



RELATED PRACTICES

Public Law

RELATED PEOPLE

Justin A. Tamayo

AB 2234 - Post-Entitlement Phase Permits

AB 2234 adds two new sections to the Government Code (§§ 65913.3, 65913.3.5) relating to “Post-entitlement Phase Permits.” Under existing law, the Permit Streamlining Act (“PSA”), establishes time limits within which local agencies must approve or disapprove permits to entitle a development. This Bill replicates elements of the PSA and applies those provisions to the non-discretionary post-entitlement permit approval process (e.g., building permits, minor off-site improvement permits, demolition permits, and minor or standard excavation and grading permits) for developments where at least two-thirds of the square-footage is designated for residential uses.

Notice of Requirements. No later than January 24, 2024, local agencies must compile, and make available on its website, lists that specify in detail the information that will be required from any applicant for a post-entitlement phase permit, including, an example of an approved application, and an example of a complete set of post-entitlement phase permits for at least five types of housing development projects (e.g., ADU, duplex, mixed use, and/or townhome).

Deemed Complete Timeframe. Local agencies must determine whether a post-entitlement phase permit application is complete and provide written notice of this determination within 15 days after receiving the application. Failure to make a timely determination results in the application being deemed complete.

Substantive Review Timeframe. The review period depends on the size of the project, with 30 days for project with 25 units or less, and 60 days for projects with 26 units or more. The local agency’s determination that a project is complete or incomplete must be sent to the applicant by electronic mail and or posted on its website.

- Time frames above do not apply if the local agency makes written findings that, based on substantial evidence, the post-entitlement phase permit might have specific, adverse impacts on public health or safety and that additional time is necessary to process the application.

Online System. AB 2234 also requires that local agencies establish an online permit system where applicants can apply, complete, and retrieve post-entitlement phase permits. Until the online permitting system is established, local agencies must accept applications for

post-entitlement phase permits and any related documentation by email.

Time for compliance. With limited exceptions, local agencies located in a county with a population of 1.1 million or greater, or a local agency with a population of 75,000 or greater (as determined by the 2020 census) must comply by January 1, 2024. Other local agencies must comply by January 1, 2028.