of land for these purposes.

(Amended by Stats. 2003, Ch. 76, Sec. 1. Effective January 1, 2004.)

66419. (a) "Improvement" refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

(Amended by Stats. 1984, Ch. 1187, Sec. 2.)

66420. "Local agency" means a city, county or city and county.

(Added by Stats. 1974, Ch. 1536.)

66421. "Local ordinance" refers to a local ordinance regulating the design and improvement of subdivisions, enacted by the legislative body of any local agency under the provisions of this division or any prior statute, regulating the design and improvements of subdivisions, insofar as the provisions of the ordinance are consistent with and not in conflict with the provisions of this division.

(Added by Stats. 1974, Ch. 1536.)

66422. "Certificate of exception" means a valid authorization to subdivide land, issued by the County of Los Angeles pursuant to an ordinance thereof, adopted between September 22, 1967, and March 4, 1972, and which at the time of issuance did not conflict with this division or any statutory predecessor thereof.

(Added by Stats. 1988, Ch. 1041, Sec. 3.)

66423. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

(Amended by Stats. 1976, Ch. 660.)

66424. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 4125 or 6542 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in of Section 4190 or 6566 of the Civil Code.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 57) by Stats. 2013, Ch. 605, Sec. 31. (SB 752) Effective January 1, 2014.)

66424.1. Nothing in Section 66424 shall prevent a purchaser of a unit of land created under the provisions of this division or a local ordinance enacted pursuant thereto, from subdividing the land one or more times, pursuant to the provisions of this division prior to the time that an equalized county assessment roll has been completed reflecting the creation of the unit proposed to be subdivided.

Nothing contained in this chapter shall prevent the same subdivider of a unit of land created under the provisions of this division, or a local ordinance enacted pursuant thereto, from making consecutive subdivisions of the same parcel or any portion thereof.

Further, local agencies shall not, by ordinance or policy, prohibit consecutive subdivision of the same parcel or any portion thereof either by the same subdivider or a subsequent purchaser because the parcel was previously subdivided.

Nothing contained in this section shall limit the authority of a local agency to impose appropriate conditions or requirements on the consecutive subdivisions.

(Amended by Stats. 1986, Ch. 35, Sec. 1.)

66424.5. (a) "Tentative map" refers to a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it and need not be based upon an accurate or detailed final survey of the property.

(b) "Vesting tentative map" refers to a map which meets the requirements of subdivision (a) and Section 66452.

(Amended by Stats. 1984, Ch. 1113, Sec. 3. Operative January 1, 1986, by Sec. 10 of Ch. 1113.)

66424.6. (a) When a subdivision, as defined in Section 66424, is of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease, or financing. Alternatively, the subdivider may omit entirely that portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing. If the subdivider elects to designate a remainder, the following requirements shall apply:

(1) The designated remainder shall not be counted as a parcel for the purpose of determining whether a parcel or final map is required.

(2) For a designated remainder parcel described in this subdivision, the fulfillment of construction requirements for improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development of the remainder parcel is issued by the local agency or, where provided by local ordinance, until the construction of the improvements, including the payment of fees associated with any deferred improvements, is required pursuant to an agreement between the subdivider and the local agency. In the absence of that agreement, a local agency may require fulfillment of the construction requirements, including the payment of fees associated with any deferred improvements, within a reasonable time following approval of the final map and prior to the issuance of a permit or other grant of approval for the development of a remainder parcel upon a finding by the local agency that fulfillment of the construction requirements is necessary for reasons of:

(A) The public health and safety; or

(B) The required construction is a necessary prerequisite to the orderly development of the surrounding area.

(b) If the subdivider elects to omit all or a portion of any unit of improved or unimproved land which is not divided for the purpose of sale, lease, or financing, the omitted portion shall not be counted as a parcel for purposes of determining whether a parcel or final map is required, and the fulfillment of construction requirements for offsite improvements, including the payment of fees associated with any deferred improvements, shall not be required until a permit or other grant of approval for development is issued on the omitted parcel, except where allowed pursuant to paragraph (2) of subdivision (a).

(c) The provisions of subdivisions (a) and (b) providing for deferral of the payment of fees associated with any deferred improvements shall not apply if the designated remainder or omitted parcel is included within the boundaries of a benefit assessment district or community facilities district.

(d) A designated remainder or any omitted parcel may subsequently be sold without any further requirement of the filing of a parcel map or final map, but the local agency may require a certificate of compliance or conditional certificate of compliance.

(Amended by Stats. 1991, Ch. 907, Sec. 1.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 2. Maps [66425 - 66450] *(Chapter 2 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1. General Provisions [66425 - 66431] *(Article 1 added by Stats. 1974, Ch. 1536.)*

66425. The necessity for tentative, final and parcel maps shall be governed by the provisions of this chapter.

(Added by Stats. 1974, Ch. 1536.)

66426. A tentative and final map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except where any one of the following occurs:

(a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the legislative body.

(b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway.

(c) The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(d) Each parcel created by the division has a gross area of not less than 40 acres or is not less than a quarter of a quarter section.

(e) The land being subdivided is solely for the creation of an environmental subdivision pursuant to Section 66418.2.

(f) A parcel map shall be required for those subdivisions described in subdivisions (a), (b), (c), (d), and (e).

(Amended by Stats. 2003, Ch. 76, Sec. 2. Effective January 1, 2004.)

66426.5. Any conveyance of land to or from a governmental agency, public entity, public utility, or subsidiary of a public utility for conveyance to that public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels. For purposes of this section, any conveyance of land to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

(Amended by Stats. 2011, Ch. 382, Sec. 6. (SB 194) Effective January 1, 2012.)

66427. (a) A map of a condominium project, a community apartment project, or of the conversion of five or more existing dwelling units to a stock cooperative project need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a parcel, tentative, or final map of the project on account of the design or the location of buildings on the property shown on the map that are not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium.

(b) A map need not include a condominium plan or plans, as defined in Section 4120 or 6540 of the Civil Code, and the governing body may not refuse approval of a parcel, tentative, or final map of the project on account of the absence of a condominium plan.

(c) Fees and lot design requirements shall be computed and imposed with respect to those maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project.

(d) Nothing herein shall be deemed to limit the power of the legislative body to regulate the design or location of buildings in a project by or pursuant to local ordinances.

(e) If the governing body has approved a parcel map or final map for the establishment of condominiums on property pursuant to the requirements of this division, the separation of a three-dimensional portion or portions of the property from the remainder of the property or the division of that three-dimensional portion or portions into condominiums shall not constitute a further subdivision as defined in Section 66424, provided each of the following conditions has been satisfied:

(1) The total number of condominiums established is not increased above the number authorized by the local agency in approving the parcel map or final map.

(2) A perpetual estate or an estate for years in the remainder of the property is held by the condominium owners in undivided interests in common, or by an association as defined in Section 4100 or 6528 of the Civil Code, and the duration of the estate in the remainder of the property is the same as the duration of the estate in the condominiums.

(3) The three-dimensional portion or portions of property are described on a condominium plan or plans, as defined in Section 4120 or 6540 of the Civil Code.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 58) by Stats. 2013, Ch. 605, Sec. 32. (SB 752) Effective January 1, 2014.)

66427.1. (a) The legislative body shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, unless it finds as follows:

(1) Each tenant of the proposed condominium, community apartment project, or stock cooperative project, and each person applying for the rental of a unit in the residential real property, has received or will have received all applicable notices and rights now or hereafter required by this chapter or Chapter 3 (commencing with Section 66451).

(2) Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has received or will receive each of the following notices:

(A) Written notification, pursuant to Section 66452.18, of intention to convert, provided at least 60 days prior to the filing of a tentative map pursuant to Section 66452.

(B) Ten days' written notification that an application for a public report will be, or has been, submitted to the Bureau of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report, and that the report will be available on request.

(C) Written notification that the subdivider has received the public report from the Bureau of Real Estate. This notice shall be provided within five days after the date that the subdivider receives the public report from the Bureau of Real Estate.

(D) Written notification within 10 days after approval of a final map for the proposed conversion.

(E) One hundred eighty days' written notice of intention to convert, provided prior to termination of tenancy due to the conversion or proposed conversion pursuant to Section 66452.19, but not before the local authority has approved a tentative map for the conversion. The notice given pursuant to this paragraph shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.

(F) Notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that the unit will be initially offered to the general public or terms more favorable to the tenant pursuant to Section 66452.20. The exclusive right to purchase shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions Code, and shall run for

a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right.

(b) The written notices to tenants required by subparagraphs (A) and (B) of paragraph (2) of subdivision (a) shall be deemed satisfied if those notices comply with the legal requirements for service by mail.

(c) This section shall not diminish, limit, or expand, other than as provided in this section, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(d) If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or Korean, all required written notices regarding the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project shall be issued in that language.

(Amended by Stats. 2013, Ch. 352, Sec. 313. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

66427.2. Unless applicable general or specific plans contain definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives, the provisions of Sections 66473.5, 66474, and 66474.61, and subdivision (c) of Section 66474.60 shall not apply to condominium projects or stock cooperatives, which consist of the subdivision of airspace in an existing structure, unless new units are to be constructed or added.

A city, county, or city and county acting pursuant to this section shall approve or disapprove the conversion of an existing building to a stock cooperative within 120 days following receipt of a completed application for approval of such conversion.

This section shall not diminish, limit or expand, other than as provided herein, the authority of any city, county, or city and county to approve or disapprove condominium projects.

(Amended by Stats. 1979, Ch. 1192.)

66427.4. (a) At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a mobilehome park or floating home marina to another use, the subdivider shall adhere to the requirements of Section 65863.7 relating to the impact of the conversion upon the displaced residents of the mobilehome park or floating home marina to be converted.

(b) The legislative body, or an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the map, in addition to complying with other applicable law, shall be subject to Section 65863.7 relating to requiring mitigation of any adverse impact of the conversion on the ability of displaced mobilehome park or floating home marina residents to find adequate housing in a mobilehome park or floating home marina, respectively.

(c) This section establishes a minimum standard for local regulation of conversions of mobilehome parks and floating home marinas into other uses and shall not prevent a local agency from enacting more stringent measures.

(d) This section shall not be applicable to a subdivision that is created from the conversion of a rental mobilehome park or rental floating home marina to resident ownership.

(Amended by Stats. 2020, Ch. 35, Sec. 5. (AB 2782) Effective January 1, 2021.)

66427.5. At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental mobilehome park to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

(a) The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the park to resident ownership, or to continue residency as a tenant.

(b) The subdivider shall file a report on the impact of the conversion upon residents of the mobilehome park to be converted to resident owned subdivided interest.

(c) The subdivider shall make a copy of the report available to each resident of the mobilehome park at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(d) (1) The subdivider shall obtain a survey of support of residents of the mobilehome park for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or mobilehome park owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied mobilehome space has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered in the agency's decision as to whether to approve, conditionally approve, or disapprove the map, and the agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the park's homeowners.

(6) Local legislative bodies may, by ordinance or resolution, implement the requirements of this subdivision.

(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:

(1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.

(2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

(Amended by Stats. 2013, Ch. 373, Sec. 1. (SB 510) Effective January 1, 2014.)

66427.6. At the time of filing a tentative or parcel map for a subdivision to be created from the conversion of a rental floating home marina to resident ownership, the subdivider shall avoid the economic displacement of all nonpurchasing residents in the following manner:

(a) The subdivider shall offer each existing tenant an option to either purchase his or her condominium or subdivided unit, which is to be created by the conversion of the marina to resident ownership, or to continue residency as a tenant.

(b) The subdivider shall file a report on the impact of the conversion upon residents of the floating home marina to be converted to a resident-owned subdivided interest.

(c) The subdivider shall make a copy of the report available to each resident of the floating home marina at least 15 days prior to the hearing on the map by the advisory agency or, if there is no advisory agency, by the legislative body.

(d) (1) The subdivider shall obtain a survey of support of residents of the floating home marina for the proposed conversion.

(2) The survey of support shall be conducted in accordance with an agreement between the subdivider and a resident homeowners' association, if any, that is independent of the subdivider or floating home marina owner.

(3) The survey shall be obtained pursuant to a written ballot.

(4) The survey shall be conducted so that each occupied floating home berth has one vote.

(5) The results of the survey shall be submitted to the local agency upon the filing of the tentative or parcel map, to be considered in the agency's decision as to whether to approve, conditionally approve, or disapprove the map, and the agency may disapprove the map if it finds that the results of the survey have not demonstrated the support of at least a majority of the marina's homeowners.

(6) Local legislative bodies may enact local regulations to implement the requirements of this subdivision.

(e) The subdivider shall be subject to a hearing by a legislative body or advisory agency, which is authorized by local ordinance to approve, conditionally approve, or disapprove the map. The scope of the hearing shall be limited to the issue of compliance with this section.

(f) The subdivider shall be required to avoid the economic displacement of all nonpurchasing residents in accordance with the following:

(1) As to nonpurchasing residents who are not lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards, in equal annual increases over a four-year period.

(2) As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that the monthly rent shall not be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

(Added by Stats. 2013, Ch. 432, Sec. 4. (AB 253) Effective January 1, 2014.)

66428. (a) Local ordinances may require a tentative map where a parcel map is required by this chapter. A parcel map shall be required for subdivisions as to which a final or parcel map is not otherwise required by this chapter, unless the preparation of the parcel map is waived by local ordinance as provided in this section. A parcel map shall not be required for either of the following:

(1) Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than 30 days' notice in writing).

(2) Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

(b) A local agency shall, by ordinance, provide a procedure for waiving the requirement for a parcel map, imposed by this division, including the requirements for a parcel map imposed by Section 66426. The procedure may include provisions for waiving the requirement for a tentative and final map for the construction of a condominium project on a single parcel. The ordinance shall require a finding by the legislative body or advisory agency, that the proposed division of land complies with requirements established by this division or local ordinance enacted pursuant thereto as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division or local ordinance enacted pursuant thereto. In any case, where the requirement for a parcel map is waived by local ordinance pursuant to this section, a tentative map may be required by local ordinance.

(c) If a local ordinance does not require a tentative map where a parcel map is required by this division, the subdivider shall have the option of submitting a tentative map, or if he or she desires to obtain the rights conferred by Chapter 4.5 (commencing with Section 66498.1), a vesting tentative map.

(Amended by Stats. 2013, Ch. 210, Sec. 16. (SB 184) Effective January 1, 2014.)

66428.1. (a) When at least two-thirds of the owners of mobilehomes or floating homes who are tenants in the mobilehome park or floating home marina sign a petition indicating their intent to purchase the mobilehome park or the floating home marina for purposes of converting it to resident ownership, and a field survey is performed, the requirement for a parcel map or a tentative and final map shall be waived unless any of the following conditions exists:

(1) There are design or improvement requirements necessitated by significant health or safety concerns.

(2) The local agency determines that there is an exterior boundary discrepancy that requires recordation of a new parcel or tentative and final map.

(3) The existing parcels that exist prior to the proposed conversion were not created by a recorded parcel or final map.

(4) The conversion would result in the creation of more condominium units or interests than the number of tenant lots, spaces, or floating home berths that exist prior to conversion.

(b) The petition signed by owners of mobilehomes in a mobilehome park proposed for conversion to resident ownership pursuant to subdivision (a) shall read as follows:

MOBILEHOME PARK PETITION AND DISCLOSURE STATEMENT
SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS MOBILEHOME PARK TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS $_____ TO $_____, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP INTEREST IS $_____ TO $_____, EXCLUDING FINANCING COSTS. IF TWO-THIRDS OF THE RESIDENTS IN THIS PARK SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE MOBILEHOME PARK FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS THAT ARE AVAILABLE TO YOU.
_____ Buyer, unit #, date _____ _____ _____ Petitioner, date _____

(c) The petition signed by owners of floating homes in a floating home marina proposed for conversion to resident ownership pursuant to subdivision (a) shall read as follows:

FLOATING HOME MARINA PETITION AND DISCLOSURE STATEMENT
SIGNING THIS PETITION INDICATES YOUR SUPPORT FOR CONVERSION OF THIS FLOATING HOME MARINA TO RESIDENT OWNERSHIP. THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, DESCRIBED AS _____. THE TOTAL COST FOR CONVERSION AND PURCHASE OF THE PARK IS $_____ TO $_____, EXCLUDING FINANCING COSTS. THE TOTAL COST TO YOU FOR CONVERSION AND PURCHASE OF YOUR OWNERSHIP INTEREST IS $_____ TO $_____, EXCLUDING FINANCING COSTS. IF TWO-THIRDS OF THE RESIDENTS IN THIS MARINA SIGN THIS PETITION INDICATING THEIR INTENT TO PURCHASE THE FLOATING HOME MARINA FOR PURPOSES OF CONVERTING IT TO RESIDENT OWNERSHIP, THEN THE REQUIREMENTS FOR A NEW PARCEL, OR TENTATIVE AND FINAL SUBDIVISION MAP IN COMPLIANCE WITH THE SUBDIVISION MAP ACT MUST BE WAIVED, WITH CERTAIN VERY LIMITED EXCEPTIONS. WAIVING THESE PROVISIONS OF LAW ELIMINATES NUMEROUS PROTECTIONS THAT ARE AVAILABLE TO YOU.
_____ Buyer, unit #, date _____ _____ _____ Petitioner, date _____

(d) The local agency shall provide an application for waiver pursuant to this section. After the waiver application is deemed complete pursuant to Section 65943, the local agency shall approve or deny the application within 50 days. The applicant shall have the right to appeal that decision to the governing body of the local agency.

(e) If a tentative or parcel map is required, the local agency shall not impose any offsite design or improvement requirements unless these are necessary to mitigate an existing health or safety condition. No other dedications, improvements, or in-lieu fees shall be required by the local agency. In no case shall the mitigation of a health or safety condition have the effect of reducing the number, or changing the location, of existing mobilehome spaces or floating home marina berths.

(f) If the local agency imposes requirements on an applicant to mitigate a health or safety condition, the applicant and the local agency shall enter into an unsecured improvement agreement. The local agency shall not require bonds or other security devices pursuant to Chapter 5 (commencing with Section 66499) for the performance of that agreement. The applicant shall have a period of one year from the date the agreement was executed to complete those improvements.

(g) If the waiver application provided for in this section is denied by the local agency pursuant to the provisions of subdivision (a), the applicant may proceed to convert the mobilehome park or the floating home marina to a tenant-owned, condominium ownership interest, but shall file a parcel map or a tentative and final map. The local agency may not require the applicant to file and record a tentative and final map unless the conversion creates five

or more parcels shown on the map. The number of condominium units or interests created by the conversion shall not determine whether the filing of a parcel or a tentative and final map shall be required.

(h) For the purposes of this section, the meaning of "resident ownership" shall be as defined in Section 50781 of the Health and Safety Code.

(Amended by Stats. 2013, Ch. 432, Sec. 5. (AB 253) Effective January 1, 2014.)

66429. Of the maps required by this division, only final and parcel maps may be filed for record in the office of the county recorder.

(Added by Stats. 1974, Ch. 1536.)

66430. No final map or parcel map required by this chapter or local ordinance which creates a subdivision shall be filed with the local agency without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided in this division.

(Added by Stats. 1974, Ch. 1536.)

66431. Upon mutual agreement of their respective legislative bodies, the county surveyor may perform any or all of the duties assigned to the city engineer, including required certifications or statements. Whenever these duties have been divided between the county surveyor and city engineer, each officer shall state the duties performed by him or her.

(Amended by Stats. 1987, Ch. 982, Sec. 2.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 2. Maps [66425 - 66450] *(Chapter 2 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Final Maps [66433 - 66443] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66433. The content and form of final maps shall be governed by the provisions of this article.

(Added by Stats. 1974, Ch. 1536.)

66434. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing on the map shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and any information that may be necessary to determine the location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(d) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(e) (1) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6. The designated remainder or omitted parcel shall be labeled as a designated remainder parcel or omitted parcel. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(2) If the map includes a "designated remainder" parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included that do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

(g) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the final map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

(Amended by Stats. 2009, Ch. 332, Sec. 72. (SB 113) Effective January 1, 2010.)

66434.1. In the event that an owner's development lien has been created pursuant to the provisions of Article 2.5 (commencing with Section 17430) of Chapter 4 of Part 10.5 of the Education Code on the real property or portion thereof subject to the final map, a notice shall be placed on the face of the final map specifically referencing the recording instrument number or the book and page in the county recorder's office in which the resolution creating the owner's development lien was recorded. The notice shall state that the property subdivided is subject to an owner's development lien and that each parcel created by the recordation of the final map shall be subject to a prorated amount of the owner's development lien on a per acre or portion thereof basis.

(Amended by Stats. 2022, Ch. 427, Sec. 17. (SB 1489) Effective January 1, 2023.)

66434.2. (a) On or after January 1, 1987, a city or county may, by ordinance, require additional information to be filed or recorded simultaneously with a final or parcel map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final or parcel map, and shall contain a statement that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record title interest. The document or additional map sheet may also contain a notation that the additional information is derived from public records or reports, and does not imply the correctness or sufficiency of those records or reports by the preparer of the document or additional map sheet.

(b) Additional survey and map information may include, but need not be limited to: building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, and archaeological sites.

(Added by Stats. 1985, Ch. 883, Sec. 2.)

66434.5. When a soils report, geologic report, or soils and geologic report has been prepared specifically for the subdivision, each report shall be kept on file for public inspection by the city or county having jurisdiction.

(Amended by Stats. 1982, Ch. 87, Sec. 9. Effective March 1, 1982.)

66435. Prior to filing, those certificates, statements, and acknowledgments set forth in this article shall appear on the final map and may be combined where appropriate.

(Amended by Stats. 1988, Ch. 1408, Sec. 5.)

66435.1. Notwithstanding any other provision of this article, local agencies may require that those certificates, statements, and acknowledgments required by Sections 66436 and 66443, be made by separate instrument to be recorded concurrently with the final map being filed for record.

(Amended by Stats. 1988, Ch. 1408, Sec. 6.)

66435.2. Whenever a certificate, statement, or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

(Amended by Stats. 1987, Ch. 982, Sec. 3.)

66436. (a) A statement, signed and acknowledged by all parties having any record title interest in the subdivided real property, consenting to the preparation and recordation of the final map is required, except in the following circumstances:

(1) A lien for state, county, municipal, or local taxes or special assessments, a trust interest under bond indentures, or mechanics' liens do not constitute a record title interest in land for the purpose of this chapter or any local ordinance.

(2) The signature of either the holder of beneficial interests under trust deeds or the trustee under the trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.

(3) Signatures of parties owning the following types of interests may be omitted if their names and the nature of their respective interests are stated on the final map:

(A) (i) Rights-of-way, easements or other interests which cannot ripen into a fee, except those owned by a public entity, public utility, or subsidiary of a public utility for conveyance to the public utility for rights-of-way. If, however, the legislative body or advisory agency determines that division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement, the signature of the public entity or public utility may be omitted. Where that determination is made, the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section, to any public entity or public utility which has previously acquired a right-of-way or easement.

(ii) If the public entity or utility objects to either recording the final map without its signature or the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the full and complete exercise of its right-of-way or easement, it shall so notify the subdivider and the legislative body or advisory agency within 30 days after receipt of the materials from the subdivider.

(iii) If the public entity or utility objects to recording the final map without its signature, the public entity or utility so objecting may affix its signature to the final map within 30 days of filing its objection with the legislative body or advisory agency.

(iv) If the public entity or utility either does not file an objection with the legislative body or advisory agency or fails to affix its signature within 30 days of filing its objection to recording the map without its signature, the local agency may record the final map without the signature.

(v) If the public entity or utility files an objection to the determination of the legislative body or advisory agency that the division and development of the property will not unreasonably interfere with the exercise of its right-of-way or easement, the legislative body or advisory agency shall set the matter for public hearing to be held not less than 10 nor more than 30 days of receipt of the objection. At the hearing, the public entity or public utility shall present evidence in support of its position that the division and development of the property will unreasonably interfere with the free and complete exercise of the objector’s right-of-way or easement.

(vi) If the legislative body or advisory agency finds, following the hearing, that the development and division will in fact unreasonably interfere with the free and complete exercise of the objector’s right-of-way or easement, it shall set forth those conditions whereby the unreasonable interference will be eliminated and upon compliance with those conditions by the subdivider, the final map may be recorded with or without the signature of the objector. If the legislative body or advisory agency finds that the development and division will in fact not unreasonably interfere with the free and complete exercise of the objector’s right-of-way or easement, the final map may be recorded without the signature of the objector, notwithstanding the objections.

(vii) Failure of the public entity or public utility to file an objection pursuant to this section shall in no way affect its rights under a right-of-way or easement.

(viii) No fee shall be charged by a public entity, public utility, subsidiary of a public utility, or objector for signing, omitting a signature, or objecting pursuant to this section.

(B) Rights-of-way, easements, or reversions, which by reason of changed conditions, long disuse, or laches appear to be no longer of practical use or value and signatures are impossible or impractical to obtain. A statement of the circumstances preventing the procurement of the signatures shall also be stated on the map.

(C) Interests in, or rights to, minerals, including but not limited to, oil, gas, or other hydrocarbon substances.

(4) Real property originally patented by the United States or by the State of California, which original patent reserved interest to either or both of those entities, may be included in the final map without the consent of the United States or the State of California to the map or to dedications made by it.

(b) No monetary liability shall be incurred by, and no cause of action shall arise against, a local agency, a party, the subdivider, the subdivider's agent, or the engineer or land surveyor who prepared the map, on account of the omission of any signature, which omission is authorized by this section.

(c) A notary acknowledgment shall be deemed complete for recording without the official seal of the notary, so long as the name of the notary, the county of the notary's principal place of business, and the notary's commission expiration date are typed or printed below or immediately adjacent to the notary's signature in the acknowledgment.

(Amended by Stats. 1989, Ch. 847, Sec. 5.)

66439. (a) Dedications of, or offers to dedicate interests in, real property for specified public purposes shall be made by a statement on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided, subject to the provisions of Section 66436.

(b) In the event any street shown on a final map is not offered for dedication, the statement may contain a declaration to this effect. If the statement appears on the final map and if the map is approved by the legislative body, the use of the street or streets by the public shall be permissive only.

(c) An offer of dedication of real property for street or public utility easement purposes shall be deemed not to include any public utility facilities located on or under the real property unless, and only to the extent that, an intent to dedicate the facilities is expressly declared in the statement.

(d) (1) If a subdivider is required under this division or any other provision of law to make a dedication for specified public purposes on a final map, the local agency shall specify whether the dedication is to be in fee for public purposes or an easement for public purposes.

(2) If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument: "The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property)."

(3) If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the final map or any separate instrument: "The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property)."

(Amended by Stats. 2009, Ch. 332, Sec. 73. (SB 113) Effective January 1, 2010.)

66440. The final map shall contain a certificate or statement for execution by the clerk of each approving legislative body stating that the body approved the map and accepted, accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use in conformity with the terms of the offer of dedication.

(Amended by Stats. 1987, Ch. 982, Sec. 6.)

66441. A statement by the engineer or surveyor responsible for the survey and final map is required. His or her statement shall give the date of the survey, state that the survey and final map were made by him or her or under his or her direction, and that the survey is true and complete as shown.

The statement shall also state that all the monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified later date. The statement shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

(Amended by Stats. 1987, Ch. 982, Sec. 7.)

66442. (a) If a subdivision for which a final map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp of his or her seal, state that:

(1) He or she has examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code). The county surveyor, the city surveyor, or the city engineer, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete and file with his or her legislative body his or her certificate or statement, as required by this section, within 20 days from the time the final map is submitted to him or her by the subdivider for approval.

(c) As used in this section, "certificate," "certify," and "certified" shall have the same meaning as provided in Sections 6735.5 and 8770.6 of the Business and Professions Code.

(Amended by Stats. 2012, Ch. 330, Sec. 15. (SB 1090) Effective January 1, 2013.)

66442.5. The following statements shall appear on a final map:

Engineer's or Surveyor's statement:

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that all the monuments are of the character and occupy the positions indicated or that they will be set in those positions before (date), and that the monuments are, or will be, sufficient to enable the survey to be retraced, and that this final map substantially conforms to the conditionally approved tentative map.

(Signed)	(Date Signed) _____
L.S. or R.C.E. No.	(Seal)
Recorder's certificate or statement. Filed this ___ day of _____, 20__, at _____m. in Book _____ of _____, at page _____, at the request of _____.	
Signed	
_____	County Recorder

(Amended by Stats. 2013, Ch. 210, Sec. 17. (SB 184) Effective January 1, 2014.)

66443. In addition to the certificates, statements, and acknowledgments required herein for final maps, the maps shall contain other certificates and acknowledgments as are required by local ordinance.

(Amended by Stats. 1988, Ch. 1408, Sec. 7.)

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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 2. Maps [66425 - 66450] *(Chapter 2 added by Stats. 1974, Ch. 1536.)*

ARTICLE 3. Parcel Maps [66444 - 66450] *(Article 3 added by Stats. 1974, Ch. 1536.)*

66444. The content and form of parcel maps shall be governed by the provisions of this article.

(Added by Stats. 1974, Ch. 1536.)

66445. The parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates or statements, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided.

(d) (1) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The exterior boundary of the land included within the subdivision shall not include a designated remainder or omitted parcel that is designated or omitted under Section 66424.6. The designated remainder parcel or omitted parcel shall be labeled as a designated remainder parcel or an omitted parcel.

(2) The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as "not a part" shall be deemed to be a "designated remainder" for purposes of this section.

(e) Subject to the provisions of Section 66436, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except that less inclusive requirements may be provided by local ordinance.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to

the proposed division. For purposes of this paragraph, "record title ownership" means fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights or other subsurface interests that have been severed from ownership of the surface.

(f) Notwithstanding any other provision of this article, local agencies may require that those statements and acknowledgments required pursuant to subdivision (e) be made by separate instrument to be recorded concurrently with the parcel map being filed for record.

(g) On and after January 1, 1987, no additional survey and map requirements shall be included on a parcel map that do not affect record title interests. However, the map shall contain a notation of reference to survey and map information required by a local ordinance adopted pursuant to Section 66434.2.

(h) Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

(i) If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

(j) Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another public entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

(Amended by Stats. 2009, Ch. 332, Sec. 74. (SB 113) Effective January 1, 2010.)

66447. (a) If dedications or offers of dedication are required, they may be made either by a statement on the parcel map or by separate instrument, as provided by local ordinance. If dedications or offers of dedication are made by separate instrument, the dedications or offers of dedication shall be recorded concurrently with, or prior to, the parcel map being filed for record.

(b) The dedication or offers of dedication, whether by statement or separate instrument, shall be signed by the same parties and in the same manner as set forth in Section 66439 for dedications by a final map.(c) (1) If a subdivider is required under this division or any other provision of law to make a dedication for specified public purposes on a parcel map, the local agency shall specify whether the dedication is to be in fee for public purposes or an easement for public purposes.

(2) If the dedication is required to be in fee for public purposes, the subdivider shall include the following language in the dedication clause on the parcel map or any separate instrument: "The real property described below is dedicated in fee for public purposes: (here insert a description of the dedicated property that is adequate to convey the property)."

(3) If the dedication is required to be an easement for public purposes, the subdivider shall include the following language in the dedication clause on the parcel map or any separate instrument: "The real property described below is dedicated as an easement for public purposes: (here insert a description of the easement that is adequate to convey the dedicated property)."

(Amended by Stats. 2009, Ch. 332, Sec. 75. (SB 113) Effective January 1, 2010.)

66448. In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the Land Surveyors Act when required by local ordinance, or, in absence of that requirement, shall be based either upon a field survey made in conformity with the Land Surveyors Act or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

(Amended by Stats. 2006, Ch. 643, Sec. 21. Effective January 1, 2007.)

66449. The following statements shall appear on a parcel map:

Engineer's or Surveyor's statement:

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of (name of person authorizing map) on (date). I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any.

(Signed)	(Date Signed)____
L.S. or R.C.E. No.	(Seal)
Recorder's certificate or statement. Filed this ___ day of _____, 20__, at _____m. in Book _____ of _____, at page _____, at the request of _____.	
Signed	
_____	County Recorder

(Amended by Stats. 2013, Ch. 210, Sec. 18. (SB 184) Effective January 1, 2014.)

66450. (a) If a subdivision for which a parcel map is required lies within an unincorporated area, a certificate or statement by the county surveyor is required. If a subdivision lies within a city, a certificate or statement by the city engineer or city surveyor is required. The appropriate official shall sign, date, and, below or immediately adjacent to the signature, indicate his or her registration or license number and the stamp of his or her seal and state that:

(1) He or she examined the map.

(2) The subdivision as shown is substantially the same as it appeared on the tentative map, if required, and any approved alterations thereof.

(3) All provisions of this chapter and of any local ordinances applicable at the time of approval of the tentative map, if required, have been complied with.

(4) He or she is satisfied that the map is technically correct.

(b) City or county engineers registered as civil engineers after January 1, 1982, shall only be qualified to certify the statements of paragraphs (1), (2), and (3) of subdivision (a). The statement specified in paragraph (4) of subdivision (a) shall only be certified by a person authorized to practice land surveying pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code) or a person registered as a civil engineer prior to January 1, 1982, pursuant to the Professional Engineers' Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code).

(c) The county surveyor, city engineer, or city surveyor, as the case may be, or other public official or employee qualified and authorized to perform the functions of one of those officials, shall complete his or her certificate or statement, as required by this section, within 20 days from the time the parcel map is submitted to him or her by the subdivider for approval. The completed parcel map shall be delivered to the county recorder or, if required by local ordinance, filed with the legislative body prior to delivery to the county recorder, within the same 20-day period.

(Amended by Stats. 2012, Ch. 330, Sec. 16. (SB 1090) Effective January 1, 2013.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1. General Provisions [66451 - 66451.7] *(Article 1 added by Stats. 1974, Ch. 1536.)*

66451. The procedures set forth in this chapter shall govern the processing, approval, conditional approval or disapproval and filing of tentative, final and parcel maps and the modification thereof. Local ordinances may modify such procedures to the extent authorized by this chapter.

(Added by Stats. 1974, Ch. 1536.)

66451.1. (a) The time limits specified in this chapter for reporting and acting on maps may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to report or act. However, no advisory agency or legislative body, may require a routine waiver of time limits as a condition of accepting the application for, or processing of tentative, final, or parcel maps, unless the routine waiver is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same development project.

(b) At the time that the subdivider makes an application pursuant to this division, a local agency shall determine whether or not it is able to meet the time limits specified in this chapter for reporting and acting on maps. If the local agency determines that it will be unable to meet such time limits, such agency shall, upon request of a subdivider and for the purpose of meeting such time limits, contract or employ a private entity or persons on a temporary basis to perform such services as necessary to permit the agency to meet such time limits. However, a local agency need not enter into such a contract or employ such persons if it determines either that (1) no such entities or persons are available or qualified to perform such services or (2) the local agency would be able to perform services in a more rapid fashion than would any available and qualified persons or entities.

Such entities or persons employed by a local agency may, pursuant to an agreement with the local agency, perform all functions necessary to process tentative, final, and parcel maps and to comply with other requirements imposed pursuant to this division or by local ordinances adopted pursuant to this division, except those functions reserved by this division or local ordinance to the legislative body. A local agency may charge the subdivider fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section.

(Amended by Stats. 1980, Ch. 1152.)

66451.2. The local agency may establish reasonable fees for the processing of tentative, final and parcel maps and for other procedures required or authorized by this division or local ordinance, but the fees shall not exceed the amount reasonably required by such agency to administer the provisions of this division. The fees shall be imposed pursuant to the Mitigation Fee Act, consisting of Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1.

(Amended by Stats. 1999, Ch. 550, Sec. 20. Effective September 28, 1999. Operative January 1, 2000, by Sec. 33 of Ch. 550.)

66451.3. (a) Unless otherwise provided by this division, notice of a hearing held pursuant to this division shall be given pursuant to Sections 65090 and 65091.

(b) If the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by the local agency by United States mail to each tenant of the subject property, and shall also include notification of the tenant's right to appear and be heard. The requirements of this subdivision may be satisfied by service of the notice in compliance with the requirements for service of legal process by mail.

(c) Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

(d) Any interested person may appear at the hearing and shall be heard.

(Amended by Stats. 1984, Ch. 1009, Sec. 30.)

66451.4. No advisory agency or legislative body shall disapprove an application for a tentative, final, or parcel map in order to comply with the time limits specified in this chapter unless there are reasons for disapproval other than the failure to timely act in accordance with the time limits specified in this chapter.

(Added by Stats. 1994, Ch. 977, Sec. 1. Effective January 1, 1995.)

66451.6. No fee shall be charged by a local agency as a condition to the approval of a tentative, final, or parcel map for a subdivision, or a division of land which is not a subdivision, which consists of the conversion of a mobilehome park to condominium or stock cooperative ownership interests, except regulatory fees charged for the issuance of a permit and those fees authorized by Section 66451.2.

(Added by Stats. 1984, Ch. 286, Sec. 1.)

66451.7. Applications for an exception from the Subdivision Map Act pursuant to Section 66412, and applications for parcel map waivers pursuant to Section 66428, shall be acted upon by a local agency within 60 days of the application being deemed complete pursuant to Section 65943.

(Added by Stats. 1994, Ch. 977, Sec. 2. Effective January 1, 1995.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1.5. Merger of Parcels [66451.10 - 66451.24] *(Article 1.5 added by Stats. 1983, Ch. 845, Sec. 2.)*

66451.10. (a) Notwithstanding Section 66424, except as is otherwise provided for in this article, two or more contiguous parcels or units of land which have been created under the provisions of this division, or any prior law regulating the division of land, or a local ordinance enacted pursuant thereto, or which were not subject to those provisions at the time of their creation, shall not be deemed merged by virtue of the fact that the contiguous parcels or units are held by the same owner, and no further proceeding under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of the contiguous parcels or units, or any of them.

(b) This article shall provide the sole and exclusive authority for local agency initiated merger of contiguous parcels. On and after January 1, 1984, parcels may be merged by local agencies only in accordance with the authority and procedures prescribed by this article. This exclusive authority does not, however, abrogate or limit the authority of a local agency or a subdivider with respect to the following procedures within this division:

(1) Lot line adjustments.

(2) Amendment or correction of a final or parcel map.

(3) Reversions to acreage.

(4) Exclusions.

(5) Tentative, parcel, or final maps which create fewer parcels.

(Amended by Stats. 1986, Ch. 727, Sec. 1. Effective September 15, 1986.)

66451.11. A local agency may, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of the determination of merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

The ordinance may establish the standards specified in paragraphs (3) to (7), inclusive, which shall be applicable to parcels to be merged.

This subdivision shall not apply if one of the following conditions exist:

(A) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(B) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(C) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(D) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(E) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (C) and (D) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

(c) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13, and is afforded the opportunity for a hearing pursuant to Section 66451.14.

For purposes of this section, when determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

(Amended by Stats. 1995, Ch. 162, Sec. 1. Effective January 1, 1996.)

66451.12. A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

(Amended by Stats. 1984, Ch. 102, Sec. 1.2. Effective April 30, 1984.)

66451.13. Prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

(Amended by Stats. 1995, Ch. 162, Sec. 2. Effective January 1, 1996.)

66451.14. At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the local agency a request for a hearing on determination of status.

(Amended by Stats. 1984, Ch. 102, Sec. 1.4. Effective April 30, 1984.)

66451.15. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Section 66451.14, the local agency shall fix a time, date, and place for a hearing to be conducted by the legislative body or an advisory agency, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the local agency's receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the local agency and the property owner.

(Amended by Stats. 1985, Ch. 796, Sec. 2. Effective September 19, 1985.)

66451.16. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in the merger ordinance.

At the conclusion of the hearing, the local agency shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. If the merger ordinance so provides, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Section 66451.11. A determination of merger shall be recorded within 30 days after conclusion of the hearing, as provided for in Section 66451.12.

(Amended by Stats. 1984, Ch. 102, Sec. 1.6. Effective April 30, 1984.)

66451.17. If, within the 30-day period specified in Section 66451.14, the owner does not file a request for a hearing in accordance with Section 66451.16, the local agency may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 66451.12 no later than 90 days following the mailing of notice required by Section 66451.13.

(Amended by Stats. 2000, Ch. 506, Sec. 29. Effective January 1, 2001.)

66451.18. If, in accordance with Section 66451.16 or 66451.17, the local agency determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Section 66451.12 a release of the notice of intention to determine status, recorded pursuant to Section 66451.13, and shall mail a clearance letter to the then current owner of record.

(Amended by Stats. 1984, Ch. 102, Sec. 1.8. Effective April 30, 1984.)

66451.19. (a) Except as provided in Sections 66451.195, 66451.301, and 66451.302, a city or county shall no later than January 1, 1986, record a notice of merger for any parcel merged prior to January 1, 1984. After January 1, 1986, no parcel merged prior to January 1, 1984, shall be considered merged unless a notice of merger has been recorded prior to January 1, 1986.

(b) Notwithstanding the provisions of Sections 66451.12 to 66451.18, inclusive, a city or county having a merger ordinance in existence on January 1, 1984, may, until July 1, 1984, continue to effect the merger of parcels pursuant to that ordinance, unless the parcels would be deemed not to have merged pursuant to the criteria specified in Section 66451.30. The local agency shall record a notice of merger for any parcels merged pursuant to that ordinance.

(c) At least 30 days prior to recording a notice of merger pursuant to subdivision (a) or (b), the local agency shall advise the owner of the affected parcels, in writing, of the intention to record the notice and specify a time, date, and place at which the owner may present evidence to the legislative body or advisory agency as to why the notice should not be recorded.

(d) The failure of a local agency to comply with the requirements of this article for the merger of contiguous parcels or units of land held in common ownership shall render void and ineffective any resulting merger or recorded notice of merger and no further proceedings under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of those contiguous parcels or units, or any of them, until such time as the parcels or units of land have been lawfully merged by subsequent proceedings initiated by the local agency which meet the requirements of this article.

(e) The failure of a local agency to comply with the requirements of any prior law establishing requirements for the merger of contiguous parcels or units of land held in common ownership, shall render voidable any resulting merger or recorded notice of merger. From and after the date the local agency determines that its actions did not comply

with the prior law, or a court enters a judgment declaring that the actions of the agency did not comply with the prior law, no further proceedings under the provisions of this division or a local ordinance enacted pursuant thereto shall be required for the purpose of sale, lease, or financing of such contiguous parcels or units, or any of them, until such time as the parcels or units of land have been lawfully merged by subsequent proceedings initiated by the local agency which meet the requirements of this article.

(Amended by Stats. 1986, Ch. 727, Sec. 2. Effective September 15, 1986.)

66451.195. (a) Counties more than 20,000 square miles in size shall have until January 1, 1990, to record a notice of merger for parcels of 4,000 square feet or less prior to the time of merger, which were merged prior to January 1, 1984, and for those parcels no parcel merged prior to January 1, 1984, shall be considered merged unless the notice of merger has been recorded prior to January 1, 1990. Counties recording notices of merger pursuant to this subdivision shall comply with the notice requirements of Section 66451.19.

(b) This section shall not be applicable to any parcels or units which meet the criteria of subdivision (a) but which were transferred, or for which the owner has applied for a building permit, during the period between January 1, 1986, and the effective date of this section.

(Added by Stats. 1986, Ch. 727, Sec. 3. Effective September 15, 1986.)

66451.20. Prior to amending a merger ordinance which was in existence on January 1, 1984, in order to bring it into compliance with Section 66451.11, the legislative body of the local agency shall adopt a resolution of intention and the clerk of the legislative body shall cause notice of the adoption of the resolution to be published in the manner prescribed by Section 6061. The publication shall have been completed not less than 30 days prior to adoption of the amended ordinance.

(Amended by Stats. 1995, Ch. 162, Sec. 3. Effective January 1, 1996.)

66451.21. Prior to the adoption of a merger ordinance in conformance with Section 66451.11, by a city or county not having a merger ordinance on January 1, 1984, the legislative body shall adopt a resolution of intention to adopt a merger ordinance and fix a time and place for a public hearing on the proposed ordinance, which shall be conducted not less than 30 nor more than 60 days after adoption of the resolution. The clerk of the legislative body shall cause a notice of the hearing to be published in the manner prescribed by Section 6061. Publication shall have been completed at least seven days prior to the date of the hearing. The notice shall:

(a) Contain the text of the resolution.

(b) State the time and place of the hearing.

(c) State that at the hearing all interested persons will be heard.

(Amended by Stats. 1995, Ch. 162, Sec. 4. Effective January 1, 1996.)

66451.22. (a) The Legislature hereby finds and declares that:

(1) The agricultural area of Napa County has become extremely important over the last 25 years as a premier winegrape growing region of worldwide importance and should thereby be protected from parcelization.

(2) The county has determined that because of the land's extraordinary agricultural value as a winegrape production area and the fact that the county's tourism industry entrusts its significant economic interests to its agricultural and open-space lands, the highest and best use for the agricultural land in the Napa Valley is for agricultural production.

(3) The full potential build-out of parcels not previously recognized in Napa County's agricultural preserve and watershed areas could devastate the wine industry of California and Napa County.

(4) To adequately protect the value and productivity of the county's agricultural lands, Napa County needs relief from the Subdivision Map Act's implied preemption of local ordinances that may require merger of parcels that do not meet current zoning and design and improvement standards as well as the provisions that recognize parcels created prior to, or before, the current Subdivision Map Act.

(b) Notwithstanding any other provision of law, the County of Napa may adopt ordinances to require, as a condition of the issuance of any permit or the grant of any approval necessary to develop any real property which includes in whole or in part an undeveloped substandard parcel, that the undeveloped substandard parcel be merged into any other parcel or parcels that are contiguous to it and were held in common ownership on or after the effective date

of this act, whether or not the contiguous parcels are a part of the development application, except as otherwise provided in subdivisions (d) and (e).

(c) For purposes of this section, "undeveloped substandard parcel" means a parcel or parcels that qualify as undeveloped pursuant to subdivision (a) of Section 66451.11, are located in areas designated as Agricultural Resource (AR) or Agricultural, Watershed, and Open Space (AWOS) on the General Plan Map of Napa County and are inconsistent with the parcel size established by the general plan and any applicable specific plan.

(d) Any ordinance adopted by the County of Napa pursuant to subdivision (b) shall exempt the following:

(1) Undeveloped substandard parcels for which a conditional or unconditional certificate of compliance has been issued pursuant to subdivision (a) or (b) of Section 66499.35, so long as the application for the certificate of compliance, together with the documentation required by the County of Napa on or before August 1, 1997, to commence the processing of an application, is filed on or before the effective date of this act; provided that this exemption shall not be applicable to conditional certificates of compliance, whenever issued, if the parcels involved were created on or after January 1, 1997, in a manner not in compliance with this division or local ordinances enacted pursuant thereto.

(2) Substandard parcels created by the recordation of a final or parcel map approved by the County of Napa on or after December 29, 1955.

(3) Substandard parcels lawfully created by the recordation of a record of survey prior to February 27, 1969.

(4) Notwithstanding Section 1093 of the Civil Code, property that in the most recently recorded deed, mortgage, patent, deed of trust, contract of sale, or other instrument of conveyance or security document, described by means of a consolidated legal description, whether or not such legal description is comprised of one or more previously existing legal descriptions, provided the owner of same prior to filing an application for development records a document merging any underlying parcel lines that may exist.

(e) Notwithstanding the provisions of subdivision (b), the Board of Supervisors of the County of Napa shall not require merger or condition or deny the issuance of any permit or the grant of any approval necessary to develop any real property in a manner that would constitute a taking of the landowner's property in violation of the United States and California Constitutions.

(f) Nothing contained in this section shall be construed as affecting the right of the County of Napa, pursuant to the provisions of Article 1.5 (commencing with Section 66451.10) and Article 1.7 (commencing with Section 66451.30), to merge any parcels of land in the unincorporated area of that county, including, but not limited to, any parcels eligible for the exemption as described in subdivision (d) of Section 66451.22.

(Added by Stats. 1997, Ch. 837, Sec. 1. Effective January 1, 1998.)

66451.23. Prior to adopting any ordinance authorized by Section 66451.22, the legislative body of the County of Napa shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed ordinance in addition to the noticed public hearing at which the legislative body proposes to enact the ordinance.

(Added by Stats. 1997, Ch. 837, Sec. 2. Effective January 1, 1998.)

66451.24. (a) Nothing in this article prohibits a landowner, local agency, or renewable energy corporation authorized to conduct business in this state from seeking financial assistance from eligible state funding sources to defray either of the following costs:

(1) The costs of merging parcels, including, but not limited to, escrow costs, on private or public lands pursuant to this article.

(2) The costs of establishing or administering a joint powers authority established or authorized to merge parcels on private or public lands, including, but not limited to, all eligible costs, for the purpose of siting renewable energy facilities.

(b) This section does not authorize the use of state funds for the acquisition of real property for which a parcel merger will be initiated.

(Added by Stats. 2010, Ch. 492, Sec. 1. (SB 1319) Effective January 1, 2011.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1.7. Unmerger of Parcels [66451.30 - 66451.33] *(Article 1.7 added by Stats. 1983, Ch. 845, Sec. 3.)*

66451.30. Any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984:

(a) The parcel meets each of the following criteria:

(1) Comprises at least 5,000 square feet in area.

(2) Was created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Meets current standards for sewage disposal and domestic water supply.

(4) Meets slope density standards.

(5) Has legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Development of the parcel would create no health or safety hazards.

(7) The parcel would be consistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

(b) And, with respect to such parcel, none of the following conditions exist:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(5) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (A) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (B) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of

1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (3) and (4), "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

Each city or county, as applicable, may establish the standards specified in paragraphs (3) to (7), inclusive, of subdivision (a), which shall be applicable to parcels deemed not to have merged pursuant to this section.

(Amended by Stats. 1985, Ch. 796, Sec. 4. Effective September 19, 1985.)

66451.301. If any parcels or units of land merged under a valid local merger ordinance which was in effect prior to January 1, 1984, but for which a notice of merger had not been recorded before January 1, 1988, and one or more of the merged parcels or units of land is within one of the categories specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 66451.30, the parcels or units of land shall be deemed not to have merged unless all of the following conditions exist:

(a) The parcels or units are contiguous and held by the same owner.

(b) One or more of the contiguous parcels or units do not conform to minimum parcel size under the applicable general plan, specific plan, or zoning ordinance.

(c) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(d) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.

If all the conditions described in subdivisions (a), (b), (c), and (d) above exist, only a parcel or unit of land which does not conform to minimum parcel size shall remain merged with a contiguous parcel.

(Added by Stats. 1985, Ch. 796, Sec. 5. Effective September 19, 1985.)

66451.302. (a) By January 1, 1987, a city or county or city and county which has within its boundaries, parcels or units of land which are or may be subject to the provisions of Section 66451.301, shall send a notice to all owners of real property affected by Section 66451.301 in substantially the following form:

"The city or county sending you this notice has identified one or more parcels of land which you own as potentially subject to a new state law regarding the merger of substandard parcels which are located in one or more of the following categories:

(1) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(2) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, is in a timberland production zone as defined in subdivision (g) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(3) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(4) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(5) [In coastal counties only] Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the

California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based."

"The new state law contained in Section 66451.301 of the Government Code, generally provides for parcels or units of land located in one or more of the above-described areas which were merged prior to January 1, 1984, and for which the local agency did not record a notice of merger by January 1, 1988, the parcels are deemed unmerged on January 1, 1988, unless all of the following conditions exist:

(a) The parcels or units are contiguous and held by the same owner.

(b) One or more of the contiguous parcels or units do not conform to minimum parcel size under the applicable general plan, specific plan, or zoning ordinance.

(c) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or necessary structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(d) The parcels or units which do not conform to minimum parcel size were not created by a recorded parcel or final map.

In order to determine whether this new law applies to your property, you should immediately contact the _____ Department of (City or County) to assist you in determining the application of the new law."

"WARNING. Your failure to act may result in the loss of valuable legal rights regarding the property."

(Added by Stats. 1985, Ch. 796, Sec. 6. Effective September 19, 1985.)

66451.31. Upon application made by the owner and payment of any fees authorized by Section 66451.33, the local agency shall make a determination that the affected parcels have merged or, if meeting the criteria of Section 66451.30, are deemed not to have merged.

(Amended by Stats. 1984, Ch. 102, Sec. 4. Effective April 30, 1984.)

66451.32. (a) Upon a determination that the parcels meet the standards specified in Section 66451.30, the local agency shall issue to the owner and record with the county recorder a notice of the status of the parcels which shall identify each parcel and declare that the parcels are unmerged pursuant to this article.

(b) Upon a determination that the parcels have merged and do not meet the criteria specified in Section 66451.30, the local agency shall issue to the owner and record with the county recorder, a notice of merger as provided in Section 66451.12.

(Amended by Stats. 1984, Ch. 102, Sec. 5. Effective April 30, 1984.)

66451.33. A city or county may impose a fee not to exceed those permitted by Chapter 13 (commencing with Section 54990) of Part 1, payable by the owner, for those costs incurred with respect to a parcel for which application for a determination that the parcels meet the criteria of Section 66451.30 is made.

(Amended by Stats. 1984, Ch. 102, Sec. 5.5. Effective April 30, 1984.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Tentative Maps [66452 - 66452.27] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66452. (a) A tentative map shall be filed with the clerk of the advisory agency or, if there is no advisory agency, with the clerk of the legislative body, or with any other officer or employee of the local agency as may be designated by local ordinance.

(b) A vesting tentative map shall be filed and processed in the same manner as a tentative map except as otherwise provided by this division or by a local ordinance adopted pursuant to this division.

(c) At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(Amended by Stats. 1984, Ch. 1113, Sec. 5. Operative January 1, 1986, by Sec. 10 of Ch. 1113.)

66452.1. (a) If the advisory agency is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, it shall make its written report on the tentative map to the legislative body within 50 days after the filing thereof with its clerk.

