

Agenda Report

TO: City Council

DATE: July 20, 1998

FROM: City Manager

SUBJECT: Limit the length of construction time allowed in residential zones.

RECOMMENDATION

It is recommended that the City Council direct the City Attorney's Office to prepare an ordinance, to revise the current Administrative Code as adopted by the Pasadena Municipal Code, and direct the City Manager to revise the related documents and policies in order to limit the amount of time a construction project in a residential zoning district may continue.

BACKGROUND

The current Administrative Code, used in conjunction with the building code, allows a construction project to continue for an unlimited period of time. The expiration date of a permit is 180 days following the last construction activity. The date of the last activity is measured from the last inspection performed by the Building Inspector. Because of this allowance in the code, a construction project could conceivably last indefinitely. Even if a permit is allowed to expire or work is completed, the owner may take out additional permits and continue construction activity on the site. A number of incidences of this type have occurred in the City in the past, resulting in numerous citizen complaints. Neighbors seem to be tolerant of construction projects for limited periods of time. Diligent pursuit of a residential construction project results in most jobs being completed in a year or less.

The current City Ordinance could be adjusted to alleviate this problem by giving the Planning and Permitting Department a tool to encourage building permit holders to bring their projects to timely conclusion. It would seem reasonable to limit residential projects to 24 months. The Building Official would have the discretionary authority to grant a one time extension of 6 months under special circumstances. An additional extension could be obtained by appealing to a Hearing Officer and further appealed before the Zoning Board of Appeals and ultimately to the City Council.

In all residential zoning districts, work for which a permit is required shall be limited to a maximum of 24 months. The Building Official may grant a 180 day extension provided that the applicant demonstrates that such extension will not cause a nuisance or hazardous condition, and that such extension will be the most expeditious means to secure the project site. The Building Official will have the authority to place conditions upon the grant of the extension and one of the conditions shall be that if the project has not been completed, within the extension of 180 days that all work at the project site must be terminated and may not continue or resume for a period of one year. The decision of the Building Official may be appealed to a Hearing Officer by any interested party. Decisions of the Hearing Officer may be appealed to the Board of Zoning Appeals.

Upon the expiration of any extension, work may only be continued upon a finding by a Hearing Officer that further work would not be deleterious to the neighboring properties. Decisions of the Hearing Officer may be appealed to the Board of Zoning Appeals.

When work at a single site is authorized under multiple permits, the maximum duration as prescribed above, shall be determined by the issuance date of the earliest permit.

When the maximum duration for the project(s) has expired, the following must occur:

- Any open excavations must be filled or secured.
- All structures must be made weathertight and secure.
- All vehicles and heavy equipment associated with the project, must be removed from the site, and may not be parked on adjacent streets or alleys.
- All portable sanitation facilities must be removed.
- All work at the site must cease.

Work at the site that has continued for its maximum duration may not continue or resume for a period of 1 year. At the end of this period, work may resume. However, a new permit must be first obtained at the full fee prescribed by 14.04.050. Additionally, a plan must be submitted for approval by the Building Official. The plan shall detail a schedule of construction phases that will ensure that the project will be completed in a period of 6 months or less. Upon approval by the Building Official, a new permit shall be issued. Such permit shall be applied for in accordance with the requirements for a new permit. Such permit shall expire 6 months after the date of its issuance. The decision of the Building Official may be appealed to a Hearing Officer and the decision of the Hearing Officer may be appealed to the Board of Zoning Appeals.

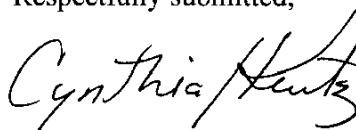
If the second permit expires, work may only continue upon a finding by a Hearing Officer that special conditions exist, that make completion of the work within the mandated time restraints impractical and that such work would not be deleterious to neighboring properties. The decision of the Hearing Officer may be appealed to the Board of Zoning Appeals.

EXCEPTION: Work that is limited exclusively to interior work may extend according to 106.4.4, provided that no construction related vehicles are parked on the street and alley, and that no construction material is stored in view of any adjacent property.

FISCAL IMPACT

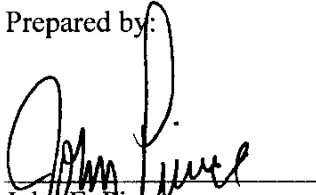
Plan Check and permit fees collected through the Building Services Fund pay for the costs associated with enforcing this change to the Pasadena Municipal Code.

Respectfully submitted,



Cynthia J. Kurtz
Acting City Manager

Prepared by:



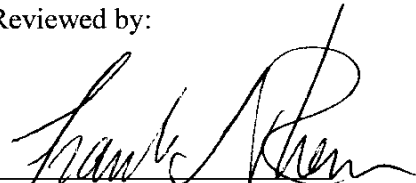
John E. Pierce
Acting Building Official

Approved by:



Bob J. Fowler, Acting Director
Planning and Permitting

Reviewed by:



Frank Rhemrev
Senior Deputy City Attorney