

## REPORT TO CITY COUNCIL

**DATE:** April, 22, 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

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On March 25, 2009, the proposed Ordinance No. 09-359 was introduced to the City Council. This ordinance was to amend Section 105.3.2 of Chapter 1, Article VIII, of the Agoura Hills Municipal Code. After the first introduction, the City Council approved the ordinance to go to second reading with minor adjustments to the language. The following is the corrected language of the proposed ordinance:

*“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 application. The request for the extension shall demonstrate the cause for the delay. In order to resume work ~~under an expired~~ after a permit application has expired, the Permittee shall reapply, resubmit plans, meet all the applicable codes enforced at the time of submittal, and pay a new plan check fee.”*

During these difficult economic times, this ordinance provides the Building Official to allow the permit application to be extended four (4) times for ninety (90) days each. This provides the opportunity for the applicant to have more time to get their funding secured and proceed with their project.

### RECOMMENDATION

Staff recommends the City Council waive the second reading and adopt Ordinance No. 09-359, amending Section 105.3.2, Chapter 1, Article VIII, of the Agoura Hills Municipal Code.

Attachment: Ordinance No. 09-359

**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, ARTICLE 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 application. The request for the extension shall demonstrate the cause for the delay. In order to resume work after a permit application has expired, 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:       ( )

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Denis Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

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Craig A. Steele, City Attorney