

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 49

Introduced by Assembly Member Gatto

December 6, 2010

An act to add Sections 65923, 65923.1, 65923.2, 65923.3, and 65923.4 to, and to add Article 4 (commencing with Section 65946) and Article 4.5 (commencing with Section 65948) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, relating to development, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 49, as amended, Gatto. Development: expedited permit review.

(1) The Permit Streamlining Act requires each state agency and local agency to compile one or more lists that specify in detail the information that will be required from any applicant for a development project, and requires a public agency that is the lead agency for a development project, or a public agency which is a responsible agency for a development project that has been approved by the lead agency, to approve or disapprove the project within applicable periods of time. The act also requires any state agency which is the lead agency for a development project to inform the applicant that the Office of Permit Assistance has been created to assist, and provide information to, developers relating to the permit approval process.

This bill would require the office to provide information to developers explaining the permit approval process at the state and local levels, or assisting them in meeting statutory environmental quality requirements, as specified, and would prohibit the office or the state from incurring any liability as a result of the provision of this assistance. The bill would

require the office to assist state and local agencies in streamlining the permit approval process, and an applicant in identifying any permit required by a state agency for the proposed project. The bill would authorize the office to call a conference of parties at the state level to resolve questions or mediate disputes arising from a permit application for a development project. The bill would require that the office be located exclusively in Sacramento, and to consist of no more than 4 personnel through 2013.

This bill would require the office to develop guidelines providing technical assistance to local agencies for the establishment and operation of an expedited development permit process, and would require the guidelines to contain specified components. The bill would also require the office, upon appropriation by the Legislature, to provide grants and technical assistance to cities and counties for the establishment of an expedited development permit process according to the guidelines. The bill would further require a city or county that receives a grant to enact an ordinance adopting an expedited development permit process according to the guidelines within 10 months of the date of receipt of the grant.

This bill would also require the office, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, to develop a consolidated project information form to be used by applicants for *commercial or industrial* development projects. The bill would require the form to collect sufficient information to allow the office to determine the state agencies that have permitting requirements applicable to the development project for which the form was submitted.

This bill would authorize the office to charge the applicant fees for the above-described services, not to exceed the estimated reasonable cost of their provision, and would require the office to adopt or amend regulations to provide for these fees prior to charging or levying them.

The bill would require a city, county, or city and county with a population of 100,000 or more, upon the request of an applicant, to designate an administrative entity, as defined, to serve as the applicant's single point of contact with the local agency with respect to all applications and permits required by the local agency for the applicant's commercial or industrial development project. The administrative entity would be required to provide the applicant information regarding the status of, and to coordinate the review and decisionmaking process with respect to, the applications and permits required by the local agency for the development project. The bill would require the administrative

entity, upon the request of the applicant, to coordinate with the office regarding any applications or permits required by the state for the development project. The bill would authorize a city, county, or city and county to charge a fee to defray costs incurred by the administrative entity in providing the above-described services to the applicant. By establishing a new requirement on specified local agencies, this bill would impose a state-mandated local program.

(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 65923 is added to the Government Code,
2 to read:

3 65923. (a) There is within the Office of Planning and Research
4 the Office of Permit Assistance. The Office of Permit Assistance
5 shall be located exclusively in Sacramento, and shall consist of no
6 more than four personnel through December 31, 2013. The Office
7 of Permit Assistance shall develop guidelines providing technical
8 assistance to local agencies for the establishment and operation of
9 an expedited development permit process, consistent with
10 paragraph (2) of subdivision (a) of Section 65923.4. The guidelines
11 shall include, but not be limited to, all of the following components
12 of a local permit process:

13 (1) An administrative entity in each city or county with a
14 population of 100,000 or more that shall serve as an applicant's
15 single point of contact with the city or county with respect to all
16 applications and permits required by the city or county for the
17 applicant's commercial or industrial development project,~~as~~
18 ~~specified in Section 65947.~~

19 (2) A referral process that may do any or all of the following:

1 (A) Refer the applicant to the appropriate local agencies and
2 local agency officials to resolve problems and to fulfill
3 requirements.

4 (B) Refer the applicant to cities within the county which have
5 review, comment, or conditional permit power over the proposed
6 project.

7 (C) Assign the local agency's administrative entity, or another
8 individual or entity designated by the local agency, to be
9 responsible for guiding the applicant through all local permitting
10 requirements.

11 (3) A consolidated project information form that will collect
12 the information required to complete all permits for the
13 development project.

14 (4) A method for tracking the progress of development permit
15 applications through the permitting process that may include the
16 identification of a staff person responsible for monitoring permits.

17 (5) A process for determining whether the consolidated project
18 information form is complete upon its submission.

19 (6) Timetables for action on specified types of permit
20 applications.

21 (7) An expedited appeal process to ensure fair treatment to the
22 applicant using existing agencies, staffs, commissions, or boards,
23 where possible.

24 (8) A variety of administrative mechanisms that describe the
25 least costly approaches for implementing these guidelines in a
26 variety of local circumstances.

27 (b) In developing the guidelines, local variations in population,
28 rate of growth, types of proposed development projects, geography,
29 and local government structure shall be recognized.

