



April 10, 2017

Assembly Member Marc Steinorth
Room 5128
State Capitol
Sacramento, California 95814

SUBJECT: **OPPOSE – AB 202 (STEINORTH)**
LOCAL PLANNING DIRECTOR APPROVALS OF
PERMITS – IN ASSEMBLY LOCAL GOVERNMENT
COMMITTEE – WEDNESDAY, APRIL 19TH

Dear Assembly Member Steinorth:

The American Planning Association, California Chapter (APA California) must respectfully oppose AB 202. AB 202 requires certain permits for projects of no more than 50 residential units or 50 guest rooms, in cities and counties with over 15,000 in population, to be ministerially approved, conditionally approved, or denied by a director of the lead planning agency.

This bill would apply this new planning director approval process to grading, foundation and building permits, which are ministerial permits, and use permits, which are undefined. The mixing of ministerial permits and potentially entitlement permits is confusing since they are not all reviewed by the same departments. It isn't clear what is meant by "use permits", but the other types of permits are ministerial permits that implement project approvals (and are not subject to CEQA), and are issued by building or engineering officials. It makes no sense for the planning director to approve such permits.

It would be an impossible imposition on a local planning director to manage staff and processes he or she doesn't control – and would slow down the permitting process.

AB 202 also requires new findings before approving permits. Jurisdictions already have systems in place for planners to review consistency with plans and city codes, even for minor projects such as room additions. This bill changes the consistency review to a new finding that the development project "substantially conforms to the purposes, intent, and provisions of the general plan and other applicable plans". What is the reason for changing local review standards? The second finding would require the director to find all aspects of the development project, including a list of specific "conditions" that include various zoning

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requirements, “are or will be compatible with existing and future development described in the general or specific plans”. What is the purpose of this new finding? These new findings, again, appear to require another layer of review rather than streamlining the process.

Section (i) makes this new process sound permissive, but, is written strangely. This section states that a city or county can establish a different procedure for approval of these permits if it is described in the general plan or specific plan, *but only if the area subject to the general plan or specific plan has an environmentally sensitive area or is in an historic district*. These exceptions to allowing a local procedure do not make sense.

Section (d) directs how applications and CEQA approvals for a site plan application for a development project are to be approved. It is unclear what this section is intending to remedy. Finally, it is also unclear why hotels of 50 guest rooms or less would be included in the bill.

For these reasons, APA cannot support the bill as written.

If you have any questions, please contact APA California’s lobbyists, Sande George or Lauren De Valencia with Stefan/George Associates, 916-443-5301 or sgeorge@stefangeorge.com and lauren@stefangeorge.com.

Sincerely,

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