

RESOLUTION NO. 2023- \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY PALM DESERT, CALIFORNIA EXTENDING THE DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.3.5 (AB 2234)

WHEREAS, California Assembly Bill 2234 (“AB 2234”) added sections 65913.3 and 65913.3.5 to the Government Code and took effect on January 1, 2023; and

WHEREAS, AB 2234 extends elements similar to those of the Permit Streamlining Act to a local agency’s review of ministerial “post-entitlement phase permit” applications for housing development projects; and

WHEREAS, under AB 2234, a “post-entitlement phase permit” includes all nondiscretionary permits and reviews that are required or issued by the local agency after the entitlement process has been completed to begin construction of a development that is intended to be at least two-thirds residential. Examples include, among other things, building permits, demolition permits, and permits for minor or standard excavation and grading; and

WHEREAS, in addition to above, AB 2234 requires local agencies that are located in counties with a population of 250,000 or greater to implement an online permitting system that allows applicants to apply for, check the status of, complete and retrieve post-entitlement phase permits (local agencies in counties with a population of less than 250,000 are exempt from this online permitting system requirement); and

WHEREAS, for local agencies in counties with a population of 250,000 or greater, the deadline to comply with AB 2234’s online permitting system requirement is: (1) January 1, 2024 if the local agency has a population of 75,000 or greater or is located in a county with a population of 1.1 million or greater; or (2) January 1, 2028 for all local agencies not covered by (1); and

WHEREAS, the City of Palm Desert (“City”) is subject to the January 1, 2024 deadline because the county has a population greater than 1.1 million; and

WHEREAS, any local agency subject to the January 1, 2024 deadline may give itself an extension of up to two years (i.e., to January 1, 2026) if its legislative body does both of the following before January 1, 2024: (1) makes a written finding that adopting an online permitting system by January 1, 2024, would require substantial increases in permitting fees; and (2) has initiated a procurement process for the purpose of complying with the online permitting system requirement; and

WHEREAS, the City desires to extend its deadline to comply with AB 2234’s online permitting system requirement to January 1, 2026; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, as follows:

SECTION 1. Recitals. The City Council hereby finds and determines that the recitals above are true and correct and are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. The City Council hereby finds that the adoption of this resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly

SECTION 3. AB 2234 Findings; Direction to Staff. In accordance with Government Code section 65913.3.5(a)(2)(A)-(B):

1. *Substantial Increase in Permitting Fees.* The City Council hereby finds that implementing an online permitting system by January 1, 2024 would require substantial increases in the City’s permitting fees. The city is already transitioning from TRAKit, a Central Square permitting software to a new software system compliant with AB 2234. On November 16, 2023, the City Council awarded a contract to purchase and implement Clariti Permitting and Land Management System. The implementation of the new permitting software will not occur by January 1, 2024, therefore, an extension is requested to allow staff to implement the new software system by January 1, 2026.

2. *Initiation of Procurement Process.* The City Council hereby directs staff to initiate the procurement and implementation process necessary to comply with AB 2234’s online permitting system requirements. Such process shall be in accordance with state law and the City’s applicable procurement policies.

SECTION 4. Extension. The City Council hereby elects to extend its deadline to implement an online permitting system to January 1, 2026.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption.

SECTION 6. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED On \_\_\_\_\_, 2023.

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KATHLEEN KELLY

Resolution No. 2023- \_\_\_\_\_

MAYOR

ATTEST:

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ANTHONY J. MEJIA  
CITY CLERK

Resolution No. 2023- \_\_\_\_\_

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2023- \_\_\_\_ is a full, true, and correct copy, and was duly adopted at a regular meeting of City Council of the City of Palm Desert on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABTAIN:

RECUSED:

IN WITNESS WHEREOF, I have hereunto set my and affixed the official seal of the City of Palm Desert, California, on December \_\_\_\_\_, 2023

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ANTHONY J. MEJIA  
CITY CLERK