

# CITY OF MOUNTAIN VIEW

## ENVIRONMENTAL PLANNING COMMISSION STAFF REPORT SEPTEMBER 2, 2020

### 5. NEW BUSINESS

#### 5.1 One-Year Planning Permit Extensions Due to the COVID-19 Emergency

##### RECOMMENDATION

That the Environmental Planning Commission review information contained within this report.

##### PUBLIC NOTIFICATION

The Commission's agenda is advertised on Channel 26, the agenda and this report appear on the City's Internet website and were posted in accordance with the Brown Act, and a notice for the item was published in the newspaper.

##### BACKGROUND

Zoning permits issued under Chapter 36 of the Municipal Code (Zoning) expire if the entitlements granted by the permit are not used within two years from the date of the approval. To "use" a permit is defined by Section 36.56.65 as obtaining a building permit and commencing construction, or commencing the permitted use, on the subject property in compliance with the conditions of approval. Permits may also be extended for up to two years, upon review and approval of a permit extension application by the Zoning Administrator at a public hearing.

On March 16, 2020, in response to the spread of COVID-19, the Health Officer of the County of Santa Clara released an order directing all individuals living in the County to shelter at their place of residence, except to provide or receive certain essential services or engage in certain essential activities, and work for essential businesses and government services. Further, the order directed all businesses and governmental agencies to cease nonessential operations at physical locations in the County, including nonessential construction activities. The Order reduced City development review and permitting capabilities, including:

- Paused intake of planning and building permit applications (now being accepted electronically);

- Reduced functionality of the Community Development Department's ability to review and issue planning and building permits;
- Canceled Planning Commission, Administrative Zoning, and Development Review Committee meetings in March and early April; and
- Postponed development application hearings scheduled for the City Council.

The April 29, 2020 County Order allowed all construction activities to resume as of May 4, 2020, following specific safety protocols. This aids projects already under construction, but it is still expected that projects not yet under construction may experience associated delays in moving towards completion, as the parameters of the County Order continue to have impacts on City and general business functions.

## **ANALYSIS**

In addition to the Santa Clara County Health Officer's orders that restricted construction activities to varying degrees between March 16 and May 4, as discussed above, the financial impacts of the COVID-19 emergency are uncertain; the shutdown has already resulted in widespread unemployment, and many experts are predicting a period of economic recession. This situation may lead to loss of financing for some developers (which may have otherwise been in place prior to the Shelter-in-Place order); difficulty engaging architects, engineers, contractors, and other planning and design professionals; or the necessity to delay the start of construction on an entitled project.

Under these circumstances, it may prove difficult for applicants with entitled projects to use their permit within the two year period. Applications for a permit extension or reapplication of an expired permit will require staff resources, and could present a potential time and financial hardship on applicants to go through the public hearing process. Staff has already seen a considerable increase in requests for Permit Extensions since March 2020. Therefore, staff recommends an automatic, one-year extension beyond the expiration date for planning permits valid as of March 16, 2020. The extension would not extend or reactivate planning permits that lapsed, or were not approved prior to the start of the County's Shelter-in-Place order on March 16, 2020, and would be in addition to any permit extension approved under the City's permit extension process.

Other local jurisdictions are beginning to take similar actions to preserve the rights of applicants that have previously obtained permits and the proposed Ordinance is

aligned with those efforts. Other surrounding jurisdictions which have taken similar action include Palo Alto, Sunnyvale, and Cupertino.

**NEXT STEPS**

Staff will present a resolution for Council consideration implementing the proposed automatic, one-year permit extensions at the September 22, 2020 City Council meeting. Staff recommends that the EPC provide comments on the proposed permit extensions, which will then be forwarded to City Council.

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818-09-02-20SR