

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

CITY OF MORGAN HILL,

Plaintiff and Respondent,

v.

SHANNON BUSHEY, AS REGISTRAR
OF VOTERS, etc., et al.,

Defendants and Respondents;

RIVER PARK HOSPITALITY,

Real Party in Interest and
Petitioner;

MORGAN HILL HOTEL COALITION,

Real Party in Interest and
Respondent.

Case No. S243042

Sixth Dist. No. H043426

Santa Clara Super. Ct. No. 16-
CV-292595

SUPREME COURT
FILED

OCT 17 2017

Jorge Navarrete Clerk

Deputy

**PLAINTIFF AND RESPONDENT CITY OF MORGAN HILL'S
MOTION FOR JUDICIAL NOTICE IN SUPPORT OF OPENING
BRIEF; MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT THEREOF; DECLARATION OF LEGISLATIVE
INTENT SERVICES IN SUPPORT THEREOF; PROPOSED ORDER**

LOUIS A. LEONE (SBN: 099874)

*KATHERINE A. ALBERTS (SBN: 212825)

LEONE & ALBERTS

2175 N. California Blvd., Suite 900

Walnut Creek, CA 94596

Tel: (925) 974-8600

Fax: (925) 974-8601

Email: lleone@leonealberts.com

kalberts@leonealberts.com

Attorneys for Plaintiff and Petitioner
CITY OF MORGAN HILL

**PLAINTIFF AND RESPONDENT CITY OF MORGAN HILL'S
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INTENT SERVICES IN SUPPORT THEREOF; PROPOSED ORDER**

**TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE;
THE HONORABLE ASSOCIATE JUSTICES OF THE
CALIFORNIA SUPREME COURT; APPELLANT AND THEIR
ATTORNEYS OF RECORD:**

Pursuant to California Evidence Code sections 450 et seq., and California Rules of Court, Rules 8.252 and 8.520, Plaintiff and Respondent CITY OF MORGAN HILL (“the City”) respectfully moves this Court to take judicial notice of the documents listed below. Said documents are relevant in determining the correct interpretation of Government Code section 65860 (“Section 65860”). The correct interpretation of Section 65860 is material to one of the issues under review in the above-captioned matter – specifically, whether the State Legislature intended subdivision (c) of Section 65860 to provide local entities a reprieve from the requirement that all zoning ordinances must be consistent with their respective general plans if the inconsistency is due to a successful referendum of a zoning ordinance.

Exhibit A: Statutes 1971, Chapter 1446, § 12 [newly enacting Section 65860 requiring localities to make zoning ordinances compliant with respective general plans];

Exhibit B: Governor’s Chaptered Bill File for Senate Bill 594 (1973) [discussing how SB 594 would add subdivision (c) to Section 65680 and provide localities extra time to comply with new requirement to make zoning ordinances compliant with respective general plans];

Exhibit C: Amended version of Senate Bill 594 (1973), June 27, 1973 [adding subdivision (c) to Section 65680 and providing localities

extra time to comply with new requirement to make zoning ordinances compliant with respective general plans];

Exhibit D: Assembly Daily Journal, 1973-74 Regular Session, pp. 3856-3857 [red-lined version of changes made to Section 65680 by SB 594];

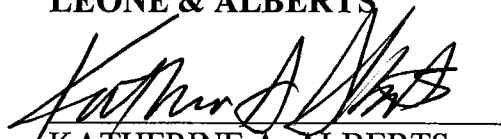
Exhibit E: California Office of Intergovernmental Management, Council on Intergovernmental Relations, Statement on Deadlines for Open Space and Conservation Element, SB 594 (May 8, 1973) [providing reasons for State Legislature affording extension to localities in SB 594];

The documents are described, and indicated, under penalty of perjury to be true and correct copies of the originals in the declaration provided by Legislative Intent Services, included herein. The documents were not presented to the trial court, nor do they relate to proceedings occurring after the order that is the subject of the appeal.

This request is based upon the instant motion; and the attached memorandum of points and authorities and declaration provided by Legislative Intent Services, included herein.

