

AMENDED IN ASSEMBLY JUNE 30, 1998

AMENDED IN SENATE MARCH 26, 1998

SENATE BILL

No. 1660

Introduced by Senator Lewis

February 13, 1998

An act to amend Sections 66458, 66462, and 66477.1 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 1660, as amended, Lewis. Local agencies: subdivisions.

Under existing law, the Subdivision Map Act requires the legislative body of a local agency that receives a map at a meeting or at the next regular meeting after the meeting at which it receives the map, to approve or disapprove the map if it conforms or does not conform to specified requirements.

This bill would authorize the legislative body to provide by ordinance for approval or disapproval of final maps by the city or county engineer, surveyor, or other designated official, who may also accept, accept subject to improvement, or reject dedications and offers of dedications that are made by a statement on the map. The bill would also require the designated official to notify the legislative body of the maps under review, subject the official's action to appeal to the legislative body, and ~~reserve final approval of any map under consideration to the legislative body.~~ The bill would require periodic review by the legislative body of the delegation of authority to the designated official. The bill *would require notice to the general public of any pending approval or*

disapproval of any final subdivision map pursuant to the Ralph M. Brown Act, and would also authorize the delegation to a designated official of the authority to enter into an agreement with the subdivider for the provision of public improvements as a condition precedent to the approval of a final map, provide for the appeal of those actions, and require the periodic review of that delegation of authority.

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 66458 of the Government Code
 2 is amended to read:
 3 66458. (a) The legislative body shall, at the meeting
 4 at which it receives the map or, at its next regular meeting
 5 after the meeting at which it receives the map, approve
 6 the map if it conforms to all the requirements of this
 7 chapter and any local subdivision ordinance applicable at
 8 the time of approval or conditional approval of the
 9 tentative map and any rulings made thereunder. If the
 10 map does not conform, the legislative body shall
 11 disapprove the map.
 12 (b) If the legislative body does not approve or
 13 disapprove the map within the prescribed time, or any
 14 authorized extension thereof, and the map conforms to all
 15 requirements and rulings, it shall be deemed approved,
 16 and the clerk of the legislative body shall certify or state
 17 its approval thereon.
 18 (c) The meeting at which the legislative body receives
 19 the map shall be the date on which the clerk of the
 20 legislative body receives the map.
 21 (d) The legislative body may provide, by ordinance,
 22 for the approval or disapproval of final maps by the city
 23 or county engineer, surveyor, or other designated official.
 24 The legislative body may also provide, by ordinance, that
 25 the officer may accept, accept subject to improvement,
 26 or reject dedications and offers of dedications that are
 27 made by a statement on the map. Any ordinance adopted
 28 pursuant to this subdivision shall provide that (1) the



1 designated official shall notify the legislative body of
2 which maps the official is reviewing for final approval
3 prior to that action, (2) the designated official's action
4 may be appealed to the legislative body for conformance
5 with the requirements of this chapter and any applicable
6 local subdivision ordinance, ~~and~~ (3) the legislative body
7 shall periodically review the delegation of authority to
8 the designated official, and (4) *the legislative body shall*
9 *provide notice to inform the general public of any*
10 *pending approval or disapproval of a final subdivision*
11 *map by a designated official. That notice of the pending*
12 *action by the designated official shall be included with the*
13 *legislative body's regular agenda and shall be mailed to*
14 *interested parties who request the notice. The notice*
15 *shall be given at least 72 hours prior to approval or*
16 *disapproval of a final map and shall be consistent with the*
17 *Ralph M. Brown Act (Chapter 9 (commencing with*
18 *Section 54950) of Title 5 of Division 2). Except as*
19 *specifically authorized by this subdivision, the processing*
20 *of final maps shall conform to all procedural*
21 *requirements of this division.*

22 SEC. 2. Section 66462 of the Government Code is
23 amended to read:

24 66462. (a) If, at the time of approval of the final map
25 by the legislative body, any public improvements
26 required by the local agency pursuant to this division or
27 local ordinance have not been completed and accepted
28 in accordance with standards established by the local
29 agency by ordinance applicable at the time of the
30 approval or conditional approval of the tentative map,
31 the legislative body, as a condition precedent to the
32 approval of the final map, shall require the subdivider to
33 enter into one of the following agreements specified by
34 the local agency:

35 (1) An agreement with the local agency upon
36 mutually agreeable terms to thereafter complete the
37 improvements at the subdivider's expense.

38 (2) An agreement with the local agency to thereafter
39 do either of the following:

1 (A) Initiate and consummate proceedings under an
2 appropriate special assessment act or the Mello-Roos
3 Community Facilities Act of 1982, Chapter 2.5
4 (commencing with Section 53311) of Part 1 of Division 2
5 of Title 5 for the financing and completion of all of the
6 improvements.

7 (B) If the improvements are not completed under a
8 special assessment act or the Mello-Roos Community
9 Facilities Act of 1982, Chapter 2.5 (commencing with
10 Section 53311) of Part 1 of Division 2 of Title 5, to
11 complete the improvements at the subdivider's expense.

12 (b) The standards may be adopted by reference,
13 without posting or publishing them, if they have been
14 printed in book or booklet form and three copies of the
15 books or booklets have been filed for use and examination
16 by the public in the office of the clerk of the legislative
17 body.

18 (c) The local agency entering into any agreement
19 pursuant to this section shall require that performance of
20 the agreement be guaranteed by the security specified in
21 Chapter 5 (commencing with Section 66499).

22 (d) The legislative body may provide, by ordinance,
23 that the agreement entered into pursuant to this section
24 may be entered into by a designated official, in
25 accordance with standards adopted by the local agency.
26 The designated official's action may be appealed to the
27 legislative body for conformance with this chapter and
28 any applicable local subdivision ordinance. Any
29 ordinance adopted pursuant to this subdivision shall
30 provide that the legislative body shall periodically review
31 this delegation of authority to the designated official.

32 SEC. 3. Section 66477.1 of the Government Code is
33 amended to read:

34 66477.1. (a) At the time the legislative body or the
35 official designated pursuant to Section 66458 approves a
36 final map, the legislative body or the designated official
37 shall also accept, accept subject to improvement, or reject
38 any offer of dedication. The clerk of the legislative body
39 shall certify or state on the map the action by the
40 legislative body or designated official.



1 (b) The legislative body of a county, or a county officer
2 designated by the legislative body, may accept into the
3 county road system, pursuant to Section 941 of the Streets
4 and Highways Code, any road for which an offer of
5 dedication has been accepted or accepted subject to
6 improvements.

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