

Tentative Map Life Extended Again for Two Years

Governor Jerry Brown has signed into law AB 116, which again extends the life of tentative maps by two years. The move recognizes that, despite the rebounding housing market in many cities, many approved maps in California that are set to expire still cannot be processed because of persistent adverse economic conditions. Unlike the three other statutory extensions enacted since 2008, the current extension is not limited to maps that are otherwise set to expire within a specified time. Rather, the new two-year extension applies to all maps that were approved on or after January 1, 2000, and had not expired on or before the effective date of AB 116 (July 11, 2013). Maps approved before 2000 that are still in effect today that were may still qualify for the current extension, but only upon application by the subdivider and local agency review for consistency with applicable General Plan and zoning regulations. One limitation on the benefits of the extension is that the protection afforded by the Map Act's "one bite of the apple" rule is shortened by two years for maps extended under AB 116. The "one bite of the apple" rule (Government Code § 65961) provides that, during the five-year period following recordation of a final map, a city is prohibited from imposing new conditions upon a residential subdivision that could lawfully have been imposed as conditions at the time the tentative map was approved. Where a residential subdivider relies upon AB 116 to extend the life of its tentative map, this five-year period is reduced to three years. The new extension is in addition to all previously enacted statutory extensions, including those in 2008, 2009, and 2011, as well as other discretionary or automatic extensions permitted under the Map Act. AB 116 also automatically extends by two years the life of any legislative, administrative, or other approval by a state agency pertaining to the development project included in the map. Note that the statute does not automatically extend the life of other local agency approvals to which the map relates such as zoning approvals or use permits. Extending the life of those approvals will require action by the local agency.

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