(b) If the advisory agency is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, it shall take that action within 50 days after the filing thereof with its clerk and report its action to the subdivider.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

(Amended by Stats. 1989, Ch. 847, Sec. 6.)

66452.2. (a) If there is an advisory agency which is not authorized by local ordinance to approve, conditionally approve or disapprove the tentative map, at the next regular meeting of the legislative body following the filing of the advisory agency's report with it, the legislative body shall fix the meeting date at which the tentative map will be considered by it, which date shall be within 30 days thereafter and the legislative body shall approve, conditionally approve, or disapprove the tentative map within that 30-day period.

(b) If there is no advisory agency, the clerk of the legislative body shall submit the tentative map to the legislative body at its next regular meeting which shall approve, conditionally approve or disapprove that map within 50 days thereafter.

(c) The local agency shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code. The time periods specified in subdivisions (a) and (b) shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

(Amended by Stats. 1989, Ch. 847, Sec. 7.)

66452.3. Any report or recommendation on a tentative map by the staff of the local agency to the advisory agency or legislative body shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject

property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.

(Amended by Stats. 1980, Ch. 1128.)

66452.4. (a) If no action is taken upon a tentative map by an advisory agency that is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map or by the legislative body within the time limits specified in this chapter or any authorized extension thereof, the tentative map as filed, shall be deemed to be approved, insofar as it complies with other applicable requirements of this division and any local ordinances, and it shall be the duty of the clerk of the legislative body to certify or state his or her approval.

(b) Once a tentative map is deemed approved pursuant to subdivision (a), a subdivider shall be entitled, upon request of the local agency or the legislative body, to receive a written certification of approval.

(Amended by Stats. 2003, Ch. 434, Sec. 5. Effective January 1, 2004.)

66452.5. (a) (1) The subdivider, or any tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, may appeal from any action of the advisory agency with respect to a tentative map to the appeal board established by local ordinance or, if none, to the legislative body.

(2) The appeal shall be filed with the clerk of the appeal board, or if there is none, with the clerk of the legislative body within 10 days after the action of the advisory agency from which the appeal is being taken.

(3) Upon the filing of an appeal, the appeal board or legislative body shall set the matter for hearing. The hearing shall be held within 45 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the appeal board or legislative body shall render its decision on the appeal.

(b) (1) The subdivider, any tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, or the advisory agency may appeal from the action of the appeal board to the legislative body. The appeal shall be filed in writing with the clerk of the legislative body within 10 days after the action of the appeal board from which the appeal is being taken.

(2) After the filing of an appeal, the legislative body shall set the matter for hearing. The hearing shall be held within 45 days after the date of the request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. Within 10 days following the conclusion of the hearing, the legislative body shall render its decision on the appeal.

(c) (1) If there is an appeal board and it fails to act upon an appeal within the time limit specified in this chapter, the decision from which the appeal was taken shall be deemed affirmed and an appeal therefrom may thereupon be taken to the legislative body as provided in subdivision (b) of this section. If no further appeal is taken, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed approved or conditionally approved as last approved or conditionally approved by the advisory agency, and it shall be the duty of the clerk of the legislative body to certify or state that approval, or if the advisory agency is one that is not authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, the advisory agency shall submit its report to the legislative body as if no appeal had been taken.

(2) If the legislative body fails to act upon an appeal within the time limit specified in this chapter, the tentative map, insofar as it complies with applicable requirements of this division and any local ordinance, shall be deemed to be approved or conditionally approved as last approved or conditionally approved, and it shall be the duty of the clerk of the legislative body to certify or state that approval.

(d) (1) Any interested person adversely affected by a decision of the advisory agency or appeal board may file an appeal with the legislative body concerning any decision of the advisory agency or appeal board. The appeal shall be filed with the clerk of the legislative body within 10 days after the action of the advisory agency or appeal board that is the subject of the appeal. Upon the filing of the appeal, the legislative body shall set the matter for hearing.

The hearing shall be held within 45 days after the date of a request filed by the subdivider or the appellant. If there is no regular meeting of the legislative body within the next 45 days for which notice can be given pursuant to Section 66451.3, the appeal may be heard at the next regular meeting for which notice can be given, or within 60 days from the date of the receipt of the request, whichever period is shorter. The hearing may be a public hearing for which notice shall be given in the time and manner provided.

(2) Upon conclusion of the hearing, the legislative body shall, within 10 days, declare its findings based upon the testimony and documents produced before it or before the advisory board or the appeal board. The legislative body may sustain, modify, reject, or overrule any recommendations or rulings of the advisory board or the appeal board and may make any findings that are not inconsistent with the provisions of this chapter or any local ordinance adopted pursuant to this chapter.

(e) Each decision made pursuant to this section shall be supported by findings that are consistent with the provisions of this division and any local ordinance adopted pursuant to this division.

(f) Notice of each hearing provided for in this section shall be sent by United States mail to each tenant of the subject property, in the case of a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to the hearing. The notice requirement of this subdivision shall be deemed satisfied if the notice complies with the legal requirements for service by mail. Pursuant to Section 66451.2, fees may be collected from the subdivider or from persons appealing or filing an appeal for expenses incurred under this section.

(Amended by Stats. 2021, Ch. 106, Sec. 4. (SB 414) Effective January 1, 2022.)

66452.6. (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 24 months. However, if the subdivider is required to expend two hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve, or finance the construction or improvement of public improvements outside the property boundaries of the tentative map, excluding improvements of public rights-of-way that abut the boundary of the property to be subdivided and that are reasonably related to the development of that property, each filing of a final map authorized by Section 66456.1 shall extend the expiration of the approved or conditionally approved tentative map by 48 months from the date of its expiration, as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps that may be filed shall be determined by the advisory agency at the time of the approval or conditional approval of the tentative map.

(2) Commencing January 1, 2012, and each calendar year thereafter, the amount of two hundred thirty-six thousand seven hundred ninety dollars ($236,790) shall be annually increased by operation of law according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting. The effective date of each annual adjustment shall be March 1. The adjusted amount shall apply to tentative and vesting tentative maps whose applications were received after the effective date of the adjustment.

(3) "Public improvements," as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

(b) (1) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) The length of time specified in paragraph (1) shall be extended for up to three years, but in no event beyond January 1, 1992, during the pendency of any lawsuit in which the subdivider asserts, and the local agency that approved or conditionally approved the tentative map denies, the existence or application of a development moratorium to the tentative map.

(3) Once a development moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(c) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (e), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is or was pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(d) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map shall be filed with the legislative body without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(e) Upon application of the subdivider filed before the expiration of the approved or conditionally approved tentative map, the time at which the map expires pursuant to subdivision (a) may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years. The period of extension specified in this subdivision shall be in addition to the period of time provided by subdivision (a). Before the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(f) For purposes of this section, a development moratorium includes a water or sewer moratorium, or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a final or parcel map. A development moratorium shall also be deemed to exist for purposes of this section for any period of time during which a condition imposed by the city or county could not be satisfied because of either of the following:

(1) The condition was one that, by its nature, necessitated action by the city or county, and the city or county either did not take the necessary action or by its own action or inaction was prevented or delayed in taking the necessary action before expiration of the tentative map.

(2) The condition necessitates acquisition of real property or any interest in real property from a public agency, other than the city or county that approved or conditionally approved the tentative map, and that other public agency fails or refuses to convey the property interest necessary to satisfy the condition. However, nothing in this subdivision shall be construed to require any public agency to convey any interest in real property owned by it. A development moratorium specified in this paragraph shall be deemed to have been imposed either on the date of approval or conditional approval of the tentative map, if evidence was included in the public record that the public agency that owns or controls the real property or any interest therein may refuse to convey that property or interest, or on the date that the public agency that owns or controls the real property or any interest therein receives an offer by the subdivider to purchase that property or interest for fair market value, whichever is later. A development moratorium specified in this paragraph shall extend the tentative map up to the maximum period as set forth in subdivision (b), but not later than January 1, 1992, so long as the public agency that owns or controls the real property or any interest therein fails or refuses to convey the necessary property interest, regardless of the reason for the failure or refusal, except that the development moratorium shall be deemed to terminate 60 days after the public agency has officially made, and communicated to the subdivider, a written offer or commitment binding on the agency to convey the necessary property interest for a fair market value, paid in a reasonable time and manner.

(Amended by Stats. 2021, Ch. 162, Sec. 3. (SB 9) Effective January 1, 2022.)

66452.10. A stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code, shall not be converted to a condominium, as defined in Section 783 of the Civil Code, unless the required number of (1) owners and (2) trustees or beneficiaries of each recorded deed of trust and mortgagees of each recorded mortgage in the cooperative or project, as specified in the bylaws, or other organizational documents, have voted in favor of the conversion. If the bylaws or other organizational documents do not expressly specify the number of votes required

to approve the conversion, a majority vote of the (1) owners and (2) trustees or beneficiaries of each recorded deed of trust and mortgagees of each recorded mortgage in the cooperative or project shall be required. Upon approval of the conversion as set forth above and in compliance with Sections 4290 and 4295 or Sections 6626 and 6628 of the Civil Code, all conveyances and other documents necessary to effectuate the conversion shall be executed by the required number of owners in the cooperative or project as specified in the bylaws or other organizational documents. If the bylaws or other organizational documents do not expressly specify the number of owners necessary to execute the conveyances or other documents, a majority of owners in the cooperative or project shall be required to execute the conveyances and other documents. Conveyances and other documents executed under the foregoing provisions shall be binding upon and affect the interests of all parties in the cooperative or project. The provisions of Section 66499.31 shall not apply to a violation of this section.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 59) by Stats. 2013, Ch. 605, Sec. 33. (SB 752) Effective January 1, 2014.)

66452.11. (a) The expiration date of any tentative subdivision map or parcel map for which a tentative map has been approved that has not expired on the date that the act that adds this section becomes effective shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6 or 66463.5.

(c) Any legislative, administrative, or other approval by any agency of the State of California that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on the date that the act that adds this section becomes effective.

(Added by Stats. 1993, Ch. 407, Sec. 1. Effective September 13, 1993.)

66452.12. (a) Any permit issued by a local agency in conjunction with a tentative subdivision map for a planned unit development shall expire pursuant to Section 65863.9.

(b) Conditions or requirements for the issuance of a building permit or equivalent permit may be imposed pursuant to Section 65961.

(Added by Stats. 1994, Ch. 458, Sec. 6. Effective January 1, 1995.)

66452.13. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired on or before the date the act that adds this section becomes effective shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.11, 66452.6, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that adds this section becomes effective. This extension shall be in addition to any extension provided for in Section 66452.11.

(Added by Stats. 1996, Ch. 46, Sec. 1. Effective May 15, 1996.)

66452.17. (a) Commencing at a date not less than 60 days prior to the filing of a tentative map pursuant to Section 66452, the subdivider or his or her agent shall give notice of the filing, in the form outlined in subdivision (b), to each person applying after that date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

"To the prospective occupant(s) of
:
(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Bureau of Real Estate. If you become a tenant of this building, you shall

be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_____	
_____	(signature of owner or owner's agent)
_____	
_____	(dated)
I have received this notice on .	
_____	(date)
_____	
_____	(prospective tenant's signature)"

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to the notice, and who does not purchase his or her unit pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed one thousand one hundred dollars ($1,100).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed one thousand one hundred dollars ($1,100).

(d) The requirements of subdivision (c) constitute a minimum state standard. However, nothing in that subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of that subdivision. If that requirement is imposed by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of subdivision (c).

(Amended by Stats. 2013, Ch. 352, Sec. 314. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

66452.18. (a) Pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give notice 60 days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of
:
(address)

The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_____	
_____	(signature of owner or owner's agent)
_____	

_____	(date)”

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

(Added by renumbering Section 66452.9 by Stats. 2008, Ch. 664, Sec. 9. Effective January 1, 2009.)

66452.19. (a) Pursuant to the provisions of subparagraph (E) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice of the intent to convert 180 days prior to the termination of tenancy in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

“To the occupant(s) of
:
(address)

The owner(s) of this building, at (address), plans to convert this building to a (condominium, community apartment, or stock cooperative project). This is a notice of the owner’s intention to convert the building to a (condominium, community apartment, or stock cooperative project).

A tentative map to convert the building to a (condominium, community apartment, or stock cooperative project) was approved by the City on _____. If the City approves a final map, you may be required to vacate the premises, but that cannot happen for at least 180 days from the date this notice was served upon you.

Any future notice given to you to terminate your tenancy because of the conversion cannot be effective for at least 180 days from the date this notice was served upon you. This present notice is not a notice to terminate your tenancy; it is not a notice that you must now vacate the premises.

_____	
_____	(signature of owner or owner’s agent)
_____	
_____	(date)”

The written notices to tenants required by this section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(Added by Stats. 2008, Ch. 664, Sec. 12. Effective January 1, 2009.)

66452.20. (a) Pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, the subdivider shall give written notice within five days after receipt of the subdivision public report to each tenant of his or her exclusive right for at least 90 days after issuance of the subdivision public report to contract for the purchase of his or her respective unit in the form outlined in subdivision (b).

(b) The notice shall be as follows:

“To the occupant(s) of
:
(address)

The owner(s) of this building, at (address), have received the final subdivision report on the proposed conversion of this building to a (condominium, community apartment, or stock cooperative project). Commencing on the date of issuance of the subdivision public report, you have the exclusive right for 90 days to contract for the purchase of your rental unit upon the same or more favorable terms and conditions than the unit will initially be offered to the general public.

_____	

_____	(signature of owner or owner's agent)
_____	
_____	(date)"

The written notices to tenants required by this section shall be deemed satisfied if the notices comply with the legal requirements for service by mail.

(Added by Stats. 2008, Ch. 664, Sec. 13. Effective January 1, 2009.)

66452.21. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on the date that the act that added this section became effective and that will expire before January 1, 2011, shall be extended by 12 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 12 months if this approval has not expired on the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Section 66452.13.

(d) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2011, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the date that the act that added this section became effective and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the date that the act that added this section became effective. The determination shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(Amended by Stats. 2008, Ch. 664, Sec. 14. Effective January 1, 2009.)

66452.22. (a) The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on July 15, 2009, and that will expire before January 1, 2012, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on July 15, 2009. This extension shall be in addition to any extension provided for in Sections 66452.13 and 66452.21.

(d) (1) For purposes of this section, the determination of whether a tentative subdivision map or parcel map expires before January 1, 2012, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before July 15, 2009, and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before July 15, 2009.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

(Amended by Stats. 2009, Ch. 507, Sec. 4. (AB 1084) Effective January 1, 2010.)

66452.23. (a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, has been approved that has not expired on or before the date that the act that added this section became effective, and that will expire before January 1, 2014, shall be extended by 24 months.

(b) The extension provided by subdivision (a) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, or 66463.5.

(c) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on or before the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, and 66452.22.

(d) (1) For purposes of this section, the determination of whether a tentative map or parcel map expires before January 1, 2014, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5 approved on or before the effective date of the act that added this section, and any additional time in connection with the filing of a final map pursuant to subdivision (a) of Section 66452.6 for a map that was recorded on or before the effective date of the act that added this section.

(2) The determination made pursuant to this subdivision shall not include any development moratorium or litigation stay allowed or permitted by Section 66452.6 or 66463.5.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

(Added by Stats. 2011, Ch. 88, Sec. 2. (AB 208) Effective July 15, 2011.)

66452.24. (a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2000, and that has not expired on or before the effective date of the act that added this section, shall be extended by 24 months.

(b) Upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 1999, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(c) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, or 66463.5.

(d) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, and 66452.23.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

(Added by Stats. 2013, Ch. 62, Sec. 2. (AB 116) Effective July 11, 2013.)

66452.25. (a) If the map was approved within a county described in subdivision (c), the expiration date of a tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2002, and not later than July 11, 2013, and that has not expired on or before the effective date of the act that added this section, shall be extended by 24 months.

(b) If the map was approved or conditionally approved within a county described in subdivision (c), upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 2001, the time at which the map expires shall be

extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(c) This section shall apply within a county when the following conditions within the county are met:

(1) The annual mean household income within the county is less than 80 percent of the statewide annual mean income, as determined by the most recent annual report of the federal American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014) published by the United States Census Bureau.

(2) The annual nonseasonal unemployment rate is at least 2.75 percent higher than the statewide annual nonseasonal unemployment rate, as defined by the report on Labor Market Review published by the Employment Development Department in January of the year in which the community revitalization plan is prepared.

(3) The population for whom poverty status is determined is at least 4 percent higher than the statewide median poverty rate, as determined by the most recent annual report of the American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014).

(d) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, 66452.24, or 66463.5.

(e) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, 66452.23, and 66452.24.

(f) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

(Added by Stats. 2015, Ch. 751, Sec. 2. (AB 1303) Effective October 10, 2015.)

66452.26. The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2006, and not later than July 11, 2013, that relates to the construction of single-family or multifamily housing, and for which the expiration date was extended pursuant to Section 66452.25, and that has not expired on or before the effective date of the act that added this section, may be extended by the legislative body for up to 24 months.

(Amended by Stats. 2020, Ch. 370, Sec. 182. (SB 1371) Effective January 1, 2021.)

66452.27. (a) A legislative body located within the County of Butte, may extend the expiration date for up to 36 months of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, was approved on or after January 1, 2006, and not later than March 31, 2019, that relates to the construction of single or multifamily housing, and that has not expired on or before the effective date of the act that added this section.

(b) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 36 months if the approval has not expired on or before the effective date of the act that added this section.

(c) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.21, 66452.22, 66452.23, 66452.24, or 66463.5.

(Amended by Stats. 2020, Ch. 370, Sec. 183. (SB 1371) Effective January 1, 2021.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2.5. New Rental Housing: Conversion [66452.50 - 66452.51] *(Article 2.5 added by Stats. 1982, Ch. 1447, Sec. 1.)*

66452.50. (a) Notwithstanding any other provision of this division, a local agency may, upon application by a subdivider, in connection with the approval of a tentative or final map for the proposed construction of a condominium development, which requires the obtaining of a tentative or final map under provisions of this division or local ordinances enacted pursuant thereto, enter into a binding agreement with the subdivider mandating that the units be first made available for rental housing for a period of not less than 10 years from the date a certificate of occupancy has been issued for the units within the development; provided that (1) at the expiration of the 10-year period the units within the development may be sold to individual purchasers, in accordance with the approved final map authorizing the development without further proceedings under the provisions of this division or local ordinances enacted pursuant thereto, and (2), except as otherwise provided in subdivision (b), during the period the units are required to be made available for rental purposes, the units are insured or are to be insured or co-insured pursuant to the provisions of Chapter 4 (commencing with Section 51850) of Part 4 of Division 31 of the Health and Safety Code, and (3) each tenant of a unit within the development shall be given 180 days' written notice prior to actual conversion. Such notice shall include an offer of an exclusive right to contract for his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date written notice of actual conversion was sent to the tenant.

Any such agreement shall be in writing, particularly describe the real property and set forth the name or names of the record title owner of the real property affected thereby, and be executed by the person authorized to act on behalf of the local agency and by the subdivider. From the date of execution of the agreement, it shall be binding upon the local agency, the subdivider, and their successors. The fact that a condominium development is subject to such an agreement shall be set forth on the face of any tentative or final map approved by the local agency and the agreement shall be recorded in the office of the county recorder in the county in which the real property is located on or before the date of recordation of the final map.

(b) Multifamily rental housing financed on or after January 1, 1983, with the proceeds of sale of tax-exempt bonds sold pursuant to any laws of this state shall not be subject to the requirements of condition (2) prescribed in the first paragraph of subdivision (a), but shall be subject to all the requirements of the law pursuant to which the bonds are being issued, including, but not limited to, any requirement in such law that the housing be maintained as rental housing for a period in excess of 10 years.

(Amended by Stats. 1983, Ch. 84, Sec. 1. Effective June 14, 1983.)

66452.51. Prior to the acceptance of any rent or deposit from a prospective tenant, the following notice shall be provided:

To the prospective occupant(s) of _____:
(address)

The owner(s) of this building at (address), have received a tentative map with (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative), no sooner than (date). You will be notified at least 180 days prior to the actual conversion. Further, if you still reside in your unit, you will be

given an exclusive right to purchase your unit.

_____
(signature of owner
or owner's agent)

_____
(dated)

I have received this notice on _____.
(dated)

_____
(prospective tenant's
signature)

(Added by Stats. 1982, Ch. 1447, Sec. 1.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 3. Review of Tentative Map by Other Agencies [66453 - 66455.9] *(Article 3 added by Stats. 1974, Ch. 1536.)*

66453. (a) A local agency may make recommendations concerning proposed subdivisions in any adjoining city, or in any adjoining unincorporated territory for any proposed subdivision within the planning area of the requesting local agency. A local agency wishing to make recommendations concerning proposed subdivisions shall file with the local agency having jurisdiction over the subdivisions a map indicating the territory for which it wishes to make recommendations. The local agency having jurisdiction shall issue a receipt for the territorial map.

(b) Within five days of a tentative map application being determined to be complete pursuant to Section 65943 for a proposed subdivision located, in whole or in part, within the territory outlined on the territorial map, the local agency shall transmit one copy of the proposed tentative map to the requesting local agency.

(c) Within 15 days of receiving a copy of a proposed subdivision map, the requesting local agency may submit recommendations to the local agency having jurisdiction. The local agency having jurisdiction shall consider these recommendations before acting on the tentative map.

(Amended by Stats. 2004, Ch. 479, Sec. 1. Effective January 1, 2005.)

66454. Any subdivider may file with a city the tentative map of a proposed subdivision of unincorporated territory adjacent to such city. The map, in the discretion of the city, may be acted upon in the manner provided in Article 2 (commencing with Section 66452) of this chapter, except that if it is approved, such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the city, and such approval shall not be effective until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof, then the approval of such map by such adjacent city shall be null and void. No subdivision of unincorporated territory may be effected by approval of a map by a city unless annexation thereof to the city is completed prior to the approval of the final map thereof.

(Added by Stats. 1974, Ch. 1536.)

66455. (a) The Department of Transportation may file with the legislative body of any local agency having jurisdiction, a map or an amended map of any territory within one mile on either or both sides of any state highway routing if the department believes the subdivision would have an effect upon an existing or a future state highway in that territory, the route of which has been adopted by the California Transportation Commission. The local agency having jurisdiction shall issue a receipt for the territorial map.

(b) Within five days of a tentative map application being determined to be complete pursuant to Section 65943 for a proposed subdivision located, in whole or in part, within the territory outlined on the territorial map, the local agency shall transmit one copy of the proposed tentative map to the district office of the department in which the proposed subdivision is located.

(c) Within 15 days after receiving a copy of the proposed subdivision map, the department may make recommendations to the local agency regarding the effect of the proposed subdivision upon the highway or highway route. The local agency shall consider these recommendations before acting on the tentative map.

(Amended by Stats. 1994, Ch. 1075, Sec. 2. Effective January 1, 1995.)

66455.1. (a) The Department of Water Resources may file with the legislative body of any local agency having jurisdiction, a map or amended map of any territory within one mile on either or both sides of any facility of the State Water Resources Development System, if the department believes a proposed subdivision may have an effect upon any existing or planned future facility of the State Water Resources Development System in that territory. The local agency having jurisdiction shall issue a receipt for the territorial map.

(b) Within five days of a tentative map application being determined to be complete pursuant to Section 65943 for a proposed subdivision located, in whole or in part, within the territory outlined on the territorial map, the local agency shall transmit one copy of the proposed tentative map to the office of the department nearest the subdivision, unless the department specifies a different office on the territorial map filed with the local agency.

(c) Within 15 days after receiving a copy of a proposed subdivision map, the department may make recommendations to the local agency regarding the effect of the proposed subdivision upon the State Water Resources Development System or proposed additions to the system. The local agency having jurisdiction shall consider any recommendations before acting on the tentative map.

(Amended by Stats. 1994, Ch. 1075, Sec. 3. Effective January 1, 1995.)

66455.3. Not later than five days after a city or county has determined that a tentative map application for a proposed subdivision, as defined in Section 66473.7, is complete pursuant to Section 65943, the local agency shall send a copy of the application to any water supplier that is, or may become, a public water system, as defined in Section 10912 of the Water Code, that may supply water for the subdivision.

(Added by Stats. 2001, Ch. 642, Sec. 3. Effective January 1, 2002.)

66455.7. (a) Within five days of a tentative map application being determined to be complete pursuant to Section 65943, the local agency shall send a notice of this determination to the governing board of any elementary school, high school, or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall identify information about the location of the proposed subdivision, the number of units, density, and any other information which would be relevant to the affected school district.

(b) Within 15 days after receiving the notice, the school district may make recommendations to the local agency regarding the effect of the proposed subdivision upon the school district. If the school district fails to respond within 15 days, the failure to respond shall be deemed approval of the proposed subdivision. The local agency having jurisdiction shall consider any recommendations before acting on the tentative subdivision map.

(Amended by Stats. 1994, Ch. 1075, Sec. 4. Effective January 1, 1995.)

66455.9. Whenever there is consideration of an area within a development for a public schoolsite, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

(Amended by Stats. 2000, Ch. 1058, Sec. 120. Effective January 1, 2001.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 4. Final Maps [66456 - 66462.5] *(Article 4 added by Stats. 1974, Ch. 1536.)*

66456. After the approval or conditional approval of the tentative map and prior to the expiration of such map, the subdivider may cause the real property included within the map, or any part thereof, to be surveyed and a final map thereof prepared in accordance with the approved or conditionally approved tentative map.

(Added by Stats. 1974, Ch. 1536.)

66456.1. Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the advisory agency of the local agency of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the local agency and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final maps.

(Amended by Stats. 1982, Ch. 87, Sec. 18. Effective March 1, 1982.)

66456.2. (a) An improvement plan being processed in conjunction with either an approved tentative, parcel, or final map shall be prepared by a registered civil engineer and acted on within 60 working days of its submittal, except that at least 15 working days shall be provided for processing any resubmitted improvement plan. The 60 working day period shall not include any days during which the improvement plan has been returned to the applicant for correction, has been subject to review by other than the local agency or, following that review, has been returned to the applicant for correction.

(b) The time limits specified in this section for acting on improvement plans may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to act. However, no advisory agency or legislative body may require a routine waiver of time limits as a condition of accepting the improvement plan. A routine waiver may be obtained for the purpose of permitting concurrent processing of other requirements related to the improvement plan or map.

(c) If, at the time of submittal or resubmittal, the local agency or designee determines it is unable to meet the time limits of this section, the local agency or designee shall, upon request of the subdivider and for purposes of meeting the time limits, contract or employ a private entity or persons on a temporary basis to perform services necessary to permit the agency or designee to meet the time limits. However, a local agency or designee need not enter into a contract or employ those persons if it determines either of the following:

(1) No entities or persons are available or qualified to perform the services.

(2) The local agency or designee would be able to perform services in a more rapid fashion by modifying its own work schedule than would any available and qualified persons or entities.

A local agency may charge the subdivider fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section.

