

ORDINANCE NO 17-0021

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
MODIFYING THE PLAN REVIEW AND PERMIT EXPIRATION
SECTIONS OF THE MANHATTAN BEACH MUNICIPAL CODE AND
CLARIFYING THE ISSUANCE OF PERMITS TO OWNER-BUILDERS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment. It is therefore exempt from review under the California Environmental Quality Act pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations (CEQA Guidelines).

SECTION 2. Chapter 9.01 of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

9.01.040 Expiration of plan review.

Section [A]105.3.2 is hereby amended to read as follows:

[A] 105.3.2 Time limitation of application. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by applicant for periods not exceeding 180 days upon written request by the applicant and justifiable cause demonstrated. No application shall be extended more than two years from original submittal date. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and plans shall be reviewed under the current codes and ordinances at the time of the new applications.

9.01.050 Permit expiration.

Section [A]105.5 is hereby amended to read as follows:

[A]105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the work is commenced, or if the building or work authorized by such permit is not completed within 2 calendar years from the issuance date of the permit without the issuance of a permit renewal or extension.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be valid for more than 4 years.

For permits where work has not commenced within 180 days from the date of such permit, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the original issuance date.

For permits where work had commenced and was subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded four years from the issuance date, and/or (3) where construction has progressed and has been approved, to the point whereby only a final inspection(s) is required, a fee shall be

determined based on the number of estimated inspections, estimated staff time, and required meetings as determined by the Building Official.

For permits that have exceeded two years beyond the issuance date and have not received an extension prior to expiring, a new permit is required. The applicant shall pay the fee based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the current codes and ordinances at the time of the new applications.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, the permittee is unable to continue work within the time required by this section. The Building Official may grant one or more extensions for periods not exceeding six calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. No permit shall be valid for more than 4 years.

If the owner or applicant fails to complete the construction work within the time required, the Building Official is authorized to obtain the abatement of any unsafe condition or nuisance created by such incomplete work. The City Attorney is authorized to file an action for the abatement of any such unsafe condition or nuisance if required to do so by the Building Official.

SECTION 3. Chapter 9.03 of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

9.03.030 Expiration of plan review.

Section R105.3.2 is amended as follows:

Section R105.3.2 Time limitation of application. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by applicant for periods not exceeding 180 days upon written request by the applicant and justifiable cause demonstrated. No application shall be extended more than two years from original submittal date. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and plans shall be reviewed under the current codes and ordinances at the time of the new applications.

9.03.040 Permit Expiration.

Section R105.5 is amended to read as follows:

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced, or if the building or work authorized by such permit is not completed within 2 calendar years from the issuance date of the permit without the issuance of a permit renewal or extension.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be valid for more than 4 years.

For permits where work has not commenced within 180 days from the date of such permit, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the original issuance date.

For permits where work had commenced and was subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the issuance date and/or (3) where construction has progressed and has been approved, to the point whereby only a final inspection(s) is required, a fee shall be determined based on the number of estimated inspections, estimated staff time, and required meetings as determined by the Building Official.

For permits that have exceeded two years beyond the issuance date and have not received an extension prior to expiring, a new permit is required. The applicant shall pay the fee based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the current codes and ordinances at the time of the new applications.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, the permittee is unable to continue work within the time required by this section. The Building Official may extend the time for action by the permittee for periods not exceeding six calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. No permit shall be valid for more than 4 years.

If the owner or applicant fails to complete the construction work within the time required, the Building Official is authorized to obtain the abatement of any unsafe condition or nuisance created by such incomplete work. The City Attorney is authorized to file an action for the abatement of any such unsafe condition or nuisance if required to do so by the Building Official.

SECTION 4. Chapter 9.04 of the Manhattan Beach Municipal Code is hereby amended to read as follows:

Section 9.04.010 is amended to read as follows:

9.04.010 – Requirements for issuance of building permits.

The City shall not issue a building permit to any person unless such person has:

- A. A valid contractor's license in the applicable trade issued in accordance with the California Business and Professions Code; and
- B. Sufficient evidence of compliance with all applicable federal and state laws, including but not limited to evidence of fully compliance with workers' compensation law.

Exception:

Any person applying for a building permit as an owner-builder must meet the requirements of the California Business and Professions Code Section 7044 for owner-builder and complete the owner-builder declaration as required by California Health and Safety code Section 7031.5.

SECTION 5. Section [A]105.3.2 of Title 9 of the Manhattan Beach Municipal Code is amended to read as follows:

9.02.020 Expiration of plan review.

Section [A]105.3.2 is hereby amended to read as follows:

[A] 105.3.2 Time limitation of application. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by applicant for periods not exceeding 180 days upon written request by the applicant and justifiable cause demonstrated. No application shall be extended more than two years from original submittal date. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee and plans shall be reviewed under the current codes and ordinances at the time of the new applications.

9.02.030 Permit expiration.

Section [A]105.5 is hereby amended to read as follows:

[A] 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the work is commenced, or if the building or work authorized by such permit is not completed within 2 calendar years from the issuance date of the permit without the issuance of a permit renewal or extension.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be valid for more than 4 years.

For permits where work has not commenced within 180 days from the date of such permit, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the original issuance date.

For permits where work had commenced and was subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; and (2) the expiration has not exceeded two years from the issuance date and/or (3) where construction has progressed and has been approved to the point whereby only a final inspection(s) is required, a fee shall be determined based on the number of estimated inspections, estimated staff time, and required meetings as determined by the Building Official.

For permits that have exceeded two years beyond the issuance date and have not received an extension prior to expiring, a new permit is required. The applicant shall pay the fee based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the current codes and ordinances at the time of the new applications.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, the permittee is unable to continue to work within the time required by this section. The Building Official may extend the time for action by the permittee for periods not exceeding six calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the project. No permit shall be valid for more than 4 years.

If the owner or applicant fails to complete the construction work within the time required, the Building Official is authorized to obtain the abatement of any unsafe condition or nuisance created by such incomplete work. The City Attorney is authorized to file an action for the abatement of any such unsafe condition or nuisance if required to do so by the Building Official.

SECTION 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 8. This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

SECTION 9. The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

SECTION 10. This Ordinance will become effective at 12:01 a.m. on November 17, 2017.

SECTION 11. The City Clerk shall cause a summary of this Ordinance to be published as provided by law. The summary shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this October 17, 2017.

Ayes:
Noes:
Abstain:
Absent:

DAVID LESSER
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW City
Attorney