



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

May 4, 2020

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Temporarily Suspending the Expiration of and Automatically Extending all Planning Entitlements, Building Permits, and Building Permit Applications Valid as of March 16, 2020; the Ordinance Also Suspends and Extends Municipal Code Application Processing Timelines. This Action is Exempt From the California Environmental Quality Act (CEQA) in Accordance With CEQA Guidelines Section 15061(b)(3)(FIRST READING: April 20, 2020 PASSED 7-0)

This ordinance was first heard by the City Council on April 20, 2020. The Council passed it on a vote of 7-0 with no changes to it. It is now before the Council for the second reading.

ATTACHMENTS:

- Attachment A: Ordinance (PDF)

Department Head: Beth Minor, City Clerk

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Extending the Validity of Planning Entitlements and Permits Issued by the Department of Planning and Development Services and Extending the Time for City Review and Action on Development Applications.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency due to the threat of Coronavirus Disease 2019 (“COVID-19”).
- B. On March 9, 2020, Santa Clara County reported there were 43 cases of persons testing positive for COVID-19, an increase of 23 confirmed cases in 5 days. The County also experienced its first death due to the virus. Due to the increased threat and evidence of community transmission of the virus, the County Public Health Officer issued an order prohibiting mass gatherings attended by 1,000 persons until March 31, 2020.
- C. On March 12, 2020, due to the escalating increase in cases and community spread of COVID-19 in Santa Clara County, City Manager Ed Shikada, acting as the Director of Emergency Services, issued a Proclamation of Local Emergency. The City Council ratified the issuance of the proclamation on March 16, 2020.
- D. On March 13, 2020, the County Public Health Officer issued a new order mandating a countywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings between 35-100 persons. Most school districts throughout the San Francisco Bay Area also announced closures for three weeks commencing the following week on March 16, 2020.
- E. On March 15, 2020, Governor Newsom directed the closing of all bars, nightclubs, brewpubs, and wineries in the state, and called for residents age 65 and older to self-isolate, to increase social distancing and protect persons most vulnerable to COVID-19. At the same time, he emphasized the plight of the thousands of unsheltered persons in the state as a top public health concern.
- F. On March 16, 2020, the public health officers for the six Bay Area counties, including Santa Clara County, took the unprecedented and dramatic step of issuing “shelter-in-place” orders directing county residents to shelter at home for three weeks beginning March 17. The Order limited activity, travel, and business functions to only the most essential needs. In particular, the Order allowed some residential construction to continue, but required most commercial construction to cease.

- G. On March 31, 2020, the public health officers for the six Bay Area counties, including Santa Clara County, issued an updated “shelter-in-place” order effective from April 1, 2020 through May 3, 2020 (the “Shelter-in-Place Order” or “Order”). The Order further prohibited most residential and almost all commercial construction.
- H. In an effort to reduce the spread of COVID-19, the City has cancelled several meetings of the City Council and other City Boards and Commissions in March and April 2020.
- I. The Order and other efforts to slow the spread of COVID-19 have resulted in the delay or cessation of land use development activity and permit processing, effectively shortening the validity of planning entitlements and building permits.
- J. The City Council finds that it is necessary for the public health, safety, and welfare to temporarily extend the validity of certain planning entitlements and other permits issued by the Department of Planning and Development Services and to extend the time provided for City review of and action on such applications.

SECTION 2. Notwithstanding the provisions of Palo Alto Municipal Code (“PAMC”) Sections 16.04.085 and 16.04.090, the following permit applications and permits issued by the Chief Building Official pursuant to PAMC Chapter 16.04 are hereby extended until the Shelter-in-Place Order is lifted, plus an additional 180 days: (1) any permit application or permit that had not expired as of March 16, 2020; and (2) any permit application submitted or permit issued during the pendency of the Shelter-in-Place Order. This extension shall be provided automatically and at no cost to a project applicant.

SECTION 3. Notwithstanding the provisions of PAMC Section 18.77.090 and any Record of Land Use Action or Final Director’s Decision, the time to commence construction for the following Planning Approvals is hereby extended until the Shelter-in-Place Order is lifted, plus an additional 180 days: (1) Planning Approvals for which the time to commence construction had not expired as of March 16, 2020; and (2) Planning Approvals issued during the pendency of the Shelter-in-Place Order. This extension shall be provided automatically and at no cost to a project applicant.

SECTION 4. The times established in the Municipal Code for the City to act on any application pursuant to PAMC Titles 16, 18, or 20, including without limitation, Building Permits, Architectural Review, Standard Staff Review, Low Density Project Review, and Subdivisions, are hereby extended until the Shelter-in-Place Order is lifted, plus an additional 180 days. This extension shall be applied in a manner consistent with timelines dictated by state law, including any emergency orders issued by the Governor.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each

and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The City Council finds that adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that temporarily extending certain permit approvals and application processing timelines for a limited period of time will not have a significant effect on the environment.

SECTION 7. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development
Services