

REPORT TO CITY COUNCIL

DATE: MARCH 25, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: AMIR HAMIDZADEH, BUILDING OFFICIAL

SUBJECT: AMENDMENT OF PERMIT APPLICATION TIME LIMITATION,
SECTION 105.3.2 OF CHAPTER 1, ARTICLE VIII OF THE AGOURA
HILLS MUNICIPAL CODE

The California Building Standard Commission requires that the construction codes (i.e., Building, Mechanical, Electrical, and Plumbing) reviewed, updated, and adopted by all local jurisdictions every three years in order to stay current with the latest engineering and construction technology. This provides local jurisdictions the opportunity to include any local amendments to the State adopted codes during the local adoption. On January 1, 2008, the City of Agoura Hills adopted the 2007 California Building Code with some local amendments. One of the local amendments was the “Time Limitation” for applications.

The 2007 California Building Code as it was written, allowed the application time limitation to be extended indefinitely by the Building Official 90 days at a time. During the adoption process, staff felt that it was detrimental to have unlimited time extension process. This would have allowed projects to be extended long enough to go through code changes and code adoptions without having to revise their plans to meet the current codes. Hence, staff proposed to stay with the previous code language which would limit the time extension to 180 days, as the City had been enforcing for many years. Section 105.3.2 of the code currently being enforced states:

“An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued; *except that the building official is authorized to grant one extension of time for an additional period not exceeding 180 days*. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.”

However, due to the current economy and the financial difficulties in obtaining loans from various financial institutions, many homeowners and developers have not been able to begin construction on their projects. Thus, their approved project would sit for an extended amount of time, extending beyond the current code requirements, and ultimately expire.

The expiration of their application would require that they take their plans back to the designer, architect, or engineer and have them revised to meet the current codes. In addition to the cost of revising their plans, they would have to resubmit their application for review. If the revision

altered the previously approved plan by the Planning Commission or City Council, they would be required to repeat the process again. If the revision did not alter any of their approvals, then the plans would get reviewed by each Department. Further reviews would then initiate additional plan review fees, which can be substantial depending on the project specifics.

Based on the current economic conditions and consideration by staff, the following proposal to amend the code is being recommended:

“An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. Notwithstanding the foregoing, the Building Official may, in his or her sole discretion, grant up to four (4) extensions of time for additional periods not exceeding ninety (90) days each if requested in writing by the Permittee and prior to the end of the expiration of the permit. The request for the extension shall demonstrate the cause for the delay. The request for the extension shall demonstrate the cause for the delay. In order to resume work under an expired permit after expiration, the Permittee shall reapply, resubmit plans, meet all the applicable codes enforced at the time of submittal and pay a new plan check fee.”

The new language is more in tune with the actual verbiage of the 2007 California Building Code, except that it limits the extensions to four (4), 90-day extensions, instead of indefinitely. This proposal also provides the opportunity for the applicant to have more time to get their funding secured and proceed with their project. However, if after all the extensions, the building permit is not issued, the applicant will be required to resubmit, meet all the current applicable codes, and pay new plan review fees. Staff feels that this time extension will not pose any threat to the safety and integrity of the approved plans as the building and safety codes are not expected to change significantly over the next year.

RECOMMENDATION

Staff respectfully recommends the City Council amend Section 105.3.2, Chapter 1, of Article VIII, of the Agoura Hills Municipal Code to authorize the Building Official to grant up to four (4) extensions of time for additional periods, not exceeding ninety (90) days each, for the application time extensions.

ORDINANCE NO. 09-359

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA AMENDING SECTION 105.3.2 OF CHAPTER 1, TITLE VIII OF THE AGOURA HILLS MUNICIPAL CODE

WHEREAS, it is the desire and intent of the City Council of the Agoura Hills to provide citizens with the greatest degree of structural, fire and life safety in buildings in the most cost effective manner by adopting that body of regulations referred to as the California Building Standards Code with amendments specific to the City of Agoura Hills; and

WHEREAS, the California Health and Safety Code, Sections 17958.5 and 18941.5, require the City Council, before making any modifications or changes to the California Building Standards Code pursuant to Health and Safety Code Sections 18941.5 and 17958.5, to make an express finding that each such modification or change is needed; and,

WHEREAS, the California Health and Safety Code Section 17958.7 requires that such changes must be determined to be reasonably necessary because of local climatic, geological, or topographical conditions; and,

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the State of California Building Standards Commission;

WHEREAS, the City Council has determined that the provisions of the State Building Standards Code relating to the expiration of permits should be modified as provided for in this ordinance. The City Council further finds that development in the City is hampered due to the City's unique topography (as a foothill community, located in a freeway corridor, with many lots that are uniquely shaped or located), as well the Cities geology and the current economic climate make development in the City more difficult to accomplish in the short time frame set forth in the Building Code. Given the unique topography geography and topography of the City, combined with current economics of development and based upon the foregoing findings, it has been recommended that the City Council takes said amendment action because of the public interest in protecting life and preserving public safety and property;

WHEREAS, the Building Official is hereby authorized and directed to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Section 105.3.2 of Chapter 1 of Article VIII of the City of Agoura Hills Municipal Code is hereby repealed and replaced by new Section 105.3.2 to read as follows.

ARTICLE VIII BUILDING REGULATIONS

Chapter 1 ADMINISTRATION

105.3.2 Time limitation of application.

“An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless a permit has been issued. Notwithstanding the foregoing, the Building Official may, in his or her sole discretion, grant up to four (4) extensions of time for additional periods not exceeding ninety (90) days each if requested in writing by the Permittee and prior to the end of the expiration of the permit. The request for the extension shall demonstrate the cause for the delay. In order to resume work under an expired permit after expiration, the Permittee shall reapply, resubmit plans, meet all the applicable codes enforced at the time of submittal and pay a new plan check fee.”

This ordinance shall go into effect on the 31st day after its passage.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2009.

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, CMC, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney