



**STAFF REPORT**

PLANNING COMMISSION MEETING OF MAY 28, 2013

**PROJECT #13-07 - REQUEST FOR A ONE-YEAR EXTENSION OF THE MORGAN ESTATES  
TENTATIVE SUBDIVISION MAP – APN: 044-051-048**

**RECOMMENDATION**

Approve Resolution #13-02 extending the expiration date for the Morgan Estates Tentative Subdivision Map for one (1) year to June 17, 2014.

**REQUEST**

Mark Morgan, the property owner, is requesting a one-year extension of time for an approved tentative subdivision map project (Morgan Estates, north of Saunders Avenue).

**SUBDIVISION MAP INFORMATION**

The Subdivision Map Act 66452.6 (e) and the Town Subdivision Ordinance allows for extensions for a total of 5 years to allow the developer/owner time to record the Final Map. An extension of time is not automatic. The Town has the ability to review whether or not an approval should be extended given any changes in circumstances that might have occurred in the intervening years. The conditions of approval cannot be changed during an extension request.

The applicant submitted his request for an extension prior to the expiration of the Morgan Estates Tentative Subdivision Map (June 17, 2013).

**BACKGROUND**

The Morgan Estates Tentative Subdivision Map was approved on June 17, 2008. The project was approved with a Mitigated Negative Declaration.

The California Legislature is in the process of approving AB 116, which would extend the expiration date of a tentative or vesting tentative map for 24 months. All signs and actions by the Legislature and their committees point to this Bill being enrolled in the next few weeks. With the expiration date of the Morgan Estates tentative subdivision map quickly approaching, Mr. Morgan decided to not risk having his tentative map expire prior to the Legislature enrolling AB 116. The Legislature previously approved AB 333 (2009, 12 months) and AB 208 (2011, 24 months) that automatically extended the Morgan Estates Tentative Map 36 months beyond the original expiration date of June 17, 2010.

**RECOMMENDATION**

Approve Resolution #13-02 extending the expiration date for the Morgan Estates Tentative Subdivision Map for one (1) year to June 17, 2014.

**ATTACHMENTS**

1. Draft Resolution #13-02 approving a one-year extension of time
2. Extension request letter
3. Morgan Estates Tentative Subdivision (reduction)
4. PC Resolution #08-05 with findings and conditions of approval
5. AB 116 status and description

**RESOLUTION NO. 13-02**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS  
APPROVING A ONE-YEAR EXTENSION OF TIME FOR THE MORGAN ESTATES TENTATIVE  
SUBDIVISION MAP LOCATED ON A 10-ACRE PARCEL NORTH OF SAUNDERS AVENUE,  
IDENTIFIED AS ASSESSOR PARCEL NUMBER: 044-051-048

**WHEREAS**, Mark Morgan, the owner, has requested a one-year extension of an 8 lot clustered Tentative Subdivision Map approval on a 10 acre site located at Assessor Parcel Number 044-051-048, off of Saunders Avenue and across from Wine Way, such application being identified as #13-07; and

**WHEREAS**, on May 28, 2013, the Planning Commission of the Town of Loomis conducted a public hearing on the extension, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission of the Town of Loomis reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**NOW THEREFORE**, the Planning Commission of the Town of Loomis, at its meeting of May 28, 2013, did resolve as follows:

1. The Planning Commission of the Town of Loomis hereby makes the finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Town of Loomis General Plan and the Zoning Ordinance.
2. A one-year extension of the Morgan Estates Tentative Subdivision Map approval #13-07 is hereby approved

ADOPTED this 28<sup>th</sup> day of May, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Michael Hogan, Chairman

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Matt Lopez, Assistant Planner

**#13-07 EXHIBIT A  
FINDINGS  
PLANNING COMMISSION 05/28/2013**

**FINDINGS:**

Subdivision

1.The proposed subdivision is, together with the provisions for its design and improvement, consistent with the general plan and any applicable specific or community plan.

2.The effect of this decision on the housing needs of the region and balancing these needs against the public service needs of its residents and available fiscal and environmental resources has been considered.

3.The tentative map is consistent with the General Plan and that the site is physically suitable for the type of development.

ATT. 2

April 26, 2013

Town of Loomis  
Planning Commission  
3665 Taylor Road  
Loomis, CA 95650

RECEIVED

APR 26 2013

TOWN OF LOOMIS

Attn: Matt Lopez

Dear Matt:

Per our recent discussion, here is my formal request of extension to the Loomis Planning Commission on the **Morgan Estates Tentative Map** subdivision ( APN: 044-051-048 ). Due to economic conditions that we have experienced since the original approval we have been unable to process the Final map on this project, as a result I am requesting a one year extension from the Commission. Enclosed is a check for the \$ 390.00 that you indicated was required with this request.

I truly appreciate the assistance you have provided to me on my inquiries regarding this project. I would greatly appreciate the consideration from the Planning Commission with this request.

Sincerely,

  
Mark D. Morgan



**RESOLUTION NO. 08-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP ON SAUNDERS AVENUE, APN 044-051-048.

**WHEREAS**, Mark Morgan, the applicant, has proposed to divide a 10.2+-acre parcel into a clustered residential development project consisting of 8 lots (Parcels ranging between 15,156-326,109 sf. On Saunders Avenue across from Wine Way, Assessor's Parcel Number 044 -051-048, such application being identified as #06-15; and

**WHEREAS**, on May 20 and June 17, 2008, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

**WHEREAS**, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with the Morgan Conditional use permit and tentative map, project being #06-15; and

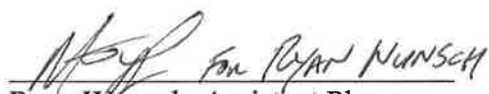
**NOW THEREFORE**, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of June 17, 2008 did resolve as follows:

1. An initial study has been conducted by the Town to evaluate the potential for adverse environmental impact of the proposed project. Considering the record as a whole, there is not evidence before the Commission that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends.
2. The proposed Project is consistent with the goals, policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
3. The Conditional Use Permit and tentative map application #06-15 is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 17<sup>th</sup> day of June, 2008, by the following vote:

AYES: Thew, Obranovich, Wilson, Hogan, Arisman

NOES: None

  
Ryan Wunsch, Assistant Planner

  
Michael Hogan, Planning Commission Chairman

**#06-15 EXHIBIT A  
FINDING  
PLANNING COMMISSION 06/17/2008**

**FINDINGS:**

Conditional Use Permit

1. The proposed project will be more compatible with existing and future land uses adjacent to the site and in the vicinity than a conventional subdivision of the site in that it will retain significant open space and vegetation and limit the size of homes proposed in the development;
2. The proposed project will more effectively and appropriately mitigate environmental impacts, including the avoidance and preservation of environmentally sensitive areas on the site than a conventional subdivision of the site; and
3. The proposed project will more effectively and appropriately maintain the rural character of Loomis in terms of the visibility of proposed structures and site improvements from public roads and adjacent parcels than a conventional subdivision of the site.

Subdivision

- 1.The proposed subdivision is, together with the provisions for its design and improvement, consistent with the general plan and any applicable specific or community plan.
- 2.The effect of this decision on the housing needs of the region and balancing these needs against the public service needs of its residents and available fiscal and environmental resources has been considered.
- 3.The tentative map is consistent with the General Plan and that the site is physically suitable for the type of development.

**#06-15 EXHIBIT B**  
**CONDITIONS OF APPROVAL**  
**PLANNING COMMISSION 06/17/2008**

This Conditional Use Permit, Subdivision and Mitigated Negative, application #06-15, is approved for the division of a 10.2± acre parcel, APN 044-051-048, located off of Saunders Avenue per the following conditions. The owner has two (2) years in which to record the Final Map. The approval expires on June 17, 2010, unless extended by the Planning Commission. The parcels shall be in accordance with the tentative map dated May 2008 and received May 14, 2008 and the following conditions.

**GENERAL CONDITIONS**

1. Owner shall comply with all provisions of the Town of Loomis Municipal Code.
2. The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this project, subject to said plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
3. Development shall be substantially in accordance with the plans entitled "Morgan Estates Tentative Map and Preliminary Site Plan", as prepared by Land Development Services consisting of three (3) sheets, dated received May 14, 2008, except as may be modified by the conditions stated herein.
4. When submitting for Plan Check the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or construction.
5. The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.

**CONDITIONAL USE PERMIT CONDITIONS**

6. Recordation of a final map, and where applicable, the installation of required improvements shall not exceed June 17, 2010 without an extension.
7. Date for expiration of town approvals in event the subdivision and development is not completed within the specified schedule is June 17, 2010.



## IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)

8. The owner shall record a 50' private access and utility easement for the proposed access road on the final map.
9. The owner shall record an irrevocable offer of dedication for 30' or ½ of the right-of-way for the Saunders Avenue frontage for a total 60-foot right-of-way.
10. The owner shall enter into, and record, a road maintenance agreement, in a form acceptable to the Town Attorney, for the eight parcels prior to recordation of the Final Map.
11. The owner shall construct Class C (H-17) 20' wide, 6" thick aggregate base with 2" of asphalt with 5' aggregate base shoulder along the access road, plus the turn around as shown on the tentative map prior to parcel map recordation.
12. The owner shall construct a Loomis detail H-15 Roadway connection onto Saunders Avenue.
13. The owner shall obtain an encroachment permit prior to any work within public rights-of-way.
14. Existing public facilities, and real and personal property, damaged during the course of construction shall be repaired by the owner at his sole expense, to the reasonable satisfaction of the Town Engineer.
15. The owner shall construct all improvements required as a condition of approval of this project or enter into a contract agreement with the Town to construct all improvements, and shall post bond, cash deposit, or instrument of credit, guaranteeing the construction of all improvements within the time period specified herein or an approved time extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws.
16. The plans for improvements required as a condition of approval of this project shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to any construction.
17. The owner shall submit certified as-built plans and computer generated design files on disk detailing the improvements prior to final acceptance of improvements.
18. Cost of all inspections related to on-site and off-site improvements shall be borne by the owner and shall be paid prior to completion of the improvements.
19. The owner shall indemnify, exonerate and hold harmless the Town of Loomis and all officers and employees thereof against all claims, demands and causes of action arising out of or related to this project.

20. The owner shall dedicate all necessary right-of-way or easements for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the Town on the final map.
21. The owner shall be responsible for all actions of his contractors and subcontractors until such time as the improvements have been accepted as complete by the Town.
22. A fence and wall plan shall be submitted to the Planning Director and Town Engineer for approval prior to approval of the improvement plans or issuance of any permits.
23. The owner shall prepare and install erosion control along the delineated boundary of the riparian zone during all demolition/construction activities per State Water Resources Handbook.
24. All grading shall conform to the Town Grading Ordinance, and/or as recommended by a soils report prepared by, with prior review and approval by the Town Engineer. A Grading Permit shall be obtained prior to building permit issuance.
25. Both on-site and off-site drainage facilities shall be designed and constructed as directed and approved by the Town Engineer in compliance with the Drainage Manual and best engineering practices prior to issuance of building permits. Prior to onsite construction, the owner shall submit a grading and drainage plan to the Town Engineer for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided on each project, for which a building permit is issued, for the increased runoff rate caused by project development in accordance with the Placer County Flood control District Storm Water Management Manual and the Loomis Land Development Manual.
26. Drainage facilities for the site shall be designed and constructed as directed and approved by the Town Engineer according to good public engineering practices and the Town's Dry Creek standards prior to occupancy.
27. No on-street parking on Saunders Avenue is permitted in conjunction with this permit.
28. Prior to recordation of the Parcel Map, the owner shall submit documentation from a licensed engineer, for review and approval by the Town Engineer, which indicates the elevation of the 100 year flood throughout the site. The flood plain shall be delineated on the miscellaneous sheet of the Parcel Map. On each building permit and prior to final building approval, an engineer shall certify that the finished floor elevation is a minimum of 2' above the base flood elevation. An elevation certificate shall be prepared for each building site.
29. The Town reserves the right to upgrade or add to Town Standard Plates and Standard Land Development Specifications.

30. The owner shall set all monuments required by the Subdivision Map Act including one benchmark monument located at the entrance of the project and shall submit certified as-built Mylar plans, and computer generated design files, on disk prior to final acceptance of improvements.

