

MINUTE ITEM

This Calendar Item No. 36
was added to the Calendar Item
No. 36 of the State Lands
Commission on page 3
to 0 of the 11/27/78
meeting.

CALENDAR ITEM

36.

11/78
W 21809
Horn

ADOPTION OF RESOLUTION RELATIVE
TO LEASES/PERMITS DEEMED APPROVED
UNDER GOVERNMENT CODE SECTION 65956

In 1977, the Legislature passed AB 884 (Government Code Section 65920 et. seq.) which requires public agencies to act on project applications within specified time periods. Government Code Section 65956 provides that in the event a lead agency or a responsible agency fails to act to approve or to disapprove a project within the time limits of Sections 65950, 65951 and 65952 (G.C.), such failure to act shall be deemed approval of the development project. Section 1098.1 of the State Administrative Manual (SAM) provides that public agencies may establish by regulation or resolution reasonable standard conditions which would automatically be applicable to any project deemed approved under the above-referenced code section. Such standard conditions shall be consistent with conditions attached to other projects of a similar type and in a similar location when previously approved by that agency.

Procedures have been adopted that ensure compliance with the provisions of AB 884, including the timely consideration of applications. However, recognizing that no system is infallible, staff is recommending that the Commission adopt a resolution setting forth an applicant's entitlement in the event a project is deemed approved by operation of law. The form of such resolution is attached as Exhibit "A".

EXHIBIT: A. Resolution.

IT IS RECOMMENDED THAT THE COMMISSION ADOPT THE RESOLUTION SHOWN ON EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

Be it resolved that in the event the State Lands Commission fails to act to approve or to disapprove a project within the time limits prescribed by law, and such development project has been deemed approved by operation of law, the applicant for such development project shall be entitled to receive a standard State Lands Commission general form lease or permit containing standard covenants. The Commission shall establish the annual rental or other consideration for the leased lands pursuant to authority of Section 6503 of the P.R.C. and in conformance with the regulations contained in Title 2, Cal. Adm. Code, Section 1900 et seq. The terms of any lease or permit issued under this resolution shall be consistent with terms attached to other leases or permits issued by the Commission for similar projects in similar areas.