Establishing the Yosemite Forest

Dynamics Plot

Article by Ric Moore, PLS and James A. Lutz, PhD, page 14

The Professional Practices Committee

Surveyor’s Friend or Foe?

Article by David E. Woolley, PLS, page 10

NSPS Enters Its Second Decade of Involvement with the Boy Scouts Surveying Merit Badge

Article by Curt Sumner, PLS, page 12
Question

What is the status of the recently proposed legislation in California that would extend the life of tentative and vesting tentative maps?

Answer

Timely question! As described in greater detail below, that "urgency legislation" (Assembly Bill No. 333 (Fuentes)), recently was passed by the Legislature and was signed into law by the Governor on July 15, 2009 (As urgency legislation, it became law when signed). New Map Act section 66452.22 immediately extends the life of tentative and vesting tentative maps that would have otherwise expire before January 1, 2012 for two additional years.

AB 333 was introduced in January 2009 by the California Building Industry Association (CBIA) in response to the effect of the recession on the homebuilding industry recovery effort. Although the Governor had previously announced that he would not sign any legislation until a state budget deal was reached, he viewed AB 333 as an exception. Procuring the Governor's signature by July 15, 2009 was critical because the twelve-month extension provided by SB 1185 (Lowenthal) expired on that date, and AB 333 does not apply to maps that expire before the bill takes effect. According to the CBIA, approximately 1,800 maps representing approximately 250,000 housing units are affected by AB 333.

In order to calculate whether a map is eligible for the AB 333 24-month extension, one should ask the following:

Step 1: Was the map in question still "alive" on July 15, 2009? If no, then the map does not qualify for the extension. If yes, then proceed to Step 2.

Step 2: Would the map have otherwise (i.e., without the new legislation) lapsed before January 1, 2012?

- In determining whether the map would expire before January 1, 2012, one must count any discretionary extension granted by the city or county pursuant to Government Code sections 66452.6(e) (tentative map) or 66463.5(e) (tentative parcel map) on or before July 15, 2009.

• One also must count any additional time granted by Map Act section 66452.6(a) in connection with the filing of multiple (phased) final maps. However, one need not count the additional time obtained by the filing of a phased final map if that final map was filed but not recorded before July 15, 2009. This is important for subdividers to understand because it would mean the tentative map gets three years of additional life from the phased final map and two years from AB 333.

• Finally, in determining whether the map would expire before January 1, 2012, one should not count any time added to the life of the tentative map based on any development moratoria or litigation "tolling" periods.

The 24-month extension provided by AB 333 is in addition to all other extensions otherwise available (including without limitation, the three previous automatic legislative extensions granted in 1993, 1996, and 2008).

AB 333's primary difference from previous legislative extensions is that AB 333 includes provisions that change the "one bite of the apple" rules set forth in Government Code section 65961, although, when read carefully, these changes are not radical, and include the shortening from five to three years the period of time after the recordation of the final map during which new conditions cannot be imposed on a project.

If you own or manage property with a current tentative or vesting tentative map, or other entitlements with expiration dates, understanding AB 333 is critical to ensuring that your valuable entitlements do not expire unexpectedly.

Michael P. Durkee, a partner in the Walnut Creek office of Allen Matkins, represents developers, public agencies and interest groups in all aspects of land use law. Mike is the principal author of Map Act Navigator (1997-2008), and co-author of Ballot Box Navigator (Solano Press 2003), and Land-Use Initiatives and Referenda in California (Solano Press 1990, 1991). 415.273.7455 mdurkee@allenmatkins.com

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