Dated: October 16, 2017

LEONE & ALBERTS



KATHERINE A. ALBERTS

Attorneys for Plaintiff and Respondent
CITY OF MORGAN HILL

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF PLAINTIFF AND RESPONDENT CITY OF MORGAN HILL'S
MOTION FOR JUDICIAL NOTICE**

Evidence Code section 459 provides reviewing courts the same power to take judicial notice of documents as trial courts under Evidence Code sections 450 et seq. (Evid. Code § 459.) In tandem, California Rules of Court, Rules 8.252 and 8.520 provide that a court may take judicial notice of documents relevant to the issues under review. (Cal. Rules of Court, rules 8.252(a)(2)(A), 8.520(g).)

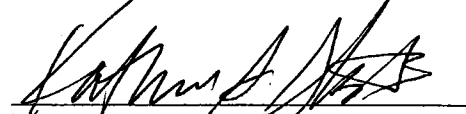
In the above captioned matter, the Court has granted review of the following issue: Can the electorate use the referendum process to challenge a municipality's zoning designation for an area, which was changed to conform to the municipality's general plan, when the result of the referendum—if successful—would leave intact the existing designation that does not conform to the amended general plan? The Sixth District Court of Appeal (the "Sixth District") below determined that the electorate could use referendum process because, in part, Government Code section 65680 ("Section 65680"), subdivision (c) provides local entities a reprieve from the requirement that all zoning ordinances must be consistent with their respective general plans when the inconsistency is the result of a referendum. The City disagrees with said interpretation. Therefore, resolution of the question presented to the Court in this matter is dependent upon a correct interpretation of Section 65680.

Legislative history is relevant to statutory interpretation. (*Big Creek Lumber Co. v. County of Santa Cruz* (2006) 38 Cal.4th 1139, 1153.) In an effort to discern legislative intent, this Court may take judicial notice of the various legislative materials underlying the enactment of a statute. (*Hale v. Southern California IPA Medical Group, Inc.* (2001) Cal.App.4th 919, 927.) Whereas Exhibits A through E are all legislative materials

concerning the original enactment of Section 65680, and its later amendment to add the subdivision (c) in question, the Court should take judicial notice of the document.

Dated: October 16, 2017

LEONE & ALBERTS

A handwritten signature in black ink, appearing to read "Katherine A. Alberts", is written over a horizontal line.

KATHERINE A. ALBERTS

**Attorneys for Plaintiff and Respondent
CITY OF MORGAN HILL**

Exhibit A.pdf

Volume 2

STATUTES OF CALIFORNIA
AND DIGESTS OF MEASURES

1971

Constitution of 1879 as Amended

**General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature at the**

1971 Regular Session

and the

1971 First Extraordinary Session



Compiled by
GEORGE H. MURPHY
Legislative Counsel

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

SECTION 1. Section 7538.3 is added to the Business and Professions Code, to read:

7538.3. No person licensed as an insurance adjuster shall do any of the following:

(a) Fail to disclose his full financial interest in a contract or agreement executed by him for the adjustment of a claim prior to the execution thereof.

(b) Use any misrepresentation to solicit a contract or agreement to adjust a claim.

(c) Solicit or accept remuneration from, or have a financial interest exceeding 3 percent in, any salvage, repair, or other firm, which obtains business in connection with any claim which he has a contract or agreement to adjust.

SEC. 2. Section 7540 of the Business and Professions Code is amended to read:

7540. No licensee shall conduct a business under a fictitious or other business name unless and until he has obtained the written authorization of the bureau so to do.

The bureau shall not authorize the use of a fictitious or other business name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

The authorization shall require, as a condition precedent to the use of any fictitious name, that the licensee comply with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

A licensee desiring to conduct his business under more than one fictitious business name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each such name.

The licensee shall pay a fee of ten dollars (\$10) for each authorization to use an additional fictitious business name and for each change in the use of a fictitious business name. If the original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious business name the licensee shall pay a fee of ten dollars (\$10) for such authorization.

CHAPTER 1446

An act to amend Sections 11510, 11511, 11526, 11535, and 11540.1 of, and to add Sections 11526.1, 11549.5, and 11549.6 to, the Business and Professions Code, and to amend Section 65860 of, to add Sections 65450.1, 65451, and 65452 to, and to repeal Section 65451 of, the Government Code, relating to land planning.

