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Allen Matkins

Land Use Alert



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## Subdivision Map Act Extension Bill Signed

On July 15, 2009, Governor Schwarzenegger signed AB 333 (Fuentes), which extends for two years the life of tentative and vesting tentative maps that would otherwise expire before January 1, 2012. As an urgency statute, the bill takes effect immediately.

Procuring the Governor's signature by July 15, 2009, was critical because the 12-month extension provided by [SB 1185 \(Lowenthal\)](#) expired on that date, and AB 333 does not apply to tentative maps that expire before the bill takes effect. Similar to SB 1185, the 24-month extension provided by AB 333 is in addition to any other applicable statutory extensions.

AB 333's primary difference with SB 1185 is that AB 333 includes provisions that change the "one bite of the apple" rules set forth in Government Code section 65961 in two ways. First, it shortens from five to three years the period of time after the recordation of the final map during which new conditions cannot be imposed on a project. Second, and perhaps more importantly, AB 333 provides that for any tentative or parcel map subject to AB 333's two-year extension, Section 65961 does not prohibit a local agency "from levying a fee or imposing a condition that requires the payment of a fee upon the issuance of a building permit or after issuance, including, but not limited to a fee described in Section 66000" [the Mitigation Fee Act]. (Gov. Code § 66452.22(e)(2)). Thus, a local agency may attempt to impose fees or fee-based conditions during building permit issuance. The

**Information in this alert directly affects all owners of property with a current tentative or vesting tentative map or other entitlements with applicable expiration dates.**

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"legality" of such local agency efforts would be dependent on the facts of each case.

If you own property with a current tentative or vesting tentative map or other entitlements, please contact us to discuss whether your maps are subject to AB 333 and how this important new legislation affects the expiration dates of your valuable entitlements. We are also available to discuss any related issues, such as AB 333's impact on vested rights and how to document the application of AB 333 to your existing maps.