

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 959

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

February 5, 2010

An act to add and repeal Article 3.5 (commencing with Section 65946) of 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

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, ~~until January 1, 2012,~~ would require the Office of Planning and Research, or its successor agency, in consultation with the Natural Resources Agency and the California Environmental Protection Agency, to develop a consolidated project information form that may be used by applicants for development projects. The bill would permit applicants for development projects to submit the form to the Office of Planning and Research for distribution to appropriate agencies, which the office would be required to do within 3 days of receipt. The bill would require agencies, within 30 days of receipt of the form from the Office of Planning and Research, to notify the office, in writing, if a permit from that agency may be required and to send the office the appropriate

permit forms. The bill would require the office, within 15 days of receipt of the completed form from an agency, to notify the applicant for a development project, in writing, of any permits required and to send the applicant the appropriate permit application forms received by the office. The bill would permit the office to charge a reasonable fee for these services, as specified.

The bill would also 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. 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. 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.*

~~(3) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.~~

~~This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.~~

Vote: ~~majority~~^{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. Article 3.5 (commencing with Section 65946) is
2 added to Chapter 4.5 of Division 1 of Title 7 of the Government
3 Code, to read:

4
5 Article 3.5. Expedited Permit Review
6

7 65946. (a) The Office of Planning and Research, or its
8 successor agency, in consultation with the Natural Resources
9 Agency and the California Environmental Protection Agency, shall
10 develop a consolidated project information form that may be used
11 by applicants for development projects. This form shall provide
12 for sufficient information to allow state agencies to determine
13 whether or not the project will be subject to the requirements for
14 a permit from the agency.

15 (b) Applicants for development projects may submit the form
16 provided by subdivision (a) to the Office of Planning and Research
17 for distribution to state agencies that have permit responsibilities
18 for development projects. The Office of Planning and Research
19 shall send copies of the form to the appropriate agency within three
20 days of receipt.

21 (c) Within 30 days of receipt of the form, each agency shall
22 notify the Office of Planning and Research, in writing, whether or
23 not a permit from that agency may be required and it shall send
24 the Office of Planning and Research the appropriate permit
25 application forms.

26 (d) Within 15 days of receipt of the completed form from an
27 agency, the Office of Planning and Research shall notify the
28 applicant for a development project, in writing, of any permits
29 required for the project specified, and it shall send the applicant
30 the appropriate permit application forms received from the state
31 agencies.

32 (e) The Office of Planning and Research, in consultation with
33 the Natural Resources Agency and the California Environmental
34 Protection Agency, shall develop a consolidated project application
35 form that may be used by applicants for development projects.

36 (f) Each state agency may develop an agency consolidated
37 project application form that may be used by applicants for
38 development projects. The application form shall contain sufficient

1 information to allow the agency and any department, commission,
2 board, or other administrative division within that agency to act
3 on a permit.

4 (g) The Office of Planning and Research may charge an
5 applicant for a development project a fee not to exceed the
6 estimated reasonable cost of providing the services performed
7 pursuant to this section. Before levying or charging a fee, the Office
8 of Planning and Research shall adopt or amend regulations pursuant
9 to the Administrative Procedures Act (Chapter 3.5 (commencing
10 with Section 11340) of Part 1 of Division 3 of Title 2). The Office
11 of Planning and Research shall make available to the public, upon
12 request, data indicating the amount of cost, or estimated cost,
13 required to provide the service and the revenue sources anticipated
14 to provide the service, including general or special fund revenues.

15 65947. The Office of Planning and Research shall develop
16 guidelines to provide technical assistance to counties and cities in
17 establishing and operating an expedited development permit
18 process. In developing the guidelines, local variations in population
19 rate of growth, types of proposed development projects, geography,
20 and differences in local government structure shall be recognized.
21 The guidelines for a local permit process shall include, but not be
22 limited to, all of the following elements:

23 (a) A central contact point with a public agency where all permit
24 applications can be filed and information on all permit requirements
25 can be obtained.

26 (b) A referral process that provides for one or a combination of
27 the following elements:

28 (1) Refers the applicant to the appropriate functional area for
29 resolution of problems and fulfillment of requirements.

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

33 (3) Assigns an individual from the local government to be
34 responsible for guiding the application through all local permit
35 bodies.

36 (c) A master permit document that covers permits for all
37 functional areas and that could be used for obtaining the approvals
38 of the various functional areas.

1 (d) A method of tracking progress on various permit
2 applications, that may include identifying a staff person responsible
3 for monitoring permits.

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

7 (f) Timetables for action on individual permits.

8 (g) A variety of administrative mechanisms that will describe
9 the least costly approaches for implementation in a variety of local
10 circumstances.

11 65948. (a) Every city, county, or city and county shall provide
12 for coordination of review and decisionmaking and the provision
13 of information regarding the status of all applications and permits
14 for residential, commercial, and industrial developments, as
15 required by the city, county, or city and county, by a single
16 administrative entity. For the purposes of this section,
17 “administrative entity” means a person or agency designated by
18 the legislative body of the city, county, or city and county to
19 coordinate the review and decisionmaking and provide information
20 regarding the status of all permits or applications required by the
21 local agency.

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

25 (c) At the request of an applicant, the administrative entity may
26 coordinate the review and decisionmaking process with affected
27 special districts and the administrative entity designated by the
28 legislative body of any other city, county, or city and county in
29 the jurisdiction of which the application for approval of the
30 development is also being made, in order to provide concurrent
31 processing within those jurisdictions.

32 ~~65949. This article shall remain in effect only until January 1,~~
33 ~~2012, and as of that date is repealed, unless a later enacted statute,~~
34 ~~that is enacted before January 1, 2012, deletes or extends that date.~~

35 SEC. 2. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made
38 pursuant to Part 7 (commencing with Section 17500) of Division
39 4 of Title 2 of the Government Code.

1 ~~SEC. 3. This act addresses the fiscal emergency declared by~~
2 ~~the Governor by proclamation on January 8, 2010, pursuant to~~
3 ~~subdivision (f) of Section 10 of Article IV of the California~~
4 ~~Constitution.~~

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

9 *The continued economic crisis in the state requires immediate*
10 *attention, in order to provide an expedited permit process that will*
11 *allow long stalled development projects to commence, and serve*
12 *as a nexus for new economy stimulating development in the state.*