#### AGENCIES

31. The owner shall provide will-serve letters from all applicable utilities, the franchised refuse collector, the post office, and the fire department for the review and approval of Town staff, to the extent legally required. The owner shall complete all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the agencies prior to any building permits being issued.
32. The owner shall provide will-serve letters from the school districts in which this property is located and shall pay the impact fees as determined by the two school districts at building permit issuance, to the extent legally required.
33. The owner shall install sewer service per South Placer Municipal Utility District requirements prior to occupancy.
34. The owner shall install water service per Placer County Water Agency requirements prior to occupancy.
35. All utility facilities shall be placed underground in accordance with the Loomis Municipal Code.
36. The owner shall insure that adequate dust controls are implemented during all phases of project construction and operation. Dust controls must be reviewed and approved by the Placer County Air Pollution Control District prior to groundbreaking. A booklet on Fugitive dust is available from the Placer County Air Pollution Control District.
37. The owner shall insure that the project conforms with all Placer County Air Pollution Control District Rules and Regulations.
38. The owner shall comply with the requirements of the Loomis Fire Protection District prior to recordation of Final Map.
39. Per the Loomis Fire Protection District, prior to building permit issuance, an all-weather access driveway shall be provided to any new development, which shall be properly graded, culverted (if necessary), and surfaced with a 4-6 inch base material to allow emergency vehicle access to the parcels
40. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the Loomis Fire District and Placer

Placer County Water Agency.

41. The owner shall confer with local postal authorities regarding mailbox clustering and turnouts. A letter from the Post Office indicating their conditions are satisfied must be submitted prior to issuance of building permits

#### GENERAL PLANNING

42. The division of a 10.2+-acre parcel shall be conducted in accordance with the tentative map dated received May 14, 2008 and prepared by Land Development Services and approved by the Planning Commission at its meeting on May 20, 2008. The lots, including the open space parcel, may not be further subdivided. This shall be noted on an explanatory page of the subdivision map or within a portion of the CC&Rs to be approved by the town which cannot be amended without approval of the town.
43. The project shall conform to the General Plan, including the Noise Element standards, State Noise Insulation Standards (CA Code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code. Noise generated by the project shall not cause the Ldn to exceed 60 dBA at the property line during or after construction, nor shall it cause the noise level at the property line to exceed 75 dBA at any time during or after construction.
44. The project shall conform to the Zoning Ordinance land use noise compatibility standards.
45. The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g. by incorporating into the standard provisions of any sale, lease and/or rental agreements, etc.).
46. The grading plan shall show appropriate fencing and protection measures for the trees to the satisfaction of the Town Engineer in accordance with best practices. A grading permit shall be obtained prior to any onsite construction. Every attempt shall be made to retain as many existing trees on-site as possible.
  - *Owner shall protect the trees and area within the dripline from damage during grading and construction.*
  - *Prior to on-site construction, the owner shall deposit funds with the Town to pay for a certified arborist to provide periodic inspection of the site during grading and construction, and verification to the Planning Director that the approved protection measures are properly implemented.*
  - *Prior to issuance of any grading permit the owner shall have his arborist meet with his grading contractor to discuss the various arborist requirements during construction.*
  - *The owner shall be required to plant one fifteen gallon in-kind tree for each heritage tree removed and/or submit a replacement tree amount to be set by the Planning Director at the time of development (based on the cost of a 15 gallon in-kind tree, installation and 5 years of maintenance) into the town's tree replacement fund.*

- *A tree protection plan (including a list of removed trees, replacement trees, their irrigation and maintenance) prior to any on-site construction/issuance of any permit or recordation of map.*
- 47. The hours for on-site construction, shall be limited to Monday through Friday, 7 AM to 7 PM, and Saturday, 8 AM to 5 PM to assure public health, safety and welfare. No work shall occur on Sundays.
- 48. All lighting shall be shielded and directed on-site. All street lighting must be night sky compliant.
- 49. If archaeological, historical, or paleontological features are discovered during construction, work within 50 feet of the find shall be halted, and the Town of Loomis Planning Department shall be notified. A qualified archaeologist, historian, or paleontologist shall be retained at the developer's expense to conduct an on-site evaluation and provide recommendations for removal and/or preservation.
- 50. The developer shall record an open space easement on the Final Map, to include the 20' Structural Setback Area and the Riparian Zone area [as shown on the Tentative Map dated received April 2008, prepared by Land Development Services] to protect the wetland and riparian areas on the site. Deed restrictions shall be recorded concurrent with recordation of the Final Parcel Map, which state, "Within the wetland and drainage non-development easement there shall be no grading, filling or construction of any structures with the exception of open wire fences designed in accordance with Town requirements. There shall be no temporary or permanent storage of materials or equipment and no dumping of trash, lawn or garden trimmings, oil, chemicals, or other toxic materials into the easement." The easement shall be marked in the field with 4" x 4" redwood posts and cable or other suitable and permanent markers. These sections of the deed restrictions shall not be modified without the consent of the Town.
- 51. The owner shall install and maintain a erosion control barrier along the delineated boundary of the riparian zone during all demolition/construction activities. Following completion of demolition activities the silt fencing barrier can be removed. Silt fencing the barrier shall be installed in accordance with Best Management Practices (BMP) State Water Resources Handbook.