(d) "Improvement plan" means the plan for public improvement as described in Sections 66418 and 66419.

(Amended by Stats. 1989, Ch. 847, Sec. 8.)

66457. (a) A final map or parcel map conforming to the approved or conditionally approved tentative map, if any, may be filed with the legislative body for approval after all required certificates or statements on the map have been signed and, where necessary, acknowledged.

(b) If the subdivision lies entirely within the territory of a city, the map shall be filed with the city. If the subdivision lies entirely within unincorporated territory, the map shall be filed with the county. If the subdivision lies partially within two or more territories, the map shall be filed with each, and each shall act thereon as provided in this chapter.

(Amended by Stats. 1987, Ch. 982, Sec. 15.)

66458. (a) The legislative body shall, at the meeting at which it receives the map or, at its next regular meeting after the meeting at which it receives the map, approve the map if it conforms to all the requirements of this chapter and any local subdivision ordinance applicable at the time of approval or conditional approval of the tentative map and any rulings made thereunder. If the map does not conform, the legislative body shall disapprove the map.

(b) If the legislative body does not approve or disapprove the map within the prescribed time, or any authorized extension thereof, and the map conforms to all requirements and rulings, it shall be deemed approved, and the clerk of the legislative body shall certify or state its approval thereon.

(c) The meeting at which the legislative body receives the map shall be the date on which the clerk of the legislative body receives the map.

(d) The legislative body may provide, by ordinance, for the approval or disapproval of final maps by the city or county engineer, surveyor, or other designated official. The legislative body may also provide, by ordinance, that the official may accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map. Any ordinance adopted pursuant to this subdivision shall provide that (1) the designated official shall notify the legislative body at its next regular meeting after the official receives the map that the official is reviewing the map for final approval, (2) the designated official shall approve or disapprove the final map within 10 days following the meeting of the legislative body that was preceded by the notice in (4) below, (3) the designated official's action may be appealed to the legislative body, (4) the clerk of the legislative body shall provide notice of any pending approval or disapproval by a designated official, which notice shall be attached and posted with the legislative body's regular agenda and shall be mailed to interested parties who request notice, and (5) the legislative body shall periodically review the delegation of authority to the designated official. Except as specifically authorized by this subdivision, the processing of final maps shall conform to all procedural requirements of this division.

(Amended by Stats. 1999, Ch. 550, Sec. 21. Effective September 28, 1999. Operative January 1, 2000, by Sec. 33 of Ch. 550.)

66459. (a) If a final map has been approved for a condominium project, community apartment project, or stock cooperative project, and the subdivider or subsequent owner of the project, on or after January 1, 1993, rents a dwelling in that project, he or she shall, prior to offering the separate interest for sale to the general public, deliver the following notice, printed in at least 14-point bold print, prior to the execution of the rental agreement:

TO THE PROSPECTIVE TENANTS OF

(address)

THE UNIT YOU MAY RENT HAS BEEN APPROVED FOR SALE TO THE PUBLIC AS A CONDOMINIUM PROJECT, COMMUNITY APARTMENT PROJECT, OR STOCK COOPERATIVE PROJECT (WHICHEVER APPLIES). THE RENTAL UNIT MAY BE SOLD TO THE PUBLIC, AND, IF IT IS OFFERED FOR SALE, YOUR LEASE MAY BE TERMINATED. YOU WILL BE NOTIFIED AT LEAST 90 DAYS PRIOR TO ANY OFFERING TO SELL. IF YOU STILL LAWFULLY RESIDE IN THE UNIT, YOU WILL BE GIVEN A RIGHT OF FIRST REFUSAL TO PURCHASE THE UNIT.

(signature of owner or owner's agent)
(dated)

(b) The condominium project, community apartment project, or stock cooperative project shall not be referred to in a lease or rental agreement as an "apartment" or "apartments" on or after the date of the approval by the local agency of the final map for the condominium project, community apartment project, or stock cooperative project in which the final map was approved on or after January 1, 1993.

(c) Any tenant of a condominium project, community apartment project, or stock cooperative project pursuant to this section shall be given at least 90 days' written notice of the intention to sell the rental unit to the general public. This subdivision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or other obligations imposed by Sections 1941, 1941.1, and 1941.2 of the Civil Code.

(d) Any tenant who lawfully resides in a condominium project, community apartment project, or stock cooperative project pursuant to this section shall be given a right of first refusal by the subdivider or subsequent owner of the project for the purchase of his or her rental unit upon the same terms and conditions that the unit will be initially offered to the general public or terms and conditions more favorable to the tenant. This right to purchase shall run for a period of 90 days from the date of the notice, unless the tenant gives written notice within the 90-day period of his or her intention not to exercise that right.

(e) Failure to comply with this section shall not invalidate the transfer of title to real property.

(f) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to that notice, and who does not purchase his or her unit pursuant to subparagraph (F) of paragraph (2) of subdivision (a) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed one thousand one hundred dollars ($1,100).

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed one thousand one hundred dollars ($1,100).

(g) This section shall not apply to any of the following:

(1) An owner of four dwelling units or less.

(2) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in the administration of an estate, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfers by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, and any subsequent transfer by a mortgagor or beneficiary of a deed of trust who accepts a deed in lieu of foreclosure or purchases the property at a foreclosure sale.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust. For purposes of this paragraph, a "fiduciary" means a state- or federally chartered bank, trust company, savings association, savings bank, credit union, or industrial loan company.

(Amended by Stats. 2007, Ch. 612, Sec. 8. Effective January 1, 2008.)

66462. (a) If, at the time of approval of the final map by the legislative body, any public improvements required by the local agency pursuant to this division or local ordinance have not been completed and accepted in accordance with standards established by the local agency by ordinance applicable at the time of the approval or conditional approval of the tentative map, the legislative body, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the following agreements specified by the local agency:

(1) An agreement with the local agency upon mutually agreeable terms to thereafter complete the improvements at the subdivider's expense.

(2) An agreement with the local agency to thereafter do either of the following:

(A) Initiate and consummate proceedings under an appropriate special assessment act or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 for the financing and completion of all of the improvements.

(B) If the improvements are not completed under a special assessment act or the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5, to

complete the improvements at the subdivider's expense.

(b) The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or booklet form and three copies of the books or booklets have been filed for use and examination by the public in the office of the clerk of the legislative body.

(c) The local agency entering into any agreement pursuant to this section shall require that performance of the agreement be guaranteed by the security specified in Chapter 5 (commencing with Section 66499).

(d) The legislative body may provide, by ordinance, that the agreement entered into pursuant to this section may be entered into by a designated official, in accordance with standards adopted by the local agency. The designated official's action may be appealed to the legislative body for conformance with this chapter and any applicable local subdivision ordinance. Any ordinance adopted pursuant to this subdivision shall provide that the legislative body shall periodically review this delegation of authority to the designated official.

(Amended by Stats. 1998, Ch. 604, Sec. 2. Effective January 1, 1999.)

66462.5. (a) A city, county, or city and county shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition which requires the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the local agency has sufficient title or interest, including an easement or license, at the time the final map is filed with the local agency, to permit the improvements to be made. In such cases, unless the city, county, or city and county requires the subdivider to enter into an agreement pursuant to subdivision (c), the city, county or city and county shall, within 120 days of the filing of the final map, pursuant to Section 66457, acquire by negotiation or commence proceedings pursuant to Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure to acquire an interest in the land which will permit the improvements to be made, including proceedings for immediate possession of the property under Article 3 (commencing with Section 1255.410) of Chapter 6 of that title.

(b) If a city, county, or city and county has not required the subdivider to enter into an agreement pursuant to subdivision (c) and if a city, county, or city and county fails to meet the 120-day time limitation, the condition for construction of offsite improvements shall be conclusively deemed to be waived. The waiver shall occur whether or not the city, county, or city and county has postponed or refused approval of the final map pursuant to subdivision (a).

(c) Prior to approval of the final map the city, county, or city and county may require the subdivider to enter into an agreement to complete the improvements pursuant to Section 66462 at such time as the city, county, or city and county acquires an interest in the land that will permit the improvements to be made.

(d) Nothing in this section precludes a city, county, or city and county from requiring a subdivider to pay the cost of acquiring offsite real property interests required in connection with a subdivision.

(e) "Offsite improvements," as used in this section, does not include improvements that are necessary to assure replacement or construction of housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code.

(Amended by Stats. 2003, Ch. 728, Sec. 1. Effective January 1, 2004.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 5. Parcel Maps [66463 - 66463.5] *(Article 5 added by Stats. 1974, Ch. 1536.)*

66463. (a) Except as otherwise provided for in this code, the procedure for processing, approval, conditional approval, or disapproval and filing of parcel maps and modifications thereof shall be as provided by local ordinance. The provisions of Sections 66477.1, 66477.2, and 66477.3 relating to dedications and offers of dedication on final maps, shall apply to dedications and offers of dedications on parcel maps.

(b) Whenever a local agency provides, by ordinance, for the approval, conditional approval, or disapproval of parcel maps by the county engineer, surveyor, or other designated official, the local agency may also, by ordinance, provide that the officer may accept or reject dedications and offers of dedication that are made by a statement on the map.

(c) Whenever a local agency provides, by ordinance, for the approval of parcel maps by the legislative body, the parcel maps shall be filed pursuant to the procedure for final maps as prescribed by Sections 66457 and 66458.

(d) The time limits for action or approval of a tentative map and parcel map for which a tentative map is not required shall be no longer than the time limits contained in Sections 66452.1 and 66452.2.

(Amended by Stats. 1989, Ch. 847, Sec. 9.)

66463.1. Multiple parcel maps filed pursuant to Section 66426 relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if either condition is satisfied:

(a) The subdivider, at the time the tentative map is filed, provides a written notice to the advisory agency or the local agency of the subdivider's intention to file multiple parcel maps on the tentative map.

(b) After filing of the tentative map, the local agency and the subdivider concur in the filing of multiple parcel maps.

In providing the notice specified in subdivision (a), the subdivider shall not be required to define the number or configuration of the proposed multiple parcel maps. The filing of a parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. The right of the subdivider to file multiple parcel maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple parcel maps.

(Added by Stats. 1991, Ch. 907, Sec. 3.)

66463.5. (a) When a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months.

(b) The expiration of the approved or conditionally approved tentative map shall terminate all proceedings, and no parcel map of all or any portion of the real property included within the tentative map shall be filed without first processing a new tentative map. Once a timely filing is made, subsequent actions of the local agency, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative map. Delivery to the county surveyor or city engineer shall be deemed a timely filing for purposes of this section.

(c) Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total

of six years. Prior to the expiration of an approved or conditionally approved tentative map, upon the application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(d) (1) The period of time specified in subdivision (a) shall not include any period of time during which a development moratorium, imposed after approval of the tentative map, is in existence. However, the length of the moratorium shall not exceed five years.

(2) Once a moratorium is terminated, the map shall be valid for the same period of time as was left to run on the map at the time that the moratorium was imposed. However, if the remaining time is less than 120 days, the map shall be valid for 120 days following the termination of the moratorium.

(e) The period of time specified in subdivision (a), including any extension thereof granted pursuant to subdivision (c), shall not include the period of time during which a lawsuit involving the approval or conditional approval of the tentative map is, or was, pending in a court of competent jurisdiction, if the stay of the time period is approved by the local agency pursuant to this section. After service of the initial petition or complaint in the lawsuit upon the local agency, the subdivider may apply to the local agency for a stay pursuant to the local agency's adopted procedures. Within 40 days after receiving the application, the local agency shall either stay the time period for up to five years or deny the requested stay. The local agency may, by ordinance, establish procedures for reviewing the requests, including, but not limited to, notice and hearing requirements, appeal procedures, and other administrative requirements.

(f) For purposes of this section, a development moratorium shall include a water or sewer moratorium or a water and sewer moratorium, as well as other actions of public agencies that regulate land use, development, or the provision of services to the land, including the public agency with the authority to approve or conditionally approve the tentative map, which thereafter prevents, prohibits, or delays the approval of a parcel map.

(g) Notwithstanding subdivisions (a), (b), and (c), for the purposes of Chapter 4.5 (commencing with Section 66498.1), subdivisions (b), (c), and (d) of Section 66498.5 shall apply to vesting tentative maps prepared in connection with a parcel map except that, for purposes of this section, the time periods specified in subdivisions (b), (c), and (d) of Section 66498.5 shall be determined from the recordation of the parcel map instead of the final map.

(Amended by Stats. 2008, Ch. 124, Sec. 5. Effective July 15, 2008.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 6. Filing Maps With County Recorder [66464 - 66468.2] *(Article 6 added by Stats. 1974, Ch. 1536.)*

66464. (a) Unless otherwise provided by the county, if the final map or parcel map is not subject to Section 66493, after the approval by the city of a final map of a subdivision or a parcel map, the city clerk shall transmit the map to the county recorder.

(b) If a final map or parcel map is subject to Section 66493, after all certificates or statements and security required under Section 66493 have been filed and deposited with the clerk of the board of supervisors and approved by the county, the clerk of the board of supervisors shall certify or state that the certificates and statements have been filed and deposits have been made and shall transmit the final map or parcel map to the county recorder.

(c) After the approval by the county of a final or parcel map of a subdivision within unincorporated territory, the map shall be transmitted ultimately to the county recorder.

(Amended by Stats. 2001, Ch. 176, Sec. 31. Effective January 1, 2002.)

66465. The subdivider shall present to the county recorder evidence that, at the time of the filing of the final or parcel map in the office of the county recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by this division, as shown by the records in the office of the recorder, otherwise the map shall not be filed.

For purposes of this section and Sections 66436, 66439, and 66447, a public entity which has obtained a prejudgment order for possession of property pursuant to Section 1255.410 of the Code of Civil Procedure shall be deemed to be the record title owner of the property or property interests described in the order, provided the order for possession has not been stayed or vacated pursuant to Section 1255.420, 1255.430, or 1255.440 of the Code of Civil Procedure, no motion therefor is pending before the court, and the time prescribed by Section 1255.420 of the Code of Civil Procedure for filing a motion for relief from the order has passed.

(Amended by Stats. 1979, Ch. 309.)

66466. (a) The county recorder shall have not more than 10 days within which to examine a final or parcel map and either accept or reject it for filing.

(b) If the county recorder rejects a final or parcel map for filing, the county recorder shall, within 10 days thereafter, mail notice to the subdivider and the city engineer if the map is within a city, or the county surveyor if the map is within the unincorporated area, that the map has been rejected for filing, giving the reasons therefor, and that the map is being returned to the city clerk if the map is within a city, or to the clerk of the board if the map is within the unincorporated area, for action by the legislative body. Upon receipt of the map, the clerk shall place the map on the agenda of the next regular meeting of the legislative body and the legislative body shall, within 15 days thereafter, rescind its approval of the map and return the map to the subdivider unless the subdivider presents evidence that the basis for the rejection by the county recorder has been removed. The subdivider may consent to a continuance of the matter; however, the prior approval of the legislative body shall be deemed rescinded during any period of continuance. If a map is returned to the county recorder, the county recorder shall have a new 10-day period to examine the map and either accept or reject it for filing.

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 3. Procedure [66451 - 66472.1] *(Chapter 3 added by Stats. 1974, Ch. 1536.)*

ARTICLE 7. Correction and Amendment of Maps [66469 - 66472.1] *(Article 7 added by Stats. 1974, Ch. 1536.)*

66469. After a final map or parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map for any of the following purposes:

(a) To correct an error in any course or distance shown thereon.

(b) To show any course or distance that was omitted therefrom.

(c) To correct an error in the description of the real property shown on the map.

(d) To indicate monuments set after the death, disability, retirement from practice, or replacement of the engineer or surveyor charged with responsibilities for setting monuments.

(e) To show the proper location or character of any monument which has been changed in location or character originally was shown at the wrong location or incorrectly as to its character.

(f) To correct any additional information filed or recorded pursuant to Section 66434.2, if the correction does not impose any additional burden on the present fee owners of the real property and does not alter any right, title, or interest in the real property reflected on the recorded map.

(g) To correct any other type of map error or omission as approved by the county surveyor or city engineer that does not affect any property right, including, but not limited to, lot numbers, acreage, street names, and identification of adjacent record maps.

As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

(Amended by Stats. 2001, Ch. 176, Sec. 32. Effective January 1, 2002.)

66470. The amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434, if a final map, or subdivisions (a) to (d), inclusive, and (f) to (i), inclusive, of Section 66445, if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the fee owners of the real property affected by the correction or omission on the date of the filing or recording of the original recorded map. Upon recordation of a certificate of correction, the county recorder shall within 60 days of recording transmit a certified copy to the county surveyor or county engineer who shall maintain an index of recorded certificates of correction.

The county recorder may charge a fee, in addition to the fee charged for recording the certificate of correction, which shall be transmitted to the county surveyor or the county engineer, as compensation for the cost of maintaining an index of recorded certificates of correction. The amount of this additional fee shall not exceed the fee which is charged for recording the certificate of correction.

If the property affected by a map is located within a city, the county recorder shall, upon request of the city engineer, provide copies of recorded certificates of correction to the city engineer.

(Amended by Stats. 2001, Ch. 176, Sec. 33. Effective January 1, 2002.)

66471. (a) If the subdivision is in unincorporated territory, the county surveyor shall examine the amending map or certificate of correction and if the only changes made are those set forth in Section 66469, he or she shall certify to

this fact on the amending map or certificate of correction. If the subdivision is in the city, such examination and certification shall be by the city surveyor or city engineer.

(b) As to a certificate of correction, the county surveyor, city surveyor, or city engineer shall have 20 working days in which to examine the certificate of correction for compliance with Sections 66469 and 66470, endorse a statement on it of his or her examination and certification, and present it to the county recorder for recordation. In the event the submitted certificate of correction fails to comply with Sections 66469 and 66470, the county surveyor, city surveyor, or city engineer shall return it within the same 20 working days to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Sections 66469 and 66470. The licensed land surveyor or registered civil engineer submitting the certificate of correction may then make the changes in compliance with Sections 66469 and 66470 and resubmit the certificate of correction to the county surveyor, city surveyor, or city engineer for approval. The county surveyor, city surveyor, or city engineer shall have 10 working days after resubmission and approval of the certificate of correction to present it to the county recorder for recordation.

(Amended by Stats. 1992, Ch. 634, Sec. 3. Effective January 1, 1993.)

66472. The amending map or certificate of correction certified by the county surveyor, city surveyor, or city engineer shall be filed or recorded in the office of the county recorder in which the original map was filed. Upon that filing or recordation, the county recorder shall index the names of the fee owners of the real property reflected on the original recorded map, and the appropriate tract designation shown on the amending map or certificate of correction in the general index and map index respectively. Thereupon, the original map shall be deemed to have been conclusively so corrected, and thereafter shall impart constructive notice of all those corrections in the same manner as though set forth upon the original map.

(Amended by Stats. 2001, Ch. 176, Sec. 34. Effective January 1, 2002.)

66472.1. In addition to the amendments authorized by Section 66469, after a final map or parcel map is filed in the office of the county recorder, the recorded final map may be modified by a certificate of correction or an amending map, if authorized by local ordinance, if the local agency finds that there are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary and that the modifications do not impose any additional burden on the fee owners of the real property, and if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and the local agency finds that the map as modified conforms to Section 66474. Any modification shall be set for public hearing as provided for in Section 66451.3. The local agency shall confine the hearing to consideration of, and action on, the proposed modification.

(Amended by Stats. 2007, Ch. 343, Sec. 13. Effective January 1, 2008.)

(c) If the county recorder accepts the map for filing, the acceptance shall be certified on the face thereof. The map shall be stored in any other manner as will assure that the maps will be kept together, safe, and reproducible. The map shall become a part of the official records of the county recorder upon its acceptance by the county recorder for filing. If the preparer of the map provides a postage-paid, self-addressed envelope or postcard with the filing of the map, the county recorder shall provide the preparer of the map with the filing data within 10 days of the filing of the map. For the purposes of this subdivision, "filing data" includes the date, and the recording instrument number or the book or volume and page at which the map is filed by the county recorder.

(d) The fee for filing and indexing the map is as prescribed in Section 27372 of the Government Code.

(e) The original map shall be stored for safekeeping in a reproducible condition. The county recorder may maintain for public reference a set of counter maps that are prints of the original maps and produce the original maps for comparison upon demand.

(f) Upon the filing of any map, including amended maps and certificates of correction for recordation pursuant to this section or any record of survey pursuant to the Professional Land Surveyors' Act (Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code), the surveyor or engineer who prepared the document shall transmit a copy of the document, including all recording information, to the county surveyor, who shall maintain an index, by geographic location, of the documents. The county surveyor may charge a fee not to exceed the fee charged for recording the document, for purposes of financing the costs of maintaining the index of the documents.

The requirements of this subdivision shall not apply to any county that requires a document filed pursuant to this section to be transmitted to the county surveyor and requires that official to maintain an index of those documents.

(Amended by Stats. 2022, Ch. 427, Sec. 18. (SB 1489) Effective January 1, 2023.)

66467. This chapter shall not prevent filing in the office of the county recorder of a final or parcel map of a subdivision for which a final or parcel map is not required, provided such map meets the requirements of this division and any local ordinance.

(Added by Stats. 1974, Ch. 1536.)

66468. The filing for record of a final or parcel map by the county recorder shall automatically and finally determine the validity of such map and when recorded shall impart cconstructive notice thereof.

(Added by Stats. 1974, Ch. 1536.)

66468.1. Whenever separate documents are to be recorded concurrently with the final or parcel map pursuant to Section 66435.1 or 66445, the county recorder shall complete the cross-reference to such concurrently recorded separate documents.

(Added by Stats. 1982, Ch. 87, Sec. 19. Effective March 1, 1982.)

66468.2. The board of supervisors may, by resolution, authorize any county officer to:

(a) Perform the duties required of the clerk of the board of supervisors under this article.

(b) Approve the security for payment of taxes required pursuant to subdivision (b) of Section 66464 if that county officer also performs the other duties required of the clerk of the board of supervisors under that subdivision.

(Amended by Stats. 1990, Ch. 1001, Sec. 2.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1. General [66473 - 66474.10] *(Article 1 added by Stats. 1974, Ch. 1536.)*

66473. A local agency shall disapprove a map for failure to meet or perform any of the requirements or conditions imposed by this division or local ordinance enacted pursuant thereto; provided that a final map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative map; and provided further that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed. Such local ordinance shall include, but need not be limited to, a procedure for waiver of the provisions of this section when the failure of the map is the result of a technical and inadvertent error which, in the determination of the local agency, does not materially affect the validity of the map.

(Amended by Stats. 1976, Ch. 21.)

66473.1. (a) The design of a subdivision for which a tentative map is required pursuant to Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

(b) (1) Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure.

(2) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.

(c) In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed.

(d) The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

(e) For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(Amended by Stats. 2001, Ch. 873, Sec. 3. Effective January 1, 2002.)

66473.3. The legislative body of a city or county may, by ordinance, require the design of a subdivision for which a tentative map or parcel map is required pursuant to Section 66426 to provide for appropriate cable television systems and for communication systems, including, but not limited to, telephone and Internet services, to each parcel in the subdivision.

"Appropriate cable television systems," as used in this section, means those franchised or licensed to serve the geographical area in which the subdivision is located.

This section shall not apply to the conversion of existing dwelling units to condominiums, community apartments, or stock cooperatives.

(Amended by Stats. 2004, Ch. 479, Sec. 3. Effective January 1, 2005.)

66473.5. No local agency shall approve a tentative map, or a parcel map for which a tentative map was not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

(Amended by Stats. 1983, Ch. 101, Sec. 89.)

66473.6. Whenever a city or county imposes as a condition to its approval of a tentative map or a parcel map a requirement that necessitates replacing, undergrounding, or permanently or temporarily relocating existing facilities of a telephone corporation or cable television system, the developer or subdivider shall reimburse the telephone corporation or cable television system for all costs for the replacement, undergrounding, or relocation. All these costs shall be billed after they are incurred, and shall include a credit for any required advance payments and for the salvage value of any facilities replaced. In no event shall the telephone corporation or cable television system be reimbursed for costs incurred in excess of the cost to replace the facilities with substantially similar facilities.

(Added by Stats. 1985, Ch. 865, Sec. 1.)

66473.7. (a) For the purposes of this section, the following definitions apply:

(1) "Subdivision" means a proposed residential development of more than 500 dwelling units, except that for a public water system that has fewer than 5,000 service connections, "subdivision" means any proposed residential development that would account for an increase of 10 percent or more in the number of the public water system's existing service connections.

(2) "Sufficient water supply" means the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining "sufficient water supply," all of the following factors shall be considered:

(A) The availability of water supplies over a historical record of at least 20 years.

(B) The applicability of an urban water shortage contingency analysis prepared pursuant to Section 10632 of the Water Code that includes actions to be undertaken by the public water system in response to water supply shortages.

(C) The reduction in water supply allocated to a specific water use sector pursuant to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Section 354 of the Water Code.

(D) The amount of water that the water supplier can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state, and local water initiatives such as CALFED and Colorado River tentative agreements, to the extent that these water supplies meet the criteria of subdivision (d).

(E) If a proposed subdivision relies in whole or in part on groundwater, the following factors:

(i) For a basin for which a court or the State Water Resources Control Board has adjudicated the rights to pump groundwater, the order or decree adopted by the court or the State Water Resources Control Board.

(ii) For a basin that has not been adjudicated, as follows:

(I) For a basin designated as high- or medium-priority pursuant to Section 10722.4 of the Water Code, the most recently adopted or revised adopted groundwater sustainability plan or approved alternative. If there is no adopted groundwater sustainability plan or approved alternative, information as to whether the Department of Water Resources has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue.

(II) For a basin designated as low- or very low priority pursuant to Section 10722.4 of the Water Code, information as to whether the Department of Water Resources has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue.

(3) "Public water system" means the water supplier that is, or may become as a result of servicing the subdivision included in a tentative map pursuant to subdivision (b), a public water system, as defined in Section 10912 of the Water Code, that may supply water for a subdivision.

(b) (1) The legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove the tentative map, shall include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or local agency, at the discretion of the local agency, and shall be based on written verification from the applicable public water system within 90 days of a request.

(2) If the public water system fails to deliver the written verification as required by this section, the local agency or any other interested party may seek a writ of mandamus to compel the public water system to comply.

(3) If the written verification provided by the applicable public water system indicates that the public water system is unable to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision, then the local agency may make a finding, after consideration of the written verification by the applicable public water system, that additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.

(4) If the written verification is not provided by the public water system, notwithstanding the local agency or other interested party securing a writ of mandamus to compel compliance with this section, then the local agency may make a finding that sufficient water supplies are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence.

(c) The applicable public water system's written verification of its ability or inability to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision as required by subdivision (b) shall be supported by substantial evidence. The substantial evidence may include, but is not limited to, any of the following:

(1) The public water system's most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) A water supply assessment that was completed pursuant to Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.

(3) A groundwater sustainability plan adopted or alternative approved pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code.

(4) Other information relating to the sufficiency of the water supply that contains analytical information that is substantially similar to the assessment required by Section 10635 of the Water Code.

