



CITY COUNCIL AGENDA STATEMENT



April 9, 2019

File ID: ~~19-0052~~
19-0200

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 15.06 OF THE CHULA VISTA MUNICIPAL CODE (ADMINISTRATIVE PROVISIONS FOR THE TECHNICAL BUILDING CODES) TO COMPLY WITH STATE LAW (SECOND READING AND ADOPTION)

RECOMMENDED ACTION

Council adopt the ordinance.

SUMMARY

Assembly Bill (AB) 2913 approved by the California legislature on September 21, 2018 extends the life of building permits for residential occupancies from 180 days (six months) to 12 months after permit issuance, unless the permittee has abandoned the work authorized by the permit. AB 2913 also authorizes a permittee to request, and the Building Official to grant in writing, one or more extensions of time for periods of not more than 180 days per extension.

This ordinance will update Chula Vista Municipal Code Chapter 15.06 to extend building permit application and permit expiration times for all building permit applications and for all issued building permits, and not only those related to residential occupancies as expressed in AB 2013.

The resolution will update Chapter 10 (Building Fees) of the City's Master Fee Schedule related to building permit application and time extension fees.

ENVIRONMENTAL REVIEW

The City's Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because the action pertains to ministerial permit regulations. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The draft ordinance was considered by the Development Services Citizen Oversight Committee on January 30, 2019. There was general consensus in support of the proposed ordinance.

DISCUSSION

AB 2913

Provisions of the California Health and Safety Code relate to building permits, which are addressed when a building permit is deemed to be expired. A building permit may expire because work authorized by the permit has not commenced or the permittee has suspended or abandoned the work. Assembly Bill (AB) 2913, approved by the California legislature on September 21, 2018, extends the timeframe for residential occupancy building permits from 180 days (six months) to 12 months after permit issuance, unless the permittee has abandoned the work authorized by the permit. AB 2913 also authorizes a permittee to request, and the Building Official to grant in writing, one or more extensions of time for periods of not more than 180 days per extension. The bill requires that the permittee request the extension in writing and demonstrate justifiable cause for the extension.

Existing Chula Vista Municipal Code Building Permit Provisions

Chula Vista's building permit application regulations are set forth in Chula Vista Municipal Code (CVMC) Section 15.06.085. Section 15.06.085.C of the CVMC states that building permit applications for which no permit is issued shall expire within 180 days following the date of application. The current code also provides that an application "shall not be extended more than once".

Chula Vista's building permit issuance regulations are set forth in CVMC Section 15.06.090. Section 15.06.090.D of the Code states that if work is not commenced, or if work is suspended or abandoned, within 180 days from the date of the permit issuance, the permit shall expire. The current code also provides that an issued permit shall not be extended more than once.

Proposed Chula Vista Municipal Code Amendment

This ordinance will update the CVMC to extend building permit application and permit expiration times for all building permit applications and for all issued building permits, and not only those related to residential occupancies as expressed in AB 2913.

Revisions to the Chula Vista building permit application regulations set forth in Section 15.06.085.C of the CVMC are proposed to provide that building permit applications for which no permit is issued shall expire within twelve (12) months following the date of application, and that the Building Official may grant one or more extensions of time. Each time extension would extend the permit application by 180 days. When considering an extension of the permit application, the Building Official will consider the need to update the permit application to reflect any newly adopted building codes and regulations.

Revisions to the Chula Vista building permit issuance regulations set forth in Section 15.06.090.D of the CVMC are proposed to provide that if work is not commenced within twelve (12) months from the date of permit issuance, the permit shall expire. If work is suspended or abandoned, the permit expires after 180 days. Additional revisions to the code to allow the Building Official to grant one or more extensions of time are proposed. Each time extension would extend the permit application by 180 days. When considering an extension of the permit, the Building Official will consider the need to update the permit application to reflect any newly adopted building codes and regulations.

Master Fee Schedule Amendment

The City currently assesses a flat fee of \$105 to process each plan check (permit application) or permit (permit issuance) extension. For unexpired applications or permits without changes to the plans or specifications, a new fee equal to fifty percent (50%) of the adopted new permit fee is proposed. Unexpired permits requiring changes would also be subject to the City's existing supplemental plan check and supplemental inspection fees, which are assessed on a half-hour basis. For expired permits, a new application accompanied by the full new permit fee is required. The proposed fees ensure that the City recovers the full cost of providing associated intake, plan check, and inspection services.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council members, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

Amending the Chula Vista Municipal Code to allow permit applications and permits to stay active for one year instead of 180 days is anticipated to reduce the number of requests. For those requesting extensions, the fees to be assessed are increasing from \$105 to either fifty-percent (50%) of the new permit fee or payment of the new permit fee in full. Minimal fiscal impacts to the Development Services Fund are anticipated in the current year.

ONGOING FISCAL IMPACT

Amending the Chula Vista Municipal Code to allow permit applications and permits to stay active for one year instead of 180 days is anticipated to reduce the number of requests. For those requesting extensions, the fees to be assessed are increasing from \$105 to either fifty-percent (50%) of the new permit fee or payment of the new permit fee in full. Ongoing fiscal impacts to the Development Services Fund are not anticipated.

ATTACHMENTS

- 1) Proposed Master Fee Schedule revisions in redline format

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