

AMENDED IN ASSEMBLY JUNE 26, 2008

AMENDED IN ASSEMBLY JUNE 10, 2008

AMENDED IN SENATE MAY 23, 2008

AMENDED IN SENATE APRIL 8, 2008

AMENDED IN SENATE APRIL 1, 2008

**SENATE BILL**

**No. 1237**

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**Introduced by Senator Cox**

February 14, 2008

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*An act to amend Sections 66412, 66434, 66439, 66445, 66447, 66452.6, and 66463.5 of, and to add Section 66452.21 to, the Government Code, relating to land use. An act to amend Sections 66412, 66434, 66439, 66445, and 66447 of the Government Code, relating to land use.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1237, as amended, Cox. Subdivision Map Act: lot line adjustments: designated remainders and omitted parcels: dedications for public purposes.

(1) The Subdivision Map Act establishes standards and procedures for subdivision of land in the state by prohibiting the selling, leasing, or financing of any parcel of real property without compliance with the map review, approval, and recordation requirements of the act.

The act exempts from its provisions, among other things, a lot line adjustment between 4 or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created,

if the lot line adjustment is approved by the local agency or advisory agency.

This bill would require a local agency or advisory agency to act to approve or disapprove a lot line adjustment within 60 days after receipt of a complete application for the lot line adjustment.

(2) The act requires that final maps and parcel maps be prepared by or under the direction of a registered civil engineer or licensed land surveyor and conform to all of specified provisions, including that the exterior boundary of the land included within the subdivision be indicated by distinctive symbols and clearly so designated.

This bill would require that the exterior boundary of the land included within the subdivision not include a parcel that has been designated as a remainder of the subdivision or has been omitted from the subdivision.

(3) The act requires that dedications of, or offers to dedicate interests in, real property for specified public purposes be made by a statement on the final map, signed and acknowledged by those parties having any record title interest in the real property being subdivided.

This bill would require, if a subdivider is required under the act or any other provision of law to make a dedication for specified public purposes on a final map, that the local agency specify whether the dedication is to be in fee for public purposes or an easement for public purposes. The bill would require the subdivider to include certain language in the dedication clause on the final map or any separate instrument.

~~(4) The act requires the expiration date of any tentative subdivision map, or parcel map for which a tentative map has been approved, that has not expired on specified dates to be extended by specified periods.~~

~~This bill would also extend the applicable expiration date to 12 months, as specified, for any tentative or vesting tentative map for which a map has been approved or conditionally approved on or before June 1, 2007, that has not expired on January 1, 2009, and will expire on or before January 1, 2011.~~

~~(5) The act provides that when a tentative map is required, an approved or conditionally approved tentative map expires 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.~~

~~(6)~~

(4) The bill would establish a state-mandated local program by imposing new duties upon local agencies.

~~(7)~~

(5) 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.

Vote: majority. 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 66412 of the Government Code is  
2 amended to read:

3 66412. This division shall be inapplicable to any of the  
4 following:

5 (a) The financing or leasing of apartments, offices, stores, or  
6 similar space within apartment buildings, industrial buildings,  
7 commercial buildings, mobilehome parks, or trailer parks.

8 (b) Mineral, oil, or gas leases.

9 (c) Land dedicated for cemetery purposes under the Health and  
10 Safety Code.

11 (d) A lot line adjustment between four or fewer existing  
12 adjoining parcels, where the land taken from one parcel is added  
13 to an adjoining parcel, and where a greater number of parcels than  
14 originally existed is not thereby created, if the lot line adjustment  
15 is approved by the local agency or advisory agency. A local agency  
16 or advisory agency shall limit its review and approval to a  
17 determination of whether or not the parcels resulting from the lot  
18 line adjustment will conform to the local general plan, any  
19 applicable specific plan, any applicable coastal plan, and zoning  
20 and building ordinances. An advisory agency or local agency shall  
21 not impose conditions or exactions on its approval of a lot line  
22 adjustment except to conform to the local general plan, any  
23 applicable specific plan, any applicable coastal plan, and zoning