30 SEC. 2. Section 65923.1 is added to the Government Code, to
31 read:

32 65923.1. Except as otherwise provided by law, the guidelines
33 established by the Office of Permit Assistance pursuant to Section
34 65923 shall be advisory in nature and shall not constitute a mandate
35 on local agencies to take any of the actions contained therein.

36 SEC. 3. Section 65923.2 is added to the Government Code, to
37 read:

38 65923.2. Upon appropriation by the Legislature, the Office of
39 Permit Assistance shall provide grants and technical assistance to
40 cities and counties for the establishment of an expedited

1 development permit process according to the guidelines developed
2 pursuant to Section 65923. Any city or county receiving a grant
3 shall enact an ordinance adopting an expedited development permit
4 process according to the guidelines within 10 months of the date
5 of receipt of the grant. Nothing in this section or Section 65923
6 shall preclude a city or county not receiving a grant from
7 developing and establishing its own expedited development permit
8 process.

9 SEC. 4. Section 65923.3 is added to the Government Code, to
10 read:

11 65923.3. The Office of Permit Assistance shall ensure that all
12 state agencies comply with applicable requirements of this chapter.

13 SEC. 5. Section 65923.4 is added to the Government Code, to
14 read:

15 65923.4. (a) The Office of Permit Assistance in the Office of
16 Planning and Research shall do all of the following:

17 (1) Provide information to developers explaining the permit
18 approval process at the state and local levels, or assisting them in
19 meeting the requirements of the California Environmental Quality
20 Act (Division 13 (commencing with Section 21000) of the Public
21 Resources Code). The assistance provided pursuant to this
22 paragraph shall be purely technical in nature, and neither the Office
23 of Permit Assistance nor the state shall incur any liability as a
24 result of the provision of assistance pursuant to this paragraph.

25 (2) Assist state and local agencies in streamlining the permit
26 approval process at the state and local levels.

27 (3) Assist an applicant in identifying any permit required by a
28 state agency for the proposed project.

29 (b) The Office of Permit Assistance may call a conference of
30 parties at the state level to resolve questions or mediate disputes
31 arising from a permit application for a proposed development
32 project.

33 (c) (1) The Office of Permit Assistance may charge an applicant
34 for a development project a fee not to exceed the estimated
35 reasonable cost of providing the services performed pursuant to
36 this section. Prior to levying or charging a fee pursuant to this
37 subparagraph, the office shall adopt or amend regulations to
38 provide for the fee in accordance with the Administrative Procedure
39 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
40 Division 3 of Title 2).

(2) Upon request, the office shall make available data indicating the cost, or estimated cost, of providing the services performed pursuant to this section, and the revenue sources anticipated to cover the cost of performing the services, including any general or special fund revenues.

(d) This section shall not apply to residential development projects.

SEC. 6. Article 4 (commencing with Section 65946) is added to Chapter 4.5 of Division 1 of Title 7 of the Government Code, to read:

Article 4. Consolidated Project Information Form

65946. (a) The Office of Permit Assistance in the Office of Planning and Research, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, shall develop a consolidated project information form to be used by applicants for *commercial or industrial* development projects. This form shall collect sufficient information to allow the Office of Permit Assistance to determine the state agencies that have permitting requirements applicable to the development project for which the form was submitted.

(b) (1) The Office of Permit Assistance may charge an applicant a fee not to exceed the estimated reasonable cost of providing the services performed pursuant to this section. Prior to levying or charging a fee pursuant to this paragraph, the office shall adopt or amend regulations to provide for the fee in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

(2) Upon request, the office shall make available data indicating the cost, or estimated cost, of providing the services performed pursuant to this section, and the revenue sources anticipated to cover the cost of performing the services, including any General Fund or special fund revenues.

SEC. 7. Article 4.5 (commencing with Section 65948) is added to Chapter 4.5 of Division 1 of Title 7 of the Government Code, to read:

Article 4.5. Single Administrative Entity

65948. (a) (1) Upon the request of an applicant, a city, county, or city and county with a population of 100,000 or more shall designate, and provide for, an administrative entity to serve as the applicant's single point of contact with the local agency with respect to all applications and permits required by the local agency for the applicant's commercial or industrial development project. The administrative entity shall provide the applicant information regarding the status of, and coordinate the review and decisionmaking process with respect to, the applications and permits required by the local agency for the development project.

(2) Upon the request of the applicant, the administrative entity shall coordinate with the Office of Permit Assistance with respect to any applications or permits required by the state for the development project.

(b) For purposes of this section, "administrative entity" means a person or agency designated by the legislative body of a city, county, or city and county pursuant to paragraph (1) of subdivision (a).

(c) A city, county, or city and county may charge a fee to defray costs incurred by the administrative entity that are directly attributable to the services it provides to an applicant pursuant to this section.

(d) A city, county, or city and county may adopt, by resolution or ordinance, procedures for the implementation of this section.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The continued economic crisis in the state requires immediate attention, and an expedited permit process that allows long-stalled

- 1 development projects to commence will serve as a basis for new
- 2 economic development in the state.

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