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

SECTION 1. Section 11510 of the Business and Professions Code is amended to read:

11510. (a) "Design" refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers and minimum lot area and width. "Design" also includes land to be dedicated for park or recreational purposes.

(b) "Design" also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

SEC. 2. Section 11511 of the Business and Professions Code is amended to read:

11511. (a) "Improvement" refers to such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

(b) "Improvement" also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans of a city or county.

SEC. 3. Section 11526 of the Business and Professions Code is amended to read:

11526. (a) The design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

(b) Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

(c) No city or county shall approve a tentative or final subdivision map unless the governing body shall find that the proposed subdivision, together with the provisions for its design and improvement, is consistent with applicable general or specific plans of the city or county.

SEC. 4. Section 11526.1 is added to the Business and Professions Code, to read:

11526.1. No city or county shall approve a final subdivision map for any land project, as defined in Section 11000.5, unless:

(a) The city or county has adopted a specific plan covering the area proposed to be included within the land project.

(b) The city or county finds that the proposed land project, together with the provisions for its design and improvement, is consistent with the specific plan for the area.

SEC. 5. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements, or railroad rights-of-way.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest equalized county assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (b) or (c), a tentative map or parcel map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area, improvements and lot design, flood and water drainage control, and as to all requirements of this section. Within one year after

approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c)(3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

SEC. 6. Section 11540.1 of the Business and Professions Code is amended to read:

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. Whenever a local ordinance requires improvements for a division of land which is not a subdivision of five or more lots, such regulations shall be limited to the dedication of right-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made contrary to the provisions of any ordinance prescribing the area or dimensions of lots or parcels, or prohibiting the reduction in area or the separation in ownership of land, or requiring the filing of a map of any land to be divided, shall not be affected, except that any such ordinance may provide that any deed of conveyance, sale or contract to sell made contrary to the provisions of such ordinance is voidable to the extent and in the same manner provided in Section 11540.

SEC. 7. Section 11549.5 is added to the Business and Professions Code, to read:

11549.5. A governing body of a city or county shall deny approval of a final or tentative subdivision map if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a governing body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

SEC. 7.5. Section 11549.6 is added to the Business and Professions Code, to read:

11549.6. A governing body shall not deny approval of a final subdivision map pursuant to Section 11549.5 if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map.

SEC. 8. Section 65450.1 is added to the Government Code, to read:

65450.1. A specific plan need not apply to the entire area covered by the general plan. The legislative body or the planning agency may designate areas within a city or a county for which the development of a specific plan will be necessary or convenient to the implementation of the general plan. The planning agency may, or if so directed by the legislative body shall, prepare specific plans for such areas and recommend such plans to the legislative body for adoption.

SEC. 9. Section 65451 of the Government Code is repealed.

SEC. 10. Section 65451 is added to the Government Code, to read:

65451. Such specific plans shall include all detailed regulations, conditions, programs and proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the general plan listed in Section 65302, including, but not limited to, regulations, conditions, programs and proposed legislation in regard to the following:

(a) The location of housing, business, industry, open space, agriculture, recreation facilities, educational facilities, churches and related religious facilities, public buildings and grounds, solid and liquid waste disposal facilities, together with regulations establishing height, bulk and setback limits for such buildings and facilities, including the location of areas, such as flood plains or excessively steep or unstable terrain, where no building will be permitted in the absence of adequate precautionary measures being taken to reduce the level of risk to that comparable with adjoining and surrounding areas.

(b) The location and extent of existing or proposed streets and roads, their names or numbers, the tentative proposed widths with reference to prospective standards for their construction and maintenance, and the location and standards of construction, maintenance and use of all other transportation facilities, whether public or private.

(c) Standards for population density and building density, including lot size, permissible types of construction, and provisions for water supply, sewage disposal, storm water drainage and the disposal of solid waste.

