

Date of Hearing: April 6, 2011

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

Norma Torres, Chair

AB 208 (Fuentes) – As Introduced: January 31, 2011

SUBJECT: Land use: subdivision maps: expiration dates.

SUMMARY: Extends by 24 months the expiration date for specified subdivision maps and any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended. Specifically, this bill:

- 1) Extends by 24 months the expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or tentative vesting map has been approved that has not expired when the bill becomes effective and that will expire before January 1, 2014.
- 2) Extends the expiration date by 24 months for any legislative, administrative or other approval by a state agency relating to a development project included in a map that is extended.
- 3) Provides that the determination on whether or not a subdivision map expires before January 1, 2014, shall take into account previous discretionary extensions, but not include extensions because of litigation stays and development moratoria.
- 4) Reduces from five years to three years the time during which a city, county, or city and county cannot add additional requirements on a building permit after a final map is recorded for maps extended pursuant to this measure.
- 5) Specifies that having an extension pursuant to this measure does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee upon the issuance of a building permit, including fees related to the Mitigation Fee Act.
- 6) Contains an urgency clause.

EXISTING LAW

- 1) Establishes, pursuant to the Subdivision Map Act (Map Act), a statewide regulatory framework for controlling the subdividing of land, which generally requires a subdivider to submit, and have approved by the city, county, or city and county in which the land is situated, a tentative map (Government Code Section 66410, et seq.).
- 2) Provides for the expiration of tentative maps after specified periods of time (Government Code Section 66410, et seq.).
- 3) Authorizes cities and counties to grant discretionary map extensions for up to six years (Government Code Section 66463.5).

- 4) Extends by 24 months the expiration date of any tentative map or parcel map for which a tentative map has been approved that had not expired on September 13, 1993 (Government Code Section 66452.11).
- 5) Extends by 12 months the expiration date of any tentative map or parcel map for which a tentative map has been approved that had not expired on May 14, 1996 (Government Code Section 66452.13).
- 6) Extends by 12 months the expiration date of any tentative map or parcel map for which a tentative map has been approved that had not expired on January 1, 2011 (Government Code Section 66452.21).
- 7) Extends the expiration date by 24 months for specified subdivision maps that will expire before January 1, 2012 (Government Code Section 66452.22).
- 8) Prohibits a city, county, or city and county, during the five-year period following the recordation of the final or parcel map for the subdivision of single- or multiple-family residential units, from requiring as a condition to issuance of any building permit or equivalent permit, conformance with or the performance of any conditions that the city or county could have lawfully imposed as a condition to the previously approved tentative or parcel map (Government Code Section 65961).
- 9) Reduces from five years to three years the time during which a city, county, or city and county cannot add additional requirements on a building permit after a final map is recorded, if the map is extended using the provisions of Government Code Section 66452.22 (Government Code Section 65961).
- 10) Specifies that having an extension pursuant to Government Code Section 66452.22 does not prohibit a city, county, or city and county from levying a fee or imposing a condition that requires the payment of a fee upon the issuance of a building permit, including fees related to the Mitigation Fee Act (Government Code Section 65961).

FISCAL EFFECT: Unknown

COMMENTS:

"This measure is very critical to the economic recovery of California. The housing industry is mired in a deep recessionary trough. Because of the difficulty of securing financing, many projects for which maps have already been approved will soon expire in the next few years, thereby, requiring developers to go through the entitlement process again. The housing industry wants to be in a position to take full advantage of any economic resurgence. This bill would allow a one-time, 24-month extension of existing maps and not future subdivision maps."

The above paragraph is not a statement from the author and supporters of this bill. It is taken from the Senate Floor Analysis of SB 428 (Thompson), Chapter 407, Statutes of 1993. At that time, the state was in the midst of a deep recession. SB 428, one of the many Legislative responses to that crisis, granted a one-time 24-month extension for tentative and parcel maps that had not expired as of the enacting legislation's chaptering date of September 13, 1993. A further

response to the same economic slowdown came with AB 771 (Aguiar), Chapter 46, Statutes of 1996, which created a 12-month extension for maps that had not expired as of May 14, 1996.

With the state again struggling with a major economic downturn, the Legislature passed SB 1185 (Lowenthal), Chapter 124, Statutes of 2008, which granted a one-time 12-month extension for tentative and parcel maps that had not expired as of the enacting legislation's chaptering date of July 15, 2008. In addition, SB 1185 let local officials grant an additional year, at their discretion. In 2009 the Legislature passed AB 333 (Fuentes), Chapter 18, Statutes of 2009, to allow for an additional two-year extension on maps that had not expired before July 15, 2009.

Two years later, the housing industry continues to be severely depressed. Once again real estate developers face the prospect of having their tentative and parcel maps expire before they can obtain financing or have their projects make economic sense to build. Given the continuing economic crisis, the author believes that it is crucial that the Legislature provide yet another extension in order to sustain the life of maps, thereby allowing those projects to be kept alive during these difficult times. According to the bill's sponsor, the California Building Industry Association (CBIA), there are an estimated 2,500 tentative tract maps representing approximately 325,750 housing units that would be affected by the provisions of AB 208. This measure would allow all of these maps to be extended by 24 months.

CBIA argues that without the provisions of AB 208, "the construction projects and jobs associated with the active maps could be lost, stalling the significant economic investments made to date and forcing the project proponent to begin the costly entitlement process anew."

Proposed Amendments

On page 5, lines 3 and 6, delete "July 15, 2009" and replace "the date that the act that added this section became effective." This amendment is necessary to correct a drafting error that incorrectly included the date from the previous extension passed in 2009.

Double-Referred

This bill was also referred to the Committee on Local Government, where it passed on March 23, 2011, by a vote of 9-0.

REGISTERED SUPPORT / OPPOSITION:

Support

California Building Industry Association (sponsor)
Apartment Association of Greater Los Angeles
California Mortgage Association
San Diego County Apartment Association
Santa Barbara Rental Property Association

Opposition

None on file

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