April 10, 2020

The Honorable Gavin Newsom

Governor, State of California

State Capitol

Sacramento, California 95814

SUBJECT: Request to Delay Local Government Deadlines Due to COVID-19 Crisis

Dear Governor Newsom:

We deeply appreciate your unparalleled leadership in these difficult times that serves as an example for other states throughout the country.

City staff and decision makers have been working tirelessly to keep our communities and colleagues safe while we continue providing critical services. In response to the need to shelter-in-place, we quickly moved access to public services online, despite numerous technological and equitable access challenges. Our building and planning departments are now working remotely, reviewing plans and conducting emergency inspections to keep homes habitable, while ensuring social distancing and safety protocols are followed. These process adjustments have to consider colleagues who may be sick or under quarantine and staffing changes to support emergency operation centers, which also severely impede our ability to comply with statutory requirements.

In some cases, it is just not possible to review plans as quickly as required by state law. For paper submittals, we need to leave the files untouched for days to ensure they are safe. Many staff do not have large format monitors needed for plan review. Some older records only exist on paper, requiring people to be in the office to verify information. This obviously cannot be done quickly.

As you know, if we accept the plans and do not complete the review, developers will be entitled to build, even if they do not meet current rules and basic requirements. This has forced some jurisdictions to stop accepting applications completely, which is a worse outcome for the public good than accepting applications and acting more slowly.

As a result, our jurisdiction, along with all the other jurisdictions of Santa claraCounty, respectfully request that you support the recent calls from the American Planning Association, the League of California Cities and the California State Association of Counties (CSAC) to **immediately pause statutory requirements, including the Review and Approval of Development Projects, Housing Elements, Housing and Community Development Grant Programs, Public Records Act, and Solar Permits and Wireless Telecommunication Facilities**. Doing so will provide our staff with the time they desperately need to expertly meet day-to-day demands and important health and safety improvements, while assisting with whatever else is necessary for our communities to operate safely.

We also request that the following two statutory and regulatory requirements be added to the list of deadlines subject to a pause submitted by the League and CSAC:

* **Review and Approval of Development Projects**. Existing law requires cities and counties to analyze and take final action on housing development projects submitted pursuant to SB 35 within 90 days (for projects with 150 or fewer housing units) or 180 days (for projects with more than 150 housing units). *Please extend by 120 days the SB 35 deadlines in Government Code Section 65913.4, subsections (b) and (c).*
* **California Environmental Quality Act**. Existing law requires public entities to post a Notice of Exemption following a determination that a project is exempt from the California Environmental Quality Act (CEQA) and a Notice of Determination following adoption of a negative declaration or mitigated negative declaration or following certification of an environmental impact report to define a statute of limitations of 35 and 30 days, respectively, for causes of action under CEQA. *Please provide that a Notice of Exemption or Notice of Determination can qualify for the statutes of limitation specified under CEQA Guidelines Sections 15062, 15075, and 15094 by posting notices on the agency's website during the time while a local or statewide shelter-in-place order is in effect.*

Our jurisdiction, and all the other jurisdictions of Santa claraCounty, greatly appreciate your consideration of our request for implementing these statutory pauses. We know you and your administration are responding around the clock to numerous critical issues, and we cannot thank you enough for your dedication. At the local level, we will continue to implement state goals while we provide the best service possible to our communities.

Sincerely,

Cc:
Julia Lave Johnston

President, American Planning Association

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