1 and building ordinances, to require the prepayment of real property  
2 taxes prior to the approval of the lot line adjustment, or to facilitate  
3 the relocation of existing utilities, infrastructure, or easements. No  
4 tentative map, parcel map, or final map shall be required as a  
5 condition to the approval of a lot line adjustment. The lot line  
6 adjustment shall be reflected in a deed, which shall be recorded.  
7 No record of survey shall be required for a lot line adjustment  
8 unless required by Section 8762 of the Business and Professions  
9 Code. A local agency shall approve or disapprove a lot line  
10 adjustment pursuant to Chapter 4.5 (commencing with Section  
11 65920) of Division 1.

12 (e) Boundary line or exchange agreements to which the State  
13 Lands Commission or a local agency holding a trust grant of tide  
14 and submerged lands is a party.

15 (f) Any separate assessment under Section 2188.7 of the  
16 Revenue and Taxation Code.

17 (g) Unless a parcel or final map was approved by the legislative  
18 body of a local agency, the conversion of a community apartment  
19 project, as defined in Section 1351 of the Civil Code, to a  
20 condominium, as defined in Section 783 of the Civil Code, but  
21 only if all of the following requirements are met:

22 (1) At least 75 percent of the units in the project were occupied  
23 by record owners of the project on March 31, 1982.

24 (2) A final or parcel map of the project was properly recorded,  
25 if the property was subdivided, as defined in Section 66424, after  
26 January 1, 1964, with all of the conditions of that map remaining  
27 in effect after the conversion.

28 (3) The local agency certifies that the above requirements were  
29 satisfied if the local agency, by ordinance, provides for that  
30 certification.

31 (4) Subject to compliance with subdivision (e) of Section 1351  
32 of the Civil Code, all conveyances and other documents necessary  
33 to effectuate the conversion shall be executed by the required  
34 number of owners in the project as specified in the bylaws or other  
35 organizational documents. If the bylaws or other organizational  
36 documents do not expressly specify the number of owners  
37 necessary to execute the conveyances and other documents, a  
38 majority of owners in the project shall be required to execute the  
39 conveyances or other documents. Conveyances and other

1 documents executed under the foregoing provisions shall be  
2 binding upon and affect the interests of all parties in the project.

3 (h) Unless a parcel or final map was approved by the legislative  
4 body of a local agency, the conversion of a stock cooperative, as  
5 defined in Section 1351 of the Civil Code, to a condominium, as  
6 defined in Section 783 of the Civil Code, but only if all of the  
7 following requirements are met:

8 (1) At least 51 percent of the units in the cooperative were  
9 occupied by stockholders of the cooperative on January 1, 1981,  
10 or individually owned by stockholders of the cooperative on  
11 January 1, 1981. As used in this paragraph, a cooperative unit is  
12 “individually owned” if and only if the stockholder of that unit  
13 owns or partially owns an interest in no more than one unit in the  
14 cooperative.

15 (2) No more than 25 percent of the shares of the cooperative  
16 were owned by any one person, as defined in Section 17, including  
17 an incorporator or director of the cooperative, on January 1, 1981.

18 (3) A person renting a unit in a cooperative shall be entitled at  
19 the time of conversion to all tenant rights in state or local law,  
20 including, but not limited to, rights respecting first refusal, notice,  
21 and displacement and relocation benefits.

22 (4) The local agency certifies that the above requirements were  
23 satisfied if the local agency, by ordinance, provides for that  
24 certification.

25 (5) Subject to compliance with subdivision (e) of Section 1351  
26 of the Civil Code, all conveyances and other documents necessary  
27 to effectuate the conversion shall be executed by the required  
28 number of owners in the cooperative as specified in the bylaws or  
29 other organizational documents. If the bylaws or other  
30 organizational documents do not expressly specify the number of  
31 owners necessary to execute the conveyances and other documents,  
32 a majority of owners in the cooperative shall be required to execute  
33 the conveyances or other documents. Conveyances and other  
34 documents executed under the foregoing provisions shall be  
35 binding upon and affect the interests of all parties in the  
36 cooperative.