(d) Standards for the conservation, development, and utilization of natural resources, including underground and surface waters, forests, vegetation and soils, rivers, creeks, and streams, and fish and wildlife resources. Such standards shall include, where applicable, procedures for flood control, for prevention and control of pollution of rivers, streams, creeks and other waters, regulation of land use in stream channels and other areas which may have a significant effect on fish, wildlife and other natural resources of the area, the prevention, control and correction of soil erosion caused by subdivision roads or any other sources, and the protection of watershed areas.

(e) The implementation of all applicable provisions of the open-space element as provided in Article 10.5 (commencing with Section 65560) of this chapter.

(f) Such other measures as may be necessary or convenient to insure the execution of the general plan.

SEC. 11. Section 65452 is added to the Government Code, to read:

65452. Such specific plans may also include all detailed regulations, conditions, programs, and proposed legislation which may be necessary or convenient for the systematic implementation of any general plan element as provided in Section 65303.

SEC. 12. Section 65860 of the Government Code is amended to read:

65860. (a) County or city zoning ordinances shall be consistent with the general plan of the county or city by January 1, 1973.

(b) Any resident or property owner within a city or a county, as the case may be, may bring an action in the superior court to enforce compliance with the provisions of subdivision (a). Any such action or proceedings shall be governed by Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure. Any action or proceedings taken pursuant to the provisions of this subsection must be taken within six months of January 1, 1973, or within 90 days of the enactment of any new zoning ordinance or the amendment of any existing zoning ordinance as to said amendment or amendments.

CHAPTER 1447

An act to amend Section 631 of, and to add Section 702.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor November 8, 1971. Filed with Secretary of State November 8, 1971.]

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

SECTION 1. Section 631 of the Unemployment Insurance Code is amended to read:

631. "Employment" does not include service performed by a child under the age of 21 years in the employ of his father or mother, or service performed by an individual in the employ of his son, daughter, or spouse, except to the extent that the employer and the employee have, pursuant to Section 702.5, elected to make contributions to the Unemployment Compensation Disability Fund.

SEC. 2. Section 702.5 is added to the Unemployment Insurance Code, to read:

702.5. Any employing unit for which services that do not constitute employment under Section 631 are performed, may file with the director a written election, agreed to by both the employing unit and the individuals in its employ specified in Section 631, that all such services performed by such individuals in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of Part 2 (commencing with Section 2601) of this division. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to such part from and after the date stated in the approval. Sections 704 and 707 shall apply to elections under this section.

Exhibit B.pdf

SENATE BILL NO. 594

1973-74 REGULAR SESSION

CHAPTER

120

AUTHOR Maatles

DATE RECEIVED 6/29 1973

LAST DAY TO ACT 7/11 1973

ACTION OF GOVERNOR 6/29 1973

Agency

LL

LIS - 5

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ENROLLED BILL MEMORANDUM TO GOVERNOR		DATE	June 29, 1973
BILL NO.	SB 594	AUTHOR	Marler

Vote—Senate Unanimous

Ayes—

Noes—

Vote—Assembly Unanimous

Ayes—

Noes—

Senate Bill No. 594 extends the date for adoption of the conservation element and the open space element of city and county general plans from June 30, 1973, to December 31, 1973.

It also requires that zoning be consistent with the general plans by January 1, 1974. It would provide further that beginning on January 1, 1974, no mandatory element of a general plan may be amended more than three times per year, that hearings on zoning changes to bring the zoning into conformity with changes in general plans could not be held within two weeks of the change in the general plan, and that a zoning ordinance must be amended within a reasonable time after it becomes inconsistent with a general plan by reason of a change in the general plan.

The bill was introduced at the request of the League of California Cities.

The County Supervisors' Association supports the bill (per George Cook).

The Resources Agency recommends approval.

The Agriculture and Services Agency recommends approval.

The California Real Estate Association has no objection to approval (per a phone call from D. Gillies).

Recommendation	APPROVE	Legislative Secretary
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ENROLLED BILL REPORT

FORM 4

DEPARTMENT Housing and Community Development	AUTHOR Marler	BILL NUMBER SB 594
SUBJECT Mandatory General Plan Requirements		

SUMMARY:

Extends the date for adoption of certain mandatory elements of local general plans from June 30, 1973, to January 1, 1974.