(d) When the written verification pursuant to subdivision (b) relies on projected water supplies that are not currently available to the public water system, to provide a sufficient water supply to the subdivision, the written verification as to those projected water supplies shall be based on all of the following elements, to the extent each is applicable:

(1) Written contracts or other proof of valid rights to the identified water supply that identify the terms and conditions under which the water will be available to serve the proposed subdivision.

(2) Copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted by the applicable governing body.

(3) Securing of applicable federal, state, and local permits for construction of necessary infrastructure associated with supplying a sufficient water supply.

(4) Any necessary regulatory approvals that are required in order to be able to convey or deliver a sufficient water supply to the subdivision.

(e) If there is no public water system, the local agency shall make a written finding of sufficient water supply based on the evidentiary requirements of subdivisions (c) and (d) and identify the mechanism for providing water to the subdivision.

(f) In making any findings or determinations under this section, a local agency, or designated advisory agency, may work in conjunction with the project applicant and the public water system to secure water supplies sufficient to satisfy the demands of the proposed subdivision. If the local agency secures water supplies pursuant to this subdivision, which supplies are acceptable to and approved by the governing body of the public water system as suitable for delivery to customers, it shall work in conjunction with the public water system to implement a plan to deliver that water supply to satisfy the long-term demands of the proposed subdivision.

(g) The written verification prepared under this section shall also include a description, to the extent that data is reasonably available based on published records maintained by federal and state agencies, and public records of local agencies, of the reasonably foreseeable impacts of the proposed subdivision on the availability of water resources for agricultural and industrial uses within the public water system's service area that are not currently receiving water from the public water system but are utilizing the same sources of water. To the extent that those reasonably foreseeable impacts have previously been evaluated in a document prepared pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or the National Environmental Policy Act (Public Law 91-190) for the proposed subdivision, the public water system may utilize that information in preparing the written verification.

(h) Where a water supply for a proposed subdivision includes groundwater, the public water system serving the proposed subdivision shall evaluate, based on substantial evidence, the extent to which it or the landowner has the right to extract the additional groundwater needed to supply the proposed subdivision. Nothing in this subdivision is intended to modify state law with regard to groundwater rights.

(i) This section shall not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households.

(j) The determinations made pursuant to this section shall be consistent with the obligation of a public water system to grant a priority for the provision of available and future water resources or services to proposed housing developments that help meet the city's or county's share of the regional housing needs for lower income households, pursuant to Section 65589.7.

(k) The County of San Diego shall be deemed to comply with this section if the Office of Planning and Research determines that all of the following conditions have been met:

(1) A regional growth management strategy that provides for a comprehensive regional strategy and a coordinated economic development and growth management program has been developed pursuant to Proposition C as approved by the voters of the County of San Diego in November 1988, which required the development of a regional growth management plan and directed the establishment of a regional planning and growth management review board.

(2) Each public water system, as defined in Section 10912 of the Water Code, within the County of San Diego has adopted an urban water management plan pursuant to Part 2.6 (commencing with Section 10610) of the Water Code.

(3) The approval or conditional approval of tentative maps for subdivisions, as defined in this section, by the County of San Diego and the cities within the county requires written communications to be made by the public water system to the city or county, in a format and with content that is substantially similar to the requirements contained in this section, with regard to the availability of a sufficient water supply, or the reliance on projected water supplies to provide a sufficient water supply, for a proposed subdivision.

(l) Nothing in this section shall preclude the legislative body of a city or county, or the designated advisory agency, at the request of the applicant, from making the determinations required in this section earlier than required pursuant to subdivision (b).

(m) Nothing in this section shall be construed to create a right or entitlement to water service or any specific level of water service.

(n) Nothing in this section is intended to change existing law concerning a public water system's obligation to provide water service to its existing customers or to any potential future customers.

(o) Any action challenging the sufficiency of the public water system's written verification of a sufficient water supply shall be governed by Section 66499.37.

(Amended by Stats. 2016, Ch. 594, Sec. 1. (SB 1262) Effective January 1, 2017.)

66474. A legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Amended by Stats. 1982, Ch. 518, Sec. 4.)

66474.01. Notwithstanding subdivision (e) of Section 66474, a local government may approve a tentative map, or a parcel map for which a tentative map was not required, if an environmental impact report was prepared with respect to the project and a finding was made pursuant to paragraph (3) of subdivision (a) of Section 21081 of the Public Resources Code that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Amended by Stats. 1994, Ch. 1294, Sec. 1. Effective October 1, 1994.)

66474.02. (a) Before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177, a legislative body of a county shall, except as provided in subdivision (b), make the following findings:

(1) A finding supported by substantial evidence in the record that the subdivision is consistent with regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code or consistent with local ordinances certified by the State Board of Forestry and Fire Protection as meeting or exceeding the state regulations.

(2) A finding supported by substantial evidence in the record that structural fire protection and suppression services will be available for the subdivision through any of the following entities:

(A) A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.

(B) The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.

(b) Upon approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in a state responsibility area or a very high fire hazard severity zone, as both are defined in Section 51177, a legislative body of a county shall transmit a copy of the findings required in subdivision (a) and accompanying maps to the State Board of Forestry and Fire Protection.

(c) (1) Subdivision (a) does not apply to the approval of a tentative map, or a parcel map for which a tentative map was not required, that would subdivide land identified in the open space element of the general plan for the managed production of resources, including, but not limited to, forest land, rangeland, agricultural land, and areas of economic importance for the production of food or fiber, if the subdivision is consistent with the open space purpose and if, for the subdivision of land that would result in parcels that are 40 acres or smaller in size, those

parcels are subject to a binding and recorded restriction prohibiting the development of a habitable, industrial, or commercial building or structure. All other structures shall comply with defensible space requirements described in Section 51182 of this code or Sections 4290 and 4291 of the Public Resources Code.

(2) Any later approval to remove a binding restriction placed as a condition of a tentative map, or a parcel map for which a tentative map was not required, that would allow the development of a building or structure for a parcel that has previously been exempted from the requirements of subdivision (a) pursuant to paragraph (1) of this subdivision shall be subject to the requirements of subdivision (a).

(d) This section does not supersede regulations established by the State Board of Forestry and Fire Protection or local ordinances that provide equivalent or more stringent minimum requirements than those contained within this section.

(Amended by Stats. 2018, Ch. 624, Sec. 5. (SB 1260) Effective January 1, 2019.)

66474.1. A legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

(Amended by Stats. 1982, Ch. 87, Sec. 22. Effective March 1, 1982.)

66474.2. (a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.

(b) Subdivision (a) shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following:

(1) Initiated proceedings by way of ordinance, resolution, or motion.

(2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances.

A local agency which has complied with this subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map.

(c) If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

(Amended by Stats. 1989, Ch. 847, Sec. 10.)

66474.3. (a) If the legislative body of a city or county finds, based upon substantial evidence in the record, that any project for which a tentative map or a vesting tentative map has been approved will be affected by a previously enacted initiative measure to the extent that there is likely to be a default on land-secured bonds issued to finance infrastructure on the project, the legislative body shall allow that portion of the project served by that infrastructure to proceed in a manner consistent with the approved tentative map or vesting tentative map.

(b) For purposes of this section, land-secured bond means any bond issued pursuant to the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5, so long as the bond was issued and sold at least 90 days before the proposed initiative was adopted by either popular vote at an election or by ordinance adopted by the legislative body.

(c) Notwithstanding subdivision (a), the legislative body may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with state or federal law.

(d) An approved or conditionally approved tentative or vesting tentative map shall be subject to the periods of time set forth in Section 66452.6.

(e) The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the tentative map or of the vesting tentative map.

(f) An approved or conditionally approved tentative map or vesting tentative map shall not limit a legislative body from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in Section 66474.2 or 66498.1.

(Added by Stats. 1988, Ch. 1561, Sec. 2.)

66474.4. (a) The legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land, and if the legislative body finds that the land is subject to any of the following:

(1) A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.

(2) An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5).

(3) An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

(4) A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

(b) (1) For purposes of this section, land shall be conclusively presumed to be in parcels too small to sustain their agricultural use if the land is (A) less than 10 acres in size in the case of prime agricultural land, or (B) less than 40 acres in size in the case of land that is not prime agricultural land.

(2) For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (A) at least 10 acres in size in the case of prime agricultural land, or (B) at least 40 acres in size in the case of land that is not prime agricultural land.

(c) A legislative body may approve a subdivision with parcels smaller than those specified in this section if the legislative body makes either of the following findings:

(1) The parcels can nevertheless sustain an agricultural use permitted under the contract or easement, or are subject to a written agreement for joint management pursuant to Section 51230.1 and the parcels that are jointly managed total at least 10 acres in size in the case of prime agricultural land or 40 acres in size in the case of land that is not prime agricultural land.

(2) One of the parcels contains a residence and is subject to Section 428 of the Revenue and Taxation Code; the residence has existed on the property for at least five years; the landowner has owned the parcels for at least 10 years; and the remaining parcels shown on the map are at least 10 acres in size if the land is prime agricultural land, or at least 40 acres in size if the land is not prime agricultural land.

(d) No other homesite parcels as described in paragraph (2) of subdivision (c) may be created on any remaining parcels under contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) for at least 10 years following the creation of a homesite parcel pursuant to this section.

(e) This section shall not apply to land that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Division 1 of Title 5) when any of the following has occurred:

(1) A local agency formation commission has approved the annexation of the land to a city and the city will not succeed to the contract as provided in Sections 51243 and 51243.5.

(2) Written notice of nonrenewal of the contract has been served, as provided in Section 51245, and, as a result of that notice, there are no more than three years remaining in the term of the contract.

(3) The board or council has granted tentative approval for cancellation of the contract as provided in Section 51282.

(f) This section shall not apply during the three-year period preceding the termination of a contract described in paragraph (1) of subdivision (a).

(g) This section shall not be construed as limiting the power of legislative bodies to establish minimum parcel sizes larger than those specified in subdivision (a).

(h) This section does not limit the authority of a city or county to approve a tentative or parcel map with respect to land subject to an easement described in this section for which agriculture is the primary purpose if the resulting parcels can sustain uses consistent with the intent of the easement.

(i) This section does not limit the authority of a city or county to approve a tentative or parcel map with respect to land subject to an easement described in this section for which agriculture is not the primary purpose if the resulting parcels can sustain uses consistent with the purposes of the easement.

(j) Where an easement described in this section contains language addressing allowable land divisions, the terms of the easement shall prevail.

(k) The amendments to this section made in the 2002 portion of the 2001–02 Regular Session of the Legislature shall apply only with respect to contracts or easements entered into on or after January 1, 2003.

(Amended by Stats. 2003, Ch. 296, Sec. 19. Effective January 1, 2004.)

66474.5. (a) Notwithstanding any other law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of each city and county within the Sacramento-San Joaquin Valley shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(2) The city or county has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system. Except as provided in Sections 65962.1 and 65962.2, for urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.

(4) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

(b) The effective date of amendments referred to in this section shall be the date upon which the statutes of limitation specified in subdivision (c) of Section 65009 have run or, if the amendments and any associated environmental documents are challenged in court, the validity of the amendments and any associated environmental documents has been upheld in a final decision.

(c) This section does not change or diminish existing requirements of local flood plain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the national flood insurance program.

(Amended by Stats. 2022, Ch. 708, Sec. 5. (SB 901) Effective January 1, 2023.)

66474.6. The governing body of any local agency shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the

Water Code. In the event that the governing body finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative map or maps of the subdivision.

(Added by Stats. 1974, Ch. 1536.)

66474.7. The responsibilities of the governing body under the provisions of Sections 66473.5, 66474, 66474.1 and 66474.6 may be assigned to an advisory agency or appeal board provided the governing body adopts an ordinance which allows any interested person to appeal any decision of the advisory agency or the appeal board relative to such matters to the governing body. Such appellant shall be entitled to the same notice and rights regarding testimony as are accorded a subdivider under Section 66452.5.

(Added by Stats. 1974, Ch. 1536, Sec. 4.55.)

66474.8. No ordinance, regulation, policy, or procedure which regulates or prescribes standards for grading or drainage, adopted by or applicable to a local agency pursuant to Section 17922 or 17958 of the Health and Safety Code, shall apply to the construction of design or improvement work, including the rough grading of lots within the subdivision, performed pursuant to, or in connection with an approved or conditionally approved tentative map, final map, or parcel map unless the local agency has no other applicable ordinance, regulation, policy, or procedure which regulates or prescribes standards for grading or drainage for subdivision design or improvement.

(Added by Stats. 1985, Ch. 1504, Sec. 6.)

66474.9. (a) Except as provided in subdivision (b), a local agency may not require, as a condition for a tentative, parcel, or final map application or approval, that the subdivider or an agent of the subdivider, defend, indemnify, or hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency as a result of the action or inaction of the local agency, advisory agency, appeal board, or legislative body in reviewing, approving, or denying the map.

(b) (1) A local agency may require, as a condition for a tentative, parcel, or final map application or approval, that the subdivider defend, indemnify, and hold harmless the local agency or its agents, officers, and employees from any claim, action, or proceeding against the local agency or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the local agency, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

(2) Any condition imposed pursuant to this subdivision shall include the requirement that the local agency promptly notify the subdivider of any claim, action, or proceeding and that the local agency cooperate fully in the defense. If the local agency fails to promptly notify the subdivider of any claim, action, or proceeding, or if the local agency fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the local agency.

(c) Nothing contained in this section prohibits the local agency from participating in the defense of any claim, action, or proceeding, if both of the following occur:

(1) The agency bears its own attorney’s fees and costs.

(2) The agency defends the action in good faith.

(d) The subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the subdivider.

(Added by Stats. 1986, Ch. 789, Sec. 6.)

66474.10. If the legislative body or advisory agency determines that engineering or land surveying conditions are to be imposed on a tentative map or a parcel map for which a tentative map was not required, those conditions shall be reviewed by the city engineer, city surveyor, county engineer or county surveyor, as appropriate, to determine compliance with generally accepted engineering or surveying practices.

(Added by Stats. 1989, Ch. 847, Sec. 11.)

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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Advisory Agencies [66474.60 - 66474.64] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66474.60. (a) In cities having a population of more than 2,800,000, the design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(Amended by Stats. 1982, Ch. 518, Sec. 5.)

66474.61. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the legislative body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subdivision shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Amended by Stats. 1982, Ch. 518, Sec. 6.)

66474.62. In cities having a population of more than 2,800,000, a legislative body shall not deny approval of a final subdivision map pursuant to Section 66474.61 if it, the advisory agency, or the appeal board has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map and with the conditions to the approval thereof.

(Amended by Stats. 2008, Ch. 179, Sec. 115. Effective January 1, 2009.)

66474.63. In cities having a population of more than 2,800,000, the advisory agency, appeal board or legislative body shall determine whether the discharge of waste from the proposed subdivision into an existing community sewer system would result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event that the advisory agency, appeal board or legislative body finds that the proposed waste discharge would result in or add to violation of requirements of such board, the body making such finding may disapprove the tentative map or maps of the subdivision.

(Added by Stats. 1974, Ch. 1536.)

66474.64. In cities having a population of more than 2,800,000, if the legislative body authorizes the advisory agency to report its action directly to the subdivider, the advisory agency shall, prior to making its report to the subdivider upon a subdivision as defined in this chapter, give notice of hearing in such manner as may be prescribed by local ordinance to the subdivider and to all property owners within 300 feet of the proposed subdivision and pursuant thereto shall conduct a public hearing at which time all persons interested in or affected by such proposed subdivision shall be heard.

(Added by Stats. 1974, Ch. 1536.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 3. Dedications [66475 - 66478] *(Article 3 added by Stats. 1974, Ch. 1536.)*

66475. There may be imposed by local ordinance a requirement of dedication or irrevocable offer of dedication of real property within the subdivision for streets, alleys, including access rights and abutter's rights, drainage, public utility easements and other public easements. Such irrevocable offers may be terminated as provided in subdivisions (c) and (d) of Section 66477.2.

(Added by Stats. 1974, Ch. 1536.)

66475.1. Whenever a subdivider is required pursuant to Section 66475 to dedicate roadways to the public, the subdivider may also be required to dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision.

(Amended by Stats. 2001, Ch. 873, Sec. 4. Effective January 1, 2002.)

66475.2. (a) There may be imposed by local ordinance a requirement of a dedication or an irrevocable offer of dedication of land within the subdivision for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of a subdivision. The irrevocable offers may be terminated as provided in subdivisions (c) and (d) of Section 66477.2.

(b) Only the payment of fees in lieu of the dedication of land may be required in subdivisions that consist of the subdivision of airspace in existing buildings into condominium projects, stock cooperatives, or community apartment projects, as those terms are defined in Sections 4105, 4125, and 4190 or Sections 6542 and 6566 of the Civil Code.

(Amended (as amended by Stats. 2012, Ch. 181, Sec. 60) by Stats. 2013, Ch. 605, Sec. 34. (SB 752) Effective January 1, 2014.)

66475.3. For divisions of land for which a tentative map is required pursuant to Section 66426, the legislative body of a city or county may by ordinance require, as a condition of the approval of a tentative map, the dedication of easements for the purpose of assuring that each parcel or unit in the subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision for which approval is sought for any solar energy system, provided that such ordinance contains all of the following:

(1) Specifies the standards for determining the exact dimensions and locations of such easements.

(2) Specifies any restrictions on vegetation, buildings and other objects which would obstruct the passage of sunlight through the easement.

(3) Specifies the terms or conditions, if any, under which an easement may be revised or terminated.

(4) Specifies that in establishing such easements consideration shall be given to feasibility, contour, configuration of the parcel to be divided, and cost, and that such easements shall not result in reducing allowable densities or the percentage of a lot which may be occupied by a building or a structure under applicable planning and zoning in force at the time such tentative map is filed.

(5) Specifies that the ordinance is not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are added.

For the purposes of this section, "solar energy systems" shall be defined as set forth in Section 801.5 of the Civil Code.

For purposes of this section, "feasibility" shall have the same meaning as set forth in Section 66473.1 for the term "feasible".

(Added by Stats. 1978, Ch. 1154.)

66476. There may be imposed by local ordinance a requirement that dedications or offers of dedication of streets include a waiver of direct access rights to any such street from any property shown on a final or parcel map as abutting thereon and if the dedication is accepted, any such waiver shall become effective in accordance with its provisions.

(Added by Stats. 1974, Ch. 1536.)

66477. (a) The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(2) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(A) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(B) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the city shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the maps, records, or reports of the county in which the newly incorporated city is located bears to the total population of the new city as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated city is located shall not include the figures pertaining to the new city which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map, or at a later time as may be prescribed by local ordinance.

(3) (A) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision, except as provided in subparagraph (B).

(B) Notwithstanding subparagraph (A), fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

(i) The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.

(ii) The neighborhood in which the subdivision for which the fees were paid has a park area per 1,000 members of the neighborhood population ratio that meets or exceeds the ratio calculated pursuant to subparagraph (A) of paragraph (2), but in no event is less than three acres per 1,000 persons.

(iii) The legislative body holds a public hearing before using the fees pursuant to this subparagraph.

(iv) The legislative body makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.

(v) The fees are used within a specified radius that complies with the city's or county's ordinance adopted pursuant to subdivision (a), and are consistent with the adopted general plan or specific plan of the city or county. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the city or county, that otherwise meets the requirements of this section.

(4) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards.

(5) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.

(6) (A) The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

(B) The city, county, or other local agency to which the land or fees are conveyed or paid may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.

(7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.

(8) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However, in that event, a condition may be placed on the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

(9) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

(b) Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if that agency elects to accept the land or fee. The local agency accepting the land or funds shall develop the land or use the funds in the manner provided in this section.

(c) If park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall, subject to paragraph (2) of subdivision (a), be jointly determined by the city or county having jurisdiction and that other public agency.

(d) This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five

years old when no new dwelling units are added.

(e) Common interest developments, as defined in Section 4100 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

(f) Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(g) As used in this section with regard to the expenditure of fees, the term "fee" includes any interest income generated from a fee charged and collected pursuant to this section.

(h) This section shall be known, and may be cited, as the Quimby Act.

(i) This section shall become operative on January 1, 2021.

(Repealed (in Sec. 1) and added by Stats. 2015, Ch. 276, Sec. 2. (AB 1191) Effective January 1, 2016. Section operative January 1, 2021, by its own provisions.)

66477.1. (a) At the time the legislative body or the official designated pursuant to Section 66458 approves a final map, the legislative body or the designated official shall also accept, accept subject to improvement, or reject any offer of dedication. The clerk of the legislative body shall certify or state on the map the action by the legislative body or designated official.

(b) The legislative body of a county, or a county officer designated by the legislative body, may accept into the county road system, pursuant to Section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvements.

(Amended by Stats. 1998, Ch. 604, Sec. 3. Effective January 1, 1999.)

66477.2. (a) If at the time the final map is approved, any streets, paths, alleys, public utility easements, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements are rejected, subject to Section 771.010 of the Code of Civil Procedure, the offer of dedication shall remain open and the legislative body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets, paths, alleys, rights-of-way for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items, which directly benefit the residents of a subdivision, or storm drainage easements for public use, which acceptance shall be recorded in the office of the county recorder.

(b) In the case of any subdivision fronting upon the ocean coastline or bay shoreline, the offer of dedication of public access route or routes from public highways to land below the ordinary high watermark shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any public waterway, river, or stream, the offer of dedication of public access route or routes from public highways to the bank of the waterway, river, or stream and the public easement along a portion of the bank of the waterway, river, or stream shall be accepted within three years after the approval of the final map; in the case of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency, including the state, the offer of dedication of public access route or routes from public highways to any water of the lake or reservoir shall be accepted within five years after the approval of the final map; all other offers of dedication may be accepted at any time.

(c) Offers of dedication which are covered by subdivision (a) may be terminated and abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 (commencing with Section 8300) of Division 9 of the Streets and Highways Code.

(d) Offers of dedication which are not accepted within the time limits specified in subdivision (b) shall be deemed abandoned.

(e) Except as provided in Sections 66499.16, 66499.17, and 66499.18, if a resubdivision or reversion to acreage of the tract is subsequently filed for approval, any offer of dedication previously rejected shall be deemed to be terminated upon the approval of the map by the legislative body. The map shall contain a notation identifying the offer or offers of dedication deemed terminated by this subdivision.

(Amended by Stats. 1994, Ch. 458, Sec. 9. Effective January 1, 1995.)

66477.3. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed in the office of the county recorder or a resolution of acceptance by the legislative body is filed in such office.

(Added by Stats. 1974, Ch. 1536.)

66477.5. (a) The local agency to which property is dedicated in fee for public purposes, or for making public improvements or constructing public facilities, other than for open space, parks, or schools, shall record a certificate with the county recorder in the county in which the property is located. The certificate shall be attached to the map and shall contain all of the following information:

(1) The name and address of the subdivider dedicating the property.

(2) A legal description of the real property dedicated.

(3) A statement that the local agency shall reconvey the property to the subdivider if the local agency makes a determination pursuant to this section that the same public purpose for which the property was dedicated does not exist, or the property or any portion thereof is not needed for public utilities, as specified in subdivision (c).

(b) The subdivider may request that the local agency make the determination that the same public purpose for which the dedication was required still exists, after payment of a fee which shall not exceed the amount reasonably required to make the determination. The determination may be made by reference to a capital improvement plan as specified in Section 65403 or 66002, an applicable general or specific plan requirement, the subdivision map, or other public documents that identify the need for the dedication.

(c) If a local agency has determined that the same public purpose for which the dedication was required does not exist, it shall reconvey the property to the subdivider or the successor in interest, as specified in subdivision (a), except for all or any portion of the property that is required for that same public purpose or for public utilities.

(d) If a local agency decides to vacate, lease, sell, or otherwise dispose of the dedicated property the local agency shall give at least 60 days notice to the subdivider whose name appears on the certificate before vacating, leasing, selling, or otherwise disposing of the dedicated property. This notice is not required if the dedicated property will be used for the same public purpose for which it was dedicated.

(e) This section shall only apply to property required to be dedicated on or after January 1, 1990.

(Added by Stats. 1989, Ch. 822, Sec. 1.)

66478. Whether by request of a county board of education or otherwise, a city or county may adopt an ordinance requiring any subdivider who develops or completes the development of one or more subdivisions in one or more school districts maintaining an elementary school to dedicate to the school district, or districts, within which such subdivisions are to be located, such land as the local legislative body shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure the residents of the subdivision adequate public school service. In no case shall the local legislative body require the dedication of an amount of land which would make development of the remaining land held by the subdivider economically unfeasible or which would exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

An ordinance adopted pursuant to this section shall not be applicable to a subdivider who has owned the land being subdivided for more than 10 years prior to the filing of the tentative maps in accordance with Article 2 (commencing with Section 66452) of Chapter 3 of this division. The requirement of dedication shall be imposed at the time of approval of the tentative map. If, within 30 days after the requirement of dedication is imposed by the city or county, the school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after, the filing of the final map on any portion of the subdivision. The school district shall, in the event that it accepts the dedication, repay to the subdivider or his successors the original cost to the subdivider of the dedicated land, plus a sum equal to the total of the following amounts:

(a) The cost of any improvements to the dedicated land since acquisition by the subdivider.

(b) The taxes assessed against the dedicated land from the date of the school district's offer to enter into the binding commitment to accept the dedication.

(c) Any other costs incurred by the subdivider in maintenance of such dedicated land, including interest costs incurred on any loan covering such land.

If the land is not used by the school district, as a school site, within 10 years after dedication, the subdivider shall have the option to repurchase the property from the district for the amount paid therefor.

The school district to which the property is dedicated shall record a certificate with the county recorder in the county in which the property is located. The certificate shall contain the following information:

(1) The name and address of the subdivider dedicating the property.

(2) A legal description of the real property dedicated.

(3) A statement that the subdivider dedicating the property has an option to repurchase the property if it is not used by the school district as a school site within 10 years after dedication.

(4) Proof of the acceptance of the dedication by the school district and the date of the acceptance. The certificate shall be recorded not more than 10 days after the date of acceptance of the dedication. The subdivider shall have the right to compel the school district to record such certificate, but until such certificate is recorded, any rights acquired by any third party dealing in good faith with the school district shall not be impaired or otherwise affected by the option right of the subdivider.

If any subdivider is aggrieved by, or fails to agree to the reasonableness of any requirement imposed pursuant to this section, he may bring a special proceeding in the superior court pursuant to Section 66499.37.

(Added by Stats. 1974, Ch. 1536.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 3.5. Public Access to Public Resources [66478.1 - 66478.14] *(Article 3.5 added by Stats. 1974, Ch. 1536.)*

66478.1. It is the intent of the Legislature, by the provisions of Sections 66478.1 through 66478.10 of this article to implement Section 4 of Article X of the California Constitution insofar as Sections 66478.1 through 66478.10 are applicable to navigable waters.

(Amended by Stats. 1986, Ch. 1019, Sec. 27.)

