



City of Palo Alto
City Council Staff Report

(ID # 12339)

Report Type: Consent Calendar

Meeting Date: 6/7/2021

Summary Title: Second Reading: Clarifying Emergency Building and Planning Permit Extensions

Title: SECOND READING: Adoption of an Ordinance Updating an Emergency Permit Extension Ordinance in Response to Changes to Santa Clara County Health Orders (FIRST READING: May 24, 2021 PASSED: 7-0)

From: City Manager

Lead Department: City Clerk

This was heard by the City Council on May 24, 2021 for a first reading. No changes were made to the Ordinance; it is now before you for a second reading.

Attachments:

- Attachment A: Ordinance Updating Emergency Permit Extension Ordinance

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Updating Emergency Permit
Extension Ordinance in Response to Changes to Santa Clara County Health
Orders

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 COVID-19. Thereafter, the County Public Health Officer of Santa Clara County (“County”) and City Manager Ed Shikada, acting as director of Emergency Services, issued various orders significantly limiting activities in the County and City of Palo Alto (“City”).
- B. In a series of Orders enacted from March to April of 2020, the County prohibited most residential and almost all commercial construction. The City found that these and other efforts to slow the spread of COVID-19 resulted in the delay and cessation of land use development activity, effectively shortening the validity of planning entitlements and building permits.
- C. On May 4, 2020, the City adopted Ordinance No. 5496 (“Emergency Extension Ordinance”), which suspended the expiration of various licenses, permits, and applications issued by the Department of Planning and Development Services, based on the length of the period that construction was slowed or halted by County Shelter-in-Place Orders.
- D. Over the next months, the County’s Shelter-in-Place Orders became less restrictive. The County’s current Risk Reduction Order allows for a variety of construction activities to occur.
- E. On March 12, 2020, the Director of Emergency Services issued a proclamation declaring the existence of a local emergency within the City, which was ratified by the City Council on March 16, 2020, and continued on May 11, 2020.
- F. On June 23, 2020, the City Council adopted Resolution No. 9907, continuing the local emergency (“Local State of Emergency”) until terminated by action of the City Council.
- G. The City Council finds that circumstances have changed significantly since the Emergency Extension Ordinance was first passed. With new safeguards to protect public health, safety and welfare, construction has resumed. Permit extensions shall be updated to reflect the duration of the current state of emergency in Palo Alto.

SECTION 2. Ordinance No. 5496, (the “Emergency Extension Ordinance”) is hereby rescinded.

SECTION 3. All building permits and planning entitlements, permissions, and approvals extended by the Emergency Extension Ordinance will toll as follows:

- (a) An entitlement, approval or permit that would have expired between March 16, 2020 and the date on which the City’s Local State of Emergency is terminated will instead expire 180 days after the date on which the City’s Local State of Emergency is terminated.
- (b) An entitlement, license or permit for which the original expiration date (i.e. the expiration date absent any extension pursuant to Ordinance 5496) has not passed by the date on which the City’s Local State of Emergency is terminated will instead expire 180 days after the original expiration date.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. 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.

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SECTION 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Assistant City Attorney

City Manager

Director of Planning & Development
Services