

CONSENT CALENDAR

April 26, 2022

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson

Subject: Support for AB 2234: Postentitlement Permit Streamlining

RECOMMENDATION

Send a letter to Assemblymember Robert Rivas, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 2234, which would require local governments to adopt modernizations to the postentitlement phase permitting process.

BACKGROUND

Assembly Bill 2234 seeks to speed permitting in the postentitlement phase, with the goal of reducing unnecessary development cost increases due to construction delays. It does so by requiring local governments to make specific, targeted reforms to their postentitlement permit approval process, including digitization of the application process and streamlining similar to what has already been mandated for the entitlement phase.

One significant driver of cost overruns in development is unnecessary and unanticipated delays. In the context of housing development, this can exacerbate the housing crisis when these costs are passed through to tenants in the form of higher rent. One factor which can be responsible for delays is a slow or confusing permitting process. Previous efforts by the legislature have sought to improve this process for entitlement permits, such as SB 330. Less progress, however, has been made in the postentitlement phase.

AB 2234 would address this challenge by requiring similar streamlining in the postentitlement phase as has been applied to entitlement permitting. It would require that local agencies make building permit applications accessible online along with a comprehensive checklist for applications. It would also establish time limits for approval or denial of a permit. Unlike other state initiatives, AB 2234 would not deem a project approved or limit the number of meetings or hearings to which a project or application can be subject. It also does not dictate a local agencies standards and requirements for building permits, only require that they be comprehensively listed and accessible.

FINANCIAL IMPLICATIONS

No impact.

ENVIRONMENTAL SUSTAINABILITY

Consistent with the City's climate and environmental goals.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170
Max Mankita, Fellow

Attachment:

1: Letter of support

2: Bill text

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB2234

April 26, 2022

The Honorable Rob Rivas
California State Assembly
1021 O Street
Sacramento, CA 95814

RE: AB 2234 Rivas – Expediting permitting Process

Dear Assemblymember Rivas:

The Berkeley City Council would like to convey its full support for AB 2234.

Berkeley, like all cities in the Bay Area, is experiencing the effects of an acute housing shortage. One barrier that many projects face in the construction timeline is unnecessary and unanticipated delays in obtaining building and other postentitlement phase permits. These delays in turn become costs that may be passed on to tenants and raise housing prices.

AB 2234 is a straightforward solution to this problem. It puts in place common-sense requirements that will make permitting more accessible and transparent in an area that has been overlooked in other state efforts. Crucially, it does so without imposing state standards or overriding local discretion, but rather providing a universal framework within which local governments have the flexibility to craft local solutions. This balanced approach is appropriate for the problem and will hopefully result in expedited construction across the state.

The Berkeley City Council supports AB 2234 and thanks you for your leadership on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner
Assemblymember Buffy Wicks