37 (i) The leasing of, or the granting of an easement to, a parcel of  
38 land, or any portion or portions thereof, in conjunction with the  
39 financing, erection, and sale or lease of a windpowered electrical

1 generation device on the land, if the project is subject to  
2 discretionary action by the advisory agency or legislative body.

3 (j) The leasing or licensing of a portion of a parcel, or the  
4 granting of an easement, use permit, or similar right on a portion  
5 of a parcel, to a telephone corporation as defined in Section 234  
6 of the Public Utilities Code, exclusively for the placement and  
7 operation of cellular radio transmission facilities, including, but  
8 not limited to, antennae support structures, microwave dishes,  
9 structures to house cellular communications transmission  
10 equipment, power sources, and other equipment incidental to the  
11 transmission of cellular communications, if the project is subject  
12 to discretionary action by the advisory agency or legislative body.

13 (k) Leases of agricultural land for agricultural purposes. As used  
14 in this subdivision, “agricultural purposes” means the cultivation  
15 of food or fiber, or the grazing or pasturing of livestock.

16 SEC. 2. Section 66434 of the Government Code is amended  
17 to read:

18 66434. The final map shall be prepared by or under the  
19 direction of a registered civil engineer or licensed land surveyor,  
20 shall be based upon a survey, and shall conform to all of the  
21 following provisions:

22 (a) It shall be legibly drawn, printed, or reproduced by a process  
23 guaranteeing a permanent record in black on tracing cloth or  
24 polyester base film. Certificates, affidavits, and acknowledgments  
25 may be legibly stamped or printed upon the map with opaque ink.  
26 If ink is used on polyester base film, the ink surface shall be coated  
27 with a suitable substance to assure permanent legibility.

28 (b) The size of each sheet shall be 18 by 26 inches or 460 by  
29 660 millimeters. A marginal line shall be drawn completely around  
30 each sheet, leaving an entirely blank margin of one inch or 025  
31 millimeters. The scale of the map shall be large enough to show  
32 all details clearly and enough sheets shall be used to accomplish  
33 this end. The particular number of the sheet and the total number  
34 of sheets comprising the map shall be stated on each of the sheets,  
35 and its relation to each adjoining sheet shall be clearly shown.

36 (c) All survey and mathematical information and data necessary  
37 to locate all monuments and to locate and retrace any and all  
38 interior and exterior boundary lines appearing on the map shall be  
39 shown, including bearings and distances of straight lines, and radii  
40 and arc length or chord bearings and length for all curves, and any

1 information that may be necessary to determine the location of the  
2 centers of curves and ties to existing monuments used to establish  
3 the subdivision boundaries.

4 (d) Each parcel shall be numbered or lettered and each block  
5 may be numbered or lettered. Each street shall be named or  
6 otherwise designated. The subdivision number shall be shown  
7 together with the description of the real property being subdivided.

8 (e) (1) The exterior boundary of the land included within the  
9 subdivision shall be indicated by distinctive symbols and clearly  
10 so designated. The exterior boundary of the land included within  
11 the subdivision shall not include a designated remainder or omitted  
12 parcel that is designated or omitted under Section 66424.6. The  
13 designated remainder or omitted parcel shall be labeled as a  
14 designated remainder parcel or an omitted parcel. The map shall  
15 show the definite location of the subdivision, and particularly its  
16 relation to surrounding surveys.

17 (2) If the map includes a “designated remainder” parcel, and  
18 the gross area of the “designated remainder” parcel or similar  
19 parcel is five acres or more, that remainder parcel need not be  
20 shown on the map and its location need not be indicated as a matter  
21 of survey, but only by deed reference to the existing boundaries  
22 of the remainder parcel.

23 (3) A parcel designated as “not a part” shall be deemed to be a  
24 “designated remainder” for purposes of this section.