#### FEES

- 52. The owner shall pay the development fees (e.g. road circulation fees, drainage fees, community facilities fee, master plan fees and fire fees) in effect at the time of building permit issuance.
- 53. Pursuant to Government Code Chapter 5 - Planning and Land Use 66000, the owner shall be responsible for reimbursement of all monitoring costs to insure compliance with conditions imposed upon the project incurred by the Town.

## CURRENT BILL STATUS

ATT. 5

MEASURE : A.B. No. 116  
AUTHOR(S) : Bocanegra (Principal coauthor: Torres) (Coauthors:  
Achadjian, Atkins, Bonilla, Eggman, Frazier, Hagman,  
Hueso, Maienschein, Olsen, and Rendon) (Coauthors:  
Senators Correa, Lieu, and Padilla).  
TOPIC : Land use: subdivision maps: expiration dates.  
HOUSE LOCATION : SEN  
+LAST AMENDED DATE : 05/16/2013

## TYPE OF BILL :

Active  
Urgency  
Non-Appropriations  
2/3 Vote Required  
State-Mandated Local Program  
Fiscal  
Non-Tax Levy

LAST HIST. ACT. DATE: 05/20/2013  
LAST HIST. ACTION : In Senate. Read first time. To Com. on RLS. for  
assignment.  
COMM. LOCATION : ASM APPROPRIATIONS  
COMM. ACTION DATE : 05/01/2013  
COMM. ACTION : Do pass, to Consent Calendar.  
COMM. VOTE SUMMARY : Ayes: 17 Noes: 00PASS

TITLE : An act to amend Section 65961 of, and to add Section  
66452.24 to, the Government Code, relating to land use,  
and declaring the urgency thereof, to take effect  
immediately.

AMENDED IN ASSEMBLY MAY 16, 2013  
AMENDED IN ASSEMBLY MARCH 20, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 116**

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**Introduced by Assembly Member Bocanegra  
(Principal coauthor: Assembly Member Torres)  
(Coauthors: Assembly Members Achadjian, Atkins, Bonilla,  
Eggman, Frazier, Hagman, Hueso, Maienschein, Olsen, and  
Rendon)  
(Coauthors: Senators Correa, Lieu, and Padilla)**

January 14, 2013

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An act to amend Section 65961 of, and to add Section 66452.24 to, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 116, as amended, Bocanegra. Land use: subdivision maps: expiration dates.

(1) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency, and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. The act requires an approved tentative map or vesting tentative map to expire 24 months after its

approval, or after an additional period of time prescribed by local ordinance, not to exceed 12 months. However, the act extends the expiration date of certain approved tentative maps and vesting tentative maps, as specified.

This bill would extend by 24 months the expiration date of any approved tentative map or vesting tentative map ~~that has not expired as of the effective date of this act and will expire prior to January 1, 2016~~ *was approved on or after January 1, 2000. The bill would additionally require the extension of an approved or conditionally approved tentative map or vesting tentative map, or parcel map for which a tentative map or vesting tentative map was approved on or before December 31, 1999, upon application by the subdivider at least 90 days prior to the expiration of the map, as specified.* By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.

(2) The Permit Streamlining Act prohibits a local agency, after its approval of a tentative map for a subdivision of single- or multiple-family residential units, from requiring conformance with, or the performance of, any conditions that the local agency could have lawfully imposed as a condition to the previously approved tentative or parcel map, as a condition to the issuance of any building permit or equivalent permit upon approval of that subdivision, during a 5-year period following the recordation of the final map or parcel map for that subdivision. The act also prohibits a local agency from refusing to issue a building permit or equivalent permit for a subdivider's failure to conform with or perform those conditions. However, the act also provides that this 5-year period is a 3-year period for a tentative map extended pursuant to a specified provision of law, and the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units.

This bill would provide that a tentative map extended pursuant to its provisions is also subject to the truncated 3-year period described above, and that the local agency is not prohibited from levying a fee, as specified, or imposing a condition that requires the payment of a fee upon the issuance of a building permit, with respect to the underlying units. By adding to the procedures that local agency officials must follow, this bill would impose a state-mandated local program.



