

AMENDED IN SENATE AUGUST 30, 1996

AMENDED IN SENATE AUGUST 22, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1930

Introduced by Assembly Member Sweeney

February 24, 1995

An act to amend Section 65950 of the Government Code, and to amend Sections 21100.2 and 21151.5 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, as amended, Sweeney. Permit streamlining: development projects: environmental quality.

(1) Existing law, commonly known as the Permit Streamlining Act, requires the lead agency for a development project, as defined, to approve or disapprove the project within 6 months from the date of certification of an environmental impact report, or within 3 months from the date of adoption of a negative declaration or the determination by the lead agency that the project is exempt from the California Environmental Quality Act, unless the project proponent requests an extension of time.

This bill would require the lead agency to approve or disapprove the development project within 180 days from the date of certification of an environmental impact report or 60 days from the date of the adoption of a negative declaration or determination that the project is exempt. The bill would

impose a state-mandated local program by imposing new duties on local agencies with regard to approval or disapproval of those projects. The bill would delete the provisions relating to an extension of the time limit for approval or disapproval upon request of the project proponent, and provide instead that the time limit provisions do not preclude a project applicant and a public agency from agreeing to an extension of the time.

(2) Existing law, the California Environmental Quality Act, requires a public lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project which it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect, unless the project is exempt from the act. The act requires each state agency to establish, by resolution or order, and each local agency to establish, by ordinance or resolution, time limits not to exceed one year for completing and certifying environmental impact reports and 105 days for completing and approving negative declarations.

This bill would limit the application of the requirement to establish those time limits to projects involving the issuance of specified entitlements by a governmental agency, and would require that the time limits not exceed 180 days for completing and adopting negative declarations. The bill would impose a state-mandated local program by imposing new duties on local agencies with regard to the establishment of those time limits.

(3) 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.

Vote: majority. 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 65950 of the Government Code
2 is amended to read:

3 65950. (a) Any public agency that is the lead agency
4 for a development project shall approve or disapprove
5 the project within whichever of the following periods is
6 applicable:

7 (1) One hundred eighty days from the date of
8 certification by the lead agency of the environmental
9 impact report if an environmental impact report is
10 prepared pursuant to Section 21100 or 21151 of the Public
11 Resources Code for the development project.

12 (2) Sixty days from the date of adoption by the lead
13 agency of the negative declaration if a negative
14 declaration is completed and adopted for the
15 development project.

16 (3) Sixty days from the determination by the lead
17 agency that the project is exempt from the California
18 Environmental Quality Act (Division 13 (commencing
19 with Section 21000) of the Public Resources Code) if the
20 project is exempt from the California Environmental
21 Quality Act.

22 (b) Nothing in this section precludes a project
23 applicant and a public agency from mutually agreeing to
24 an extension of any time limit provided by this section.

25 (c) For purposes of this section, “lead agency” and
26 “negative declaration” shall have the same meaning as
27 those terms are defined in Sections 21067 and 21064 of the
28 Public Resources Code, respectively.

29 SEC. 2. Section 21100.2 of the Public Resources Code
30 is amended to read:

31 21100.2. (a) (1) For projects described in
32 subdivision (c) of Section 21065, each state agency shall
33 establish, by resolution or order, time limits that do not
34 exceed the following:

35 (A) One year for completing and certifying
36 environmental impact reports.

37 (B) One hundred eighty days for completing and
38 adopting negative declarations.



1 (2) The time limits specified in paragraph (1) shall
2 apply only to those circumstances in which the state
3 agency is the lead agency for a project. These resolutions
4 or orders may establish different time limits for different
5 types or classes of projects, but all limits shall be measured
6 from the date on which an application requesting
7 approval of the project is received and accepted as
8 complete by the state agency.

9 (3) No application for a project may be deemed
10 incomplete for lack of a waiver of time periods prescribed
11 in state regulations.

12 (4) The resolutions or orders required by this section
13 may provide for a reasonable extension of the time period
14 in the event that compelling circumstances justify
15 additional time and the project applicant consents
16 thereto.

17 (b) If a draft environmental impact report,
18 environmental impact report, or focused environmental
19 impact report is prepared under a contract to a state
20 agency, the contract shall be executed within 45 days
21 from the date on which the state agency ~~receives~~
22 ~~information in response to~~ *sends* a notice of preparation
23 pursuant to Section 21080.4. The state agency may take
24 longer to execute the contract if the project applicant and
25 the state agency mutually agree to an extension of the
26 time limit provided by this subdivision.

27 SEC. 3. Section 21151.5 of the Public Resources Code
28 is amended to read:

29 21151.5. (a) (1) For projects described in
30 subdivision (c) of Section 21065, each local agency shall
31 establish, by ordinance or resolution, time limits that do
32 not exceed the following:

33 (A) One year for completing and certifying
34 environmental impact reports.

35 (B) One hundred eighty days for completing and
36 adopting negative declarations.

37 (2) The time limits specified in paragraph (1) shall
38 apply only to those circumstances in which the local
39 agency is the lead agency for a project. These ordinances
40 or resolutions may establish different time limits for



1 different types or classes of projects and different types
2 of environmental impact reports, but all limits shall be
3 measured from the date on which an application
4 requesting approval of the project is received and
5 accepted as complete by the local agency.

6 (3) No application for a project may be deemed
7 incomplete for lack of a waiver of time periods prescribed
8 by local ordinance or resolution.

9 (4) The ordinances or resolutions required by this
10 section may provide for a reasonable extension of the
11 time period in the event that compelling circumstances
12 justify additional time and the project applicant consents
13 thereto.

14 (b) If a draft environmental impact report,
15 environmental impact report, or focused environmental
16 impact report is prepared under a contract to a local
17 agency, the contract shall be executed within 45 days
18 from the date on which the local agency ~~receives~~
19 ~~information in response to~~ *sends* a notice of preparation
20 pursuant to Section 21080.4. The local agency may take
21 longer to execute the contract if the project applicant and
22 the local agency mutually agree to an extension of the
23 time limit provided by this subdivision.

24 SEC. 4. No reimbursement is required by this act
25 pursuant to Section 6 of Article XIII B of the California
26 Constitution because a local agency or school district has
27 the authority to levy service charges, fees, or assessments
28 sufficient to pay for the program or level of service
29 mandated by this act, within the meaning of Section 17556
30 of the Government Code.

31 Notwithstanding Section 17580 of the Government
32 Code, unless otherwise specified, the provisions of this act
33 shall become operative on the same date that the act
34 takes effect pursuant to the California Constitution.

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