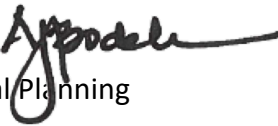


November 1, 2022

TO: Staff

FROM: Amy J. Bodek, AICP
Director of Regional Planning



SUBDIVISION AND ZONING ORDINANCE INTERPRETATION NO. 2022-03: CRITERIA FOR CALCULATING THE LIFESPAN OF A TENTATIVE MAP APPROVAL WHEN PHASED FINAL MAPS ARE RECORDED AND OFFSITE IMPROVEMENTS THAT MEET THE THRESHOLD OF FINANCIAL EXPENDITURE AND THE APPEAL PROCESS FOR DISCRETIONARY TIME EXTENSIONS FOR TENTATIVE MAP APPROVALS

PURPOSE

This memorandum provides guidance for (a) applying Section 66452.6(a) of the California Subdivision Map Act regarding the lifespan of an approved tentative map with phased final maps (Section 66456.1) requiring specified offsite improvements, with a minimum financial expenditure as noted in Section 66452(a)(1), and (b) the appeal process for discretionary time extensions of approved tentative maps pursuant to Section 21.40.180(c) of the Los Angeles County Subdivision Code and Section 66426.5(e) of the California Subdivision Map Act

BACKGROUND

First, LA County Planning staff have fielded inquiries in recent years regarding the maximum time provided to an approved tentative map when a subdivider records multiple phased final maps that meet the financial threshold for offsite improvements. Specifically, staff have been asked to determine if the maximum time extension for phased final maps is eight (8) years or ten (10) years. Clarification as to the proper application of these time extensions is required to properly apply the Map Act and better serve subdividers and constituents.

Second, past practice was to only allow the applicant to appeal a Hearing Officer's denial of a discretionary time extension of an approved tentative map within fifteen (15) days. This practice has been called into question since the noted code sections do not prohibit other appeals and since other codified appeal processes for discretionary actions allow both applicants and other members of the public to appeal. Additionally, only allowing the applicant to appeal is

inconsistent with providing for the due-process rights of both applicants and other members of the public. Clarification of the appeal process and opening it to other members of the public would be more consistent with the County's other appeal processes and with due-process best practices.

POLICY

Under Section 66452.6(a) of the Map Act, each filing of a phased final map which meets the financial threshold for offsite improvements outlined therein, allows the subdivider to add an additional four (4) years to the lifespan of their approved tentative map. These phased final map time extensions are subject to an overall maximum of eight (8) years since Section 66452.6(a) states that the filing of a phased final maps "shall not extend the tentative map more than 10 years from its approval or conditional approval." Since the initial lifespan of a map in Los Angeles County is two (2) years pursuant to Title 21 of the County Code, a subdivider can extend the expiration date by four (4) years if they file one phased final map which meets the financial threshold for offsite improvements and an additional four (4) years if they file a second phased final maps, meeting the financial threshold for offsite improvements, for a maximum of eight (8) additional years for filing phased final maps.

Under Section 21.40.180(c) of the County Code and Section 66426.5(e) of the Map Act, an applicant may appeal a denial within fifteen (15) days of the Hearing Officer's denial of an application for a discretionary time extension of an approved tentative map. Going forward, the County will extend the right to appeal to any member of the public. The appeal period for approvals or denials of tentative map time extensions shall be fifteen (15) days, and all members of the public may appeal an approval or a denial of a discretionary time extension for an approved tentative map.

APPLICABILITY

This memorandum applies to all new and existing tract map approvals under review as of the date of this memorandum.

For questions or additional information, please contact Timothy Stapleton of the Subdivisions Section at (213) 974-6433, or by email at tstapleton@planning.lacounty.gov.

AJB:DD:JH:tms