



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

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STAFF REPORT
August 16, 2005

Honorable Members of the
Law and Legislation Committee

Subject: Support AB648 Relating to Development Projects: Disclosure
Requirements

Location/Council District:
Citywide.

Recommendation:

This report recommends that the Law and Legislation Committee support AB 648 (Jones) relating to development projects disclosure requirements.

Contact: Patti Bisharat, Government Affairs Manager, 808-8197

Presenters: Patti Bisharat, Government Affairs Manager, 808-8197

Department: City Manager's Office

Organization No: 0310

Summary:

AB 648, authored by Assembly Member Dave Jones, would require state and local agencies, as part of their list of information required under the Permit Streamlining Act, to require an applicant to identify the persons or entities that will own, lease, or occupy the development project, if the applicant knows the other person or entity's identity at the time of the application.

Committee/Commission Action: None.

Background Information:

The Permit Streamlining Act requires state and local agencies to compile lists of information that require applicants to provide when they apply for development projects. These lists must include state departments' information about hazardous waste sites and information about military installations, low-level military flight paths, and urbanized areas.

According to the author, AB648 will clarify the law so that public agencies must require, that where the identity of the business that own or operate a project is or can be known, the agency must disclose that identify during the CEQA process. If passed, the bill requires state and local agencies, as part of their lists of information required under the Permit Streamlining Act, to require an applicant to identify the persons or entities that will own, lease, or occupy the development project, if the applicant knows the other person or entity's identity at the time of the application.

Financial Considerations:

None.

Environmental Considerations:

None.

Policy Considerations:

Staff recommends that the Law and Legislation Committee support AB648.

Emerging Small Business Development (ESBD):

None.

Respectfully Submitted by: 

Patti Bisharat

Recommendation Approved:


KEN NISHIMOTO
Assistant City Manager

Table of Contents
Pg 3 Letter of Support
Pg 4 Bill Text

August 16, 2005

August 16, 2005

Honorable Dave Jones
California State Assembly
State Capitol, Room 3126
Sacramento, CA 95814

Subject: Support: Assembly Bill 648 Development Projects: Disclosure
Requirements

Dear Assembly Member Jones:

On behalf of the City of Sacramento, I am pleased to express the City's support of Assembly Bill 648 relating to development projects disclosure requirements. AB648 will require an applicant to identify the persons or entities that will own, lease, or occupy the development project, if the applicant knows the other person or entity's identity at the time of the application.

Thank you for introducing this important legislation.

Sincerely,

LAUREN HAMMOND, Chair
Law and Legislation Committee

CC: Senator Deborah Ortiz
Senator Dave Cox
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council

AMENDED IN SENATE JUNE 21, 2005
AMENDED IN ASSEMBLY MAY 5, 2005
AMENDED IN ASSEMBLY APRIL 18, 2005
AMENDED IN ASSEMBLY APRIL 11, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 648

Introduced by Assembly Member Jones

February 17, 2005

An act to amend Section 65940 of the Government Code, relating to development projects.

LEGISLATIVE COUNSEL'S DIGEST

AB 648, as amended, Jones. Development projects: disclosure requirements.

(1) Existing law requires each state agency and each 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.

This bill would require that the list or lists additionally include the identity of the persons or entities that will own, lease, or occupy the project, if different from the person or entity applying for the development permit, if that identity is known to the applicant *at the time of the application*.

(2) Because the bill would impose new duties on local government with respect to the review and approval of projects, the bill would create a state-mandated local program.

~~(3) 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) 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.

Vote: majority. 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 65940 of the Government Code is
 2 amended to read:
 3 65940. (a) Each state agency and each local agency shall
 4 compile one or more lists that shall specify in detail the
 5 information that will be required from any applicant for a
 6 development project. The list or lists of information that will be
 7 required from any applicant shall include the identity of the
 8 persons or entities that will own, lease, or occupy the project or
 9 any portion of it, if different from the person or entity applying
 10 for the development permit, and if that identity is known to the
 11 applicant *at the time of the application*. Each local agency shall
 12 revise the list of information required from an applicant to
 13 include a certification of compliance with Section 65962.5, and
 14 the statement of application required by Section 65943. Copies of
 15 the information, including the statement of application required
 16 by Section 65943, shall be made available to all applicants for
 17 development projects and to any person who requests the
 18 information.
 19 (b) (1) The list of information required from any applicant
 20 shall include, where applicable, identification of whether the
 21 proposed project is located within 1,000 feet of a military
 22 installation, beneath a low-level flightpath or within special use

1 airspace as defined in Section 21098 of the Public Resources
2 Code, and within an urbanized area as defined in Section 65944.

3 (2) The information described in paragraph (1) shall be based
4 on information provided by the Office of Planning and Research
5 pursuant to paragraph (2) of subdivision (d) as of the date of the
6 application. Cities, counties, and cities and counties shall comply
7 with paragraph (1) within 30 days of receiving this notice from
8 the office.

9 (c) (1) A city, county, or city and county that is not beneath a
10 low-level flightpath or not within special use airspace and does
11 not contain a military installation is not required to change its list
12 of information required from applicants to comply with
13 subdivision (b).

14 (2) A city, county, or city and county that is entirely
15 urbanized, as defined in subdivision (e) of Section 65944, with
16 the exception of a jurisdiction that contains a military
17 installation, is not required to change its list of information
18 required from applicants to comply with subdivision (b).

19 (d) (1) Subdivision (b) as it relates to the identification of
20 special use airspace, low-level flightpaths, military installations,
21 and urbanized areas shall not be operative until the United States
22 Department of Defense provides electronic maps of low-level
23 flightpaths, special use airspace, and military installations, at a
24 scale and in an electronic format that is acceptable to the Office
25 of Planning and Research.

26 (2) Within 30 days of a determination by the Office of
27 Planning and Research that the information provided by the
28 Department of Defense is sufficient and in an acceptable scale
29 and format, the office shall notify cities, counties, and cities and
30 counties of the availability of the information on the Internet.

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

36 *SEC. 2. No reimbursement is required by this act pursuant to*
37 *Section 6 of Article XIII B of the California Constitution because*
38 *a local agency or school district has the authority to levy service*
39 *charges, fees, or assessments sufficient to pay for the program or*

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

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