



STAFF REPORT

AGENDA ITEM NO:

MEETING DATE: September 21, 2020

To: Honorable Mayor and City Council

Date: September 21, 2020

From: Kevin Gardiner, Community Development Director – (650) 558-7253

Subject: Adoption of a Resolution Providing a Tolling of Existing Development Entitlements

RECOMMENDATION

Staff proposes that the City Council adopt a resolution tolling existing planning and building entitlements for a period of one year in recognition of the impacts of the COVID-19 pandemic.

BACKGROUND

While the City Hall facility is closed, Community Development Department staff continues to process applications. Starting on May 11, 2020, staff resumed processing new applications as well as previously submitted applications. However, between March 17, 2020, and May 10, 2020, the Community Development Department was not accepting new applications for most Planning or Building permits, including permit renewals.

The City has made substantial efforts to keep projects moving through the planning, design, and construction phases even as the COVID-19 pandemic and the associated public health orders materially complicate those processes. The City's Community Development functions are up and running, with staff predominately working from home.

Despite these efforts, COVID-19's effects on both City and external processes make delays unavoidable for projects of all types and sizes. Economic fallout from COVID-19 may also impact project proponents' ability to carry out their projects for an indeterminate period. While the City cannot ameliorate all the negative effects that COVID-19 will have on development projects, for some entitlement types, there are options for tolling deadlines such that entitlements will not expire as a result of pandemic-induced delays.

On June 1, 2020, the City Council adopted a resolution extending planning and building development entitlements (permits) that had expired or would be expiring between March 17, 2020 (the first day of the shelter in place order in San Mateo County) and September 30, 2020. The resolution extended previously approved entitlements through December 31, 2020.

The September 30th timeframe was an optimistic estimate of when construction operations might begin to normalize, based on the trends and information on the pandemic at the time. When the resolution was adopted, however, it was with the understanding that the timelines could be

revisited at a later date depending on the status of the pandemic through the summer. Given that the pandemic continues to be an enduring challenge, staff is recommending a further extension of permit timelines.

DISCUSSION

While the previous resolution adopted on June 1st provided extensions to permit timelines, since that time staff has done further research and has determined that a better mechanism would be a “tolling” of timelines. In particular, some types of permits such as Tentative Parcel and Subdivision Maps have limitations under State law regarding the number of times and/or duration of extensions, some of which cannot be exceeded by local action.

The proposed resolution would toll all planning and building development entitlements (permits) for a period of one year upon adoption. Staff recognizes that a fundamental question facing the Council as it considers entitlement tolling is how to balance project proponents’ need for certainty with City and neighborhood interests to keep projects moving. However, in light of the massive uncertainty facing the development industry, the City’s interests in keeping projects moving, and the time and expense that would otherwise be incurred in providing individual extensions to projects, a blanket one-year tolling would be the most efficient and effective option. It recognizes the hardships posed by the pandemic but still provides projects the opportunity to make reasonable progress in a realistic timeframe.

FISCAL IMPACT

None.

Exhibit:

- Resolution