25 (f) On and after January 1, 1987, no additional requirements  
26 shall be included that do not affect record title interests. However,  
27 the map shall contain a notation or reference to additional  
28 information required by a local ordinance adopted pursuant to  
29 Section 66434.2.

30 (g) Any public streets or public easements to be left in effect  
31 after the subdivision shall be adequately delineated on the map.  
32 The filing of the final map shall constitute abandonment of all  
33 public streets and public easements not shown on the map, provided  
34 that a written notation of each abandonment is listed by reference  
35 to the recording data or other official record creating these public  
36 streets or public easements and certified to on the map by the clerk  
37 of the legislative body or the designee of the legislative body  
38 approving the map. Before a public easement vested in another  
39 public entity may be abandoned pursuant to this section, that public  
40 entity shall receive notice of the proposed abandonment. No public

1 easement vested in another public entity shall be abandoned  
2 pursuant to this section if that public entity objects to the proposed  
3 abandonment.

4 SEC. 3. Section 66439 of the Government Code is amended  
5 to read:

6 66439. (a) Dedications of, or offers to dedicate interests in,  
7 real property for specified public purposes shall be made by a  
8 statement on the final map, signed and acknowledged by those  
9 parties having any record title interest in the real property being  
10 subdivided, subject to Section 66436.

11 (b) In the event any street shown on a final map is not offered  
12 for dedication, the statement may contain a declaration to this  
13 effect. If the statement appears on the final map and if the map is  
14 approved by the legislative body, the use of the street or streets by  
15 the public shall be permissive only.

16 (c) An offer of dedication of real property for street or public  
17 utility easement purposes shall be deemed not to include any public  
18 utility facilities located on or under the real property unless, and  
19 only to the extent that, an intent to dedicate the facilities is  
20 expressly declared in the statement.

21 (d) (1) If a subdivider is required under this division or any  
22 other provision of law to make a dedication for specified public  
23 purposes on a final map, the local agency shall specify whether  
24 the dedication is to be in fee for public purposes or an easement  
25 for public purposes.

26 (2) If the dedication is required to be in fee for public purposes,  
27 the subdivider shall include the following language in the  
28 dedication clause on the final map or any separate instrument:  
29 “The real property described below is dedicated in fee for public  
30 purposes: (here insert a description of the dedicated property that  
31 is adequate to convey the property).”

32 (3) If the dedication is required to be an easement for public  
33 purposes, the subdivider shall include the following language in  
34 the dedication clause on the parcel map or any separate instrument:  
35 “The real property described below is dedicated as an easement  
36 for public purposes: (here insert a description of the easement that  
37 is adequate to convey the dedicated property).”

38 SEC. 4. Section 66445 of the Government Code is amended  
39 to read:

1 66445. The parcel map shall be prepared by, or under the  
2 direction of, a registered civil engineer or licensed land surveyor,  
3 shall show the location of streets and property lines bounding the  
4 property, and shall conform to all of the following provisions:

5 (a) It shall be legibly drawn, printed, or reproduced by a process  
6 guaranteeing a permanent record in black on tracing cloth or  
7 polyester base film. Certificates or statements, affidavits, and  
8 acknowledgments may be legibly stamped or printed upon the map  
9 with opaque ink. If ink is used on polyester base film, the ink  
10 surface shall be coated with a suitable substance to assure  
11 permanent legibility.

12 (b) The size of each sheet shall be 18 by 26 inches or 460 by  
13 660 millimeters. A marginal line shall be drawn completely around  
14 each sheet, leaving an entirely blank margin of one inch or 025  
15 millimeters. The scale of the map shall be large enough to show  
16 all details clearly and enough sheets shall be used to accomplish  
17 this end. The particular number of the sheet and the total number  
18 of sheets comprising the map shall be stated on each of the sheets,  
19 and its relation to each adjoining sheet shall be clearly shown.

20 (c) Each parcel shall be numbered or lettered and each block  
21 may be numbered or lettered. Each street shall be named or  
22 otherwise designated. The subdivision number shall be shown  
23 together with the description of the real property being subdivided.

24 (d) (1) The exterior boundary of the land included within the  
25 subdivision shall be indicated by distinctive symbols and clearly  
26 so designated. The exterior boundary of the land included within  
27 the subdivision shall not include a designated remainder or omitted  
28 parcel that is designated or omitted under Section 66424.6. The  
29 designated remainder or omitted parcel shall be labeled as a  
30 designated remainder parcel or an omitted parcel.

31 (2) The map shall show the location of each parcel and its  
32 relation to surrounding surveys. If the map includes a “designated  
33 remainder” parcel or similar parcel, and the gross area of the  
34 “designated remainder” parcel or similar parcel is five acres or  
35 more, that remainder parcel need not be shown on the map and its  
36 location need not be indicated as a matter of survey, but only by  
37 deed reference to the existing boundaries of the remainder parcel.

38 (3) A parcel designated as “not a part” shall be deemed to be a  
39 “designated remainder” for purposes of this section.

1 (e) (1) Subject to the provisions of Section 66436, a statement,  
2 signed and acknowledged by all parties having any record title  
3 interest in the real property subdivided, consenting to the  
4 preparation and recordation of the parcel map is required, except  
5 that less inclusive requirements may be provided by local  
6 ordinance.

7 (2) With respect to a division of land into four or fewer parcels,  
8 where dedications or offers of dedications are not required, the  
9 statement shall be signed and acknowledged by the subdivider  
10 only. If the subdivider does not have a record title ownership  
11 interest in the property to be divided, the local agency may require  
12 that the subdivider provide the local agency with satisfactory  
13 evidence that the persons with record title ownership have  
14 consented to the proposed division. For purposes of this paragraph,  
15 “record title ownership” means fee title of record unless a leasehold  
16 interest is to be divided, in which case “record title ownership”  
17 means ownership of record of the leasehold interest. Record title  
18 ownership does not include ownership of mineral rights or other  
19 subsurface interests that have been severed from ownership of the  
20 surface.

21 (f) Notwithstanding any other provision of this article, local  
22 agencies may require that those statements and acknowledgments  
23 required pursuant to subdivision (e) be made by separate instrument  
24 to be recorded concurrently with the parcel map being filed for  
25 record.

26 (g) On and after January 1, 1987, no additional survey and map  
27 requirements shall be included on a parcel map that do not affect  
28 record title interests. However, the map shall contain a notation  
29 of reference to survey and map information required by a local  
30 ordinance adopted pursuant to Section 66434.2.

31 (h) Whenever a certificate or acknowledgment is made by  
32 separate instrument, there shall appear on the parcel map a  
33 reference to the separately recorded document. This reference shall  
34 be completed by the county recorder pursuant to Section 66468.1.

35 (i) If a field survey was performed, the parcel map shall contain  
36 a statement by the engineer or surveyor responsible for the  
37 preparation of the map that states that all monuments are of the  
38 character and occupy the positions indicated, or that they will be  
39 set in those positions on or before a specified date, and that the

1 monuments are, or will be, sufficient to enable the survey to be  
2 retraced.

3 (j) Any public streets or public easements to be left in effect  
4 after the subdivision shall be adequately delineated on the map.  
5 The filing of the parcel map shall constitute abandonment of all  
6 public streets and public easements not shown on the map, provided  
7 that a written notation of each abandonment is listed by reference  
8 to the recording data or other official record creating these public  
9 streets or public easements and certified to on the map by the clerk  
10 of the legislative body or the designee of the legislative body  
11 approving the map. Before a public easement vested in another  
12 public entity may be abandoned pursuant to this section, that public  
13 entity shall receive notice of the proposed abandonment. No public  
14 easement vested in another public entity shall be abandoned  
15 pursuant to this section if that public entity objects to the proposed  
16 abandonment.

