

## First Supplement to Memorandum 2012-33

**Common Interest Development Law:  
Commercial and Industrial Subdivisions  
(Draft Tentative Recommendation)**

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On July 13, 2012, the staff received an email from attorney Duncan McPherson, pointing out an error in the draft tentative recommendation that is attached to Memorandum 2012-33. See attached.

Specifically, on page 4, lines 6-9, the draft tentative recommendation states:

In 1980, the amendment was broadened again, to include any subdivision that is limited to commercial or industrial use by a recorded declaration (in addition to any subdivision that is restricted to such uses by zoning).

As Mr. McPherson correctly points out, that amendment was actually made in 2000 (by 2000 Cal. Stat. ch. 279). **The statement and its accompanying footnote should be revised accordingly.**

The staff appreciates Mr. McPherson's assistance and regrets the error.

Respectfully submitted,

Brian Hebert  
Executive Director

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Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting.

**Subject:** Memorandum 2012-33

**Date:** Friday, July 13, 2012 2:26:34 PM Pacific Daylight Time

**From:** McPherson, Duncan

**To:** Brian Hebert, Steve Cohen

**CC:** Jeffrey Wagner

**Brian and Steve, I was reviewing your Memorandum 2012-33 and noticed a minor error in the paragraph starting with line 4 on page 4. The amendment that you show as being enacted in 1980 and in footnote 19 as Stat. 1980 Ch. 1336; was actually enacted by Stat. 2000 Chap. 279 section 2 (SB 1395). That is when the “expressly zoned” language was deleted and the “recorded declaration” language was added. Otherwise I thought the memo set out the issues quite clearly. I have already received e-mails from other attorneys who have read the memorandum who would like to see the scope of the exemptions in Section 1373 expanded for commercial CIDs and I know that is going to be the desire of the non-residential stakeholders group. There are quite a number of other sections in the present act which we feel do not fit with a commercial CID and should either go into 1373 (or its AB 805 counterpart) or not be included in a separate non-residential CID act. The stakeholder is going to try to conference shortly and we will get back to you on other provisions we would like to see included in 1373.**

**If the Commission adopts the position of the memorandum is it your intent to try to get this language put into AB 805/806 before it is enacted this year or to deal with it in the 2013 clean-up bill or some other fashion? Thanks, Duncan**

## **Duncan R. McPherson**

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