

Senate Bill No. 2005

Passed the Senate July 23, 1998

Secretary of the Senate

Passed the Assembly July 16, 1998

Chief Clerk of the Assembly

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 65940.5, 65950, 65951, and 65957 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 2005, Kopp. Permit Streamlining Act.

(1) Under the Permit Streamlining Act, a state or local agency and a public agency that is the lead agency for a development project are required to act upon an application for a development project within specified time periods prescribed by the act and may not include a waiver of these time periods, as specified, as a condition of accepting or processing the application for a development project.

This bill would add the term “extension” to these provisions and would declare the Legislature’s intent to clarify that the act does not provide for the application of the common law doctrine of waiver by either its purpose or statutory language.

(2) Existing law authorizes a lead agency to waive specified time limits where a combined environmental impact report-environmental impact statement is being prepared on a development project, and requires the lead agency to approve or disapprove the project within 60 days after the statement has been completed and adopted.

This bill would repeal the lead agency’s authority to grant a waiver and would extend the period within which to approve or disapprove the project to 90 days.

(3) Existing law also authorizes a lead agency and a project applicant to mutually agree to waive these specified time periods and to agree to a one-time 90-day extension of certain time limits specified by law.

This bill instead would authorize the lead agency and the project applicant to extend these time limits once upon their mutual written agreement for a period not to exceed 90 days from the date of the extension, and would



provide that no other extensions, continuances, or waivers may be granted, except as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 65940.5 of the Government Code is amended to read:

65940.5. (a) No list compiled pursuant to Section 65940 shall include an extension or waiver of the time periods prescribed by this chapter within which a state or local agency shall act upon an application for a development project.

(b) No application shall be deemed incomplete for lack of an extension or waiver of time periods prescribed by this chapter within which a state or local government agency shall act upon the application.

(c) Except for the extension of the time limits pursuant to Section 65950.1, no public agency shall require an extension or waiver of the time limits contained in this chapter as a condition of accepting or processing the application for a development project.

SEC. 2. Section 65950 of the Government Code is amended to read:

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

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

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

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



project is exempt from the California Environmental Quality Act.

(b) Nothing in this section precludes a project applicant and a public agency from mutually agreeing in writing to an extension of any time limit provided by this section pursuant to Section 65957.

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

SEC. 3. Section 65951 of the Government Code is amended to read:

65951. In the event that a combined environmental impact report-environmental impact statement is being prepared on a development project pursuant to Section 21083.6 of the Public Resources Code, a lead agency shall approve or disapprove the project within 90 days after the combined environmental impact report-environmental impact statement has been completed and adopted.

SEC. 4. Section 65957 of the Government Code is amended to read:

65957. The time limits established by Sections 65950, 65950.1, 65951, and 65952 may be extended once upon mutual written agreement of the project applicant and the public agency for a period not to exceed 90 days from the date of the extension. No other extension, continuance, or waiver of these time limits either by the project applicant or the lead agency shall be permitted, except as provided in this section and Section 65950.1. Failure of the lead agency to act within these time limits may result in the project being deemed approved pursuant to the provisions of subdivision (b) of Section 65956.

SEC. 5. The Legislature finds and declares that it is aware of the California Supreme Court’s decision in *Bickel v. City of Piedmont* (1997), 16 Cal. 4th 1040. In enacting this act, it is the intent of the Legislature to clarify that the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code) does not provide for the



application of the common law doctrine of waiver by either the act's purpose or its statutory language.



Approved _____, 1998

Governor