17 SEC. 5. Section 66447 of the Government Code is amended  
18 to read:

19 66447. (a) If dedications or offers of dedication are required,  
20 they may be made either by a statement on the parcel map or by  
21 separate instrument, as provided by local ordinance. If dedications  
22 or offers of dedication are made by separate instrument, the  
23 dedications or offers of dedication shall be recorded concurrently  
24 with, or prior to, the parcel map being filed for record.

25 (b) The dedication or offers of dedication, whether by statement  
26 or separate instrument, shall be signed by the same parties and in  
27 the same manner as set forth in Section 66439 for dedications by  
28 a final map.

29 (c) (1) If a subdivider is required under this division or any  
30 other provision of law to make a dedication for specified public  
31 purposes on a parcel map, the local agency shall specify whether  
32 the dedication is to be in fee for public purposes or an easement  
33 for public purposes.

34 (2) If the dedication is required to be in fee for public purposes,  
35 the subdivider shall include the following language in the  
36 dedication clause on the parcel map or any separate instrument:  
37 “The real property described below is dedicated in fee for public  
38 purposes: (here insert a description of the dedicated property that  
39 is adequate to convey the property).”

1 (3) If the dedication is required to be an easement for public  
2 purposes, the subdivider shall include the following language in  
3 the dedication clause on the parcel map or any separate instrument:  
4 “The real property described below is dedicated as an easement  
5 for public purposes: (here insert a description of the easement that  
6 is adequate to convey the dedicated property).”

7 ~~SEC. 6.— Section 66452.6 of the Government Code is amended~~  
8 ~~to read:~~

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

34 ~~(2) Commencing January 1, 2005, and each calendar year~~  
35 ~~thereafter, the amount of one hundred seventy-eight thousand~~  
36 ~~dollars (\$178,000) shall be annually increased by operation of law~~  
37 ~~according to the adjustment for inflation set forth in the statewide~~  
38 ~~cost index for class B construction, as determined by the State~~  
39 ~~Allocation Board at its January meeting. The effective date of each~~  
40 ~~annual adjustment shall be March 1. The adjusted amount shall~~

1 apply to tentative and vesting tentative maps whose applications  
2 were received after the effective date of the adjustment.

3 (3) “Public improvements,” as used in this subdivision, include  
4 traffic controls, streets, roads, highways, freeways, bridges,  
5 overcrossings, street interchanges, flood control or storm drain  
6 facilities, sewer facilities, water facilities, and lighting facilities.

7 (b) (1) The period of time specified in subdivision (a), including  
8 any extension thereof granted pursuant to subdivision (c), shall  
9 not include any period of time during which a development  
10 moratorium, imposed after approval of the tentative map, is in  
11 existence. However, the length of the moratorium shall not exceed  
12 five years.

13 (2) The length of time specified in paragraph (1) shall be  
14 extended for up to three years, but in no event beyond January 1,  
15 1992, during the pendency of any lawsuit in which the subdivider  
16 asserts, and the local agency which approved or conditionally  
17 approved the tentative map denies, the existence or application of  
18 a development moratorium to the tentative map.

19 (3) Once a development moratorium is terminated, the map  
20 shall be valid for the same period of time as was left to run on the  
21 map at the time that the moratorium was imposed. However, if the  
22 remaining time is less than 120 days, the map shall be valid for  
23 120 days following the termination of the moratorium.

24 (c) The period of time specified in subdivision (a), including  
25 any extension thereof granted pursuant to subdivision (c), shall  
26 not include the period of time during which a lawsuit involving  
27 the approval or conditional approval of the tentative map is or was  
28 pending in a court of competent jurisdiction, if the stay of the time  
29 period is approved by the local agency pursuant to this section.  
30 After service of the initial petition or complaint in the lawsuit upon  
31 the local agency, the subdivider may apply to the local agency for  
32 a stay pursuant to the local agency’s adopted procedures. Within  
33 40 days after receiving the application, the local agency shall either  
34 stay the time period for up to five years or deny the requested stay.  
35 The local agency may, by ordinance, establish procedures for  
36 reviewing the requests, including, but not limited to, notice and  
37 hearing requirements, appeal procedures, and other administrative  
38 requirements.

