

RESOLUTION NO. 28/2020

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA
TO EXTEND THE LAPSE DATE FOR CERTAIN TYPES OF ENTITLEMENTS BY 180
DAYS DUE TO DELAYS AND IMPACTS CAUSED BY THE COVID-19 PANDEMIC
AND COMPLIANCE WITH STATE AND COUNTY OF MARIN PUBLIC HEALTH
ORDERS**

WHEREAS, the Town Council has found that the spread of the novel coronavirus (COVID-19), an infectious disease that causes respiratory illness, globally and within the San Francisco Bay Area, endangers the public health and safety of the residents of Corte Madera and Marin County, requiring the Town to take actions to slow the spread of the disease and protect the health of the public; and

WHEREAS, on March 4, 2020, the Governor of the State of California issued a Proclamation of a State of Emergency, citing the increasing risk of COVID-19 and subsequently issued its first stay at home order, Executive Order N-33-20, on March 19, 2020. The Governor has subsequently modified the shelter in place restrictions in a series of subsequent executive orders and guidelines, but business activities remains subject to significant constraints; and

WHEREAS, effective August 10, 2020, the Governor of the State of California issued its “Blueprint for a Safer Economy,” which establishes a four-tiered, color-coded system of rating specific counties’ level of COVID-19 spread and imposes restrictions based on that level; and

WHEREAS, under the Governor’s Blueprint, the County of Marin is currently coded “purple,” indicating that the virus is widespread and the County accordingly subject to the most restrictive level of regulations; and

WHEREAS, on March 13, 2020, the Town Manager issued a Proclamation of Local Emergency. The Town Council modified and ratified this proclamation by adopting Resolution No. 13/2020, at its March 17, 2020 Special Town Council meeting; and

WHEREAS, on March 16, 2020, the public health officer of Marin County – along with the public health officers of Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara counties and the City of Berkeley – a legal order directing residents to shelter at home beginning March 17. The Marin County has subsequently superseded this order with succeeding stay at home orders, most recently with a stay at home order issued on May 15, 2020, which is effective until superseded; and

WHEREAS, the current stay at home order includes attachments that impose additional restrictions on specific industries; the County has revised those attachments several times. The County revised Attachment B-1, governing small construction projects, on May 4, 2020 and Attachment C-1, governing other businesses permitted to operate, including offices, on August 31, 2020; and

WHEREAS, under the Corte Madera Municipal Code (“CMMC”), the Town requires a variety of entitlements prior to issuing a building permit, many of which lapse after a specific period unless the permittee has received a building permit by the end of said period; and

WHEREAS, the existence of State and County stay at home orders drastically impacted the ability of many businesses to operate effectively, efficiently or at all; and

WHEREAS, the public health crisis has also shifted the personal priorities and decision-making capacity of individuals to issues related to emergency preparedness and response, caring for and protecting loved ones, assisting children with distanced learning, and adjusting to new work responsibilities and lifestyles; and

WHEREAS, the State and County relaxed their respective stay at home orders somewhat as the COVID-19 seemed to ease, later increasing them in response to increasing spread of the virus; and currently, State and County regulations allow construction and other business activities, subject to significant health and safety restrictions, but the level of restrictions is subject to change; and

WHEREAS, the Town quickly implemented new business processes to accommodate shelter in place orders and new safety protocols for its employees, and thereby has been able to continually and without interruption accept and review building permit applications since the pandemic began. Because, however, the Health Order did not permit the Town to allow most types of construction activities from March 16 until May 4, 2020, the Town’s Planning and Building Department implemented a policy during that seven week period precluding the Town’s issuance of building permits for types of construction banned by the Health Order; and

WHEREAS, Town staff must now rely on relatively inefficient communications practices, which has impacted building permit review and processing. Currently, applicants may experience delays of approximately two weeks in building permit processing time; longer delays occurred in June and July; and

WHEREAS, it has become clear that these impacts from COVID-19 and the economic recovery process will be measured in years rather than months; and

WHEREAS, these cumulative challenges resulting from the COVID-19 health emergency and compliance with applicable federal, state and local health orders negatively impact the ability of individuals or businesses in Corte Madera to meet a variety of entitlement expiration deadlines under the CMMC; and

WHEREAS, the extension of permit lapse deadlines will provide some additional time for permit holders to pursue planned construction projects or undertake other land use actions while managing the impacts of COVID-19; and

WHEREAS, pursuant to Government Code section 8634, the Town’s emergency declaration on March 13, 2020, which the Town Council ratified on March 17, 2020, authorizes the Town Council to extend the entitlement deadlines set forth under the CMMC to protect the property rights of individuals or businesses holding such entitlements.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Corte Madera resolves as follows:

1. The above recitals are true and correct and incorporated herein by reference.
2. Effectively immediately and subject to section 3 below, the date on which each the following types of entitlements lapses under the CMMC is hereby extended 180 days:
 - Conditional Use Permits (Section 18.26.060)
 - Variance Approvals (Section 18.28.080)
 - Design Review and Sign Permits (Section 18.30.090)
 - Precise Plan Approvals (Section 18.18.050)
 - Lot Line Adjustment Approvals (Section 17.68.100)
 - Tree Permits (Section 15.50.070)
 - Encroachment Permits for Private Parking Facilities (Section 12.04.055)
3. Notwithstanding the foregoing, this resolution does not extend the lapse date of any entitlement that expired before March 16, 2020 or was issued on or after September 16, 2020.
4. The extension granted by this resolution shall be in addition to any discretionary extension for which the applicant may be eligible under the existing provisions of the CMMC.

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 15th day of September 2020, by the following vote, to wit:

AYES: Beckman, Casissa, Kunhardt, Ravasio
NOES: - None -
ABSTAIN: - None -
RECUSED: Lee
ABSENT: - None -


ELI BECKMAN, MAYOR

ATTEST


REBECCA VAUGHN
TOWN CLERK