

AMENDED IN SENATE AUGUST 13, 2008

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~~ *The bill would also authorize the State Board of Forestry and Fire Protection to adopt a regulation that provides for exceptions to the above requirement. The bill would also authorize the Department of Forestry and Fire Protection to charge the subdivider a fee for the costs it incurs in completing the fire protection verification, and this revenue would be deposited into the Project Review Special Fund, which would be created by the bill, and upon appropriation by the Legislature, expended for completing the verifications.*

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

1 sufficient structural fire protection for the lots created by the
2 subdivision provided by either of the following:

3 (A) A county, city, special district, or political subdivision of
4 the state.

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

8 (C) The applicable fire protection agency's written verification
9 of its ability or inability to provide sufficient structural fire
10 protection for the proposed subdivision as required by paragraph
11 (2) shall be supported by substantial evidence and be based on,
12 but is not limited to, its determination as to the adequacy of its
13 equipment, personnel, and response time.

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

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

29 (c) (1) *The Department of Forestry and Fire Protection may*
30 *charge the subdivider a fee for each verification of sufficient fire*
31 *protection completed by the department pursuant to subparagraph*
32 *(B) of paragraph (2) of subdivision (b). The fee amount shall not*
33 *exceed the department's costs incurred to complete the verification.*

34 (2) *The Department of Forestry and Fire Protection shall*
35 *deposit all fee revenue collected pursuant to this subdivision in*
36 *the Project Review Special Fund, which is hereby created in the*
37 *State Treasury.*

38 (3) *The Department of Forestry and Fire Protection may expend*
39 *the moneys deposited in the Project Review Special Fund, upon*

- 1 *appropriation by the Legislature, to complete the verifications*
- 2 *required by this section.*

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