(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 65961 of the Government Code is  
2 amended to read:

3 65961. Notwithstanding any other provision of law, except as  
4 provided in subdivisions (e) and (f), upon approval or conditional  
5 approval of a tentative map for a subdivision of single- or  
6 multiple-family residential units, or upon recordation of a parcel  
7 map for such a subdivision for which no tentative map was  
8 required, during the five-year period following recordation of the  
9 final map or parcel map for the subdivision, a city, county, or city  
10 and county shall not require as a condition to the issuance of any  
11 building permit or equivalent permit for such single- or  
12 multiple-family residential units, conformance with or the  
13 performance of any conditions that the city or county could have  
14 lawfully imposed as a condition to the previously approved  
15 tentative or parcel map. Nor shall a city, county, or city and county  
16 withhold or refuse to issue a building permit or equivalent permit  
17 for failure to conform with or perform any conditions that the city,  
18 county, or city and county could have lawfully imposed as a  
19 condition to the previously approved tentative or parcel map.  
20 However, the provisions of this section shall not prohibit a city,  
21 county, or city and county from doing any of the following:

22 (a) Imposing conditions or requirements upon the issuance of  
23 a building permit or equivalent permit which could have been  
24 lawfully imposed as a condition to the approval of a tentative or  
25 parcel map if the local agency finds it necessary to impose the  
26 condition or requirement for any of the following reasons:

(1) A failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both.

(2) The condition is required in order to comply with state or federal law.

(b) Withholding or refusing to issue a building permit or equivalent permit if the local agency finds it is required to do so in order to comply with state or federal law.

(c) Assuring compliance with the applicable zoning ordinance.

(d) This section shall also apply to a city or city and county which incorporates on or after January 1, 1985, and which includes within its boundaries any areas included in the tentative or parcel map described in this section.

When the incorporation includes areas included in the tentative or parcel map described in this section, “a condition that the city could have lawfully imposed as a condition to the previously approved tentative or parcel map,” as used in this section, refers to conditions the county could have imposed had there been no incorporation.

(e) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, or 66452.24, the five-year period described in this section shall be three years.

(f) For purposes only of a tentative subdivision map or parcel map that is extended pursuant to Section 66452.22, 66452.23, or 66452.24, this section does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee in the amount in effect upon the issuance of a building permit, including an adopted fee that is not included within an applicable zoning ordinance, upon the issuance of a building permit, including, but not limited to, a fee defined in Section 66000.

SEC. 2. Section 66452.24 is added to the Government Code, to read:

66452.24. (a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, ~~has been that was~~ approved *on or after January 1, 2000, and* that has not expired on or before the effective date of the act that added this section, ~~and that will expire before January 1, 2016,~~ shall be extended by 24 months.

(b) Upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 1999, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

~~(b)~~

(c) The extension provided by ~~subdivision~~ subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, or 66463.5.

~~(e)~~

(d) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to ~~subdivision~~ subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, and 66452.23.

~~(d) (1) For purposes of this section, the determination of whether a tentative map or parcel map expires before January 1, 2016, shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (e) of Section 66463.5 approved on or before the effective date of the act that~~

1 added this section, and any additional time in connection with the  
2 filing of a final map pursuant to subdivision (a) of Section 66452.6  
3 for a map that was recorded on or before the effective date of the  
4 act that added this section.

5 ~~(2) The determination made pursuant to this subdivision shall~~  
6 ~~not include any development moratorium or litigation stay allowed~~  
7 ~~or permitted by Section 66452.6 or 66463.5.~~

8 (e) The provisions of Section 65961 relating to conditions that  
9 may be imposed upon or after a building permit for a subdivision  
10 of single- or multiple-family residential units or a parcel map for  
11 a subdivision for which no tentative map was required, are  
12 modified as set forth in subdivisions (e) and (f) of Section 65961  
13 for tentative maps extended pursuant to this section.

14 SEC. 3. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 a local agency or school district has the authority to levy service  
17 charges, fees, or assessments sufficient to pay for the program or  
18 level of service mandated by this act, within the meaning of Section  
19 17556 of the Government Code.

20 SEC. 4. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety within  
22 the meaning of Article IV of the Constitution and shall go into  
23 immediate effect. The facts constituting the necessity are:

24 In order to permit cities, counties, and cities and counties to  
25 preserve development applications that are set to expire and that  
26 cannot be processed presently due to prevailing adverse economic  
27 conditions in the construction industry, it is necessary that this act  
28 take effect immediately.