

## ORDINANCE 2020-006

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO, CALIFORNIA, SUSPENDING AUTOMATIC APPROVAL DEADLINES FOR ALL LAND USE, SUBDIVISION AND ZONING APPLICATIONS**

THE CITY COUNCIL OF THE CITY OF SAN PABLO DOES HEREBY ORDAIN AS FOLLOWS:

#### **Section 1. Findings**

- A. Following declarations of emergency by the State of California, Contra Costa County and the Federal government, the City Council of the City of San Pablo adopted Resolution 2020-034 on March 16, 2020 proclaiming the existence of a local emergency due to the Novel Coronavirus (COVID-19) pandemic.
- B. The City's Emergency Operations Center was activated on or about 7:00 am on March 16, 2020.
- C. The operations of numerous City offices and departments, including offices and departments responsible for processing land use, subdivision, and zoning applications have been disrupted and employees have been displaced.
- D. The City Manager/Director of Emergency Operations adopted and implemented: (1) Modified Operation Plan of March 16, 2020; (2) Emergency Services Order No. 1 and Revised Modified City Operations Plan dated March 19, 2020; and (3) Revised Modified Operation Plan of April 1, 2020 to focus on providing essential governmental services during this public health emergency while complying with stay-in-place and social distancing public health orders.
- E. Emergency Services Order No.1 suspended all automatic approval deadlines, including those in the Permit Streamlining Act, the California Subdivision Act, the California Environmental Quality Act and those federal and state laws related to wireless telecommunication applications.
- F. it is necessary to continue the suspension of automatic approval deadlines, including appeal deadlines, for all land use subdivision and zoning applications for the duration of the emergency.

**Section 2. Suspension of Automatic Approval Deadlines.** All provisions of laws, ordinances, regulations, resolutions, rules, and statutes, including but not limited to provisions contained in the California Permit Streamlining Act, the California Environmental Quality Act, the California Subdivision Map Act, City of San Pablo Subdivision Ordinances and regulations and City of San Pablo Zoning Ordinance and regulations, Federal Communications Commission "shot clock" and other federal and State deadlines for

wireless telecommunications applications, establishing review deadlines and authorizing automatic approvals, are suspended for the duration of the existing emergency.

**Section 3. Effective Date.** This ordinance shall be effective immediately and shall apply retroactively to all applications that were on file with the City as of March 16, 2020, and to all applications filed during the emergency. This Ordinance shall remain in effect until and through the last day of the existing emergency.

**Section 4. Emergency Definition.** That the term “emergency” as used in this Ordinance shall mean the emergency declared by the City Council on March 16, 2020.

**Section 5. CEQA.** This ordinance is deemed not a project under the provisions of the California Environmental Quality Act, (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

**Section 6. Severability.** If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

**Section 7. Publication.** The City Clerk’s Office shall publish and post the ordinance in accordance with California Government Code section 36933 to the extent feasible during the emergency.

ADOPTED at a regular meeting of said City Council held on the 6<sup>th</sup> day of April, 2020, by the following votes:

AYES:	COUNCILMEMBERS:	Kinney, Pineda, Xavier, Pabon-Alvarado and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST: APPROVED:

/s/ LaTanya Fisher  
LaTanya Fisher, Acting Deputy City Clerk

/s/ Arturo M. Cruz  
Arturo M. Cruz, Mayor