

1 Repeal 2 Cal. Code Regs. Section 18704.2.

2 **~~§ 18704.2. Determining Whether Directly or Indirectly Involved in a Governmental~~**

3 **~~Decision: Interest in Real Property.~~**

4 ~~(a) Real property in which a public official has an economic interest is directly involved~~
5 ~~in a governmental decision if any of the following apply:~~

6 ~~(1) The real property in which the official has an interest, or any part of that real property,~~
7 ~~is located within 500 feet of the boundaries (or the proposed boundaries) of the property which is~~
8 ~~the subject of the governmental decision. For purposes of subdivision (a)(5), real property is~~
9 ~~located "within 500 feet of the boundaries (or proposed boundaries) of the real property which is~~
10 ~~the subject of the governmental decision" if any part of the real property is within 500 feet of the~~
11 ~~boundaries (or proposed boundaries) of the redevelopment project area.~~

12 ~~(2) The governmental decision involves the zoning or rezoning, annexation or~~
13 ~~deannexation, sale, purchase, or lease, or inclusion in or exclusion from any city, county, district~~
14 ~~or other local governmental subdivision, of the real property in which the official has an interest~~
15 ~~or a similar decision affecting the real property. For purposes of this subdivision, the terms~~
16 ~~"zoning" and "rezoning" shall refer to the act of establishing or changing the zoning or land use~~
17 ~~designation on the real property in which the official has an interest.~~

18 ~~(3) The governmental decision involves the issuance, denial or revocation of a license,~~
19 ~~permit or other land use entitlement authorizing a specific use or uses of the real property in~~
20 ~~which the official, has an interest.~~

21 ~~(4) The governmental decision involves the imposition, repeal or modification of any~~
22 ~~taxes or fees assessed or imposed on the real property in which the official has an interest.~~

1 ~~(5) The governmental decision is to designate the survey area, to select the project area,~~
2 ~~to adopt the preliminary plan, to form a project area committee, to certify the environmental~~
3 ~~document, to adopt the redevelopment plan, to add territory to the redevelopment area, or to~~
4 ~~rescind or amend any of the above decisions; and real property in which the official has an~~
5 ~~interest, or any part of it is located within the boundaries (or the proposed boundaries) of the~~
6 ~~redevelopment area.~~

7 ~~(6) The decision involves construction of, or improvements to, streets, water, sewer,~~
8 ~~storm drainage or similar facilities, and the real property in which the official has an interest will~~
9 ~~receive new or improved services.~~

10 ~~(b) Notwithstanding subdivision (a) above, real property in which a public official has an~~
11 ~~interest is not directly involved in a governmental decision, but is instead indirectly involved if:~~

12 ~~(1) The decision solely concerns the amendment of an existing zoning ordinance or other~~
13 ~~land use regulation (such as changes in the uses permitted, or development standards applicable,~~
14 ~~within a particular zoning category) which is applicable to all other properties designated in that~~
15 ~~category, which shall be analyzed under 2 Cal. Code Regs. section 18705.2(b).~~

16 ~~(2) The decision solely concerns repairs, replacement, or maintenance of existing streets,~~
17 ~~water, sewer, storm drainage or similar facilities.~~

18 ~~(3) The decision solely concerns the adoption or amendment of a general plan and all of~~
19 ~~the following apply:~~

20 ~~(A) The decision only identifies planning objectives or is otherwise exclusively one of~~
21 ~~policy. A decision will not qualify under this subdivision if the decision is initiated by the public~~
22 ~~official, by a person that is an economic interest of the public official, or by a person~~
23 ~~representing either the public official or an economic interest of the public official.~~

1 ~~(B) The decision requires a further decision or decisions by the public official's agency~~
2 ~~prior to implementing the planning or policy objectives. Examples of further decisions include,~~
3 ~~but are not limited to, permitting, licensing, rezoning, or the approval of or change to a zoning~~
4 ~~variance, land use ordinance, or specific plan or its equivalent.~~

5 ~~(C) The decision does not concern an identifiable parcel or parcels or development~~
6 ~~project. A decision does not "concern an identifiable parcel or parcels" solely because, in the~~
7 ~~proceeding before the agency in which the decision is made, the parcel or parcels are merely~~
8 ~~included in an area depicted on a map or diagram offered in connection with the decision,~~
9 ~~provided that the map or diagram depicts all parcels located within the agency's jurisdiction and~~
10 ~~economic interests of the official are not singled out.~~

11 ~~(D) The decision does not concern the agency's prior, concurrent, or subsequent approval~~
12 ~~of, or change to, a permit, license, zoning designation, zoning variance, land use ordinance, or~~
13 ~~specific plan or its equivalent.~~

14 ~~(e) Definitions—General Plans. The definitions below apply to this regulation:~~

15 ~~(1) A decision "solely concerns the adoption or amendment of a general plan" when the~~
16 ~~decision, in the manner described in Government Code sections 65301 and 65301.5, grants~~
17 ~~approval of, substitutes for, or modifies any component of, a general plan, including elements, a~~
18 ~~statement of development policies, maps, diagrams, and texts, or any other component setting~~
19 ~~forth objectives, principles, standards, and plan proposals, as described in Government Code~~
20 ~~sections 65302 and 65303.~~

21 ~~(2) "General plan" means "general plan" as used in Government Code, Title 7 (Planning~~
22 ~~and Zoning), Division 1 (Local Planning), Article 5, sections 65300, et seq.~~

23 ~~(3) "Specific plan or its equivalent" means a "specific plan" or any equivalent plan~~

1 ~~adopted by the jurisdiction to meet the purposes described in Government Code, Title 7~~
2 ~~(Planning and Zoning), Division 1 (Local Planning), Article 8, sections 65450, et seq.~~

3 ~~(d) Determining the applicable materiality standard.~~

4 ~~(1) If the real property in which the public official has an economic interest is directly~~
5 ~~involved in a governmental decision, apply the materiality standards in 2 Cal. Code Regs. section~~
6 ~~18705.2(a).~~

7 ~~(2) If a real property interest is not directly involved in a governmental decision, apply~~
8 ~~the materiality standards in 2 Cal. Code Regs. section 18705.2(b).~~

9 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87102.5,~~
10 ~~87102.6, 87102.8 and 87103, Government Code.~~

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