

AMENDED IN SENATE APRIL 26, 2010

AMENDED IN SENATE APRIL 13, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 959**

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**Introduced by Senator Ducheny**  
(Principal coauthor: Assembly Member Caballero)

February 5, 2010

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An act to add Sections 65913.3 and 65922.3 to the Government Code, relating to development, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as amended, Ducheny. Development: expedited permit review.

(1) Existing law requires various applications and permits in connection with land use and development. Existing law requires a public agency that is the lead agency for a development project to approve or disapprove the project within certain periods. Existing law creates the Office of Planning and Research in the Governor's Office.

This bill would require the Office of Planning and Research to develop guidelines that would provide technical assistance to counties and cities in establishing and operating an expedited development permit process, as specified, *and would provide that these guidelines are advisory in nature*. The bill would require every city, county, or city and county to provide for coordination of review and decisionmaking, and the provision of information regarding the status of, all applications and permits for residential, commercial, and industrial developments by a single administrative entity, as defined. *The bill would authorize the*

*administrative entity to coordinate the review and decisionmaking process with other affected entities, and the city, county, or city and county to charge fees to defray costs directly attributable to the administrative entity's coordination of the review and decisionmaking process for an application or permit. By creating a new duty for local agencies, this bill would impose a state-mandated local program. The bill would permit the administrative entity to coordinate the review and decisionmaking process with other affected entities:*

~~(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:~~

~~(3) This bill would declare that it is to take effect immediately as an urgency statute:~~

~~(2) 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.~~

~~(3) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ . 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 65913.3 is added to the Government
- 2 Code, to read:
- 3 65913.3. (a) Every city, county, or city and county shall
- 4 provide for coordination of review and decisionmaking and the
- 5 provision of information regarding the status of all applications
- 6 and permits for residential, commercial, and industrial
- 7 developments, as required by the city, county, or city and county,
- 8 by a single administrative entity. For the purposes of this section,
- 9 "administrative entity" means a person or agency designated by
- 10 the legislative body of the city, county, or city and county to

1 coordinate the review and decisionmaking and provide information  
2 regarding the status of all permits or applications required by the  
3 local agency. *The city, county, or city and county may charge fees*  
4 *to defray costs incurred by the administrative entity that are*  
5 *directly attributable to the entity's coordination of the review and*  
6 *decisionmaking process for an application or permit for*  
7 *development.*

8 (b) A city, county, or city and county may adopt, by resolution  
9 or ordinance, procedures for the implementation of this section by  
10 the designated administrative entity.

11 (c) At the request of an applicant, the administrative entity may  
12 coordinate the review and decisionmaking process with affected  
13 special districts and the administrative entity designated by the  
14 legislative body of any other city, county, or city and county in  
15 the jurisdiction of which the application for approval of the  
16 development is also being made, in order to provide concurrent  
17 processing within those jurisdictions.

18 SEC. 2. Section 65922.3 is added to the Government Code, to  
19 read:

20 65922.3. (a) The Office of Planning and Research shall  
21 develop guidelines to provide technical assistance to counties and  
22 cities in establishing and operating an expedited development  
23 permit process. In developing the guidelines, local variations in  
24 population rate of growth, types of proposed development projects,  
25 geography, and differences in local government structure shall be  
26 recognized. The guidelines for a local permit process shall include,  
27 but not be limited to, all of the following elements:

28 (~~a~~)

29 (1) A central contact point with a public agency where all permit  
30 applications can be filed and information on all permit requirements  
31 can be obtained.

32 (~~b~~)

33 (2) A referral process that provides for one or a combination of  
34 the following elements:

35 (1)

36 (A) Refers the applicant to the appropriate functional area for  
37 resolution of problems and fulfillment of requirements.

38 (2)

1 (B) Refers the applicant to cities within the county in whose  
2 sphere of influence the proposed project lies for review, comment,  
3 or imposition of condition permits.

4 (3)

5 (C) Assigns an individual from the local government to be  
6 responsible for guiding the application through all local permit  
7 bodies.

8 (e)

9 (3) A master permit document that covers permits for all  
10 functional areas and that could be used for obtaining the approvals  
11 of the various functional areas.

12 (4)

13 (4) A method of tracking progress on various permit  
14 applications, that may include identifying a staff person responsible  
15 for monitoring permits.

16 (e)

17 (5) A determination as to the completeness of the master permit  
18 document upon its submission and a written statement of specific  
19 information that is missing, if any.

20 (f)

21 (6) Timetables for action on individual permits.

22 (g)

23 (7) A variety of administrative mechanisms that will describe  
24 the least costly approaches for implementation in a variety of local  
25 circumstances.

26 (b) *The guidelines established by the office pursuant to this*  
27 *section shall be advisory in nature. In no way shall these guidelines*  
28 *constitute a mandate upon cities or counties to take any of the*  
29 *actions contained therein.*

30 ~~SEC. 3.— If the Commission on State Mandates determines that~~  
31 ~~this act contains costs mandated by the state, reimbursement to~~  
32 ~~local agencies and school districts for those costs shall be made~~  
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
34 ~~4 of Title 2 of the Government Code.~~

35 *SEC. 3. No reimbursement is required by this act pursuant to*  
36 *Section 6 of Article XIII B of the California Constitution because*  
37 *a local agency or school district has the authority to levy service*  
38 *charges, fees, or assessments sufficient to pay for the program or*  
39 *level of service mandated by this act, within the meaning of Section*  
40 *17556 of the Government Code.*

1 SEC. 4. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety within  
3 the meaning of Article IV of the Constitution and shall go into  
4 immediate effect. The facts constituting the necessity are:

5 The continued economic crisis in the state requires immediate  
6 attention, and an expedited permit process that ~~will allow long~~  
7 ~~stalled~~ *allows long-stalled* development projects to commence will  
8 serve as a basis for new ~~economy stimulating~~ *economic*  
9 development in the state.

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