39 (d) The expiration of the approved or conditionally approved  
40 tentative map shall terminate all proceedings and no final map or

1 parcel map of all or any portion of the real property included within  
2 the tentative map shall be filed with the legislative body without  
3 first processing a new tentative map. Once a timely filing is made,  
4 subsequent actions of the local agency, including, but not limited  
5 to, processing, approving, and recording, may lawfully occur after  
6 the date of expiration of the tentative map. Delivery to the county  
7 surveyor or city engineer shall be deemed a timely filing for  
8 purposes of this section.

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

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

36 ~~(1) The condition was one that, by its nature, necessitated action~~  
37 ~~by the city or county, and the city or county either did not take the~~  
38 ~~necessary action or by its own action or inaction was prevented or~~  
39 ~~delayed in taking the necessary action prior to expiration of the~~  
40 ~~tentative map.~~

1     ~~(2) The condition necessitates acquisition of real property or~~  
2 ~~any interest in real property from a public agency, other than the~~  
3 ~~city or county that approved or conditionally approved the tentative~~  
4 ~~map, and that other public agency fails or refuses to convey the~~  
5 ~~property interest necessary to satisfy the condition. However,~~  
6 ~~nothing in this subdivision shall be construed to require any public~~  
7 ~~agency to convey any interest in real property owned by it. A~~  
8 ~~development moratorium specified in this paragraph shall be~~  
9 ~~deemed to have been imposed either on the date of approval or~~  
10 ~~conditional approval of the tentative map, if evidence was included~~  
11 ~~in the public record that the public agency which owns or controls~~  
12 ~~the real property or any interest therein may refuse to convey that~~  
13 ~~property or interest, or on the date that the public agency which~~  
14 ~~owns or controls the real property or any interest therein receives~~  
15 ~~an offer by the subdivider to purchase that property or interest for~~  
16 ~~fair market value, whichever is later. A development moratorium~~  
17 ~~specified in this paragraph shall extend the tentative map up to the~~  
18 ~~maximum period as set forth in subdivision (b), but not later than~~  
19 ~~January 1, 1992, so long as the public agency which owns or~~  
20 ~~controls the real property or any interest therein fails or refuses to~~  
21 ~~convey the necessary property interest, regardless of the reason~~  
22 ~~for the failure or refusal, except that the development moratorium~~  
23 ~~shall be deemed to terminate 60 days after the public agency has~~  
24 ~~officially made, and communicated to the subdivider, a written~~  
25 ~~offer or commitment binding on the agency to convey the necessary~~  
26 ~~property interest for a fair market value, paid in a reasonable time~~  
27 ~~and manner.~~

28     ~~SEC. 7. Section 66452.21 is added to the Government Code,~~  
29 ~~to read:~~

30     ~~66452.21. (a) The expiration date of any tentative or vesting~~  
31 ~~tentative subdivision map or parcel map for which a tentative or~~  
32 ~~vesting tentative map, as the case may be, has been approved or~~  
33 ~~conditionally approved on or before June 1, 2007, that has not~~  
34 ~~expired on the date that the act that adds this section becomes~~  
35 ~~effective, and will expire on or before January 1, 2011, shall be~~  
36 ~~extended by 12 months.~~

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

1 ~~(e) Any legislative, administrative, or other approval by any~~  
2 ~~state agency that pertains to a development project included in a~~  
3 ~~map that is extended pursuant to subdivision (a) shall be extended~~  
4 ~~by 12 months if this approval has not expired on the date that the~~  
5 ~~act that adds this section becomes effective. This extension shall~~  
6 ~~be in addition to any extension provided for in Section 66452.13.~~

