

ORDINANCE NO. \_\_\_\_\_

**AN UNCODIFIED ORDINANCE OF THE CITY OF SAN JOSE TEMPORARILY EXTENDING THE TERM OF SPECIFIED LAND USE PERMITS BY TWO YEARS FROM THE SET EXPIRATION DATE, AND TREE REMOVAL PERMITS BY EIGHT MONTHS FROM THE SET EXPIRATION DATE**

**WHEREAS**, on January 30, 2020, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern, and, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency; and

**WHEREAS**, on March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19; and

**WHEREAS**, on March 16, 2020, the County of Santa Clara declared a state of emergency and issued a shelter-in-place order to prevent the further spread of COVID-19, which order took effect on March 17, 2020; and

**WHEREAS**, according to the United States Bureau of Labor Statistics, the United States economy, as measured by gross domestic product, contracted by 4.8 percent in the first quarter of 2020; and

**WHEREAS**, it is estimated that California lost 2,000,000 jobs by March 27, 2020 and the Governor has labeled California's economic crisis a "pandemic-induced recession;" and

**WHEREAS**, in order to encourage and support new development projects in the City of San Jose that have already expended money and time applying for and obtaining required

land use permits from the City, the Council desires to extend the term of such permits that were not expired as of the effective date of this ordinance and to also retroactively extend the term of certain specified permits that were not expired as of March 17, 2020 but expired prior to the effective date of this ordinance.

**NOW, THEREFORE,** BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** The terms of the permits and approvals specified below that were issued pursuant to San Jose Municipal Code Title 19, Title 20, and Chapter 13.32 and that received final approval on or before March 17, 2020 and that did not expire on or before March 17, 2020 are hereby extended as follows:

- a. The terms of the following permits and approvals are hereby extended for two (2) years from the later of the permit expiration date or the most recent expiration date in a Permit Adjustment extending the term of the permit in accordance with San Jose Municipal Code section 20.100.500:
  - (1) Site Development Permit pursuant to Part 5 of Chapter 20.100;
  - (2) Conditional Use Permit pursuant to Part 6 of Chapter 20.100;
  - (3) Special Use Permit pursuant to Part 7 of Chapter 20.100;
  - (4) Planned Development Permit pursuant to Part 8 of Chapter 20.100;
  - (5) Single Family House Permit pursuant to Part 9 of Chapter 20.100;
  - (6) Administrative Permits pursuant to Part 10 of Chapter 20.100; and
  - (7) Development Variances and Exceptions pursuant to Part 11 of Chapter 20.100.

b. The terms of the following permits and approvals that ~~that~~ were not expired as of March 17, 2020 but expired prior to the effective date of this ordinance are hereby retroactively extended for two (2) years from the later of the permit expiration date or the most recent expiration date in a Permit Adjustment extending the term of the permit in accordance with San Jose Municipal Code section 20.100.500:

- (1) Site Development Permit pursuant to Part 5 of Chapter 20.100;
- (2) Conditional Use Permit pursuant to Part 6 of Chapter 20.100;
- (3) Special Use Permit pursuant to Part 7 of Chapter 20.100;
- (4) Planned Development Permit pursuant to Part 8 of Chapter 20.100;
- (5) Single Family House Permit pursuant to Part 9 of Chapter 20.100;
- (6) Administrative Permits pursuant to Part 10 of Chapter 20.100; and
- (7) Development Variances and Exceptions pursuant to Part 11 of Chapter 20.100.

c. Tree removal permits issued pursuant to San Jose Municipal Code Chapter 13.32 that had not expired prior to the effective date of this ordinance are hereby extended for a period of eight (8) months from the expiration date of the permit.

d. Notwithstanding the provisions of Sections 1.a, 1.b, and 1.c above, this Ordinance shall not extend the term of any permit that specifies that the permit may only be extended by an action of the Planning Director, Planning Commission, or City Council, as applicable, following a duly noticed public hearing. Any application for the extension of the term of such a permit by the Planning Director, Planning Commission, or City Council shall also comply with any specific hearing notice procedures specified in the permit.

**SECTION 2:** This ordinance shall take effect 30 days from and after its final adoption.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk