

County of Santa Clara

Department of Planning and Development

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OFF-AGENDA MEMORANDUM

DATE: June 25, 2020

TO: Honorable Board of Supervisors

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Jacqueline R. Onciano
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FROM: Jacqueline R. Onciano, Director, Dept. of Planning and Development

SUBJECT: Department Operations and Actions during COVID-19: Extension of Resubmittals of Land Use Development Applications and Building (Construction) Permits

This memorandum provides an update to the Board of Supervisors regarding the Department of Planning and Development (DPD) operations and actions taken to address resubmittal of land use development applications and building (construction) permits and inspections during the County's "Shelter in Place (SIP)" Orders in response to the COVID-19 Pandemic from March 17 to June 25, 2020.

The Department of Planning and Development is responsible for regulatory oversight of land use development applications and construction activity within the Unincorporated areas of Santa Clara County.

On March 17, 2020, the County Health Officer issued the County's first Shelter in Place order addressing the COVID-19 Pandemic. The SIP Order placed restrictions on non-essential activities to minimize the spread of COVID-19. The March 17, 2020 SIP Order allowed specified construction activities, deemed essential, to continue under the Order, including essential infrastructure and residential construction. On March 31, 2020, the SIP Order was amended to place further restrictions on construction activities, allowing only essential infrastructure projects and affordable housing projects to proceed. The Shelter in Place Order was amended on April 29, 2020 to relax restrictions on construction activities, allowing all construction to commence, requiring adherence to social distancing protocols.

In accordance with each respective SIP Order issued by the County Health Officer, the Department of Planning and Development limited construction and inspection services to the essential activities as defined in the orders. In accordance with each respective SIP, the Department did not issue new construction permits and did not allow inspection of construction projects for projects not determined as an essential activity.

At the same time, the Department modified its permitting services to enable online electronic submittal and review of applications and plans, avoiding the need for the public to physically visit the DPD office at 70 West Hedding Street, in accordance with the SIP orders. Specifically, the Department developed online tools that allow customers to apply for building permits and resubmit planning applications electronically. As orders proceeded to be modified the DPD developed and implemented additional tools to service the Public including a 'virtual public counter' service that simulates a front counter experience, along with extensive virtual building inspections. The Department will soon allow electronic online submittal of new planning applications.

As many construction projects and development projects were unable to proceed for approximately two months under the SIP Order, the Department has taken administrative actions to allow extensions of time, without the payment of penalty or extension fees, for the resubmittal of Planning Applications, building, and construction applications and permits (projects under active construction). Specifically, the Department has enacted an extension policy during the COVID-19 experience, commencing March 17, 2020 for projects as follows:

Planning Application Resubmittal - Automatic extension of three (3) and a half months (105 days) (without penalty fees).

Building and Construction Applications and Permits - Automatic extension of time of three (3) and a half months (105 days) (without penalty fees)

These extensions and fee waivers have been granted account for an approximately three and a half month period (March–end of June) when construction activities were limited by the County's SIP orders and the Department provided limited services and electronic services to support the processing of land use and building permit applications. They also account for the relatively slow re-start of business for the design and construction industry. The three-month extension will apply to all land use applications and building permits that were active between March 17, 2020 and July 1, 2020.