66478.2. The Legislature finds and declares that the public natural resources of this state are limited in quantity and that the population of this state has grown at a rapid rate and will continue to do so, thus increasing the need for utilization of public natural resources. The increase in population has also increased demand for private property adjacent to public natural resources through real estate subdivision developments which resulted in diminishing public access to public natural resources.

(Added by Stats. 1974, Ch. 1536.)

66478.3. The Legislature further finds and declares that it is essential to the health and well-being of all citizens of this state that public access to public natural resources be increased. It is the intent of the Legislature to increase public access to public natural resources.

(Added by Stats. 1974, Ch. 1536.)

66478.4. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) Reasonable public access shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination of what shall be reasonable access, the local agency shall consider all of the following:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses.

(c) A public waterway, river, or stream for the purposes of Sections 66477.2, 66478.4, 66478.5 and 66478.6 means those waterways, rivers and streams defined in Sections 100 through 106 of the Harbors and Navigation Code, any stream declared to be a public highway for fishing pursuant to Sections 25660 through 25662 of the Government Code, the rivers listed in Section 1505 of the Fish and Game Code as spawning areas, all waterways, rivers and streams downstream from any state or federal salmon or steelhead fish hatcheries.

(Amended by Stats. 2002, Ch. 1109, Sec. 2. Effective January 1, 2003.)

66478.5. (a) No local agency shall approve either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.

(b) The extent, width and character of the public easement shall be reasonably defined to achieve reasonable public use of the public waterway, river, or stream consistent with public safety. The reasonableness and extent of the easement shall be determined by the local agency in which the proposed subdivision is to be located. In making the determination for reasonably defining the extent, width, and character of the public easement, the local agency shall consider all of the following:

(1) That the easement may be for a foot trail, bicycle trail, or horse trail.

(2) The size of the subdivision.

(3) The type of riverbank and the various appropriate recreational, educational and scientific uses including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific collection and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding these trespasses.

(Amended by Stats. 2002, Ch. 1109, Sec. 3. Effective January 1, 2003.)

66478.6. Any public access route or routes and any easement along the bank of a public waterway, river, or stream provided by the subdivider shall be expressly designated on the tentative or final map, and this map shall expressly designate the governmental entity to which the route or routes are dedicated and its acceptance of the dedication.

(Amended by Stats. 2002, Ch. 1109, Sec. 4. Effective January 1, 2003.)

66478.7. Nothing in this article shall be construed to limit any powers or duties in connection with or affect the operation of beaches or parks in this state or to limit or decrease the authority, powers, or duties of any public agency or entity.

(Added by Stats. 1974, Ch. 1536.)

66478.8. Nothing in Sections 66478.1 to 66478.10, inclusive, of this article shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this article is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The finding shall be set forth on the face of the tentative or final map.

(Amended by Stats. 2002, Ch. 1109, Sec. 5. Effective January 1, 2003.)

66478.9. Nothing in Section 66478.5 shall apply to the site of electric power generating facilities.

(Added by Stats. 1974, Ch. 1536.)

66478.10. Nothing in Sections 66478.1 through 66478.10 of this article shall apply to industrial subdivisions.

(Added by Stats. 1974, Ch. 1536.)

66478.11. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon the coastline or shoreline which subdivision does not provide or have available reasonable public access by fee or easement from public highways to land below the ordinary high water mark on any ocean coastline or bay shoreline within or at a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and the map shall expressly designate the governmental entity to which the route or routes are dedicated.

(b) Reasonable public access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable public access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of coastline or shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, diving, sunbathing, surfing, walking, swimming, fishing, beachcombing, taking of shellfish and scientific exploration.

(4) The likelihood of trespass on private property and reasonable means of avoiding the trespass.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable public access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) The provisions of this section shall not apply to the final or tentative map of any subdivision which is in compliance with the plan of any planned development or any planned community which has been approved by a local agency prior to December 31, 1968. The exclusion provided by this subdivision shall be in addition to the exclusion provided by subdivision (e).

(g) Nothing in this section shall be construed as requiring the subdivider to improve any access route or routes which are primarily for the benefit of nonresidents of the subdivision area.

(h) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which the route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. The conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which the route or routes are located.

(Amended by Stats. 2002, Ch. 1109, Sec. 6. Effective January 1, 2003.)

66478.12. (a) No local agency shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final map, and the map shall expressly designate the governmental entity to which the route or routes are dedicated and its acceptance of the dedication.

(b) Reasonable access, as used in subdivision (a), shall be determined by the local agency in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the local agency shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding the trespasses.

(d) Nothing in this section shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the local agency makes a finding that the reasonable access is otherwise available within a reasonable distance from the subdivision and identifies the location of the reasonable public access.

The finding shall be set forth on the face of the tentative or final map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a local agency prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which the route or routes have been dedicated, at any future time, by mutual consent of the governmental entity and the particular state or local agency. The conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which the route or routes are located.

(Amended by Stats. 2002, Ch. 1109, Sec. 7. Effective January 1, 2003.)

66478.13. No local agency shall issue any permit or grant any approval necessary to develop any real property which is excluded from regulation under this division as a subdivision pursuant to subdivision (d) of Section 66426 because such property is in excess of 40 acres and was created as such a parcel after December 31, 1969, when such property fronts on the coastline or a shoreline, unless it finds that reasonable public access has been provided from public highways to land below the ordinary high-water mark or any ocean coastline or bay shoreline or any water of a lake or reservoir upon which the real property fronts.

"Reasonable public access" as used in this section shall be determined by the local agency in which the real property lies. In making such determination the local agency shall use the same criteria as those set forth in subdivisions (c) and (d) of Section 66478.11 and subdivisions (c) and (d) of Section 66478.12.

(Added by Stats. 1974, Ch. 1536.)

66478.14. Nothing in this article shall be construed as requiring the subdivider to improve any route or routes which are primarily for the benefit of nonresidents of the subdivision area or nonowners of the real property in question.

(Added by Stats. 1974, Ch. 1536.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 4. Reservations [66479 - 66482] *(Article 4 added by Stats. 1974, Ch. 1536.)*

66479. There may be imposed by local ordinance a requirement that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses, subject to the following conditions:

(a) The requirement is based upon an adopted specific plan or an adopted general plan containing policies and standards for those uses, and the required reservations are in accordance with those policies and standards.

(b) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map.

(c) The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner.

(d) The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible.

The reserved area shall conform to the adopted specific or general plan and shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period; in such event, the subdivider shall make those changes as are necessary to permit the reserved area to be developed for the intended purpose consistent with good subdividing practices.

(Amended by Stats. 1984, Ch. 1009, Sec. 34.)

66480. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement. The purchase price shall be the market value thereof at the time of the filing of the tentative map plus the taxes against such reserved area from the date of the reservation and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest costs incurred on any loan covering such reserved area.

(Added by Stats. 1974, Ch. 1536.)

66481. If the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate.

(Added by Stats. 1974, Ch. 1536.)

66482. The authority granted by this article is additional to all other authority granted by law to local agencies relating to subdivisions and shall in no way be construed as a limitation on or diminution of any such authority.

(Added by Stats. 1974, Ch. 1536.)

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CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 5. Fees [66483 - 66484.9] *(Article 5 added by Stats. 1974, Ch. 1536.)*

66483. There may be imposed by local ordinance a requirement for the payment of fees for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas, subject to the following conditions:

(a) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map or parcel map if no tentative map is required.

(b) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities.

(c) The drainage or sanitary sewer plan, in the case of a city situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the legislative body of the county to be in conformity with such a county plan; or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the legislaive body of the district to be in conformity with the district general plan; or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the legislative body of the county to be in conformity with such a plan and by resolution of the legislative body of the district to be in conformity with the district general plan.

(d) The costs, whether actual or estimated, are based upon findings by the legislative body which has adopted the local plan, that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas.

(e) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(f) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Such fees shall be paid to the local public agencies which provide drainage or sanitary sewer facilities, and shall be deposited by such agencies into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of engineering and administrative services to form the district and design and construct the facilities. The local ordinance may provide for the acceptance of considerations in lieu of the payment of fees.

A local agency imposing or requesting the imposition of, fees pursuant to this section, including the agencies providing the facilities, may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned

local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A local agency receiving fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

(Amended by Stats. 1975, Ch. 365.)

66483.1. After completion of the facilities and the payment of all claims from any "planned local drainage facilities fund" or any "planned local sanitary sewer fund," the legislative body of a county or city shall determine by resolution the amount of the surplus, if any, remaining in any of those funds. Any surplus shall be used, in those amounts as the legislative body may determine, for one or more of the following purposes:

(a) For transfer to the general fund of the county or city, provided that the amount of the transfer shall not exceed 5 percent of the total amount expended from the particular fund, and provided that the funds transferred are used to support the operation and maintenance of those facilities for which the fees were collected;

(b) For the construction of additional or modified facilities within the particular drainage or sanitary sewer area; or

(c) As a refund in the manner provided in Section 66483.2.

(Amended by Stats. 1981, Ch. 914, Sec. 7.)

66483.2. Any surplus remaining shall be refunded as follows:

(a) There shall be refunded to the current owners of property for which a fee was previously collected, the balance of such moneys in the same proportion which each individual fee collected bears to the total of all individual fees collected from the particular drainage or sewer area;

(b) Where property for which a fee was previously collected has subsequently been subdivided into more than one lot, each current owner of a lot shall share in the refund payable to the owners of the property for which a fee was previously collected in the same proportion which the area of each individual lot bears to the total area of the property for which a fee was previously collected; and

(c) There shall be transferred to the general fund of the county or city any remaining portion of the surplus which has not been paid to or claimed by the persons entitled thereto within two years from the date either of the completion of the improvements, or the adoption by the legislative body of a resolution declaring a surplus, whichever is later to occur.

(Added by Stats. 1975, Ch. 365.)

66484. (a) A local ordinance may require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares. The ordinance may require payment of fees pursuant to this section if all of the following requirements are satisfied:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation or flood control provisions thereof that identify railways, freeways, streams, or canyons for which bridge crossings are required on the general plan or local roads and in the case of major thoroughfares, to the provisions of the circulation element that identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to the state highway system, if the circulation element, transportation or flood control provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65091 and shall include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at the proceedings.

(3) The ordinance provides that at the public hearing the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land that abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual

or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to those lands from other sources.

(4) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. The fees shall not be expended to reimburse the cost of existing bridge facility construction.

(6) The ordinance provides that if, within the time when protests may be filed under the provisions of the ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under this section.

(b) Any protest may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

(c) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section prohibits a legislative body, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(d) Nothing in this section precludes the processing and recordation of maps in accordance with other provisions of this division if the proceedings are abandoned.

(e) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge or major thoroughfare is required to be constructed, a fund may be so established covering all of the bridge and major thoroughfare projects in the benefit area. Moneys in the fund shall be expended solely for the construction or reimbursement for construction of the improvement or improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement or improvements.

(f) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(g) A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for any advances from planned bridge facility or major thoroughfares funds established to finance the construction of those improvements.

(h) A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares. However, the sole security for repayment of that indebtedness shall be moneys in planned bridge facility or major thoroughfares funds.

(i) (1) The term "construction," as used in this section, includes design, acquisition of rights-of-way, administration of construction contracts, and actual construction.

(2) The term "construction," as used in this section, with respect to the unincorporated areas of San Diego County and Los Angeles County only, includes design, acquisition of rights-of-way, and actual construction, including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction

contracts, and other services necessary therefor. The term "construction," with respect to the unincorporated areas of San Diego County and Los Angeles County only, also includes reasonable administrative expenses, not exceeding three hundred thousand dollars ($300,000) in any calendar year after January 1, 1986, as adjusted annually for any increase or decrease in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor for All Urban Consumers, San Diego, California (1967 = 100), and Los Angeles-Long Beach-Anaheim, California (1967 = 100), respectively, as published by the United States Department of Commerce for the purpose of constructing bridges and major thoroughfares. "Administrative expenses" means those office, personnel, and other customary and normal expenses associated with the direct management and administration of the agency, but not including costs of construction.

(3) The term "construction," as used in this section, with respect to Los Angeles County only, shall have the same meaning as in paragraph (2) in either of the following circumstances:

(A) The area of benefit includes, and all of the bridge and major thoroughfare project improvements lie within, both a city or a portion of a city and adjacent portions of unincorporated area.

(B) All of the area of benefit and all of the bridge and major thoroughfare project improvements lie completely within the boundaries of a city.

(j) Nothing in this section precludes a county or city from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

(Amended by Stats. 2011, Ch. 296, Sec. 133. (AB 1023) Effective January 1, 2012.)

66484.3. (a) Notwithstanding Section 66007, the Board of Supervisors of the County of Orange and the city council or councils of any city or cities in that county may, by ordinance, require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares.

(b) The local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the general plan and, in the case of bridges, to the transportation provisions or flood control provisions of the general plan which identify railways, freeways, streams, or canyons for which bridge crossings are required on the general plan or local roads, and in the case of major thoroughfares, to the provisions of the circulation element which identify those major thoroughfares whose primary purpose is to carry through traffic and provide a network connecting to or which is part of the state highway system, and the circulation element, transportation provisions, or flood control provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit. Bridges which are part of a major thoroughfare need not be separately identified in the transportation or flood control provisions of the general plan.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905. In addition to the requirements of Section 65905, the notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of any map or building permit application considered at the proceedings.

(3) The ordinance provides that at the public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. The method of fee apportionment, in the case of major thoroughfares, shall not provide for higher fees on land which abuts the proposed improvement except where the abutting property is provided direct usable access to the major thoroughfare. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the County of Orange. The resolution may subsequently be modified in any respect by the governing body. Modifications shall be adopted in the same manner as the original resolution, except that the resolution of a city or county which has entered into a joint exercise of powers agreement pursuant to subdivision (f), relating to constructing bridges over waterways, railways, freeways, and canyons or constructing major thoroughfares by the joint powers agency, may be modified by the joint powers agency following public notice and a public hearing, if the joint powers agency has complied with all applicable laws, including Chapter 5 (commencing with Section 66000) of Division 1. Any modification shall be subject to the protest procedures prescribed by paragraph (6). The resolution may provide for automatic periodic adjustment of

fees based upon the California Construction Cost Index prepared and published by the Department of Transportation, without further action of the governing body, including, but not limited to, public notice or hearing. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for any of the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing body shall make provision for payment of the share of improvement costs apportioned to those lands from other sources, but those sources need not be identified at the time of the adoption of the resolution.

(4) The ordinance provides that payment of fees shall not be required unless the major thoroughfares are in addition to, or a reconstruction or widening of, any existing major thoroughfares serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is an original bridge serving the area or an addition to any existing bridge facility serving the area at the time of the adoption of the boundaries of the area of benefit. Fees imposed pursuant to this section shall not be expended to reimburse the cost of existing bridge facility construction, unless these costs are incurred in connection with the construction of an addition to an existing bridge for which fees may be required.

(6) The ordinance provides that if, within the time when protests may be filed under its provisions, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under this section, unless the protests are overruled by an affirmative vote of four-fifths of the legislative body.

Nothing in this section shall preclude the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.

Any protests may be withdrawn in writing by the owner who filed the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within the one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

If the provisions of this paragraph, or provisions implementing this paragraph contained in any ordinance adopted pursuant to this section, are held invalid, that invalidity shall not affect other provisions of this section or of the ordinance adopted pursuant thereto, which can be given effect without the invalid provision, and to this end the provisions of this section and of an ordinance adopted pursuant thereto are severable.

(c) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility or major thoroughfare fund. A fund shall be established for each planned bridge facility project or each planned major thoroughfare project. If the benefit area is one in which more than one bridge or major thoroughfare is required to be constructed, a fund may be so established covering all of the bridge or major thoroughfare projects in the benefit area. Except as otherwise provided in subdivision (g), moneys in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the county or a city for the cost of constructing the improvement.

(d) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(e) The county or a city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund from planned bridge facilities or major thoroughfares funds established to finance the construction of the improvements.

(f) The county or a city imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of bridge facilities or major thoroughfares. The sole security for repayment of the indebtedness shall

be moneys in planned bridge facilities or major thoroughfares funds. A city or county imposing fees pursuant to this section may enter into joint exercise of powers agreements with other local agencies imposing fees pursuant to this section, for the purpose of, among others, jointly exercising as a duly authorized original power established by this section, in addition to those through a joint exercise of powers agreement, those powers authorized in Chapter 5 (commencing with Section 31100) of Division 17 of the Streets and Highways Code for the purpose of constructing bridge facilities and major thoroughfares in lieu of a tunnel and appurtenant facilities, and, notwithstanding Section 31200 of the Streets and Highways Code, may acquire by dedication, gift, purchase, or eminent domain, any franchise, rights, privileges, easements, or other interest in property, either real or personal, necessary therefor on segments of the state highway system, including, but not limited to, those segments of the state highway system eligible for federal participation pursuant to Title 23 of the United States Code.

An entity constructing bridge facilities and major thoroughfares pursuant to this section shall design and construct the bridge facilities and major thoroughfares to the standards and specifications of the Department of Transportation then in effect, and may, at any time, transfer all or a portion of the bridge facilities and major thoroughfares to the state subject to the terms and conditions as shall be satisfactory to the Director of the Department of Transportation. Any of these bridge facilities and major thoroughfares shall be designated as a portion of the state highway system prior to its transfer. The participants in a joint exercise of powers agreement may also exercise as a duly authorized original power established by this section the power to establish and collect toll charges only for paying for the costs of construction of the major thoroughfare for which the toll is charged and for the costs of collecting the tolls, except that a joint powers agency, which is the lending agency, may, notwithstanding subdivision (c), make toll revenues and fees imposed pursuant to this section available to another joint powers agency, which is the borrowing agency, established for the purpose of designing, financing, and constructing coordinated and interrelated major thoroughfares, in the form of a subordinated loan, to pay for the cost of construction and toll collection of major thoroughfares other than the major thoroughfares for which the toll or fee is charged, if the lending agency has complied with all applicable laws, including Chapter 5 (commencing with Section 66000) of Division 1, and if the borrowing agency is required to pay interest on the loan to the lending agency at a rate equal to the interest rate charged on funds loaned from the Pooled Money Investment Account. Prior to executing the loan, the lending agency shall make all of the following findings:

(1) The major thoroughfare for which the toll or fee is charged will benefit from the construction of the major thoroughfare to be constructed by the borrowing agency or will benefit financially by a sharing of revenues with the borrowing agency.

(2) The lending agency will possess adequate financial resources to fund all costs of construction of existing and future projects that it plans to undertake prior to the final maturity of the loan, after funding the loan, and taking into consideration its then existing funds, its present and future obligations, and the revenues and fees it expects to receive.

(3) The funding of the loan will not materially impair its financial condition or operations during the term of the loan.

Major thoroughfares from which tolls are charged shall utilize the toll collection equipment most capable of moving vehicles expeditiously and efficiently, and which is best suited for that purpose, as determined by the participants in the joint exercise of powers agreement. However, in no event shall the powers authorized in Chapter 5 (commencing with Section 31100) of Division 17 of the Streets and Highways Code be exercised unless a resolution is first adopted by the legislative body of the agency finding that adequate funding for the portion of the cost of constructing those bridge facilities and major thoroughfares not funded by the development fees collected by the agency is not available from any federal, state, or other source. Any major thoroughfare constructed and operated as a toll road pursuant to this section shall only be constructed parallel to other public thoroughfares and highways.

(g) The term "construction," as used in this section, includes design, acquisition of rights-of-way, and actual construction, including, but not limited to, all direct and indirect environmental, engineering, accounting, legal, administration of construction contracts, and other services necessary therefor. The term "construction" also includes reasonable general agency administrative expenses, not exceeding three hundred thousand dollars ($300,000) in any calendar year after January 1, 1986, as adjusted annually for any increase or decrease in the Consumer Price Index of the Bureau of Labor Statistics of the United States Department of Labor for all Urban Consumers, Los Angeles-Long Beach-Anaheim, California (1967=100), as published by the United States Department of Commerce, by each agency created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 for the purpose of constructing bridges and major thoroughfares. "General agency administrative expenses" means those office, personnel, and other customary and normal expenses associated with the direct management and administration of the agency, but not including costs of construction.

(h) Fees paid pursuant to an ordinance adopted pursuant to this section may be utilized to defray all direct and indirect financing costs related to the construction of the bridges and major thoroughfares by the joint powers agency. Because the financing costs of bridges and major thoroughfares for which a toll charge shall be established or collected represent a necessary element of the total cost of those bridges and major thoroughfares, the joint powers agency constructing those facilities may include a charge for financing costs in the calculation of the fee rate. The charge shall be based on the estimated financing cost of any eligible portion of the bridges and major thoroughfares for which tolls shall be collected. The eligible portion shall be any or all portions of the major thoroughfare for which a viable financial plan has been adopted by the joint powers agency on the basis of revenues reasonably expected by the joint powers agency to be available to the thoroughfare, after consultation with representatives of the fee payers. For purposes of calculating the charge, financing costs shall include only reasonable allowances for payments and charges for principal, interest, and premium on indebtedness, letter of credit fees and charges, remarketing fees and charges, underwriters' discount, and other costs of issuance, less net earnings on bridge and major thoroughfare funds by the joint powers agency prior to the opening of the facility to traffic after giving effect to any payments from the fund to preserve the federal income tax exemption on the indebtedness. For purposes of calculating the charge for financing costs in the calculation of the fee rate only, financing costs shall not include any allowance for the cost of any interest paid on indebtedness with regard to each eligible portion after the estimated opening of the portion to traffic as established by the joint powers agency. Any and all challenges to any financial plan or financing costs adopted or calculated pursuant to this section shall be governed by subdivision (k).

(i) Nothing in this section shall be construed to preclude the County of Orange or any city within that county from providing funds for the construction of bridge facilities or major thoroughfares to defray costs not allocated to the area of benefit.

(j) Any city within the County of Orange may require the payment of fees in accordance with this section as to any property in an area of benefit within the city's boundaries, for facilities shown on its general plan or the county's general plan, whether the facilities are situated within or outside the boundaries of the city, and the county may expend fees for facilities or portions thereof located within cities in the county.

(k) The validity of any fee required pursuant to this section shall not be contested in any action or proceeding unless commenced within 60 days after recordation of the resolution described in paragraph (3) of subdivision (b). The provisions of Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure shall be applicable to any such action or proceeding. This subdivision shall also apply to modifications of fee programs.

(l) If the County of Orange and any city within that county have entered into a joint powers agreement for the purpose of constructing the bridges and major thoroughfares referred to in Sections 50029 and 66484, and if a proposed change of organization or reorganization includes any territory of an area of benefit established pursuant to Sections 50029 and 66484, within a successor local agency, the local agency shall not take any action that would impair, delay, frustrate, obstruct, or otherwise impede the construction of the bridges and major thoroughfares referred to in this section.

(m) Nothing in this section prohibits the succession of all powers, obligations, liabilities, and duties of any joint powers agency created pursuant to subdivision (l) to an entity with comprehensive countywide transportation planning and operating authority which is statutorily created in the County of Orange and which is statutorily authorized to assume those powers, obligations, liabilities, and duties.

(Amended by Stats. 2011, Ch. 382, Sec. 8. (SB 194) Effective January 1, 2012.)

66484.5. (a) The legislative body of a local agency may adopt an ordinance requiring the payment of a fee as a condition of approval of a subdivision requiring a final or parcel map, or as a condition of issuing a building permit in an area of benefit under a groundwater recharge facility plan adopted as provided in this section, for the purpose of constructing recharge facilities for the replenishment of the underground water supply in that area of benefit. The ordinance may require payment of fees pursuant to this section if, at the time of payment, all of the following requirements are satisfied:

(1) A groundwater recharge facility plan for the area to be benefited has been adopted by the legislative body of the local agency. The legislative body shall not adopt the plan until it has given notice to, and consulted with, the water agency then obligated to furnish water to the area to be benefited and the water agency has formally and in writing approved the plan.

(2) The ordinance has been in effect for a period of at least 30 days prior to the filing of the tentative map, parcel map if no tentative map is required, or the application for a building permit.

(3) The ordinance provides that before any groundwater recharge facility plan is adopted there will be a public hearing held by the legislative body for the proposed area of benefit.

Notice of the hearing on a proposed area of benefit shall be given pursuant to Section 65091 and shall include preliminary information concerning the groundwater recharge facility plan, including the proposed boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit, estimated costs, and the proposed method of fee apportionment.

Written notice of the public hearing shall be given by personal service or mail to the water agency responsible for furnishing water to the area of benefit involved in the hearing prior to or at the time notice is given by mail or by publication and posting. The proposal contained in the mailed, published, or posted notice shall be jointly prepared and agreed upon by the local agency and the water agency before that notice is given. The water agency may participate in the hearings.

(4) The ordinance provides that the groundwater recharge facility plan shall be established at the public hearing and, if approved, adopted by the legislative body. The plan shall include the boundaries of the area of benefit, the availability of surface water, the planned facilities for the area of benefit and the estimated cost thereof, a fair method of allocating the costs within the area of benefit, and the apportionment of fees within the area. The plan, as adopted by the local agency and approved by the water agency, shall be incorporated in a resolution of the legislative body and a certified copy of the plan shall be recorded with the county recorder. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or a parcel map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not otherwise subject to the payment of fees pursuant to this section, the legislative body shall make provision for payment of the share of improvement costs apportioned to that land by other means.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of the ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of the property to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

(b) Any protests may be withdrawn in writing by the owner who made the protest, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

(c) If any majority protest is directed against only a portion of the improvement, then all further proceedings under this section as to that portion of the improvement so protested against shall be barred for a period of one year. The legislative body, however, may commence new proceedings which do not include the area, acquisitions, or improvements which were the subject of the successful protest. Nothing in this section prohibits the legislative body, within that one-year period, from commencing and carrying on new proceedings for that portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(d) Nothing in this section precludes the processing and recordation of maps in accordance with other provisions of this division if proceedings are abandoned.

(e) Subsequent to the adoption of a plan, the local agency may itself construct, operate, and maintain the groundwater recharge facilities, or it may designate the water agency furnishing the water or designate or create another agency to do all or any one of these things as authorized by law. In the event any agency other than the local agency adopting such ordinances is so designated, the services so rendered shall be pursuant to a written agreement entered into between the local agency and the other agency.

(f) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned recharge facility fund. A fund shall be established for each area of benefit. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement serving the area to be benefited.

The fees shall not be expended to reimburse the cost of recharge facilities in existence prior to the adoption of the groundwater recharge facility plan for that area.

(g) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(h) A local agency imposing fees pursuant to this section may advance money from its general fund to pay the cost of constructing the improvements and may reimburse the general fund for those advances from planned recharge facility funds collected to finance the construction of these improvements.

(i) A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of recharge facilities. However, the sole security for repayment of that indebtedness shall be money in planned recharge facility funds.

(j) Recharge facilities shall not be constructed unless the water agency approves the design of the facilities to be constructed and has reached an agreement with the local agency establishing the terms and conditions under which the water will be furnished. If the water agency finds that the facilities have been constructed in accordance with the approved design, the agency shall furnish water for the groundwater recharge facilities.

