

ASSEMBLY BILL

No. 2447

Introduced by Assembly Member Jones

February 21, 2008

An act to amend Section 66474 of the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2447, as introduced, Jones. Subdivision maps: disapproval.

The Subdivision Map Act requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes certain findings.

This bill would require the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map will cause increased development in a high or greater fire danger area as designated by the Department of Forestry and Fire Protection unless the department has given written approval of the design and location of the subdivision and the city or county is providing fire protection services for the new development through a local responsibility area or through a state or federal responsibility area that has been reimbursed fully by the city or county for the area in which the proposed subdivision is located.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66474 of the Government Code is
2 amended to read:

1 66474. A legislative body of a city or county shall deny
2 approval of a tentative map, or a parcel map for which a tentative
3 map was not required, if it makes any of the following findings:

4 (a) That the proposed map is not consistent with applicable
5 general and specific plans as specified in Section 65451.

6 (b) That the design or improvement of the proposed subdivision
7 is not consistent with applicable general and specific plans.

8 (c) That the site is not physically suitable for the type of
9 development.

10 (d) That the site is not physically suitable for the proposed
11 density of development.

12 (e) That the design of the subdivision or the proposed
13 improvements are likely to cause substantial environmental damage
14 or substantially and avoidably injure fish or wildlife or their habitat.

15 (f) That the design of the subdivision or type of improvements
16 is likely to cause serious public health problems.

17 (g) That the design of the subdivision or the type of
18 improvements will conflict with easements, acquired by the public
19 at large, for access through or use of, property within the proposed
20 subdivision. In this connection, the governing body may approve
21 a map if it finds that alternate easements, for access or for use, will
22 be provided, and that these will be substantially equivalent to ones
23 previously acquired by the public. This subsection shall apply only
24 to easements of record or to easements established by judgment
25 of a court of competent jurisdiction and no authority is hereby
26 granted to a legislative body to determine that the public at large
27 has acquired easements for access through or use of property within
28 the proposed subdivision.

29 (h) *That the proposed map will cause increased development
30 in a high or greater fire danger area as designated by the
31 Department of Forestry and Fire Protection. The city or county,
32 however, may approve the subdivision if both of the following
33 occur:*

34 (1) *The Department of Forestry and Fire Protection has given
35 written approval of the design and location of the subdivision.*

36 (2) *The city or county is providing fire protection services for
37 the new development through a local responsibility area or through
38 a state or federal responsibility area that has been reimbursed*

- 1 *fully by the city or county for the area in which the proposed*
- 2 *subdivision is located.*

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