

Jackson|DeMarco|Tidus Peckenpaugh

A L A W C O R P O R A T I O N

October 12, 2010

Direct Dial: 805.418.1908
Email: cbeam@jdtplaw.com
Reply to: Westlake Office
File No: 6358.58022

VIA EMAIL -- Arne.Anselm@ventura.org

Mr. Arne Anselm
Water Quality Manager
Ventura County Watershed Protection District

Re: Draft Technical Guidance Manual Comments Tendered by Don Jensen

Dear Mr. Anselm:

As you know, I was not able to attend the Stakeholder's Meeting for the Technical Guidance Manual on the 29th of September. I have had an opportunity, however, to review the comments offered by some others regarding certain issues which I would like to endorse.

On October 9, 2010, Don Jensen, P.E., offered a series of comments regarding the Technical Guidance Manual, one of which I believe is appropriate.

His first bullet point states:

“Page 1-8, Effective Date. Item 5, An Approved or Deemed complete application of a TENTATIVE MAP should be under the old permit and exempt from the 2010 TGM provision of the revisions of the map ‘substantially conform’ to the original map design **no matter who suggest the initiates the change...** The owner/applicant should be provided the same rights as the permitting agency or other public agency.”

This comment is appropriate in light of the regulatory processes set forth in the Subdivision Map Act.

As I am sure you are aware, the County's and various cities' authority and discretion to review and approve parcel and tract maps is expressed by an agency at the time of the tentative map's approval and subject to the agency's policies and requirements. Prior to the agency's approval of a “final map” it may allow minor modifications to the tentative map without formally amending the tentative map prior to approval of the final map. This concept should be included in the Effective Dates' Section 5. As a result, any approved tentative map, or

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

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application for a tentative map which has been deemed by the local mapping agency as “complete” would not lose its “grandfathered status” merely because a minor modification reflected in either the completed application for a tentative map or approved tentative map is confirmed in a subsequent final map where authorized by the Map Act. Such minor changes are authorized so long as the “final map” is in “substantial conformance” with the tentative map.

Gov’t Code §66474.1 specifically provides, “a legislative body shall not deny a final map or parcel map if it has previously approved a tentative map for the proposed subdivision after it finds that the final or parcel is in substantial compliance with the previously approved tentative map.” This Section was added to the Map Act in 1982 and reflects long-standing policies of local cities and the County.

To treat such minor modifications would otherwise inappropriately negate the objectives of the Technical Guidance Manual’s Effective Date language.

Thank you for an opportunity to comment on these matters. I remain

Very truly yours,


Craig K. Beam

CKB:scm

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