(k) If the water agency is an irrigation district or other entity obligated by law to apportion water among the landowners within the area of benefit, the water agency shall receive credit upon the obligation for any water delivered for groundwater recharge under the agreement and shall be relieved of any further obligation to deliver the amount of water for which it has received such credit to the landowners or lands within that area.

(l) Nothing contained in this section entitles a local agency to collect a fee from a landowner who presently receives and continues to receive and use the landowner's pro rata share of surface water from the agency responsible for that area or from a landowner who has not applied for approval of a final or parcel map or a building permit.

(m) A credit for fees paid as authorized by this section shall be applied against any assessment levied by the local agency to construct the planned recharge facilities.

(n) The term "construction," as used in this section, includes design, acquisition of land or easements, administration of construction contracts, and actual construction.

(o) The term "water agency," as used in this section, means the public or other entity that will furnish water for the operation and use of a recharge facility under a groundwater recharge facility plan adopted by a local agency pursuant to this section.

(p) Nothing in this section precludes a county or city from providing funds for the construction of recharge facilities to defray costs not allocated to the area of benefit.

(Amended by Stats. 1984, Ch. 1009, Sec. 36.)

66484.7. (a) A local ordinance may require the payment of a fee, subject to the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) of Division 1), as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing transportation facilities. For purposes of this section, transportation facilities mean pedestrian, bicycle, transit, and traffic-calming facilities. The ordinance may require payment of fees pursuant to this section if all of the following requirements are satisfied:

(1) The ordinance refers to the circulation element of the general plan and to the provisions of the circulation element that identify those transportation facilities that are required to minimize the use of automobiles and minimize the traffic impacts of new development on existing roads, if the circulation element provisions have been adopted by the local agency 30 days prior to the filing of a map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65091 and shall include preliminary information related to the boundaries of the area of benefit, estimated cost, and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements that are the subject of any map or building permit application considered at the proceedings.

(3) The ordinance provides that at the public hearing the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of allocation of costs to the area of benefit and fee apportionment are established. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be incorporated in a resolution of the governing body, a certified copy of which shall be recorded by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. The apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final map or as a condition of issuing a building permit for the property or portions of the property. Where the area of benefit includes lands not subject to the payment of fees pursuant to this section, the governing agency shall make provision for payment of the share of improvement costs apportioned to those lands from other sources.

(4) The ordinance provides that if, within the time when protests may be filed under the provisions of the ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

(b) Any protest may be withdrawn by the owner protesting, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

(c) If any majority protest is directed against only a portion of the improvement, then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body may commence new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section prohibits a legislative body, within that one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of more than one-half of the area of the property to be benefited are in favor of going forward with that portion of the improvement or acquisition.

(d) Nothing in this section precludes the processing and recordation of maps in accordance with other provisions of this division if the proceedings are abandoned.

(e) Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned transportation facility fund. A fund shall be established for each planned transportation facility project. If the benefit area is one in which more than one other transportation facility is required to be constructed, a fund may be established covering all of the other transportation facility projects in the benefit area. Money in the fund shall be expended solely for the construction or reimbursement for construction of the improvement or improvements serving the area to be benefited and from which the fees comprising the fund were collected, or to reimburse the local agency for the cost of constructing the improvement or improvements.

(f) An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

(g) A local agency imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the improvements and may reimburse the general fund or road fund for any advances from other transportation facility funds established to finance the construction of those improvements.

(h) A local agency imposing fees pursuant to this section may incur an interest-bearing indebtedness for the construction of other transportation facilities. However, the sole security for repayment of that indebtedness shall be moneys in planned transportation facility funds.

(i) As used in this section, “construction” includes design, acquisition of rights-of-way, administration of construction contracts, and actual construction.

(j) Nothing in this section precludes a county or city from providing funds for the construction of other transportation facilities to defray costs not allocated to the area of benefit.

(Added by Stats. 2011, Ch. 228, Sec. 1. (AB 147) Effective January 1, 2012.)

66484.9. The authorizations granted by this article are additional to all other authority granted by law to local agencies relating to subdivisions and shall in no way be construed as a limitation on or diminution of that authority.

(Added by Stats. 2011, Ch. 228, Sec. 2. (AB 147) Effective January 1, 2012.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 6. Reimbursement [66485 - 66489] *(Article 6 added by Stats. 1974, Ch. 1536.)*

66485. There may be imposed by local ordinance a requirement that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and that those improvements be dedicated to the public. Supplemental length may include minimum sized offsite sewer lines necessary to reach a sewer outlet in existence at that time.

(Amended by Stats. 1983, Ch. 704, Sec. 2.)

66486. In the event of the installation of improvements required by an ordinance adopted pursuant to Section 66485, the local agency shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

(Amended by Stats. 1983, Ch. 704, Sec. 3.)

66487. In order to pay the costs as required by the reimbursement agreement, the local agency may:

(a) Collect from other persons, including public agencies, using such improvements for the benefit of real property not within the subdivision, a reasonable charge for such use.

(b) Contribute to the subdivider that part of the cost of the improvements that is attributable to the benefit of real property outside the subdivision and levy a charge upon the real property benefited to reimburse itself for such cost, together with interest thereon, if any, paid to the subdivider.

(c) Establish and maintain local benefit districts for the levy and collection of such charge or costs from the property benefited.

(Added by Stats. 1974, Ch. 1536.)

66488. Any local agency within a local drainage or sanitary sewer area may adopt the plan and map designated in Section 66483 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by such drainage or sanitary sewer facilities. The charge collected must be paid to the local agency or subdivider constructing such drainage or sanitary sewer facilities, and any local agency within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

(Added by Stats. 1974, Ch. 1536.)

66489. Any local agency may establish an area of benefit pursuant to Section 66484 and may impose a reasonable charge on property within the area which in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare. The charge collected shall be paid to the local agency or subdivider constructing the bridge, and any local agency having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge or major thoroughfare may enter into a reimbursement agreement with the subdivider.

(Added by Stats. 1974, Ch. 1536.)

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DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 7. Soils Report [66490 - 66491] *(Article 7 added by Stats. 1974, Ch. 1536.)*

66490. A preliminary soils report, prepared by a civil engineer registered in this state, and based upon adequate test borings, shall be required for every subdivision for which a final map is required by this division and may be required by local ordinance for other subdivisions.

(Added by Stats. 1974, Ch. 1536.)

66491. With respect to the soils report, a local ordinance may provide that:

(a) The preliminary soils report may be waived if the local agency determines that, due to the knowledge it has as to the soils qualities of the soils of the subdivision, no preliminary analysis is necessary.

(b) The preliminary soils report may be submitted to the city engineer or county engineer for review. The city engineer or county engineer may review the preliminary soils report and may require additional information or reject the report if it is found to be incomplete, inaccurate, or unsatisfactory.

(c) If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required.

(d) If the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils investigation of each potentially affected lot in the subdivision may be required.

(e) Any soils investigation required pursuant to this section shall be done by a civil engineer registered in this state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where the soils problem exists.

(f) The local agency may approve the subdivision or portion thereof where soils problems described in subdivision (c) or (d) exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

(Amended by Stats. 1991, Ch. 668, Sec. 1.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 8. Taxes and Assessments [66492 - 66494.1] *(Article 8 added by Stats. 1974, Ch. 1536.)*

66492. Prior to the filing of the final map or parcel map with the legislative body, the subdivider shall, in accordance with procedures established by the county, file with the county recorder of the county in which any part of the subdivision is located, a certificate or statement from the official computing redemptions in any public agency in which any part of the subdivision is located, showing that, according to the records of that office, there are no liens against the subdivision or any part thereof for unpaid, state, county, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

This section shall not be applicable to amending maps filed in accordance with the provisions of Section 66469.

(Amended by Stats. 1993, Ch. 906, Sec. 8. Effective October 8, 1993. Operative January 1, 1994, by Sec. 24 of Ch. 906.)

66493. (a) Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map or parcel map shall not be recorded until the owner or subdivider does both of the following:

(1) Files with the clerk of the board of supervisors of the county wherein any part of the subdivision is located a certificate or statement prepared by the appropriate state or local official giving his or her estimate of those taxes or assessments.

(2) Executes and files with the clerk of the board of supervisors of the county wherein any part of the subdivision is located, security conditioned upon the payment of all state, county, municipal, and local taxes and the current installment of principal and interest of all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable.

(b) If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the security for payment of taxes need be only for the sum which may be determined by the county to be sufficient to pay the current and delinquent taxes on the land being subdivided, together with all accrued penalties and costs if those taxes have been or are allowed to become delinquent. Separate assessor's parcel numbers shall be given to the portion of the larger parcel which is not within the proposed subdivision and to the parcel or parcels which are within the proposed subdivision.

If the land being subdivided is tax-defaulted, it may be redeemed without the redemption of the remainder of the larger parcel of which it is a part pursuant to the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

(c) A county may, by ordinance, require that if a property owner or subdivider deposits cash to secure the payment of the estimated taxes or special assessments required in paragraph (a) or (b), the county tax collector shall draw upon the cash deposit, at the request of the taxpayer, to pay the taxes or special assessments when they are payable.

(d) A county may, by ordinance, after consultation with the tax collector, waive the requirement to secure the payment of estimated taxes or special assessments, as required by subdivision (a) or (b), for a final parcel map of four or fewer parcels or for a lot line adjustment.

(e) Whenever land subject to a special assessment or bond which may be paid in full is divided by the line of a lot or parcel of the subdivision, that assessment or bond shall be paid in full; security shall be filed with the clerk of the board of supervisors, payable to the county as trustee for the assessment bondholders for the payment of the special assessment or bond; or the responsibility for payment of the assessment shall be certified as segregated pursuant to subdivision (f).

(f) Whenever land subject to a special assessment for payment of a bond would be divided by the line of a lot or parcel of a subdivision, and the special assessment is not paid in full or secured pursuant to subdivision (e), the final map or parcel map shall not be recorded until the owner or subdivider files with the clerk of the board of supervisors of the county a certificate prepared by the clerk of the legislative body that created the assessment district. The certificate shall certify that the legislative body has determined that provision has been made for segregation of the responsibility of each of the proposed new parcels for a portion of the assessment payment obligation in the manner provided in the statute pursuant to which the assessments were levied or to which the bonds were issued.

(g) In computing the amount of security for "taxes" in subdivision (a) or "current taxes" in subdivision (b), it shall only be necessary to consider amounts shown on the regular assessment roll or shown on any supplemental rolls prepared pursuant to Chapter 3.5 (commencing with Section 75) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(h) This section shall not be applicable to amending maps filed in accordance with Section 66469.

(Amended by Stats. 1997, Ch. 480, Sec. 1. Effective January 1, 1998.)

66494. (a) If the taxes or special assessments are allowed to become delinquent, the county shall recover from the security the principal sum of the security without proof of loss. The county shall apply the sum received in payment of any or all of such taxes or special assessments, including penalties and costs, if any, accruing thereto, to the proper state, county, municipal or district officers, for the satisfaction of the tax and special assessment liens and shall pay the balance, if any, over to the surety or depositor.

(b) If the taxes or special assessments are allowed to become delinquent and the security consists of a deposit of money, negotiable bond or instrument of credit, the clerk, subject to any rules of the board of supervisors with respect thereto, shall apply the proceeds thereof to the payment of such taxes and special assessments, including penalties and costs. Any excess proceeds shall be deposited in the county treasury for the benefit of the persons entitled thereto.

(c) If authorized by prior agreement with the subdivider or his or her sureties, when secured taxes become due the amount of taxes and special assessments may be paid to the county tax collector from the security deposit, or the negotiable paper or instrument of credit may be cashed and any excess proceeds placed in the county treasury subject to refund claim by the subdivider.

(Amended by Stats. 1981, Ch. 392, Sec. 1.)

66494.1. The board of supervisors may, by resolution, authorize any county officer to perform the duties required of the clerk of the board of supervisors under this article.

(Added by Stats. 1984, Ch. 866, Sec. 4.2.)

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DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Requirements [66473 - 66498] *(Chapter 4 added by Stats. 1974, Ch. 1536.)*

ARTICLE 9. Monuments [66495 - 66498] *(Article 9 added by Stats. 1974, Ch. 1536.)*

66495. At the time of making the survey for the final map or parcel map unless the survey is not required pursuant to Section 66448, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey. He shall also set such additional monuments as may be required by local ordinance. The local agency shall require that at least one exterior boundary line of the land being subdivided be adequately monumented or referenced before the map is recorded.

(Amended by Stats. 1977, Ch. 234.)

66496. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the legislative body security guaranteeing the payment of the cost of setting such monuments.

(Added by Stats. 1974, Ch. 1536.)

66497. (a) Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the subdivider, and to the city engineer or the county surveyor or any other public official or employee authorized to receive these notices, that the final monuments have been set.

(b) Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the legislative body evidence of the payment and receipt thereof by the engineer or surveyor. In the case of a cash deposit, the legislative body shall pay the engineer or surveyor for the setting of the final monuments from the cash deposit, if so requested by the depositor.

(c) If the subdivider does not present evidence to the legislative body that the engineer or surveyor has been paid for the setting of the final monuments, and if the engineer or surveyor notifies the legislative body that payment has not been received from the subdivider for the setting of the final monuments, the legislative body shall, within three months from the date of the notification, pay to the engineer or surveyor from any deposit the amount due.

(d) The legislative body may authorize a public officer or employee otherwise qualified to prepare or approve parcel maps or final maps as defined in Title 7 of Division 2 to release or reduce the amount of the cash deposit to pay the engineer or surveyor for setting the final monuments pursuant to the conditions specified in this section. The legislative body may prescribe additional rules related to this authorization.

(Amended by Stats. 2015, Ch. 269, Sec. 16. (SB 184) Effective January 1, 2016.)

66498. In the event of the death, disability or retirement from practice of the engineer or surveyor charged with the responsibility for setting monuments, or in the event of his refusal to set such monuments, the legislative body may direct the county surveyor or city engineer, or such engineer or surveyor as it may select, to set such monuments. If the original engineer or surveyor is replaced by another, the former may, by letter to the county surveyor or city engineer, release his obligation to set the final monuments to the surveyor or engineer who replaced him. When the monuments are so set, the substitute engineer or surveyor shall amend any map filed pursuant to this division in accordance with the provisions of Sections 66469 to 66472, inclusive. All provisions of this article relating to payment shall apply to the services performed by the substituted engineer or surveyor.

(Amended by Stats. 1979, Ch. 383.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4.5. Development Rights [66498.1 - 66498.9] *(Chapter 4.5 added by Stats. 1984, Ch. 1113, Sec. 8.)*

66498.1. (a) Whenever a provision of this division requires that a tentative map be filed, a vesting tentative map may instead be filed.

(b) When a local agency approves or conditionally approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66474.2. However, if Section 66474.2 is repealed, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(c) Notwithstanding subdivision (b), the local agency may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required in order to comply with state or federal law.

(d) The rights conferred by this section shall expire if a final map is not approved prior to the expiration of the vesting tentative map. If the final map is approved, the rights conferred by this section shall be subject to the periods of time set forth in subdivisions (b), (c), and (d) of Section 66498.5.

(e) Consistent with subdivision (b), an approved or conditionally approved vesting tentative map shall not limit a local agency from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subdivision (b).

(Amended by Stats. 1999, Ch. 550, Sec. 22. Effective September 28, 1999. Operative January 1, 2000, by Sec. 33 of Ch. 550.)

66498.2. If the ordinances, policies, or standards described in subdivision (b) of Section 66498.1 are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, or his or her assignee, at any time prior to the expiration of the vesting tentative map pursuant to subdivisions (b), (c), and (d) of Section 66498.5, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies, or standards. An application shall clearly specify the changed ordinances, policies, or standards for which the amendment is sought.

(Amended by Stats. 1999, Ch. 550, Sec. 23. Effective September 28, 1999. Operative January 1, 2000, by Sec. 33 of Ch. 550.)

66498.3. (a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The local agency may deny a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding subdivision (b) of Section 66498.1, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in subdivisions (b), (c), and (d) of Section 66498.5.

(Amended by Stats. 1999, Ch. 550, Sec. 24. Effective September 28, 1999. Operative January 1, 2000, by Sec. 33 of Ch. 550.)

66498.4. Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subdivision (b) of Section 66498.1 and subdivision (a) of Section 66498.3, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

(Amended by Stats. 1986, Ch. 613, Sec. 4.)

66498.5. (a) If a subdivider does not seek the rights conferred by this chapter, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(b) The rights conferred by a vesting tentative map as provided by this chapter shall last for an initial time period, as provided by ordinance, but shall not be less than one year or more than two years beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the one-year initial time period shall begin for each phase when the final map for that phase is recorded.

(c) The initial time period shall be automatically extended by any time used by the local agency for processing a complete application for a grading permit or for design or architectural review, if the time used by the local agency to process the application exceeds 30 days from the date that a complete application is filed. At any time prior to the expiration of the initial time period provided by this section, the subdivider may apply for a one-year extension. If the extension is denied by an advisory agency, the subdivider may appeal that denial to the legislative body within 15 days.

(d) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivision (c), the rights conferred by this chapter shall continue until the expiration of that permit, or any extension of that permit granted by the local agency.

(Amended by Stats. 1998, Ch. 689, Sec. 9. Effective January 1, 1999.)

66498.6. (a) This chapter does not enlarge, diminish, or alter the types of conditions which may be imposed by a local agency on a development, nor in any way diminish or alter the power of local agencies to protect against a condition dangerous to the public health or safety.

(b) The rights conferred by this chapter shall relate only to the imposition by local agencies of conditions or requirements created and imposed by local ordinances. Nothing in this chapter removes, diminishes, or affects the obligation of any subdivider to comply with the conditions and requirements of any state or federal laws, regulations, or policies and does not grant local agencies the option to disregard any state or federal laws, regulations, or policies.

(Added by Stats. 1984, Ch. 1113, Sec. 8. Operative January 1, 1986, by Sec. 10 of Ch. 1113.)

66498.7. (a) Until December 31, 1987, this chapter shall apply only to residential developments.

(b) On and after January 1, 1988, an ordinance adopted pursuant to subdivision (g) of Section 66452.6 may differentiate between residential and nonresidential developments in prescribing the initial time period after which the rights conferred by a vesting tentative map shall expire. In no event, however, shall that period be less for residential developments than for nonresidential developments.

(Amended by Stats. 1985, Ch. 995, Sec. 1. Section operative January 1, 1986, by Stats. 1984, Ch. 1113, Sec. 10.)

66498.8. (a) On or before January 1, 1986, a city, county, or city and county shall adopt ordinances or resolutions necessary or appropriate for the implementation of this chapter.

(b) If a city, county, or city and county receives a written request to implement this chapter, it shall adopt any ordinances or resolutions it determines necessary or appropriate to implement this chapter. The city, county, or city and county shall adopt the ordinances or resolutions not more than 120 days from the date the request is made and any fee is paid to cover the direct expenses the city, county, or city and county determines it will incur in processing the ordinances or resolutions. The city, county, or city and county may arrange, with the person making the request, to collect fees from subdividers filing vesting tentative maps and to reimburse the person requesting the ordinance or resolution for any costs so advanced by that person.

(c) The local agency may charge subdividers who file vesting tentative maps a fee in an amount sufficient to recover the direct costs associated with establishing and adopting ordinances or resolutions pursuant to subdivision

(a) or (b).

(d) No ordinances or resolutions adopted pursuant to subdivision (a) may require more information than that related to ordinances, resolutions, policies, or standards for the design, development, or improvement relating to the conferred rights, except where necessary:

(1) To permit the public agency to make the determination required by Section 21080.1 of the Public Resources Code, as provided by Section 65941.

(2) To comply with federal or state requirements.

(Amended by Stats. 1989, Ch. 717, Sec. 1.)

66498.9. By the enactment of this article, the Legislature intends to accomplish all of the following objectives:

(a) To establish a procedure for the approval of tentative maps that will provide certain statutorily vested rights to a subdivider.

(b) To ensure that local requirements governing the development of a proposed subdivision are established in accordance with Section 66498.1 when a local agency approves or conditionally approves a vesting tentative map. The private sector should be able to rely upon an approved vesting tentative map prior to expending resources and incurring liabilities without the risk of having the project frustrated by subsequent action by the approving local agency, provided the time periods established by this article have not elapsed.

(c) To ensure that local agencies have maximum discretion, consistent with Section 66498.1, in the imposition of conditions on any approvals occurring subsequent to the approval or conditional approval of the vesting tentative map, so long as that discretion is not exercised in a manner which precludes a subdivider from proceeding with the proposed subdivision.

(Added by Stats. 1986, Ch. 613, Sec. 5.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 5. Improvement Security [66499 - 66499.10] *(Chapter 5 added by Stats. 1974, Ch. 1536.)*

66499. (a) Whenever this division or a local ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement, if the developer is not a nonprofit corporation described in subdivision (c) of Section 66499.3, the security shall be one of the following at the option of and subject to the approval of the local agency and if the developer is a nonprofit corporation described in subdivision (c) of Section 66499.3, the security shall be one of the following, subject to the approval of the local agency:

(1) Bond or bonds by one or more duly authorized corporate sureties.

(2) A deposit, either with the local agency or a responsible escrow agent or trust company, at the option of the local agency, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

(3) An instrument of credit from an agency of the state, federal, or local government when any agency of the state, federal, or local government provides at least 20 percent of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit issued by such a financial institution.

(4) A lien upon the property to be divided, created by contract between the owner and the local agency, if the local agency finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

(5) Any form of security, including security interests in real property, which is acceptable to the local agency and specified by ordinance thereof.

(b) Any contract or security interest in real property entered into as security for performance pursuant to paragraph (4) or paragraph (5) of subdivision (a) shall be recorded with the county recorder of the county in which the subject real property is located. From the time of recordation of the written contract or document creating a security interest, a lien shall attach to the real property particularly described therein and shall have the priority of a judgment lien in an amount necessary to complete the agreed to improvements. The recorded contract or security document shall be indexed in the Grantor Index to the names of all record owners of the real property as specified on the map and in the Grantee Index to the local agency approving the map.

The local agency may at any time release all or any portion of the property subject to any lien or security interest created by this subdivision or subordinate the lien or security interest to other liens or encumbrances if it determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed upon improvements.

(Amended by Stats. 1988, Ch. 1308, Sec. 2.)

66499.1. Except as provided in Section 66499.3, a bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance of any agreement shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or the City Council of the City of _____), State of California, and _____ (hereinafter designated as "principal") have entered into an agreement whereby principal

agrees to install and complete certain designated public improvements, which said agreement, dated _____, 19_, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.

Now, therefore, we, the principal and _____, as surety, are held and firmly bound unto the County of _____, (or City of _____) hereinafter called ("_____"), in the penal sum of _____ dollars ($_____) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless _____, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 19_.

Appropriate modifications shall be made in such form if the bond is being furnished for the performance of an act not provided for by agreement.

(Amended by Stats. 1988, Ch. 1308, Sec. 3.)

66499.2. A bond or bonds by one or more duly authorized corporate sureties for the security of laborers and material suppliers shall be in substantially the following form:

Whereas, The Board of Supervisors of the County of _____ (or City Council of the City of _____), State of California, and _____ (hereinafter designated as "the principal") have entered into an agreement whereby the principal agrees to install and complete certain designated public improvements, which agreement, dated _____, 20_, and identified as project _____, is hereby referred to and made a part hereof; and

Whereas, Under the terms of the agreement, the principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the County of _____ (or the City of _____) to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

Now, therefore, the principal and the undersigned as corporate surety, are held firmly bound unto the County of _____ (or the City of _____) and all contractors, subcontractors, laborers, material suppliers, and other persons employed in the performance of the agreement and referred to in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the sum of _____ dollars ($_____), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this work or labor, that the surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by county (or city) in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration, or addition.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on _____, 20__.

(Amended by Stats. 2010, Ch. 697, Sec. 35. (SB 189) Effective January 1, 2011. Operative July 1, 2012, by Sec. 105 of Ch. 697.)

66499.3. Security to guarantee the performance of any act or agreement shall be in the following amounts:

(a) An amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement; and

(b) An additional amount determined by the legislative body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement or the performance of the required act, securing payment to the contractor, to the subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement or the performance of the required act.

(c) Whenever an entity required to furnish security in accordance with subdivisions (a) and (b) is a California nonprofit corporation, funded by the United States of America or one of its agencies, or funded by this state or one of its agencies, the entity shall not be required to comply with subdivisions (a) and (b), if the following conditions are met:

(1) A letter or letters of credit are provided pursuant to paragraph (3) of subdivision (a) of Section 66499 for 100 percent of the contract of improvements or the contractor installing the improvements has bonded to the nonprofit corporation and the local agency as coobligee the amount of 100 percent of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the local agency as coobligee an amount of not less than 50 percent of the contract for the payment of labor and materials, and those bonds comply with the provisions of this chapter.

(2) All moneys under the control of the nonprofit corporation and payable to the contractor by the nonprofit corporation are deposited in a depository complying with the provisions of this chapter, and out of which moneys progress payments are conditioned upon:

(A) The contractor’s certification to the nonprofit corporation that all labor performed in the work, and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.

(B) The written approval of the nonprofit corporation.

(C) Review and approval of progress payment billings by local government.

(D) Final payment to the contractor not being made until 30 days shall have expired after the filing and recording of the notice of completion of the work and acceptance of the work by, and a waiver of lien rights provided by the contractor to, the local agency in writing.

(3) All certifications as to progress payments shall be delivered through the United States mail to the nonprofit corporation. The term “progress payments” means payments made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than 10 percent of the total contract price shall be retained for the 60 days following the filing of the notice of completion.

(d) Subject to the limitations of Section 66499.9, an amount determined by the legislative body necessary for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

(Amended by Stats. 1988, Ch. 1308, Sec. 4.)

66499.4. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorneys’ fees, incurred by the local agency in successfully enforcing the obligation secured.

(Added by Stats. 1974, Ch. 1536.)

66499.5. If the required subdivision improvements are financed and installed pursuant to special assessment proceedings, the local agency at its option may provide by local ordinance that, upon the furnishing by the contractor of the faithful performance and labor and material bonds required by the special assessment act being

used, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of such bonds so furnished by the contractor.

(Added by Stats. 1974, Ch. 1536.)

66499.6. Such money, negotiable bond or instrument of credit shall be a trust fund to guarantee performance and shall not be subject to enforcement of a money judgment by any creditors of the depositor until the obligation secured thereby is performed to the satisfaction of the local agency.

(Amended by Stats. 1982, Ch. 497, Sec. 120. Operative July 1, 1983, by Sec. 185 of Ch. 497.)

