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New Land Use Laws

By Richard B. Gullen

March 5, 2014

Developers and land use practitioners should be aware of several new laws that have been enacted in California regarding land use.

First, the expiration date of approved tentative subdivision maps has been extended. Generally under the Subdivision Map Act, approved tentative maps or vesting tentative maps expire within 24 to 36 months depending on local ordinance. To allow cities and counties to preserve development applications not currently being processed due to adverse economic conditions in the construction industry, the new law automatically extends the expiration date by an additional 24 months for any map approved after January 1, 2000 which has not expired as of July 11, 2013. If the tentative map was approved before January 1, 2000, it can be extended by 24 months if the developer applies for an extension at least 90 days before the expiration date, and the map is consistent with applicable zoning and general plan requirements. If the map is inconsistent with applicable zoning and general plan requirements, then the local agency may deny or conditionally approve a 24 month extension.

Second, Government Code § 66477, which authorizes a city or a county to condition the approval of a tentative or parcel subdivision map upon a dedication of land or imposition of fees for developing or rehabilitating a park or recreational facility, was revised to also allow the local agency to use the fees for developing or rehabilitating a park or recreational facility located in another neighborhood, if certain conditions are satisfied. Specifically, the subdivision neighborhood must have more than, and the other neighborhood must have less than, three acres of park area per 1,000 persons, the legislative body must hold a public hearing before using the fees and find that it is reasonably foreseeable that future inhabitants

of the subdivision will use the park or facilities in the other neighborhood, and the fees must be used within a specified radius.

Third, the Legislature enacted the Commercial and Industrial Common Interest Development Act as Civil Code Sections 6500 through 6876. Although this act applies to common interest developments limited to industrial or commercial uses, it is patterned from the provisions of the Davis-Sterling Common Interest Development Act which applies to residential properties. Common provisions include association governance, operating rules, property use and maintenance. Several provisions were not copied into the new act, including sales disclosure requirements, board and member meetings, accounting, and dispute resolution.



Laurie and I had two very challenging real estate rights issues that we were advised were going to be difficult to prevail on. The RHRC team engaged with us and helped us understand our rights and prevailing position. RHRC were thoughtful advocates for us from the beginning to conclusion of our cases. We feel fortunate to know we will always be able to call on the firm in the future and that they are our legal counsel.

Albert "Rocky" and Laurie Pimental, President of Global Markets and Customers, Seagate Technology

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