

AMENDED IN ASSEMBLY MARCH 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1549

Introduced by Assembly Member Gatto

(Coauthors: Assembly Members Allen, Ammiano, Blumenfield, Bonilla, Fletcher, Huffman, Perea, Solorio, Swanson, Wieckowski, and Williams)

(Coauthor: Senator Cannella)

January 25, 2012

An act to add Sections 65923, 65923.1, 65923.2, 65923.3, and 65923.4 to, and to add Article 4 (commencing with Section 65946) and Article 4.5 (commencing with Section 65948) 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

AB 1549, as amended, Gatto. 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, as specified, and would prohibit the office or the state from incurring any liability as a result of the provision of this assistance. The bill would require the office to assist state and local agencies in streamlining the permit approval process, and an applicant in identifying any permit required by a state agency for the proposed project. The bill would authorize the office to call a conference of parties at the state level to resolve questions or mediate disputes arising from a permit application for a development project. The bill would require that the office be located exclusively in Sacramento, and to consist of no more than 4 personnel through 2013.

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 components. The bill would also require the office, upon appropriation by the Legislature, to provide grants and technical assistance to cities, counties, and cities and counties for the establishment of an expedited development permit process according to the guidelines. The bill would further require a city, county, or city and 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 commercial or industrial development projects. The bill would require the form to collect sufficient information to allow the office to determine the state agencies that have permitting requirements applicable to the development project for which the form was submitted.

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, including a charter city, charter county, or charter 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. 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.

This bill would also express a legislative finding and declaration that its provisions apply to all cities, including charter cities.

(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,
9 but ~~are not~~ be limited to, all of the following components of a local
10 permit process:

11 (1) An administrative entity in each city, county, and city and
12 county, including a charter city, charter county, or charter city and
13 county, with a population of 100,000 or more that shall serve as

1 an applicant's single point of contact with the city, county, or city
2 and county with respect to all applications and permits required
3 by the city or county for the applicant's commercial or industrial
4 development project.

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

6 (A) Refer the applicant to the appropriate local agencies and
7 local agency officials to resolve problems and to fulfill
8 requirements.

9 (B) Refer the applicant to cities within the county which have
10 review, comment, or conditional permit power over the proposed
11 project.

12 (C) Assign the local agency's administrative entity, or another
13 individual or entity designated by the local agency, to be
14 responsible for guiding the applicant through all local permitting
15 requirements.

16 (3) A consolidated project information form that will collect
17 the information required to complete all permits for the
18 development project.

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

22 (5) A process for determining whether the consolidated project
23 information form is complete upon its submission.

24 (6) Timetables for action on specified types of permit
25 applications.

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

29 (8) A variety of administrative mechanisms that describe the
30 least costly approaches for implementing these guidelines in a
31 variety of local circumstances.

32 (b) In developing the guidelines, local variations in population,
33 rate of growth, types of proposed development projects, geography,
34 and local government structure shall be recognized.

35 SEC. 2. Section 65923.1 is added to the Government Code, to
36 read:

37 65923.1. Except as otherwise provided by law, the guidelines
38 established by the Office of Permit Assistance pursuant to Section
39 65923 shall be advisory in nature and shall not constitute a mandate
40 on local agencies to take any of the actions contained therein.

1 SEC. 3. Section 65923.2 is added to the Government Code, to
2 read:

3 65923.2. Upon appropriation by the Legislature, the Office of
4 Permit Assistance shall provide grants and technical assistance to
5 cities, counties, and cities and counties, for the establishment of
6 an expedited development permit process according to the
7 guidelines developed pursuant to Section 65923. Any city, county,
8 or city and county, including a charter city, charter county, or
9 charter city and county receiving a grant shall enact an ordinance
10 adopting an expedited development permit process according to
11 the guidelines within 10 months of the date of receipt of the grant.
12 This section or Section 65923 shall not preclude a city, county, or
13 city and county not receiving a grant from developing and
14 establishing its own expedited development permit process.

15 SEC. 4. Section 65923.3 is added to the Government Code, to
16 read:

17 65923.3. The Office of Permit Assistance shall ensure that all
18 state agencies comply with applicable requirements of this chapter.

