

ASSEMBLY BILL

No. 1478

Introduced by Assembly Member Maienschein

February 27, 2015

An act to amend Section 65361 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1478, as introduced, Maienschein. Land use planning.

Existing law provides that a city or county may apply for, and the Director of State Planning and Research is required to grant, a reasonable extension of time for the preparation and adoption of all or part of the city's or county's general plan, if the legislative body of the city or county makes any one of 6 specified findings.

This bill would make nonsubstantive changes to the law authorizing the above extension.

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 65361 of the Government Code is
- 2 amended to read:
- 3 65361. (a) Notwithstanding any other ~~provision of~~ law, upon
- 4 application by a city or county, the Director of *State* Planning and
- 5 Research shall grant a reasonable extension of time not to exceed
- 6 two years from the date of issuance of the extension, for the
- 7 preparation and adoption of all or part of the general plan, if the

1 legislative body of the city or county, after a public hearing, makes
2 any of the following findings:

3 (1) Data required for the general plan shall be provided by
4 another agency and it has not yet been provided.

5 (2) In spite of sufficient budgetary provisions and substantial
6 recruiting efforts, the city or county has not been able to obtain
7 necessary staff or consultant assistance.

8 (3) A disaster has occurred requiring reassignment of staff for
9 an extended period or requiring a complete reevaluation and
10 revision of the general plan, or both.

11 (4) Local review procedures require an extended public review
12 process that has resulted in delaying the decision by the legislative
13 body.

14 (5) The city or county is jointly preparing all or part of the
15 general plan with one or more other jurisdictions pursuant to an
16 existing agreement and timetable for completion.

17 (6) Other reasons exist that justify the granting of an extension,
18 so that the timely preparation and adoption of a general plan is
19 promoted.

20 (b) The director shall not grant an extension of time for the
21 preparation and adoption of a housing element except in the case
22 of a newly incorporated city or newly formed county that cannot
23 meet the deadline set by Section 65360. Before the director grants
24 an extension of time pursuant to this subdivision, he or she shall
25 consult with the Director of Housing and Community
26 Development.

27 (c) The application for an extension shall contain all of the
28 following:

29 (1) A resolution of the legislative body of the city or county
30 adopted after public hearing setting forth in detail the reasons why
31 the general plan was not previously adopted as required by law or
32 needs to be revised, including one or more of the findings made
33 by the legislative body pursuant to subdivision (a), and the amount
34 of additional time necessary to complete the preparation and
35 adoption of the general plan.

36 (2) A detailed budget and schedule for preparation and adoption
37 of the general plan, including plans for citizen participation and
38 expected interim action. The budget and schedule shall be of
39 sufficient detail to allow the director to assess the progress of the
40 applicant at regular intervals during the term of the extension. The

1 schedule shall provide for adoption of a complete and adequate
2 general plan within two years of the date of the application for the
3 extension.

4 (3) A set of proposed policies and procedures ~~which~~ *that* would
5 ensure, during the extension of time granted pursuant to this
6 section, that the land use proposed in an application for a
7 subdivision, rezoning, use permit, variance, or building permit will
8 be consistent with the general plan proposal being considered or
9 studied.

10 (d) The director may impose any conditions on extensions of
11 time granted that the director deems necessary to ensure compliance
12 with the purposes and intent of this title. Those conditions shall
13 apply only to those parts of the general plan for which the extension
14 has been granted. In establishing those conditions, the director
15 may adopt or modify and adopt any of the policies and procedures
16 proposed by the city or county pursuant to paragraph (3) of
17 subdivision (c).

18 (e) During the extension of time specified in this section, the
19 city or county is not subject to the requirement that a complete and
20 adequate general plan be adopted, or the requirements that it be
21 adopted within a specific period of time. Development approvals
22 shall be consistent with those portions of the general plan for which
23 an extension has been granted, except as provided by the conditions
24 imposed by the director pursuant to subdivision (d). Development
25 approvals shall be consistent with any element or elements that
26 have been adopted and for which an extension of time is not sought.

27 (f) If a city or county that is granted a time extension pursuant
28 to this section determines that it cannot complete the elements of
29 the general plan for which the extension has been granted within
30 the prescribed time period, the city or county may request one
31 additional extension of time, which shall not exceed one year, if
32 the director determines that the city or county has made substantial
33 progress toward the completion of the general plan. This
34 subdivision shall not apply to an extension of time granted pursuant
35 to subdivision (b).

36 (g) An extension of time granted pursuant to this section for the
37 preparation and adoption of all or part of a city or county general

- 1 plan is exempt from Division 13 (commencing with Section 21000)
- 2 of the Public Resources Code.

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