7 ~~(d) For purposes of this section, the determination of whether~~  
8 ~~a tentative subdivision map or parcel map expires on or before~~  
9 ~~January 1, 2011, shall count only those extensions of time pursuant~~  
10 ~~to subdivision (c) of Section 66452.6 or subdivision (e) of Section~~  
11 ~~66463.5 that were approved on or before the date that the act that~~  
12 ~~adds this section becomes effective, and any additional time in~~  
13 ~~connection with the filing of a final map in accordance with~~  
14 ~~subdivision (a) of Section 66452.6 for a map that was recorded on~~  
15 ~~or before the date that the act that adds this section becomes~~  
16 ~~effective. The determination shall not include any development~~  
17 ~~moratorium or litigation stay allowed or permitted by Section~~  
18 ~~66452.6 or Section 66463.5.~~

19 ~~SEC. 8.— Section 66463.5 of the Government Code is amended~~  
20 ~~to read:~~

21 ~~66463.5. (a) When a tentative map is required, an approved~~  
22 ~~or conditionally approved tentative map shall expire 24 months~~  
23 ~~after its approval or conditional approval, or after any additional~~  
24 ~~period of time as may be prescribed by local ordinance, not to~~  
25 ~~exceed an additional 12 months.~~

26 ~~(b) The expiration of the approved or conditionally approved~~  
27 ~~tentative map shall terminate all proceedings and no parcel map~~  
28 ~~of all or any portion of the real property included within the~~  
29 ~~tentative map shall be filed without first processing a new tentative~~  
30 ~~map. Once a timely filing is made, subsequent actions of the local~~  
31 ~~agency, including, but not limited to, processing, approving, and~~  
32 ~~recording, may lawfully occur after the date of expiration of the~~  
33 ~~tentative map. Delivery to the county surveyor or city engineer~~  
34 ~~shall be deemed a timely filing for purposes of this section.~~

35 ~~(c) Upon application of the subdivider filed prior to the~~  
36 ~~expiration of the approved or conditionally approved tentative~~  
37 ~~map, the time at which the map expires may be extended by the~~  
38 ~~legislative body or by an advisory agency authorized to approve~~  
39 ~~or conditionally approve tentative maps for a period or periods not~~  
40 ~~exceeding a total of six years. Prior to the expiration of an approved~~

1 or conditionally approved tentative map, upon the application by  
2 the subdivider to extend that map, the map shall automatically be  
3 extended for 60 days or until the application for the extension is  
4 approved, conditionally approved, or denied, whichever occurs  
5 first. If the advisory agency denies a subdivider's application for  
6 an extension, the subdivider may appeal to the legislative body  
7 within 15 days after the advisory agency has denied the extension.

8 (d) (1) The period of time specified in subdivision (a) shall not  
9 include any period of time during which a development  
10 moratorium, imposed after approval of the tentative map, is in  
11 existence. However, the length of the moratorium shall not exceed  
12 five years.

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

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

33 (f) For purposes of this section, a development moratorium shall  
34 include a water or sewer moratorium or a water and sewer  
35 moratorium, as well as other actions of public agencies that regulate  
36 land use, development, or the provision of services to the land,  
37 including the public agency with the authority to approve or  
38 conditionally approve the tentative map, which thereafter prevents,  
39 prohibits, or delays the approval of a parcel map.

1 ~~(g) Notwithstanding subdivisions (a), (b), and (c), for the~~  
2 ~~purposes of Chapter 4.5 (commencing with Section 66498.1),~~  
3 ~~subdivisions (b), (c), and (d) of Section 66498.5 shall apply to~~  
4 ~~vesting tentative maps prepared in connection with a parcel map~~  
5 ~~except that, for purposes of this section, the time periods specified~~  
6 ~~in subdivisions (b), (c), and (d) of Section 66498.5 shall be~~  
7 ~~determined from the recordation of the parcel map instead of the~~  
8 ~~final map.~~

9 ~~SEC. 9.~~

10 *SEC. 6.* No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 a local agency or school district has the authority to levy service  
13 charges, fees, or assessments sufficient to pay for the program or  
14 level of service mandated by this act, within the meaning of Section  
15 17556 of the Government Code.