

AMENDED IN SENATE JUNE 1, 2010
AMENDED IN SENATE APRIL 26, 2010
AMENDED IN SENATE APRIL 13, 2010
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 Sections 65913.3 and 65922.3 to~~ *add Section 65923 to, and to add Article 4 (commencing with Section 65946) 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

SB 959, as amended, Ducheny. 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, and to assist state and local agencies in streamlining the permit approval process. The bill would authorize the office to call a conference of parties to resolve questions or mediate disputes arising from a permit application for a development project.

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 development projects. The bill would require the form to collect sufficient information to allow a state agency with development project permitting responsibilities to use the form to determine whether or not the project will be subject to its permitting requirements. The bill would establish a notification process requiring, with specified time periods, that the office distribute the form to state agencies with development project permitting responsibilities, that those agencies determine whether the project will require permitting and notify the office of that determination, and that the office, in turn, notify the applicant in writing of any state permits required for the project and provide any applications for those permits supplied by those agencies.

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, and authorize the administrative entity, upon the request of the applicant, to coordinate the review and decisionmaking process with special districts and with administrative

entities designated by other local agencies, in specified circumstances. 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.

~~(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.~~

~~(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~~
11 ~~coordinate the review and decisionmaking and provide information~~
12 ~~regarding the status of all permits or applications required by the~~
13 ~~local agency. The city, county, or city and county may charge fees~~
14 ~~to defray costs incurred by the administrative entity that are directly~~
15 ~~attributable to the entity’s coordination of the review and~~
16 ~~decisionmaking process for an application or permit for~~
17 ~~development.~~

18 ~~(b) A city, county, or city and county may adopt, by resolution~~
19 ~~or ordinance, procedures for the implementation of this section by~~
20 ~~the designated administrative entity.~~

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

28 ~~SEC. 2.— Section 65922.3 is added to the Government Code, to~~
29 ~~read:~~

30 ~~65922.3. (a) The Office of Planning and Research shall develop~~
31 ~~guidelines to provide technical assistance to counties and cities in~~
32 ~~establishing and operating an expedited development permit~~
33 ~~process. In developing the guidelines, local variations in population~~

1 rate of growth, types of proposed development projects, geography,
2 and differences in local government structure shall be recognized.
3 The guidelines for a local permit process shall include, but not be
4 limited to, all of the following elements:

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

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

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

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

15 (C) Assigns an individual from the local government to be
16 responsible for guiding the application through all local permit
17 bodies.

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

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

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

27 (6) Timetables for action on individual permits.

28 (7) A variety of administrative mechanisms that will describe
29 the least costly approaches for implementation in a variety of local
30 circumstances.

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

35 *SECTION 1. Section 65923 is added to the Government Code,*
36 *to read:*

37 *65923. (a) The Office of Permit Assistance in the Office of*
38 *Planning and Research shall do both of the following:*

39 *(1) Provide information to developers explaining the permit*
40 *approval process at the state and local levels, or assisting them*

1 *in meeting the requirements of the California Environmental*
2 *Quality Act (Division 13 (commencing with Section 21000) of the*
3 *Public Resources Code).*

4 *(2) Assist state and local agencies in streamlining the permit*
5 *approval process at the state and local levels.*

6 *(b) The Office of Permit Assistance may call a conference of*
7 *parties to resolve questions or mediate disputes arising from a*
8 *permit application for a proposed development project.*

9 *(c) (1) The Office of Permit Assistance may charge an applicant*
10 *for a development project a fee not to exceed the estimated*
11 *reasonable cost of providing the services performed pursuant to*
12 *this section. Prior to levying or charging a fee pursuant to this*
13 *paragraph, the office shall adopt or amend regulations to provide*
14 *for the fee in accordance with the Administrative Procedures Act*
15 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*
16 *Division 3 of Title 2).*

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

22 *SEC. 2. Article 4 (commencing with Section 65946) is added*
23 *to Chapter 4.5 of Division 1 of Title 7 of the Government Code,*
24 *to read:*

25
26 *Article 4. Single Administrative Entity*
27

28 *65946. (a) The Office of Permit Assistance in the Office of*
29 *Planning and Research, in consultation with the Natural Resources*
30 *Agency and the California Environmental Protection Agency, shall*
31 *develop a consolidated project information form to be used by*
32 *applicants for development projects. This form shall collect*
33 *sufficient information to allow each state agency with development*
34 *project permitting responsibilities to use the form to determine*
35 *whether or not the project will be subject to its permitting*
36 *requirements.*

37 *(b) An applicant for a development project may submit a*
38 *completed consolidated project information form to the Office of*
39 *Permit Assistance for distribution to the state agencies that have*
40 *permitting requirements for development projects. The office shall*

1 *send copies of the completed form to the appropriate agencies*
2 *within 15 days of receipt.*

3 *(c) Within 30 days of receipt of the completed form from the*
4 *Office of Permit Assistance, each agency shall notify the office in*
5 *writing of its determination as to whether a permit is potentially*
6 *required from that agency, and if a permit is potentially required*
7 *from that agency, the agency shall send the office the appropriate*
8 *permit application forms.*

9 *(d) Within 15 days of receipt of all the agency's determinations,*
10 *and the appropriate permit application forms, if any, the Office*
11 *of Permit Assistance shall notify the applicant in writing of any*
12 *permits required by those agencies for the project, and shall send*
13 *the applicant any permit application forms received.*

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

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

26 *65947. (a) (1) Upon the request of an applicant, a city, county,*
27 *or city and county with a population 100,000 or more shall*
28 *designate, and provide for, an administrative entity to serve as the*
29 *applicant's single point of contact with the local agency with*
30 *respect to all applications and permits required by the local agency*
31 *for the applicant's commercial or industrial development project.*
32 *The administrative entity shall provide the applicant information*
33 *regarding the status of, and coordinate the review and*
34 *decisionmaking process with respect to, the applications and*
35 *permits required by the local agency for the development project.*

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

1 (3) *Upon the request of the applicant, the administrative entity*
2 *may coordinate the review and decisionmaking process with*
3 *affected special districts and the administrative entities designated*
4 *by the legislative bodies of other local agencies, in the jurisdiction*
5 *of which the application for approval of the development project*
6 *is also being considered, in order to facilitate concurrent*
7 *processing within those jurisdictions.*

8 (b) *For purposes of this section, “administrative entity” means*
9 *a person or agency designated by the legislative body of a city,*
10 *county, or city and county pursuant to paragraph (1) of subdivision*
11 *(a).*

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

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

18 SEC. 3. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 a local agency or school district has the authority to levy service
21 charges, fees, or assessments sufficient to pay for the program or
22 level of service mandated by this act, within the meaning of Section
23 17556 of the Government Code.

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

28 The continued economic crisis in the state requires immediate
29 attention, and an expedited permit process that allows long-stalled
30 development projects to commence will serve as a basis for new
31 economic development in the state.