

Date of Hearing: September 8, 2015

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Brian Maienschein, Chair

AB 1303 (Gray) – As Amended August 18, 2015

SUBJECT: Subdivision Map Act: map expiration dates.

SUMMARY: Provides an automatic 24-month extension for unexpired subdivision maps approved after January 1, 2000, in jurisdictions that meet specified criteria. Specifically, **this bill:**

- 1) Extends, by 24 months, the expiration date for any tentative subdivision map, vesting tentative map, or parcel map for which a tentative map or tentative vesting map was approved on or after January 1, 2002, and not later than July 11, 2013, and that has not expired before the bill takes effect, if the map was approved within a county that meets the following conditions:
 - a) The annual mean household income within the county is less than 80% of the statewide annual mean incomes, as determined by the most recent annual report of the federal American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014) published by the United states Census Bureau;
 - b) The annual nonseasonal unemployment rate is at least 2.75% higher than the statewide annual nonseasonal unemployment rates, as defined by the report on Labor Market Review published by the Employment Development Department in January of the year in which the community revitalization plan is prepared; and,
 - c) The population for whom the poverty status is determined is at least 4% higher than the statewide median poverty rate, as determined by the most recent annual report of the American Community Survey 5-year Estimates, based upon the American Community Survey Design and Methodology publication (Version 2.0, January 2014).
- 2) Provides, if the map was approved or conditionally approved within a county that meets the requirements of 1), above, upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 2001, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with applicable zoning and general plan requirements in effect when the application is filed.
- 3) Specifies that if the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months.
- 4) Provides, prior to the expiration of an approved or conditionally approved tentative map, upon application by the subdivider to extend the map, that the map shall automatically be

extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last.

- 5) Provides that the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension, if the advisory agency denies the application for an extension.
- 6) Provides that the extension is in addition to any extension provided in statute, as specified, and that any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to the bill's provisions shall be extended by 24 months if the approval has not expired, as specified.
- 7) Reduces, from five years to three years, the period of time after the approval or conditional approval of a tentative map, or recordation of a parcel map, during which a city or county is prohibited, with exceptions, from imposing specified conditions on a building permit or equivalent permit.
- 8) Provides that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit.
- 9) Provides that no reimbursement is necessary because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service, as specified.
- 10) Contains an urgency clause and provides the following as the facts constituting the necessity are:

In order to permit cities, counties, and cities and counties to preserve development applications that are set to expire and that cannot be processed due to prevailing adverse economic conditions in the construction industry, it is necessary that this act take effect immediately.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary.** Within counties that meet specified criteria, Assembly Bill 1303 extends, by 24 months, the expiration date for any tentative map, vesting tentative map, or parcel map for which a tentative map or tentative vesting map was approved on or after January 1, 2002, and not later than July 11, 2013, and which has not expired when this urgency bill takes effect.

AB 1303's provisions only apply to maps approved within counties that meet the following criteria:

- The annual mean household income within the county is less than 80% of the statewide annual mean income, as determined by a specified U.S. Census Bureau report;

- The county's annual nonseasonal unemployment rate is at least 2.75% higher than the statewide annual nonseasonal unemployment rate, as defined by a specified Employment Development Department report; and,
- The poverty rate within the county's population is at least 4% higher than the statewide median poverty rate, as determined by a specified U.S. Census Bureau report.

AB 1303 requires a legislative body to extend the time at which the map expires for a period of 24 months, upon a determination that the map is consistent with the applicable zoning and general plan requirement in effect when the application is filed.

If the map is determined to be inconsistent with applicable zoning and general plan requirements in effect when the application is filed, AB 1303 authorizes the legislative body or advisory agency to deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon a subdivider's application to extend that map, AB 1303 automatically extends the map for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the bill authorizes a subdivider to appeal to the legislative body within 15 days after the advisory agency denied the extension. An extension provided pursuant to AB 1303 is in addition to extensions authorized by eight specified statutes.

For any legislative, administrative, or other approval by a state agency relating to a development project in a subdivision affected by AB 1303 that has not expired when the bill takes effect, AB 1303 extends the expiration date by 24 months. This extension is in addition to five other statutory extensions.

AB 1303 reduces, from five years to three years, the period of time after the approval or conditional approval of a tentative map, or recordation of a parcel map, during which a city or county is prohibited, with exceptions, from imposing specified conditions on a building permit or equivalent permit. The bill also provides that the local agency is not prohibited from levying a fee, or imposing a condition that requires the payment of a fee upon the issuance of a building permit.

- 2) **Author's Statement.** According to the author, "AB 1303 will provide developers a 24-month extension on unexpired tentative tract and parcel maps in counties that have not yet fully recovered from the recession. Qualifying counties must demonstrate economic hardships in the areas of household income, unemployment and poverty. By allowing developers additional time to utilize the maps in which they have already invested significant time and expense, these impoverished communities will create jobs and develop economic supports crucial to their recovery. Without this targeted extension, those investments will atrophy, calling the future of impacted developments into question and potentially exacerbating the persistent economic depression in these communities."
- 3) **Background.** The Subdivision Map Act (Act) provides that cities and counties regulate and control the design and improvement of subdivisions within their boundaries. Cities and counties approve tentative maps which specify certain conditions and requirements that must be met. Once subdivider comply with these conditions, local officials make the determination to issue final maps.

In the event a tentative map expires before a final map is issued, the subdivider must start the process over, sacrificing the initial investment and significantly increasing costs and time before development can begin. The Legislature has approved a number of extensions for tentative tract and parcel maps during economic downturns to encourage new development. The latest statewide extension will expire on January 1, 2016.

- 4) **Arguments in Support.** Supporters argue that these maps represent hundreds of construction projects, thousands of construction jobs and millions of dollars directly to state and local coffers, and that protecting these maps, projects, and jobs ensures that all parts of California's housing industry is poised to assist in California's economic revival.
- 5) **Arguments in Opposition.** None on file.
- 6) **Urgency Clause.** This bill contains an urgency clause and requires a two-thirds vote of each house.

REGISTERED SUPPORT / OPPOSITION:

Support

Bakersfield Association of Realtors
Building Industry Association of Fresno/Madera Counties
Building Industry Association of the Greater Valley
Building Industry Association of Tulare/Kings Counties
California Association of Realtors
California Chamber of Commerce
DeWalt Corporation
Home Builders Association of Kern County

Opposition

None on file

Analysis Prepared by: Debbie Michel / L. GOV. / (916) 319-3958