ANALYSIS:

A. Detailed. The law now provides that certain mandatory elements of local general plans, specifically land use element, conservation element, and open space element must be part of local general plans by June 30, 1973. This bill seeks to extend that deadline until January 1, 1974.

The penalty for failing to include acceptable conservation, land use, and open space elements by local communities is the loss of ability to issue subdivision maps, building permits, as well as the loss of certain state funds. These particular general plan elements have been on the books since 1970 and all cities and counties with the exception of Los Angeles County, have adopted interim elements by the August, 1972, deadline. A recent survey by the Council of Intergovernmental Relations indicated that all cities are now proceeding towards completing those elements by the original June 30, 1973, final deadline with little difficulty.

The additional requirements for an environmental impact review statement imposed by the California Environmental Quality Act has caused a problem for many local political jurisdictions. Preparation of a state-mandated Environmental Impact Statement on general plans and the elements of the general plan usually requires 2 to 4 months to complete. The problem dealt with by this bill is additional time required to complete the EIR Statements by the June 30, 1973, deadline.

Requires, commencing January, 1974, that any zoning ordinance inconsistent with a general plan, by reason of amendment of such plan, be amended within a reasonable time to become consistent with such plan as amended.

B. Cost. None.

REASON FOR RECOMMENDED POSITION:

This department recommends that the Governor SIGN this bill. The extension of the June 30, 1973, deadline merits special consideration for the completion of Environmental Impact Reviews according to the California Environmental Quality Act.

RECOMMENDATION

SIGN

Department <i>[Signature]</i>	Date 6-29-73	Agency <i>[Signature]</i>	Date JUN 29 1973
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LEGISLATIVE INTENT SERVICE (800) 666-1917

ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER SB 594
DEPARTMENT, BOARD OR COMMISSION Resources Agency		AUTHOR Marler

SUBJECT

This bill would extend the date for adoption of the conservation element and the open space element of city and county general plans from June 30, 1973, to December 31, 1973. It would also require that zoning be consistent with the general plans by January 1, 1974. It would provide that beginning on January 1, 1974, no mandatory element of a general plan may be amended more than 3 times per year, that hearings on zoning changes to bring the zoning into conformity with changes in general plans could not be held within 2 weeks of the change in the general plan, and that a zoning ordinance must be amended within a reasonable time after it becomes inconsistent with a general plan by reason of a change in the general plan. The bill would also set a deadline of September 1, 1973, for the Council on Intergovernmental Relations to adopt the guidelines now under preparation for local general plans. This is an urgency bill.

HISTORY, SPONSORSHIP, AND RELATED BILLS

This bill is sponsored by the League of California Cities with the active participation of many individual cities and counties. The bill is similar to SB 1348 (Carpenter) which did not move beyond its first committee, and amendments were added to include provisions from AB 1864 (Kapiloff) placing restrictions on amendments to general plans. The amendments were worked out to the satisfaction of the League. The deadlines involved here were extended last year by AB 966 (Dunlap) from January 1, 1973 to June 30, 1973.

ANALYSIS

A. Specific Findings:

Cities and counties are required by existing law to adopt a conservation element and an open space element of their general plans by June 30, 1973, and to have their zoning in conformity with their general plans by the same date. Many cities and counties have reported that they will be unable to meet the deadline partly due to the need to prepare an environmental impact report as required by AB 889 (Knox) enacted last year. The Attorney General has ruled that cities and counties which do not have general plans by the deadline will not be legally empowered to issue building permits. Local governments believe that if they adopt general plans with hastily prepared environmental impact reports, the EIR's and the general plans will be voided by court action, and building permits will be frozen as a result. The extensions in the deadlines are necessary to prevent this from occurring.

The controls on amending general plans are intended to prevent changes from being pushed through quickly without an opportunity for public involvement. The provisions may increase public participation, and local governments report that they will have no serious problems with the

RECOMMENDATION:

(Continued on next page)

Sign the bill.

DEPARTMENT HEAD	DATE	AGENCY HEAD N. B. Liverman Jr.	PE - 4	197
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