



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

4

STAFF REPORT
June 17, 2008

Honorable Members of the
Law and Legislation Committee

Title: Legislation Position: Support SB 1185 Relating to Tentative Map Extensions

Location/Council District: Citywide

Recommendation: Adopt a support position on SB 1185 related to land use, subdivision maps.

Contact: David Kwong, Planning Manager, (916) 808-2691; Greg Bitter, Principal Planner, (916) 808-7816.

Presenters: David Kwong, Planning Manager

Department: Development Services

Division: Current Planning

Organization No: 4885

Description/Analysis

Issue: It is estimated that 2008 will see the fewest homes constructed in California since 1995. The City of Sacramento is experiencing the same impact on new home construction from the current housing market. In addition to the poor housing market, the City of Sacramento will see a further slowdown of housing construction as a result of the FEMA flood restrictions in North and South Natomas.

Senate Bill 1185, authored by Senator Lowenthal, has been proposed in response to the poor housing market. This bill would extend 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 and that will expire before January 1, 2011. This bill also extends the expiration date by 12 months for a legislative, administrative or other approval by a state agency relating to a development project in a subdivision affected by the bill. This bill increases the time for local discretionary extensions for tentative subdivision maps from five years to six years.

The goal of the bill is to allow additional time for builders to complete their conditions of approval so they can begin construction of homes once the housing market improves. This bill is similar to two actions taken by the Legislature in the mid-1990's that extended the life of tentative maps. Tentative maps that were valid on September 13, 1993, gained an extra two years (SB 428, Thompson, Chapter 407, Statutes of 1993). Tentative maps that were valid on May 14, 1996, gained one year (AB 771, Aguiar, Chapter 46, Statutes of 1996).

Staff recommends that the City adopt a support position on SB 1185. This bill will give local developers the ability to extend the life of their subdivision maps one additional year. The result will be that the development community and the City will be better positioned to respond to improvements in the housing market in upcoming years.

Policy Considerations: This bill is consistent with City's operational principles of promoting public safety and livability and creating economic vitality. They are also consistent with fostering the goal of economic and community renewal via redevelopment.

Environmental Considerations: None.

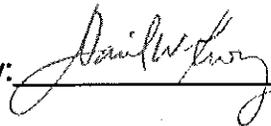
Committee/Commission Action: None.

Rationale for Recommendation: SB 1185 extends the potential life of tentative subdivision maps by one year. This bill would be a benefit to the City in that it will give the development community and the City additional time to complete the requirements for approved tentative maps in anticipation of improvements to the housing market.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by:



David Kwong
Planning Manager

Approved by: 
William Thomas
Director of Development Services

Recommendation Approved:


Ray Kerridge
City Manager

Table of Contents:

	Report	Pg	1
Attachments			
1	Draft Letter of Support (SB 1185)	Pg	4
2	Bill Text (SB 1185)	Pg	5
3	Analysis (SB 1185)	Pg	17

Attachment 1 - Draft Letter of Support

June 17, 2008

Senator Lowenthal
State Capitol, Room 2032
Sacramento, CA 95814

**RE: SB 1185 (Lowenthal) Tentative Map Extension
NOTICE OF SUPPORT**

Dear Senator Lowenthal:

The City of Sacramento is pleased to support SB 1185.

On behalf of the City of Sacramento, I am pleased to express the City's support for Senate Bill 1185, relating to the extension of Tentative Maps. This bill would provide the development community and local governments with additional time to complete the requirements associated with subdivisions and to be better positioned for improvements in the current housing market. This bill is consistent with City's operational principles of promoting public safety and livability and creating economic vitality. It will also help us foster the goal of economic and community renewal via redevelopment.

The City of Sacramento is facing the same impacts from the poor housing market as most other jurisdictions in the State of California. By allowing additional time for subdividers to complete their tentative map conditions, the City and other jurisdictions throughout the State will be able to respond quicker when the demand for new housing increases.

Thank you for introducing this important piece of legislation.

