

Chapter 5

Chapter Title

Author (if applicable to chapters)

All text here has a style applied. All Solano Press styles have names beginning with a ` so that they show up at top of style drop down menu. There are paragraph styles, and character styles, which are used for *italics* and **bold** within paragraphs.

SUBHEAD A

SUBHEAD B AFTER SUBHEAD A¹

This is `BODY-INDENT style. Et, vel idusda simusam nonemporum veles vollaut repedi alique nulluptatem fuga. Genihiliquae occatur aut esteseq uibusdam, cor sum re molum ditatur, exerfereria quam hici omnisqui id millabore, officil imod mos et estiassed molorestis doloritibus, aut et rem velenia vel evelia de reprae velene corro id ex eum esci corae volorende ma dellam harum eatibus daercit pellores et harum quis exceprepudi iusamus, similit, quiates dolorestiis dolore etur rectem fugiand ignatento exerum excerio necture non molorestis doloritibus, aut et rem velenia vel evelia de reprae velene corro id ex eum esci corae volorende ma dellam harum eatibus daercit pellores et haruearum repe sunt explanimin ea estius mi, sit aut voluptur? *Case Name in`body italic style v. City of Santa Monica*, 142 Cal. App. 3d 501, 506–07 (1983) (holding that smoke detectors can be required in a condominium conversion map process); *see also Case Name in body italic style v. City Council of Los Angeles*, 34 Cal. 2d 31, 37 (1949) (finding that certain street improvement conditions could be imposed even though they were not expressly provided for in the Map Act and local city ordinances). However, a city cannot regulate contrary to specific provisions contained in the Map Act. *Case Name in body italic style v. City of Oxnard*, 34 Cal. 3d 733, 735–36 (1983) (holding that a city cannot override a specific provision in the Map Act grandfathering certain stock cooperative conversions).

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The Map Act's primary goals are:

- This is `body bullet style, development by providing for the regulation and control of the design and improvement of the subdivision, with a proper consideration of its relation to adjoining areas
- This is `body bullet style, development by providing for the regulation and control of the design and improvement of the subdivision, with a proper consideration of its relation to adjoining areas
- The following is `body bullet subhead style:
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 - It was not created in compliance with applicable laws and ordinances in effect at the time of creation, or
 - Its development would create health or safety hazards, or
 - It is inconsistent with the general plan or specific plan in areas other than minimum parcel size.

This is `body cite style. 61 Ops. Cal. Atty. Gen. 299, 301 (1978); 77 Ops. Cal. Atty. Gen. 185 (1994)

¹ See also Daniel J. Curtin, Jr., and Robert E. Merritt, *California Subdivision Map Act and the Development Process* (Cal. CEB, 2d ed. 2001) (updated annually by Matthew S. Gray).

- 1) This is `numbered list style, development by providing for the regulation and control of the design and improvement of the subdivision, with a proper consideration of its relation to adjoining areas
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- 4) This is `numbered list style, development by providing for the regulation and control of the design and improvement of the subdivision, with a proper consideration of its relation to adjoining areas

This is a run-in subhead example; use character style `body bold. This is `BODY-NO INDENT PARAGRAPH STYLE, for text following run-in subheads. Each city must, by ordinance, regulate and control subdivisions for which the Map Act requires a tentative and final map or a parcel map. In addition, a city may, by ordinance, regulate other subdivisions, provided that such regulations are not more restrictive than the regulations for those subdivisions for which a tentative and final or parcel map are required by the Map Act, with certain exceptions related to short-term leases for railroads. Gov't Code § 66411. *See also City of Tiburon v. Northwestern Pac. R.R. Co.*, 4 Cal. App. 3d 160 (1970). The Map Act applies to charter cities. *Santa Clara County Contractors and Homebuilders Ass'n v. City of Santa Clara*, 232 Cal. App. 2d 564 (1965).

Preemption. The courts have been reluctant to hold that local subdivision ordinances are preempted by the Map Act. *See Griffin Dev. Co. v. City of Oxnard*, 39 Cal. 3d 256, 261–62 (1985) (the Map Act does not preempt a city's condominium conversion ordinance); *Santa Monica Pines, Ltd. v. Rent Control Bd.*, 35 Cal. 3d 858 (1984) (a city has independent authority from the police power to regulate subdivisions); *The Pines v. City of Santa Monica*, 29 Cal. 3d 656, 659–60 (1981) (the Map Act does not preempt local revenue taxes); *Benny v. City of Alameda*, 105 Cal. App. 3d 1006, 1010–11 (1980) (a tentative subdivision map application can be conditioned on receiving prior land use approval, including zoning). For instance, one court upheld a “removal permit” requirement that was imposed by the voters after the plaintiff's map had been approved. *McMullan v. Santa Monica Rent Control Bd.*, 168 Cal. App. 3d 960, 963 (1985). “While the [Map] act may be the final word respecting the subdivision process, it does not purport and may not be understood to be preemptive of all land use regulation.” *Id.*

SUBDIVISIONS COVERED BY THE MAP ACT (SUBHEAD A)

WHAT IS A SUBDIVISION? (SUBHEAD B AFTER A)

A subdivision is defined in the statute as:

[T]he division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future.

