

AMENDED IN ASSEMBLY JUNE 15, 2010

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 Section 65923, 65923.1, 65923.2, 65923.3, and 65923.4 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 *would require the office* 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 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 elements. 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 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.

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 develop guidelines providing technical assistance to local
6 agencies for the establishment and operation of an expedited
7 development permit process, consistent with paragraph (2) of
8 subdivision (a) of Section 65923.4. The guidelines shall include,

1 but not be limited to, all of the following elements of a local permit
2 process:

3 (1) An administrative entity in each city or county with a
4 population of 100,000 or more that shall serve as an applicant's
5 single point of contact with the city or county with respect to all
6 applications and permits required by the city or county for the
7 applicant's commercial or industrial development project, as
8 specified in Section 65947.

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

10 (A) Refer the applicant to the appropriate local agencies and
11 local agency officials to resolve problems and to fulfill
12 requirements.

13 (B) Refer the applicant to cities within the county which have
14 review, comment, or conditional permit power over the proposed
15 project.

16 (C) Assign the local agency's administrative entity, or another
17 individual or entity designated by the local agency, to be
18 responsible for guiding the applicant through all local permitting
19 requirements.

20 (3) A consolidated project information form that will collect
21 the information required to complete all permits for the
22 development project required by all local agencies with
23 development permitting responsibilities.

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

27 (5) A process for determining whether the consolidated project
28 information form is complete upon its submission. As part of this
29 process, if the local agency determines necessary information is
30 missing, it shall send a written statement of the specific information
31 that is missing to the applicant.

32 (6) Timetables for action on specified types of permit
33 applications.

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

37 (8) A variety of administrative mechanisms that describe the
38 least costly approaches for implementing these guidelines in a
39 variety of local circumstances.

1 **(b)** *In developing the guidelines, local variations in population,*
2 *rate of growth, types of proposed development projects, geography,*
3 *and local government structure shall be recognized.*

4 *SEC. 2. Section 65923.1 is added to the Government Code, to*
5 *read:*

6 *65923.1. Except as otherwise provided by law, the guidelines*
7 *established by the Office of Permit Assistance pursuant to Section*
8 *65923 shall be advisory in nature and shall not constitute a*
9 *mandate on local agencies to take any of the actions contained*
10 *therein.*

11 *SEC. 3. Section 65923.2 is added to the Government Code, to*
12 *read:*

13 *65923.2. Upon appropriation by the Legislature, the Office of*
14 *Permit Assistance shall provide grants and technical assistance*
15 *to cities and counties for the establishment of an expedited*
16 *development permit process according to the guidelines developed*
17 *pursuant to Section 65923. Any city or county receiving a grant*
18 *shall enact an ordinance adopting an expedited development permit*
19 *process according to the guidelines within 10 months of the date*
20 *of receipt of the grant. Nothing in this section or Section 65923*
21 *shall preclude a city or county not receiving a grant from*
22 *developing and establishing its own expedited development permit*
23 *process.*

24 *SEC. 4. Section 65923.3 is added to the Government Code, to*
25 *read:*

26 *65923.3. The Office of Permit Assistance shall ensure that all*
27 *state agencies comply with applicable requirements of this chapter.*

28 ~~SECTION 4.~~

29 *SEC. 5. Section-65923 65923.4 is added to the Government*
30 *Code, to read:*

31 ~~65923.~~

32 *65923.4. (a) The Office of Permit Assistance in the Office of*
33 *Planning and Research shall do both of the following:*

34 *(1) Provide information to developers explaining the permit*
35 *approval process at the state and local levels, or assisting them in*
36 *meeting the requirements of the California Environmental Quality*
37 *Act (Division 13 (commencing with Section 21000) of the Public*
38 *Resources Code).*

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

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

(c) (1) The Office of Permit Assistance may charge an applicant for a development project 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 Procedures~~ *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 or special fund revenues.

~~SEC. 2.~~

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. Single Administrative Entity

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 development projects. This form shall collect sufficient information to allow each 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.

(b) An applicant for a development project may submit a completed consolidated project information form to the Office of Permit Assistance for distribution to the state agencies that have permitting requirements for development projects. The office shall send copies of the completed form to the appropriate agencies within 15 days of receipt.

(c) Within 30 days of receipt of the completed form from the Office of Permit Assistance, each agency shall notify the office in

1 writing of its determination as to whether a permit is potentially
2 required from that agency, and if a permit is potentially required
3 from that agency, the agency shall send the office the appropriate
4 permit application forms.

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

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

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

23 65947. (a) (1) Upon the request of an applicant, a city, county,
24 or city and county with a population of 100,000 or more shall
25 designate, and provide for, an administrative entity to serve as the
26 applicant's single point of contact with the local agency with
27 respect to all applications and permits required by the local agency
28 for the applicant's commercial or industrial development project.
29 The administrative entity shall provide the applicant information
30 regarding the status of, and coordinate the review and
31 decisionmaking process with respect to, the applications and
32 permits required by the local agency for the development project.

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

37 (3) Upon the request of the applicant, the administrative entity
38 may coordinate the review and decisionmaking process with
39 affected special districts and the administrative entities designated
40 by the legislative bodies of other local agencies, in the jurisdiction

1 of which the application for approval of the development project
2 is also being considered, in order to facilitate concurrent processing
3 within those jurisdictions.

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

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

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

14 ~~SEC. 3.~~

15 *SEC. 7.* No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.

21 ~~SEC. 4.~~

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

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