

Commentary

Authority to Grant Subdivider Extensions Totaling Five Years In Which To Record Final Map

by Charles J. Moore

The state subdivision map act was amended, effective last year, to authorize longer time extensions for approved tentative maps. However, not all cities and counties have amended their local subdivision ordinances since the change in state law, so subdividers need to ensure that time extensions conform to the maximum term authorized by state law.

This commentary involves the extension period only, not the initial period before an approved tentative map expires.

The state subdivision map act authorizes, but does not mandate, that the initial approval time can be enlarged to thirty-six months, but only if the city or county ordinance prescribes the longer initial approval time. See Government Code Section 66452.6(a). There is no requirement that the city or county subdivision ordinance prescribe the same initial time that the state subdivision map act authorizes. See Government Code Section 66451.

However, time extensions are controlled by the subdivision map act unlike the initial approval time for tentative maps. This means that subdividers should seek applications for time extensions coincident with the five-year period prescribed in state law, even where local ordinance prescribes a shorter time.

The map act was amended to authorize extensions to an approved tentative map for a period of five years. See Government Code Section 66452.6(e) and Stats. 1996, c.894, 1. To the limited extent that a city or county code purports to reduce the map act's five-year extension period, it may be void. An appellate court opinion has examined this exact issue. See Griffis v. County of Mono (1985) 163 Cal.App.3d 414.

We recommend that you insist upon applications for a time extension period consistent with the five-year period in the map act, and urge cities and counties to overlook any shorter period in the local codes, when the local codes do not conform to state law.

Written by Charles J. Moore of Cox, Castle & Nicholson LLP. Mr. Moore recently joined Cox, Castle & Nicholson. Prior to joining the firm, he was county counsel for Los Angeles County. Mr. Moore can be reached at (310) 284-2286.

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KOREK LAND COMPANY, INC.

15230 BURBANK BLVD., SUITE 101 • SHERMAN OAKS, CA 91411 • (818) 787-3077 • FAX (818) 787-9677
www.korekland.com • mail@korekland.com