Gov't Code § 66424

The Map Act distinguishes between a subdivision consisting of five or more parcels and one consisting of four or fewer parcels. In general, a subdivision of five or more parcels requires a tentative and a final map; a subdivision of four or fewer requires just a parcel map.

SUBHEAD B (NOT IMMEDIATELY FOLLOWING SUBHEAD A)

Successive subdivisions. When counting parcels to determine whether a final map or a parcel map is required, all previous subdivisions by the same subdivider are included. *Bright v. Board of Supervisors*, 66 Cal. App. 3d 191 (1977). In 1966, Bright acquired title to one parcel, Parcel A, which he held as separate property. An adjoining parcel, Parcel B, was acquired in 1968 by Bright and his wife as joint tenants. In 1973, Bright transferred a portion of Parcel B to his wife as her separate property, thereby creating a new parcel, Parcel C. He then applied for a tentative parcel map to divide Parcel A into four lots. *Id.* at 193. The county refused to process the parcel map, stating a final map instead was required. On appeal, the court agreed. Since Bright was the owner of two contiguous lots, Parcels A and B, the division of Parcel B into Parcel C must be taken into account when dividing Parcel A. Thus, six parcels were created by this division. *Id.* at 195.

<<INSERT FIGURE HERE>>

FIGURE A: CERTIFICATE OF COMPLIANCE FLOW CHART



VESTING TENTATIVE MAP

Background. In 1984, the Legislature added Chapter 4.5 (Development Rights) to the Map Act, establishing a new form of tentative map for subdivisions in California—the “vesting tentative map.” Gov’t Code § 66498.1 *et seq.*

The approval of a vesting tentative map expressly confers a vested right to proceed with a development in substantial compliance with the ordinances, policies, and standards in effect at the time the application for approval of the vesting tentative map is deemed complete. Gov’t Code § 66498.1(b). However, if a city has initiated proceedings changing its general or specific plan, zoning, or subdivision ordinances, by ordinance, resolution, or motion, and has published notice of this change, or if the subdivider has requested changes in connection with the same development project, the city may apply these new standards to any map for which an application has not been deemed complete. Gov’t Code §§ 66474.2(b), (c). As stated by the court in *Bright Development v. City of Tracy*:

The Subdivision Map Act (Act) permits a subdivider to file a “vesting tentative map” whenever the Act requires a tentative map. This procedure is intended to provide greater statutory protection to subdividers than was afforded under the common law vested rights doctrine. (Gov’t Code §§ 66498.1–66498.9; California Subdivision Map Act Practice (Cont. Ed. Bar 1987) § 6.31; Curtin, Subdivision Map Act Manual (1992), p. 13.).

20 Cal. App. 4th 783, 792 (1993)

SUBHEAD B

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Subhead C

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`Subhead C

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<<INSERT SIDEBAR>>

Sidebar Title

This is `Sidebar text. In regional transportation planning, there are so many government agencies and planning organizations involved that you can't tell the players without a scorecard. Here's the rundown:

Sidebar Subhead

For two generations after World War II, the federal government served an important role in developing national transportation policy and in providing the lion's share of funding for transportation projects. The federal role has changed in many ways during the last 20 years, especially because of the new priorities created under ISTEA (the Intermodal Surface Transportation Efficiency Act) and its progeny, TEA-21 (the Transportation Equity Act for the 21st Century) and SAFETEA-LU (the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users). The federal government also provides a much smaller slice of the transportation funding pie than it used to offer. Nevertheless, the federal government remains a key player.

Most federal transportation functions are consolidated under the U.S. Department of Transportation. Two agencies within DOT are critical to the transportation programming/funding process in California: the Federal Highway Administration and the Federal Transit Administration.

These two agencies work together to administer federal policy and its transportation programming and funding requirements. In this capacity, the federal agencies oversee the work of state, regional, and local transportation agencies. The Federal Highway Administration is responsible for all federally sponsored highway programming and funding. FHWA oversees the preparation of each state's State Transportation Improvement Program, or STIP, which is required under federal transportation law. FHWA also oversees the distribution of ISTEA highway money. The Federal Transit Administration is in a parallel position: FTA administers all federally sponsored programming and funding for transit-related projects.

Historically, FTA has worked more directly with local and regional transportation agencies than has FHWA, which has used Caltrans as an intermediary. This relationship is partly because of the fact that federal transit funds often pay for operations as well as capital projects. However, rail construction projects funded with FTA money must be in the STIP.

<<END SIDEBAR>>