19 SEC. 5. Section 65923.4 is added to the Government Code, to
20 read:

21 65923.4. (a) The Office of Permit Assistance in the Office of
22 Planning and Research shall do all of the following:

23 (1) Provide information to developers explaining the permit
24 approval process at the state and local levels, or assisting them in
25 meeting the requirements of the California Environmental Quality
26 Act (Division 13 (commencing with Section 21000) of the Public
27 Resources Code). The assistance provided pursuant to this
28 paragraph shall be purely technical in nature, and neither the Office
29 of Permit Assistance nor the state shall incur any liability as a
30 result of the provision of assistance pursuant to this paragraph.

31 (2) Assist state and local agencies in streamlining the permit
32 approval process at the state and local levels.

33 (3) Assist an applicant in identifying any permit required by a
34 state agency for the proposed project.

35 (b) The Office of Permit Assistance may call a conference of
36 parties at the state level to resolve questions or mediate disputes
37 arising from a permit application for a proposed development
38 project.

39 (c) (1) The Office of Permit Assistance may charge an applicant
40 for a development project a fee not to exceed the estimated

1 reasonable cost of providing the services performed pursuant to
2 this section. Prior to levying or charging a fee pursuant to this
3 subparagraph, the office shall adopt or amend regulations to
4 provide for the fee in accordance with the Administrative Procedure
5 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
6 Division 3 of Title 2).

7 (2) Upon request, the office shall make available data indicating
8 the cost, or estimated cost, of providing the services performed
9 pursuant to this section, and the revenue sources anticipated to
10 cover the cost of performing the services, including any general
11 or special fund revenues.

12 (d) This section shall not apply to residential development
13 projects.

14 SEC. 6. Article 4 (commencing with Section 65946) is added
15 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,
16 to read:

17
18 Article 4. Consolidated Project Information Form
19

20 65946. (a) The Office of Permit Assistance in the Office of
21 Planning and Research, in consultation with the Natural Resources
22 Agency and the California Environmental Protection Agency, shall
23 develop a consolidated project information form to be used by
24 applicants for commercial or industrial development projects. This
25 form shall collect sufficient information to allow the Office of
26 Permit Assistance to determine the state agencies that have
27 permitting requirements applicable to the development project for
28 which the form was submitted.

29 (b) (1) The Office of Permit Assistance may charge an applicant
30 a fee not to exceed the estimated reasonable cost of providing the
31 services performed pursuant to this section. Prior to levying or
32 charging a fee pursuant to this paragraph, the office shall adopt or
33 amend regulations to provide for the fee in accordance with the
34 Administrative Procedure Act (Chapter 3.5 (commencing with
35 Section 11340) of Part 1 of Division 3 of Title 2).

36 (2) Upon request, the office shall make available data indicating
37 the cost, or estimated cost, of providing the services performed
38 pursuant to this section, and the revenue sources anticipated to
39 cover the cost of performing the services, including any General
40 Fund or special fund revenues.

1 SEC. 7. Article 4.5 (commencing with Section 65948) is added
2 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,
3 to read:

4
5 Article 4.5. Single Administrative Entity
6

7 65948. (a) (1) Upon the request of an applicant, a city, county,
8 or city and county, including a charter city, charter county, or
9 charter city and county, with a population of 100,000 or more shall
10 designate, and provide for, an administrative entity to serve as the
11 applicant's single point of contact with the local agency with
12 respect to all applications and permits required by the local agency
13 for the applicant's commercial or industrial development project.
14 The administrative entity shall provide the applicant information
15 regarding the status of, and coordinate the review and
16 decisionmaking process with respect to, the applications and
17 permits required by the local agency for the development project.

18 (2) Upon the request of the applicant, the administrative entity
19 shall coordinate with the Office of Permit Assistance with respect
20 to any applications or permits required by the state for the
21 development project.

22 (b) For purposes of this section, "administrative entity" means
23 a person or agency designated by the legislative body of a city,
24 county, or city and county pursuant to paragraph (1) of subdivision
25 (a).

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

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

32 SEC. 8. The Legislature finds and declares that the availability
33 of information for development permit applicants is an issue of
34 statewide concern and not a municipal affair, as that term is used
35 in Section 5 of Article XI of the California Constitution. Therefore,
36 this act shall apply to all cities, including charter cities.

37 SEC. 9. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act, within the meaning of Section
2 17556 of the Government Code.

3 SEC. 10. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or safety within
5 the meaning of Article IV of the Constitution and shall go into
6 immediate effect. The facts constituting the necessity are:

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

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