

AMENDED IN SENATE JULY 10, 2008

AMENDED IN SENATE JUNE 26, 2008

AMENDED IN ASSEMBLY MAY 27, 2008

AMENDED IN ASSEMBLY MAY 6, 2008

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2447

**Introduced by Assembly Member Jones
(Principal coauthor: Assembly Member Nava)**

February 21, 2008

An act to add Section 66474.02 to the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2447, as amended, Jones. Subdivision maps: denial of approval.

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 county to deny approval of a tentative map, or a parcel map for which a tentative map was not required, if the proposed map is in a state responsibility area or a very high fire hazard sensitivity zone unless the legislative body of the county makes specified findings and obtains written verification from each fire protection agency that has jurisdiction over the project site that there is or will be sufficient structural fire protection for the lots created by the subdivision, as specified. It would also authorize the

State Board of Forestry and Fire Protection to adopt a regulation that provides for exceptions to the above requirement.

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

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

1 SECTION 1. Section 66474.02 is added to the Government
2 Code, to read:

3 66474.02. (a) A legislative body of a county shall deny
4 approval of a tentative map, or a parcel map for which a tentative
5 map was not required, if the proposed map is in a state
6 responsibility area or a very high fire hazard severity zone, as both
7 are defined in subdivision (b) of Section 51177.

8 (b) Notwithstanding subdivision (a), a legislative body of a
9 county may approve a tentative map, or a parcel map for which a
10 tentative map was not required, if the legislative body of a county
11 does all of the following:

12 (1) Makes a finding supported by substantial evidence in the
13 record that the design and location of each lot in the subdivision
14 and the subdivision as a whole would allow improvements, such
15 as roads, turnarounds, defensible space, and emergency water
16 systems, to be made consistent with any regulations adopted by
17 the State Board of Forestry and Fire Protection pursuant to Sections
18 4290 and 4291 of the Public Resources Code, including, but not
19 limited to, Subchapter 2 (commencing with Section 1270) of, and
20 Subchapter 3 (commencing with Section 1280) of Chapter 7 of
21 Division 1.5 of Title 14 of the California Code of Regulations, or
22 with any regulations adopted by the county and certified by the
23 State Board of Forestry and Fire Protection pursuant to Section
24 1270.03 of Title 14 of the California Code of Regulations.

25 (2) Obtains written verification from each fire protection agency
26 that has jurisdiction over the project site that there is or will be
27 sufficient structural fire protection for the lots created by the
28 subdivision provided by either of the following:

29 (A) A county, city, special district, or political subdivision of
30 the state.

31 (B) The Department of Forestry and Fire Protection by contract
32 entered into pursuant to Section 4129, 4142, or 4144 of the Public
33 Resources Code.

1 (C) The applicable fire protection agency’s written verification
2 of its ability or inability to provide sufficient structural fire
3 protection for the proposed subdivision as required by paragraph
4 (2) shall be supported by substantial evidence and be based on,
5 but is not limited to, its determination as to the adequacy of its
6 equipment, personnel, and response time.

7 (3) (A) Makes a finding that there is adequate ingress and egress
8 for the lots created by the subdivision, including a minimum of
9 two access roads into and out of the subdivision for emergency
10 equipment and evacuations.

11 (B) The State Board of Forestry and Fire Protection may adopt
12 a regulation pursuant to Section 4290 of the Public Resources Code
13 that provides for exceptions to subparagraph (A) based on factors
14 such as the number of parcels to be created, topography, and
15 land-ownership patterns. The regulation shall require that physical
16 or land-ownership constraints and a possible redesign of the
17 subdivision, including a reduction in the number of proposed lots
18 or a reconfiguration of the roads and lots, be taken into
19 consideration before an exception to subparagraph (A) is granted.
20 The regulation shall not allow exceptions to subparagraph (A) to
21 be granted for subdivisions that have more than 25 lots.