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Governor Signs Legislation That Extends the Expiration Date By 12 Months for Subdivision Maps That Will Expire Before January 1, 2011

On July 15, 2008, Governor Schwarzenegger signed Senate Bill 1185 that extends the expiration date by 12 months for subdivision maps that will expire before January 1, 2011, and for any legislative, administrative or other approval by a state agency relating to a development project in the subdivision, and increases the time for local discretionary extensions for tentative maps from five years to six years. The bill was adopted as urgency legislation and goes into effect immediately.

Existing Law

Under the Subdivision Map Act, cities and counties approve tentative maps that must be consistent with their general plans, attaching scores of conditions. Once subdividers comply with those conditions, local officials must issue Final Maps. For smaller subdivisions (lot splits) local officials usually use parcel maps, but they can require tentative parcel maps followed by final parcel maps.

In good economic times, an experienced subdivider can comply with a tentative map's conditions in a few years. Scarce financing, complex settings, and inexperience can drag out the time between a tentative map approval and the filing of a Final Map. If a tentative map expires, the subdivider must start over, complying with any new required conditions.

Tentative maps can be valid for up to 15 years:

- The initial life of a tentative map is two years. At the option of the city council or county board of supervisors, a map's initial life can be extended three years for a total of five years.
- Local officials can grant extensions for up to five years if the subdivider spends substantial funds and files phased final maps, the remaining tentative map is automatically extended by three years, up to a maximum of ten years from its approval or conditional approval.

These deadlines do not apply during development moratoria (up to five years) or during pending litigation (up to five years).

During the mid-1990s recession, the Legislature extended the life of unexpired tentative maps. Tentative maps that were valid on September 13, 1993, were extended an extra two years. Tentative maps that were valid on May 14, 1996, gained one year.

Summary of SB 1185

- 1) Extends the expiration date by 12 months for 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 on the date that SB 1185 becomes effective (July 15, 2008) and will expire before January 1, 2011.
- 2) Extends the expiration date by 12 months for any legislative, administrative or other approval by a state agency relating to a development project in a subdivision.
- 3) Increases the time for counties and cities to approve discretionary extensions for tentative subdivision maps from five to *six years*.
- 4) For purposes of determining whether a tentative subdivision map or parcel map expires before January 1, 2011, the determination shall count only those extensions of time pursuant to subdivision (e) of Section 66452.6 or subdivision (e) of Section 66463.5 (the "discretionary approval") approved on or before the effective date (July 15, 2008) and subdivision (a) of Section 66542.6 (extension of map when a subdivider is required to expend substantial funds for off-site improvements), but not include extensions because of litigation and moratoria.

If you have any questions concerning this Legal Alert please consult any Public Agency or Real Estate & Development attorney at Kronick,

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