66499.7. The security furnished by the subdivider shall be released in whole or in part in the following manner:

(a) Security given for faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work. The legislative body may provide for the partial release of the security upon the partial performance of the act or the acceptance of the work as it progresses, consistent with the provisions of this section. The security may be a surety bond, a cash deposit, a letter of credit, escrow account, or other form of performance guarantee required as security by the legislative body that meets the requirements as acceptable security pursuant to law. If the security furnished by the subdivider is a documentary evidence of security such as a surety bond or a letter of credit, the legislative body shall release the documentary evidence and return the original to the issuer upon performance of the act or final completion and acceptance of the required work. In the event that the legislative body is unable to return the original documentary evidence to the issuer, the security shall be released by written notice sent by certified mail to the subdivider and issuer of the documentary evidence within 30 days of the acceptance of the work. The written notice shall contain a statement that the work for which the security was furnished has been performed or completed and accepted by the legislative body, a description of the project subject to the documentary evidence and the notarized signature of the authorized representative of the legislative body.

(b) At the time that the subdivider believes that the obligation to perform the work for which security was required is complete, the subdivider may notify the local agency in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the local agency shall have 45 days to review and comment or approve the completion of the required work. If the local agency does not agree that all work has been completed in accordance with the plans and specifications for the improvements, it shall supply a list of all remaining work to be completed.

(c) Within 45 days of receipt of the list of remaining work from the local agency, the subdivider may then provide cost estimates for all remaining work for review and approval by the local agency. Upon receipt of the cost estimates, the local agency shall then have 45 days to review, comment, and approve, modify, or disapprove those cost estimates. No local agency shall be required to engage in this process of partial release more than once between the start of work and completion and acceptance of all work; however, nothing in this section prohibits a local agency from allowing for a partial release as it otherwise deems appropriate.

(d) If the local agency approves the cost estimate, the local agency shall release all performance security except for security in an amount up to 200 percent of the cost estimate of the remaining work. The process allowing for a partial release of performance security shall occur when the cost estimate of the remaining work does not exceed 20 percent of the total original performance security unless the local agency allows for a release at an earlier time. Substitute bonds or other security may be used as a replacement for the performance security, subject to the approval of the local agency. If substitute bonds or other security is used as a replacement for the performance security released, the release shall not be effective unless and until the local agency receives and approves that form of replacement security. A reduction in the performance security, authorized under this section, is not, and shall not be deemed to be, an acceptance by the local agency of the completed improvements, and the risk of loss or damage to the improvements and the obligation to maintain the improvements shall remain the sole responsibility of the subdivider until all required public improvements have been accepted by the local agency and all other required improvements have been fully completed in accordance with the plans and specifications for the improvements.

(e) The subdivider shall complete the works of improvement until all remaining items are accepted by the local agency.

(f) Upon the completion of the improvements, the subdivider, or his or her assigns, shall be notified in writing by the local agency within 45 days.

(g) Within 45 days of the issuance of the notification by the local agency, the release of any remaining performance security shall be placed upon the agenda of the legislative body of the local agency for approval of the release of any remaining performance security. If the local agency delegates authority for the release of performance security

to a public official or other employee, any remaining performance security shall be released within 60 days of the issuance of the written statement of completion.

(h) Security securing the payment to the contractor, his or her subcontractors, and to persons furnishing labor, materials, or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 2 (commencing with Section 8410) of Chapter 4 of Title 2 of Part 6 of Division 4 of the Civil Code and after acceptance of the work, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no claims have been recorded, the security shall be released in full.

(i) The release shall not apply to any required guarantee and warranty period required by Section 66499.9 for the guarantee or warranty nor to the amount of the security deemed necessary by the local agency for the guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorney's fees.

(j) The legislative body may authorize any of its public officers or employees to authorize release or reduction of the security in accordance with the conditions hereinabove set forth and in accordance with any rules that it may prescribe.

(Amended by Stats. 2015, Ch. 269, Sec. 17. (SB 184) Effective January 1, 2016.)

66499.8. In all cases where the performance of the obligation for which the security is required is subject to the approval of another agency, the local agency shall not release the security until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

(Added by Stats. 1974, Ch. 1536.)

66499.9. Any liability upon the security given for the faithful performance of any act or agreement shall be limited to:

(a) The performance of the work covered by the agreement between the subdivider and the legislative body or the performance of the required act.

(b) The performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

(c) The guarantee and warranty of the work, for a period of one year following completion and acceptance thereof, against any defective work or labor done or defective materials furnished, in the performance of the agreement with the legislative body or the performance of the act.

(d) Costs and reasonable expenses and fees, including reasonable attorneys' fees.

(Added by Stats. 1974, Ch. 1536.)

66499.10. Where the security is conditioned upon the payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment to them for the improvement of the performance of an act and takes the form of a deposit of money or negotiable bonds, a suit to recover the amount due the claimant may be maintained against the holder of such deposit. Where the security takes the form of a surety bond, or surety bonds, the right of recovery shall be in a suit against the surety. Where the security takes the form of an instrument of credit, the cause of action shall be against the financial institution obligating itself on such instrument of credit.

(Added by Stats. 1974, Ch. 1536.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 6. Reversions and Exclusions [66499.11 - 66499.29] *(Chapter 6 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1. Reversion to Acreage [66499.11 - 66499.20.3] *(Article 1 added by Stats. 1974, Ch. 1536.)*

66499.11. Subdivided real property may be reverted to acreage pursuant to the provisions of this article.

(Added by Stats. 1974, Ch. 1536.)

66499.12. (a) Proceedings for reversion to acreage may be initiated by the legislative body on its own motion or by petition of all of the owners of record of the real property within the subdivision.

(b) Nothing in this chapter prohibits a landowner, local agency, or renewable energy corporation authorized to conduct business in this state from seeking financial assistance from eligible state funding sources to defray either of the following costs:

(1) The costs of merging parcels, including, but not limited to, escrow costs, on private or public lands pursuant to this chapter.

(2) The costs of establishing or administering a joint powers authority established or authorized to merge parcels on private or public lands, including, but not limited to, all eligible costs, for the purpose of siting renewable energy facilities.

(c) This section does not authorize the use of state funds for the acquisition of real property for which a parcel merger will be initiated.

(Amended by Stats. 2010, Ch. 492, Sec. 2. (SB 1319) Effective January 1, 2011.)

66499.13. The petition shall be in a form prescribed by the local agency and shall contain the following:

(a) Adequate evidence of title to the real property within the subdivision.

(b) Sufficient data to enable the legislative body to make all of the determinations and findings required by this article.

(c) A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion.

(d) Such other pertinent information as may be required by the local agency.

(Added by Stats. 1974, Ch. 1536.)

66499.14. The legislative body may establish a fee for processing reversions to acreage pursuant to this article in an amount which will reimburse the local agency for all costs incurred in processing such reversion to acreage. Such fee shall be paid by the owners at the time of filing the petition for reversion to acreage, or if the proceedings for reversion to acreage are initiated by the legislative body on its own motion shall be paid by the person or persons requesting the legislative body to proceed pursuant to this article before such initiation of proceedings.

(Added by Stats. 1974, Ch. 1536.)

66499.15. A public hearing shall be held on the proposed reversion to acreage. Notice thereof shall be given in the time and manner provided in Section 66451.3.

(Added by Stats. 1974, Ch. 1536.)

66499.16. Subdivided real property may be reverted to acreage only if the legislative body finds that:

(a) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(b) Either:

(1) All owners of an interest in the real property within the subdivision have consented to reversion; or

(2) None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

(3) No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

(Added by Stats. 1974, Ch. 1536.)

66499.17. As conditions of reversion the legislative body shall require:

(a) Dedications or offers of dedication necessary for the purposes specified by local ordinance following reversion.

(b) Retention of all previously paid fees if necessary to accomplish the purposes of this division or local ordinance adopted pursuant thereto.

(c) Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this division of local ordinance adopted pursuant thereto.

(Added by Stats. 1974, Ch. 1536.)

66499.18. Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect.

(Added by Stats. 1974, Ch. 1536.)

66499.19. When a reversion is effective, all fees and deposits shall be returned to the current owner of the property and all improvement security released, except those retained pursuant to Section 66499.17.

(Amended by Stats. 2000, Ch. 506, Sec. 31. Effective January 1, 2001.)

66499.20. A tax bond shall not be required in reversion proceedings.

(Added by Stats. 1974, Ch. 1536.)

66499.20.1. A city or county may, by ordinance, authorize a parcel map to be filed under the provisions of this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less contiguous parcels under the same ownership. Any map so submitted shall be accompanied by evidence of title and nonuse or lack of necessity of any public streets or public easements which are to be vacated or abandoned. Any public streets or public easements to be left in effect after the reversion shall be adequately delineated on the map. After approval of the reversion by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all public streets or public easements not shown on the map, provided however that written notation of each abandonment is listed by reference to the recording data creating those public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter and shall thereafter be shown as such on the assessment roll subject to the provisions of Section 66445. Except as provided in subdivision (f) of Section 66445, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map.

(Added by renumbering Section 66499.20 1/4 by Stats. 2012, Ch. 162, Sec. 76. (SB 1171) Effective January 1, 2013.)

66499.20.2. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this division and any local ordinances

adopted pursuant thereto. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel, and the real property shall thereafter be shown with the new lot or parcel boundaries on the assessment roll. Any unused fees or deposits previously made pursuant to this division pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of resubdivision. Any public streets or public easements to be left in effect after the resubdivision shall be adequately delineated on the map. After approval of the merger and resubdivision by the governing body or advisory agency the map shall be delivered to the county recorder. The filing of the map shall constitute legal merger and resubdivision of the land affected thereby, and shall also constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data creating these public streets or public easements, and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map.

(Added by renumbering Section 66499.20 1/2 by Stats. 2012, Ch. 162, Sec. 77. (SB 1171) Effective January 1, 2013.)

66499.20.3. A city or county may, by ordinance, authorize the merger of contiguous parcels under common ownership without reverting to acreage. The ordinance shall require the recordation of an instrument evidencing the merger.

(Added by renumbering Section 66499.20 3/4 by Stats. 2012, Ch. 162, Sec. 78. (SB 1171) Effective January 1, 2013.)

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CHAPTER 6. Reversions and Exclusions [66499.11 - 66499.29] *(Chapter 6 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Exclusions [66499.21 - 66499.29] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66499.21. The superior court of the county in which a subdivision is situated may cause all or any portion of the real property included within the boundaries of the subdivision to be excluded from such subdivision and the recorded map to be altered or vacated, in accordance with the procedures set forth in this article.

(Added by Stats. 1974, Ch. 1536.)

66499.22. A proceeding for exclusion shall be initiated by filing a petition therefor in the offices of the county surveyor and clerk of the board of supervisors of the county in which the subdivision or the portion thereof sought to be excluded is situated. The petition shall accurately and distinctly describe the real property sought to be excluded by reference to the recorded map or by any accurate survey, shall show the names and addresses of all owners of real property in the subdivision or in the portion thereof sought to be excluded as far as the same are known to the petitioners, and shall set forth the reasons for the requested exclusion. The petition shall be signed and verified by the owners of at least two-thirds of the total area of the real property sought to be excluded.

(Amended by Stats. 2002, Ch. 221, Sec. 41. Effective January 1, 2003.)

66499.23. The petition shall be accompanied by a new map showing the boundaries of the subdivision as it appears after the exclusion and alteration. The new map shall designate as numbered or lettered parcels those portions excluded and show the acreage of each parcel. If the map can be compiled from data available, an actual field survey shall not be required. If the map meets with the approval of the county surveyor, a statement by an engineer or surveyor shall not be required.

(Amended by Stats. 1987, Ch. 982, Sec. 23.)

66499.24. Upon the filing of a petition pursuant to this article, any judge of the superior court of the county in which the real property is situated shall make an order directing the clerk of the court to give notice of the filing of the petition. The notice shall be for once a week for a period of not less than five consecutive weeks and shall be given by publication in some newspaper of general circulation within the county, or if there is no newspaper published therein, by posting in three of the principal places in the county; provided, that if such real property or any portion thereof is situated within a city, the notice shall be given by publication in some newspaper of general circulation within the city, or if there is no newspaper published therein, by posting in three of the principal places in the city. Such notice shall contain a statement of the nature of the petition together with a direction that any person may file his written objection to the petition at any time before the expiration of the time of publication or posting. Upon expiration of the time of publication or posting, an affidavit showing such publication or posting shall be filed with the clerk of the court.

(Added by Stats. 1974, Ch. 1536.)

66499.25. The court may, if no objection has been filed, proceed without further notice to hear the petition. If during the hearing the petitioners produce to the court satisfactory evidence of the necessity of the exclusion of the real property, that the owners of two-thirds of the area of the real property sought to be excluded are the petitioners, and that there is no reasonable objection to making such exclusion, the court may proceed to exclude

the real property sought to be excluded by the petition, and order the alteration or vacation of the recorded map, and enter its decree accordingly.

(Added by Stats. 1974, Ch. 1536.)

66499.26. If objection is made to the petition which, in the judgment of the court is material, the court shall proceed to hear such objection and may adjourn the proceedings to such time as may be necessary upon proper notice to the petitioners and the objectors.

(Added by Stats. 1974, Ch. 1536.)

66499.27. The exclusion of any real property or the alteration or vacation of any recorded map pursuant to this article shall not affect or vacate the whole or any part of any public street or highway.

(Added by Stats. 1974, Ch. 1536.)

66499.28. A certified copy of the decree of the superior court excluding any real property or ordering the alteration or vacation of any recorded map pursuant to this article shall be recorded in the office of the county recorder of the county in which such real property is situated. The county recorder shall make upon the face of any such recorded map a memorandum stating briefly that such recorded map has been altered or vacated, whichever the case may be, and giving the date and reference of such decree.

(Added by Stats. 1974, Ch. 1536.)

66499.29. At the time a certified copy of the decree of court is recorded, a copy of the new map required by Section 66499.23 shall be filed for record with the county recorder who shall file it in accordance with the provisions of Section 66466. A copy of the new map shall also be filed with the local agency. A reference to this map shall be sufficient identification of the real property for reassessment purposes.

(Added by Stats. 1974, Ch. 1536.)

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DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 7. Enforcement and Judicial Review [66499.30 - 66499.38] *(Chapter 7 added by Stats. 1974, Ch. 1536.)*

ARTICLE 1. Prohibition and Penalty [66499.30 - 66499.31] *(Article 1 added by Stats. 1974, Ch. 1536.)*

66499.30. (a) No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by this division or local ordinance, until the final map thereof in full compliance with this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

(b) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this division or local ordinance, until the parcel map thereof in full compliance with this division and any local ordinance has been filed for record by the recorder of the county in which any portion of the subdivision is located.

(c) Conveyances of any part of a division of real property for which a final or parcel map is required by this division or local ordinance shall not be made by parcel or block number, initial or other designation, unless and until the final or parcel map has been filed for record by the recorder of the county in which any portion of the subdivision is located.

(d) Subdivisions (a), (b), and (c) do not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(e) Nothing contained in subdivisions (a) and (b) shall be deemed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where the sale, lease, or financing, or the commencement of construction, is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, as required under this division.

(f) Nothing in subdivisions (a) to (e), inclusive, shall in any way modify or affect Section 11018.2 of the Business and Professions Code.

(g) For purposes of this section, the limitation period for commencing an action, either civil or criminal, against the subdivider or an owner of record at the time of a violation of this division or of a local ordinance enacted pursuant to this division, shall be tolled for any time period during which there is no constructive notice of the transaction constituting the violation, because the owner of record, at the time of the violation or at any time thereafter, failed to record a deed, lease, or financing document with the county recorder.

(Amended by Stats. 1987, Ch. 799, Sec. 1.)

66499.31. Each violation of this division by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the state prison, by a fine not exceeding ten thousand dollars ($10,000), or by both that fine and imprisonment. Every other violation of this division is a misdemeanor.

(Repealed and added by Stats. 1987, Ch. 799, Sec. 3.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 7. Enforcement and Judicial Review [66499.30 - 66499.38] *(Chapter 7 added by Stats. 1974, Ch. 1536.)*

ARTICLE 2. Remedies [66499.32 - 66499.36] *(Article 2 added by Stats. 1974, Ch. 1536.)*

66499.32. (a) Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this division, or of the provisions of local ordinances enacted pursuant to this division, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one year after the date of discovery of the violation of the provisions of this division or of local ordinances enacted pursuant to the provisions of this division, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

(b) Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this division or of local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to Section 66499.35 or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

(Amended by Stats. 1975, Ch. 24.)

66499.33. This division does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm, or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm, or corporation may file a suit in the superior court of the county in which any real property attempted to be subdivided or sold, leased, or financed in violation of this division or local ordinance enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of this division or local ordinance enacted pursuant thereto.

(Amended by Stats. 1982, Ch. 87, Sec. 29. Effective March 1, 1982.)

66499.34. No local agency shall issue any permit or grant any approval necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this division or of the provisions of local ordinances enacted pursuant to this division if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is either the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

If a city or a county issues a permit or grants approval for the development of any such real property, it may impose only those conditions that would have been applicable to the division of the property at the time the

applicant acquired his or her interest in such real property, and which has been established at such time by this division or local ordinance enacted pursuant thereto, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of local ordinances enacted pursuant thereto who, by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant thereto, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of the division or local ordinances enacted pursuant thereto, then the local agency may impose such conditions as would be applicable to a current division of the property, and except that if a conditional certificate of compliance has been filed for record under the provisions of subdivision (b) of Section 66499.35, only such conditions stipulated in that certificate shall be applicable.

The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by local ordinances in effect at the time of the improvement, or with respect to improvements that have been completed in reliance upon a permit or grant of approval for development, shall constitute "real property which has been approved for development," for the purposes of subdivision (c) of Section 66499.35, and upon request by the person owning the real property or a vendee of such person pursuant to a contract of sale, the local agency shall issue a certificate of compliance for the affected real property.

(Amended by Stats. 1984, Ch. 864, Sec. 1.)

66499.35. (a) Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may request, and a local agency shall determine, whether the real property complies with the provisions of this division and of local ordinances enacted pursuant to this division. If a local agency determines that the real property complies, the city or the county shall cause a certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate of compliance shall identify the real property and shall state that the division of the real property complies with applicable provisions of this division and of local ordinances enacted pursuant to this division. The local agency may impose a reasonable fee to cover the cost of issuing and recording the certificate of compliance.

(b) If a local agency determines that the real property does not comply with the provisions of this division or of local ordinances enacted pursuant to this division, it shall issue a conditional certificate of compliance. A local agency may, as a condition to granting a conditional certificate of compliance, impose any conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and that had been established at that time by this division or local ordinance enacted pursuant to this division, except that where the applicant was the owner of record at the time of the initial violation of the provisions of this division or of the local ordinances who by a grant of the real property created a parcel or parcels in violation of this division or local ordinances enacted pursuant to this division, and the person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation of this division or those local ordinances, then the local agency may impose any conditions that would be applicable to a current division of the property. Upon making the determination and establishing the conditions, the city or county shall cause a conditional certificate of compliance to be filed for record with the recorder of the county in which the real property is located. The certificate shall serve as notice to the property owner or vendee who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of these conditions shall be required prior to subsequent issuance of a permit or other grant of approval for development of the property.

Compliance with these conditions shall not be required until the time that a permit or other grant of approval for development of the property is issued by the local agency.

(c) A certificate of compliance shall be issued for any real property that has been approved for development pursuant to Section 66499.34.

(d) A recorded final map, parcel map, official map, or an approved certificate of exception shall constitute a certificate of compliance with respect to the parcels of real property described therein.

(e) An official map prepared pursuant to subdivision (b) of Section 66499.52 shall constitute a certificate of compliance with respect to the parcels of real property described therein and may be filed for record, whether or not the parcels are contiguous, so long as the parcels are within the same section or, with the approval of the city engineer or county surveyor, within contiguous sections of land.

(f) (1) Each certificate of compliance or conditional certificate of compliance shall include information the local agency deems necessary, including, but not limited to, all of the following:

(A) Name or names of owners of the parcel.

(B) Assessor parcel number or numbers of the parcel.

(C) The number of parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.

(D) Legal description of the parcel or parcels for which the certificate of compliance or conditional certificate of compliance is being issued and recorded.

(E) A notice stating as follows:

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

(F) Any conditions to be fulfilled and implemented prior to subsequent issuance of a permit or other grant of approval for development of the property, as specified in the conditional certificate of compliance.

(2) Local agencies may process applications for certificates of compliance or conditional certificates of compliance concurrently and may record a single certificate of compliance or a single conditional certificate of compliance for multiple parcels. Where a single certificate of compliance or conditional certificate of compliance is certifying multiple parcels, each as to compliance with the provisions of this division and with local ordinances enacted pursuant thereto, the single certificate of compliance or conditional certificate of compliance shall clearly identify, and distinguish between, the descriptions of each parcel.

(Amended by Stats. 2002, Ch. 1109, Sec. 8. Effective January 1, 2003.)

66499.36. Whenever a local agency has knowledge that real property has been divided in violation of the provisions of this division or of local ordinances enacted pursuant to this division, it shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date, and place for a meeting at which the owner may present evidence to the legislative body or advisory agency why the notice should not be recorded. The notice shall also contain a description of the violations and an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Section 66412.6.

The meeting shall take place no sooner than 30 days and no later than 60 days from date of mailing. If, within 15 days of receipt of the notice, the owner of the real property fails to inform the local agency of his or her objection to recording the notice of violation, the legislative body or advisory agency shall record the notice of violation with the county recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the local agency shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the legislative body or advisory agency determines that the property has in fact been illegally divided, the legislative body or advisory agency shall record the notice of violation with the county recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. The county recorder shall index the names of the fee owners in the general index.

(Amended by Stats. 1984, Ch. 864, Sec. 2.)

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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 7. Enforcement and Judicial Review [66499.30 - 66499.38] *(Chapter 7 added by Stats. 1974, Ch. 1536.)*

ARTICLE 3. Judicial Review [66499.37 - 66499.38] *(Article 3 added by Stats. 1974, Ch. 1536.)*

66499.37. Any action or proceeding to attack, review, set aside, void, or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts, or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to, the approval of a tentative map or final map, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected within 90 days after the date of the decision. Thereafter all persons are barred from any action or proceeding or any defense of invalidity or unreasonableness of the decision or of the proceedings, acts, or determinations. The proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain, forcible entry, and unlawful detainer proceedings.

(Amended by Stats. 2007, Ch. 612, Sec. 9. Effective January 1, 2008.)

66499.38. Any action brought in the superior court relating to this division may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division 1.

(Added by Stats. 2010, Ch. 699, Sec. 25. (SB 894) Effective January 1, 2011.)

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 2. SUBDIVISIONS [66410 - 66499.40] *(Division 2 added by Stats. 1974, Ch. 1536.)*

CHAPTER 8. The Starter Home Revitalization Act of 2021 [66499.40- 66499.40.] *(Chapter 8 added by Stats. 2021, Ch. 154, Sec. 2.)*

66499.40. (a) A development proponent may submit an application that allows development of small home lot development, as defined in subdivision (b).

(b) A small home lot development for purposes of this section is a development that meets all of the following requirements:

(1) The proposed development is located on a lot zoned for multifamily residential development that is no larger than five acres and is substantially surrounded by qualified urban uses.

(2) The development proponent proposes to construct single-family housing units on fee simple ownership lots.

(3) The proposed development will, pursuant to the requirements of this division, meet one of the following, as applicable:

(A) If the parcel is identified in the jurisdiction’s housing element pursuant to Section 65583.2, the development will result in at least as many units as projected for that parcel in the housing element.

(B) If the parcel is not identified in the jurisdiction’s housing element, the development will result in at least as many units as the maximum allowable residential density, unless the zoning for the site allows for midrange density.

(C) If midrange density is specified for the site, the development will result in at least as many units as are allowed under the midrange density standard.

(4) The residential properties within a radius of 500 feet of the site are zoned to have an allowable residential density of less than 30 dwelling units per acre.

(5) The site complies with the external existing site front, side, and rear setback requirements.

(6) The proposed units comply with existing height limits, if applicable.

(7) The jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1.

(8) The proposed site is not identified in the housing element pursuant to Sections 65583 and 65583.2 as a site to accommodate any portion of the jurisdiction’s regional housing need for low-income or very low income households.

(9) The average total area of floorspace for the proposed units does not exceed 1,750 net habitable square feet.

(10) The development complies with any local inclusionary housing ordinances adopted by the local agency, if applicable.

(11) The development of a housing development project on the proposed site to be subdivided does not require the demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(C) Housing occupied by tenants within the seven years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

(D) A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(c) (1) Except as provided in paragraph (2), the local agency may impose conditions upon a small lot development in accordance with this division that are not in conflict with this section.

(2) A local agency shall not impose any of the following requirements on a small home lot development:

(A) A setback requirement between the units, except as required in the California Building Code (Title 24 of the California Code of Regulations).

(B) A minimum requirement on the size of an individual small home lot created by the development.

(C) A requirement that parking be enclosed or covered.

(D) The formation of a homeowners' association.

(3) A local agency may condition the approval and recordation of a small lot development upon issuance of a certificate of occupancy or final inspection for all units in the small lot development.

(d) A local agency may amend its zoning ordinances or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of a small home lot development if the provisions are not in conflict with the requirements of this section. A local agency may adopt policies, procedures, or other provisions applicable to the creation of a small home lot development that allow for the creation of more housing units than allowed by the requirements of this section.

(e) For purposes of this section:

(1) "Maximum allowable residential density" means the density allowed under the zoning ordinance, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the multifamily site. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(2) "Local inclusionary housing ordinance" means a mandatory requirement, as a condition of the development of residential units, that the development include a certain percentage of residential units affordable to, and occupied by, households with incomes that do not exceed the limits for extremely low, very low, lower, low-, or moderate-income households specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code. The ordinance may provide alternative means of compliance that may include, but are not limited to, in-lieu fees, land dedication, offsite construction, or acquisition and rehabilitation of existing units.

(3) "Qualified urban use" has the same meaning as defined in Section 21072 of the Public Resources Code.

(4) "Site" means the proposed location for the small home lot development before it is subdivided into parcels for the small home lot development.

(5) "Substantially surrounded" has the same meaning as defined in paragraph (2) of subdivision (a) of Section 21159.25 of the Public Resources Code.

(6) "Unit" means a single-family housing unit constructed pursuant to this section.

(f) The requirements set forth in this section are in addition to, and not an exception from, the requirements set forth in Section 65863.

(g) A city, county, or city and county shall approve an application for a small home lot development unless it makes one of the following findings:

(1) The small lot development does not meet the requirements of this section.

(2) The small lot development does not comply with all requirements of this division that are not in conflict with this section.

(3) The small lot development does not comply with all local general plan, zoning, subdivision, and design standards that do not conflict with this section.

(4) The small lot development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the small lot development financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(Added by Stats. 2021, Ch. 154, Sec. 2. (AB 803) Effective January 1, 2022.)

COVER SHEET

PLANNING DEPARTMENT
STAFF REPORT

MEETING DATE: August 17, 2023 **ITEM NUMBER:** New Business8.(a.)

TO: Chair and Members of the Planning Commission

FROM: Paul Johnson, Planning Director

PLANNER:

DATE:

WARD:

SUBJECT: Presentation to Commissioner Barbara Lomas.

APPLICANT:

OWNER:

LOCATION:

STAFF RECOMMENDATION: