

Date of Hearing: July 3, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 249 (Nielsen) – As Amended March 28, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Land use: Subdivision Map Act: expiration dates.

**SUMMARY:** Allows certain unexpired subdivision maps in Butte County to be extended for up to 36 months. Specifically, **this bill:**

- 1) Allows a legislative body located within Butte County to extend the expiration date for up to 36 months of an tentative map or vesting tentative map, that was approved on or after January 1, 2006, and not later than March 31, 2019, that relates to the construction of single or multifamily housing, and that has not expired on or before the effective date of this act.
- 2) Allows 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 1) above, to be extended by 36 months if the approval has not expired on or before the effective date of this act.
- 3) Provides that the extensions above in 1), and 2), are in addition to any extension of the expiration date in previously chaptered legislation, as specified.
- 4) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable because of the unique circumstances in Butte County and the cities within the County.
- 5) Provides that no reimbursement is required by this act 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 mandated by this act.
- 6) Provides that the bill is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect.

**EXISTING LAW:**

- 1) Establishes, pursuant to the Subdivision 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.
- 2) 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.

- 3) Provides for a three-year time period 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.
- 4) 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.

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

**COMMENTS:**

- 1) **Subdivision Map Act and Previous Extensions.** 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's approval and the filing of a final map. If a tentative map expires, the subdivider must start over, complying with any new required conditions.

The initial life of a tentative map is two years. At the option of the city or county, a map's initial life can be three years. However, tentative maps can be valid for up to 16 years absent special extensions granted by the Legislature, through a combination of extensions that a local government must grant and voluntary extensions. Specifically, if the subdivider spends substantial funds and files phased final maps, the remaining tentative map is automatically extended by three years or more, up to a maximum of 10 years. A local government can further extend this 10 years by another six years, at its discretion. These deadlines do not apply during development moratoria (up to five years) or during pending litigation (up to five years).

The Legislature has extended the life of unexpired subdivision approvals, without local review or approval. Unexpired subdivision maps that were valid on:

- September 13, 1993, gained two more years in SB 428, (Thompson, 1993).
- May 14, 1996, gained one more year in AB 771, (Aguilar, 1996).
- July 15, 2008, gained one more year in SB 1185, (Lowenthal, 2008).
- July 15, 2009, gained two more years in AB 333, (Fuentes, 2009).
- July 15, 2011, gained two more years in AB 208, (Fuentes, 2011).

When the Legislature granted the one-year extension in 2008, it also let local officials grant an additional year, at their discretion in SB 1185, (Lowenthal, 2008).

In 2013, the Legislature granted unexpired subdivision maps another two-year extension in AB 116 (Bocanegra). Under the provisions of AB 116, tentative maps approved after January 1, 2000, and were pending on July 11, 2013, received an automatic extension of 24 months. For tentative maps initially approved before January 1, 2000, a subdivider must

file an application at least 90 days prior to the map expiration. If the local agency determines that the map is consistent with the planning and zoning standards in effect at the time of the extension application, the local agency must grant an extension of 24 months. If the tentative map is not consistent with the new standards, then the agency may deny or conditionally approve the extension for up to 24 months.

The Legislature further extended tentative maps in 2015, with the enactment of AB 1303 (Gray). Within counties that meet specified criteria, AB 1303 granted an additional 24-month extension for maps approved between January 1, 2002, and July 11, 2013, and which had not expired by October 15, 2015. As with AB 116, for maps approved before December 31, 2001, AB 1303 requires a legislative body to extend maps for 24 months if the map is consistent with the current applicable zoning and general plan requirements; otherwise, the local agency may deny the extension.

AB 1303 aimed to help developers in counties where the economic effects of the recession continued to depress housing prices, so its provisions apply only to maps approved within counties that meet all the following criteria:

- a) 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;
- b) 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,
- c) 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.

Accordingly, counties where maps were eligible for extension under AB 1303 include Fresno, Imperial, Kern, Kings, Madera, Merced, Modoc, Siskiyou, Stanislaus, Tulare, and Yuba.

- 2) **Bill Summary and Author's Statement.** This bill allows certain unexpired subdivision maps in Butte County to be extended for up to 36 months, and contains an urgency clause to take effect immediately. The County of Butte is the sponsor of this measure.

According to the author, "The Camp Fire devastated Butte County, killed 85 individuals, and destroyed tens of thousands of homes and businesses. The impacts were not just limited to those who lost homes within the path of the fire; communities all throughout Butte County have been staggered by an influx of refugees seeking housing. In good times, it is easy to comply with a tentative map's conditions in a few years. However, when difficult times occur – such as those currently facing Butte County – the difficulty of getting final approval can drag because of uncertainty.

"Allowing developers additional time to use these maps will help to promote economic activity and jobs in a region that is reeling from a devastating natural disaster. It also protects against unnecessary delays in constructing housing for Camp Fire survivors by helping ensure that builders retain the approvals needed to begin construction."

- 3) **Arguments in Support.** Supporters argue that local agencies can help communities rebuild after the recent devastating fires in Butte County, and this bill ensures that this can happen.
- 4) **Arguments in Opposition.** None on file.
- 5) **Urgency Clause.** This bill contains an urgency clause and requires a two-thirds vote of each house.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

County of Butte [SPONSOR]  
California Apartment Association  
California Association of Realtors

**Opposition**

None on file

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