Sincerely,

SANDY SHEEDY, CHAIR
Law and Legislation Committee

cc: Senator Dave Cox
Senator Darrell Steinberg
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels and Jones and Associates

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE MAY 13, 2008

AMENDED IN SENATE MAY 1, 2008

AMENDED IN SENATE MARCH 24, 2008

Attachment 2

SENATE BILL

No. 1185

Introduced by Senator Lowenthal

(Principal coauthor: Assembly Member Houston)

(Coauthor: Senator Dutton)

(Coauthors: Assembly Members Solorio and Walters)

February 12, 2008

An act to amend Sections 66452.6, ~~66452.11~~, ~~66452.13~~, and 66463.5 of, to add Section 66452.21 to, and to amend and renumber Sections 66452.11 and 66452.12 of, the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1185, as amended, Lowenthal. Land use: subdivision maps.

(1) The Subdivision Map Act establishes a statewide regulatory framework for controlling the subdividing of land. It 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 or vesting tentative map, which confers a vested right to proceed with development in substantial compliance with specified ordinances, policies, and standards. The act provides for the expiration of tentative or vesting tentative maps, after specified periods of time, and specifically extends by 12 months the expiration date of any tentative or vesting tentative map or parcel map for which a tentative or vesting tentative map has been approved that had not expired on May 15, 1996. This extension

SB 1185

— 2 —

is in addition to any other extension of the expiration date provided for in specified provisions of the act. Any legislative, administrative, or other approval by any local agency, state agency, or other political subdivision of the state that pertains to a development project included in a map that is extended is to be extended by 12 months under specified conditions.

This bill would extend the applicable expiration date to 12 months, as specified, for any vesting tentative map, in addition to a tentative map, generally, that has not expired as of the date adding these provisions *and that will expire, as specified, before January 1, 2011*. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(2) The Subdivision Map Act provides that when a tentative map is required, an approved or conditionally approved tentative map must expire 24 months after its approval or conditional approval, or after any additional time period as prescribed by local ordinance, not to exceed an additional 12 months. A subdivider may file with the appropriate legislative body, prior to the expiration of the approved or conditionally approved tentative map, an application to extend the time at which the map will expire for a period or periods not to exceed a total of 5 years.

This bill instead would allow the subdivider to file an application to extend the time at which the map will expire for a period or periods not to exceed a total of 6 years. By adding to the procedures officials in counties, cities, and cities and counties must follow, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66452.6 of the Government Code is
2 amended to read:

1 66452.6. (a) (1) An approved or conditionally approved
2 tentative map shall expire 24 months after its approval or
3 conditional approval, or after any additional period of time as may
4 be prescribed by local ordinance, not to exceed an additional 12
5 months. However, if the subdivider is required to expend one
6 hundred seventy-eight thousand dollars (\$178,000) or more to
7 construct, improve, or finance the construction or improvement
8 of public improvements outside the property boundaries of the
9 tentative map, excluding improvements of public rights-of-way
10 which abut the boundary of the property to be subdivided and
11 which are reasonably related to the development of that property,
12 each filing of a final map authorized by Section 66456.1 shall
13 extend the expiration of the approved or conditionally approved
14 tentative map by 36 months from the date of its expiration, as
15 provided in this section, or the date of the previously filed final
16 map, whichever is later. The extensions shall not extend the
17 tentative map more than 10 years from its approval or conditional
18 approval. However, a tentative map on property subject to a
19 development agreement authorized by Article 2.5 (commencing
20 with Section 65864) of Chapter 4 of Division 1 may be extended
21 for the period of time provided for in the agreement, but not beyond
22 the duration of the agreement. The number of phased final maps
23 that may be filed shall be determined by the advisory agency at
24 the time of the approval or conditional approval of the tentative
25 map.

26 (2) Commencing January 1, 2005, and each calendar year
27 thereafter, the amount of one hundred seventy-eight thousand
28 dollars (\$178,000) shall be annually increased by operation of law
29 according to the adjustment for inflation set forth in the statewide
30 cost index for class B construction, as determined by the State
31 Allocation Board at its January meeting. The effective date of each
32 annual adjustment shall be March 1. The adjusted amount shall
33 apply to tentative and vesting tentative maps whose applications
34 were received after the effective date of the adjustment.

35 (3) "Public improvements," as used in this subdivision, include
36 traffic controls, streets, roads, highways, freeways, bridges,
37 overcrossings, street interchanges, flood control or storm drain
38 facilities, sewer facilities, water facilities, and lighting facilities.

39 (b) (1) The period of time specified in subdivision (a), including
40 any extension thereof granted pursuant to subdivision (e), shall

SB 1185

— 4 —

1 not include any period of time during which a development
2 moratorium, imposed after approval of the tentative map, is in
3 existence. However, the length of the moratorium shall not exceed
4 five years.

5 (2) The length of time specified in paragraph (1) shall be
6 extended for up to three years, but in no event beyond January 1,
7 1992, during the pendency of any lawsuit in which the subdivider
8 asserts, and the local agency which approved or conditionally
9 approved the tentative map denies, the existence or application of
10 a development moratorium to the tentative map.

11 (3) Once a development moratorium is terminated, the map
12 shall be valid for the same period of time as was left to run on the
13 map at the time that the moratorium was imposed. However, if the
14 remaining time is less than 120 days, the map shall be valid for
15 120 days following the termination of the moratorium.

16 (c) The period of time specified in subdivision (a), including
17 any extension thereof granted pursuant to subdivision (e), shall
18 not include the period of time during which a lawsuit involving
19 the approval or conditional approval of the tentative map is or was
20 pending in a court of competent jurisdiction, if the stay of the time
21 period is approved by the local agency pursuant to this section.
22 After service of the initial petition or complaint in the lawsuit upon
23 the local agency, the subdivider may apply to the local agency for
24 a stay pursuant to the local agency's adopted procedures. Within
25 40 days after receiving the application, the local agency shall either
26 stay the time period for up to five years or deny the requested stay.
27 The local agency may, by ordinance, establish procedures for
28 reviewing the requests, including, but not limited to, notice and
29 hearing requirements, appeal procedures, and other administrative
30 requirements.

31 (d) The expiration of the approved or conditionally approved
32 tentative map shall terminate all proceedings and no final map or
33 parcel map of all or any portion of the real property included within
34 the tentative map shall be filed with the legislative body without
35 first processing a new tentative map. Once a timely filing is made,
36 subsequent actions of the local agency, including, but not limited
37 to, processing, approving, and recording, may lawfully occur after
38 the date of expiration of the tentative map. Delivery to the county
39 surveyor or city engineer shall be deemed a timely filing for
40 purposes of this section.

1 (e) Upon application of the subdivider filed prior to the
2 expiration of the approved or conditionally approved tentative
3 map, the time at which the map expires pursuant to subdivision
4 (a) may be extended by the legislative body or by an advisory
5 agency authorized to approve or conditionally approve tentative
6 maps for a period or periods not exceeding a total of six years. The
7 period of extension specified in this subdivision shall be in addition
8 to the period of time provided by subdivision (a). Prior to the
9 expiration of an approved or conditionally approved tentative map,
10 upon an application by the subdivider to extend that map, the map
11 shall automatically be extended for 60 days or until the application
12 for the extension is approved, conditionally approved, or denied,
13 whichever occurs first. If the advisory agency denies a subdivider's
14 application for an extension, the subdivider may appeal to the
15 legislative body within 15 days after the advisory agency has
16 denied the extension.

17 (f) For purposes of this section, a development moratorium
18 includes a water or sewer moratorium, or a water and sewer
19 moratorium, as well as other actions of public agencies which
20 regulate land use, development, or the provision of services to the
21 land, including the public agency with the authority to approve or
22 conditionally approve the tentative map, which thereafter prevents,
23 prohibits, or delays the approval of a final or parcel map. A
24 development moratorium shall also be deemed to exist for purposes
25 of this section for any period of time during which a condition
26 imposed by the city or county could not be satisfied because of
27 either of the following:

28 (1) The condition was one that, by its nature, necessitated action
29 by the city or county, and the city or county either did not take the
30 necessary action or by its own action or inaction was prevented or
31 delayed in taking the necessary action prior to expiration of the
32 tentative map.

33 (2) The condition necessitates acquisition of real property or
34 any interest in real property from a public agency, other than the
35 city or county that approved or conditionally approved the tentative
36 map, and that other public agency fails or refuses to convey the
37 property interest necessary to satisfy the condition. However,
38 nothing in this subdivision shall be construed to require any public
39 agency to convey any interest in real property owned by it. A
40 development moratorium specified in this paragraph shall be

SB 1185

— 6 —

1 deemed to have been imposed either on the date of approval or
2 conditional approval of the tentative map, if evidence was included
3 in the public record that the public agency which owns or controls
4 the real property or any interest therein may refuse to convey that
5 property or interest, or on the date that the public agency which
6 owns or controls the real property or any interest therein receives
7 an offer by the subdivider to purchase that property or interest for
8 fair market value, whichever is later. A development moratorium
9 specified in this paragraph shall extend the tentative map up to the
10 maximum period as set forth in subdivision (b), but not later than
11 January 1, 1992, so long as the public agency which owns or
12 controls the real property or any interest therein fails or refuses to
13 convey the necessary property interest, regardless of the reason
14 for the failure or refusal, except that the development moratorium
15 shall be deemed to terminate 60 days after the public agency has
16 officially made, and communicated to the subdivider, a written
17 offer or commitment binding on the agency to convey the necessary
18 property interest for a fair market value, paid in a reasonable time
19 and manner.

20 ~~SEC. 2. Section 66452.11 of the Government Code, as added~~
21 ~~by Section 1 of Chapter 407 of the Statutes of 1993, is amended~~
22 ~~to read:~~

23 ~~66452.11. (a) The expiration date of any tentative subdivision~~
24 ~~map or parcel map for which a tentative map has been approved~~
25 ~~that has not expired on the date that the act that adds this section~~
26 ~~becomes effective shall be extended by 24 months.~~

27 ~~(b) The extension provided by subdivision (a) shall be in~~
28 ~~addition to any extension of the expiration date provided for in~~
29 ~~Section 66452.6, 66452.21, or 66463.5.~~

30 ~~(c) Any legislative, administrative, or other approval by any~~
31 ~~state agency that pertains to a development project included in a~~
32 ~~map that is extended pursuant to subdivision (a) shall be extended~~
33 ~~by 24 months if this approval has not expired on the date that the~~
34 ~~act that adds this section becomes effective.~~

35 ~~SEC. 3.~~

36 *SEC. 2.* Section 66452.11 of the Government Code, as added
37 by Section 6 of Chapter 612 of the Statutes of 2007, is amended
38 and renumbered to read:

39 66452.14 (a) Pursuant to the provisions of subparagraph (E)
40 of paragraph (2) of subdivision (a) of Section 66427.1, the

1 subdivider shall give written notice of the intent to convert 180
 2 days prior to the termination of tenancy in the form outlined in
 3 subdivision (b), to each tenant of the subject property.

4 (b) The notice shall be as follows:

5
 6 "To the occupant(s) of
 7 _____:
 8 (address)
 9

10 The owner(s) of this building, at (address), plans to convert this
 11 building to a (condominium, community apartment, or stock
 12 cooperative project). This is a notice of the owner's intention to
 13 convert the building to a (condominium, community apartment,
 14 or stock cooperative project).

15 A tentative map to convert the building to a (condominium,
 16 community apartment, or stock cooperative project) was approved
 17 by the City on _____. If the City approves a final map, you
 18 may be required to vacate the premises, but that cannot happen
 19 for at least 180 days from the date this notice was served upon
 20 you.

21 Any future notice given to you to terminate your tenancy because
 22 of the conversion cannot be effective for at least 180 days from
 23 the date this notice was served upon you. This present notice is
 24 not a notice to terminate your tenancy; it is not a notice that you
 25 must now vacate the premises.

26
 27 _____
 28 (signature of owner or owner's agent)
 29 _____
 30 (date)"
 31

32 The written notices to tenants required by this section shall be
 33 deemed satisfied if such notices comply with the legal requirements
 34 for service by mail.

35 ~~SEC. 4.~~

36 *SEC. 3.* Section 66452.12 of the Government Code, as added
 37 by Section 7 of Chapter 612 of the Statutes of 2007, is amended
 38 and renumbered to read:

39 66452.15 (a) Pursuant to subparagraph (F) of paragraph (2)
 40 of subdivision (a) of Section 66427.1, the subdivider shall give

1 written notice within five days after receipt of the subdivision
2 public report to each tenant of his or her exclusive right for at least
3 90 days after issuance of the subdivision public report to contract
4 for the purchase of his or her respective unit in the form outlined
5 in subdivision (b).

6 (b) The notice shall be as follows:

7
8 "To the occupant(s) of
9 _____:
10 (address)

11
12 The owner(s) of this building, at (address), have received the
13 final subdivision report on the proposed conversion of this building
14 to a (condominium, community apartment, or stock cooperative
15 project). Commencing on the date of issuance of the subdivision
16 public report, you have the exclusive right for 90 days to contract
17 for the purchase of your rental unit upon the same or more
18 favorable terms and conditions than the unit will initially be offered
19 to the general public.

20
21 _____
22 (signature of owner or owner's agent)
23 _____
24 (date)"

25
26 The written notices to tenants required by this section shall be
27 deemed satisfied if the notices comply with the legal requirements
28 for service by mail.

29 ~~SEC. 5. Section 66452.13 of the Government Code is amended~~
30 ~~to read:~~

31 ~~66452.13. (a) The expiration date of any tentative or vesting~~
32 ~~tentative subdivision map or parcel map for which a tentative map~~
33 ~~or vesting tentative map has been approved, that has not expired~~
34 ~~on or before the date the act that adds this section becomes effective~~
35 ~~shall be extended by 12 months.~~

36 ~~(b) The extension provided by subdivision (a) shall be in~~
37 ~~addition to any extension of the expiration date provided for in~~
38 ~~Section 66452.6, 66452.11, 66452.21, or 66463.5.~~

39 ~~(c) Any legislative, administrative, or other approval by any~~
40 ~~state agency that pertains to a development project included in a~~

1 ~~map that is extended pursuant to subdivision (a) shall be extended~~
2 ~~by 12 months if this approval has not expired on the date that the~~
3 ~~act that adds this section becomes effective. This extension shall~~
4 ~~be in addition to any extension provided for in Section 66452.11.~~

5 ~~SEC. 6.~~

6 *SEC. 4.* Section 66452.21 is added to the Government Code,
7 to read:

8 66452.21. (a) The expiration date of any tentative or vesting
9 tentative subdivision map or parcel map for which a tentative or
10 vesting tentative map, as the case may be, has been approved that
11 has not expired on the date that the act that adds this section
12 becomes effective *and that will expire before January 1, 2011,*
13 shall be extended by 12 months.

14 (b) The extension provided by subdivision (a) shall be in
15 addition to any extension of the expiration date provided for in
16 Section 66452.6, 66452.11, 66452.13, or 66463.5.

17 (c) Any legislative, administrative, or other approval by any
18 state agency that pertains to a development project included in a
19 map that is extended pursuant to subdivision (a) shall be extended
20 by 12 months if this approval has not expired on the date that the
21 act that adds this section becomes effective. This extension shall
22 be in addition to any extension provided for in Section 66452.13.

23 (d) *For purposes of this section, the determination of whether*
24 *a tentative subdivision map or parcel map expires before January*
25 *1, 2011, shall count only those extensions of time pursuant to*
26 *subdivision (e) of Section 66452.6 or subdivision (e) of Section*
27 *66463.5 approved on or before the date of the act that adds this*
28 *section becomes effective and any additional time in connection*
29 *with the filing of a final map pursuant to subdivision (a) of Section*
30 *66452.6 for a map that was recorded on or before the of the act*
31 *date that adds this section becomes effective. The determination*
32 *shall not include any development moratorium or litigation stay*
33 *allowed or permitted by Section 66452.6 or 66463.5.*

34 ~~SEC. 7.~~

35 *SEC. 5.* Section 66463.5 of the Government Code is amended
36 to read:

37 66463.5. (a) When a tentative map is required, an approved
38 or conditionally approved tentative map shall expire 24 months
39 after its approval or conditional approval, or after any additional

1 period of time as may be prescribed by local ordinance, not to
2 exceed an additional 12 months.

3 (b) The expiration of the approved or conditionally approved
4 tentative map shall terminate all proceedings, and no parcel map
5 of all or any portion of the real property included within the
6 tentative map shall be filed without first processing a new tentative
7 map. Once a timely filing is made, subsequent actions of the local
8 agency, including, but not limited to, processing, approving, and
9 recording, may lawfully occur after the date of expiration of the
10 tentative map. Delivery to the county surveyor or city engineer
11 shall be deemed a timely filing for purposes of this section.

12 (c) Upon application of the subdivider filed prior to the
13 expiration of the approved or conditionally approved tentative
14 map, the time at which the map expires may be extended by the
15 legislative body or by an advisory agency authorized to approve
16 or conditionally approve tentative maps for a period or periods not
17 exceeding a total of six years. Prior to the expiration of an approved
18 or conditionally approved tentative map, upon the application by
19 the subdivider to extend that map, the map shall automatically be
20 extended for 60 days or until the application for the extension is
21 approved, conditionally approved, or denied, whichever occurs
22 first. If the advisory agency denies a subdivider's application for
23 an extension, the subdivider may appeal to the legislative body
24 within 15 days after the advisory agency has denied the extension.

25 (d) (1) The period of time specified in subdivision (a) shall not
26 include any period of time during which a development
27 moratorium, imposed after approval of the tentative map, is in
28 existence. However, the length of the moratorium shall not exceed
29 five years.

30 (2) Once a moratorium is terminated, the map shall be valid for
31 the same period of time as was left to run on the map at the time
32 that the moratorium was imposed. However, if the remaining time
33 is less than 120 days, the map shall be valid for 120 days following
34 the termination of the moratorium.

35 (e) The period of time specified in subdivision (a), including
36 any extension thereof granted pursuant to subdivision (c), shall
37 not include the period of time during which a lawsuit involving
38 the approval or conditional approval of the tentative map is, or
39 was, pending in a court of competent jurisdiction, if the stay of the
40 time period is approved by the local agency pursuant to this section.

1 After service of the initial petition or complaint in the lawsuit upon
2 the local agency, the subdivider may apply to the local agency for
3 a stay pursuant to the local agency's adopted procedures. Within
4 40 days after receiving the application, the local agency shall either
5 stay the time period for up to five years or deny the requested stay.
6 The local agency may, by ordinance, establish procedures for
7 reviewing the requests, including, but not limited to, notice and
8 hearing requirements, appeal procedures, and other administrative
9 requirements.

10 (f) For purposes of this section, a development moratorium shall
11 include a water or sewer moratorium or a water and sewer
12 moratorium, as well as other actions of public agencies that regulate
13 land use, development, or the provision of services to the land,
14 including the public agency with the authority to approve or
15 conditionally approve the tentative map, which thereafter prevents,
16 prohibits, or delays the approval of a parcel map.

17 (g) Notwithstanding subdivisions (a), (b), and (c), for the
18 purposes of Chapter 4.5 (commencing with Section 66498.1),
19 subdivisions (b), (c), and (d) of Section 66498.5 shall apply to
20 vesting tentative maps prepared in connection with a parcel map
21 except that, for purposes of this section, the time periods specified
22 in subdivisions (b), (c), and (d) of Section 66498.5 shall be
23 determined from the recordation of the parcel map instead of the
24 final map.

25 ~~SEC. 8.~~

26 *SEC. 6.* No reimbursement is required by this act pursuant to
27 Section 6 of Article XIIB of the California Constitution because
28 a local agency or school district has the authority to levy service
29 charges, fees, or assessments sufficient to pay for the program or
30 level of service mandated by this act, within the meaning of Section
31 17556 of the Government Code.

32 ~~SEC. 9.~~

33 *SEC. 7.* This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within
35 the meaning of Article IV of the Constitution and shall go into
36 immediate effect. The facts constituting the necessity are:

37 In order to permit cities, counties, and a city and county to
38 preserve development applications that are set to expire and that
39 cannot be processed presently due to prevailing adverse economic

SB 1185

— 12 —

- 1 conditions in the construction industry, it is necessary that this act
- 2 take immediate effect.

O

Attachment 3

BILL ANALYSIS

SENATE RULES COMMITTEE Office of Senate Floor Analyses 1020 N Street, Suite 524 (916) 651-1520 Fax: (916) 327-4478	SB 1185
---	---------

THIRD READING

Bill No: SB 1185
 Author: Lowenthal (D), et al
 Amended: 5/23/08
 Vote: 27 - Urgency

SENATE LOCAL GOVERNMENT COMMITTEE : 5-0, 4/2/08
 AYES: Negrete McLeod, Cox, Harman, Kehoe, Machado

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8

SUBJECT : Land use: subdivision maps

SOURCE : Author

DIGEST : This bill 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 and that will expire before January 1, 2011. This bill also extends the expiration date by 12 months for a legislative, administrative or other approval by a state agency relating to a development project in a subdivision affected by the bill. This bill increases the time for local discretionary extensions for tentative subdivision maps from five years to six years.

Senate Floor Amendments 5/23/08 qualify subdivisions for time extensions.

Senate Floor Amendments of 5/12/08 increase the time for local discretionary extensions for tentative subdivision maps from five years to six years.

Senate Floor Amendments of 5/1/08 reduce the statutory extension from 24 months to 12 months, and increase the time for local discretionary extensions from five years to six years. The amendments also add coauthors.

ANALYSIS : 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. The Map Act sets deadlines for subdividers to complete the conditions on their tentative maps. Cities and counties may grant discretionary extensions for up to five years.

This bill:

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, and does not expire before January 1, 2011.
2. Extends the expiration date by 12 months for a legislative, administrative or other approval by a state agency relating to a development project in a subdivision affected by the bill.
3. Increases the time for local discretionary extensions for tentative subdivision maps from five to six years.
4. Provides that determination for extension to subdivisions maps take into account previous discretionary extensions, but do not include extensions because of litigation and moratoria.
5. Makes conforming amendments to current law, including renumbering a code section.

Comments

During the mid-1990s recession, the Legislature extended the life of unexpired tentative maps, without local review or approval. Tentative maps that were valid on September 13, 1993, gained an extra two years (SB 428, Thompson, Chapter 407, Statutes of 1993). Tentative maps that were valid on May 14, 1996, gained one year (AB 771, Aguiar, Chapter 46, Statutes of 1996).

Builders say they produced only 112,715 dwelling units in 2007, the lowest number since 1997. They estimate that they will construct only 87,200 dwelling units in 2008, the lowest since 1995. Builders say that there are 1,790 approved tentative maps containing 247,348 unbuilt dwelling units. Because of the poor housing market, they want legislators to extend the life of these unexpired tentative maps.

Until the demand for new housing resumes, subdividers aren't likely to complete the required conditions of their tentative maps and qualify for final maps. With statutory

time limits looming, some builders risk losing their earlier approvals and having to start over again. Similar to the Legislature's two responses in the 1990s, this bill preserves residential subdividers' ability to complete their conditions so that they can build houses once California's economy picks up again.

Related Legislation

AB 1777 (Houston), AB 2520 (Walters), and SB 1237 (Cox).

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: Yes

SUPPORT : (Verified 5/28/08)

American Contractors Indemnity Company
American-USA Homes LLC
California Association of Community Managers Inc.
California Association of Realtors
California Building Industry Association
California Business Properties Association
California Chamber of Commerce
California Major Builders Council
California Manufacturers & Technology Association
CondoConversions.com
Consulting Engineers & Land Surveyors of California
Estrella Associates Inc.
K. Hovanian Homes
Landmark Consulting
League of California Cities
Lewis Operating Corporation
Orange County Taxpayers Association
Pardee Homes
Pinnacle Homes
Pulte Homes
Signature Properties
SKK Developments
Western Electrical Contractors Association
William Lyon Homes Inc.

AGB:nl 5/28/08 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****