

ORDINANCE NO. 5629

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE AMENDING SECTION 105.3.2 OF THE 2007 CALIFORNIA BUILDING CODE, ADOPTED AS VOLUME 1 OF THE GLENDALE BUILDING AND SAFETY CODE, 2008, AS AMENDED, RELATING TO THE EXPIRATION OF BUILDING PLAN REVIEWS, AND DECLARING THE URGENCY THEREOF.**

**WHEREAS**, Section 105.3.2 of the 2007 California Building Code, as adopted in Volume I, Glendale Building and Safety Code, 2008, contains a one year time limit for building plan reviews; and

**WHEREAS**, due to the current crisis in the financial markets that has been the ability to obtain financing difficult or nearly impossible, certain building projects will be unable to avoid building plan review expiration; and

**WHEREAS**, the expiration of plan reviews (also known as “plan check”) will require those projects to go through the plan review process again, resulting in costly delays that may ultimately require those projects to be permanently shelved, causing a disruption to the local economy and local property tax base; and

**WHEREAS**, the Council finds there is an immediate need to preserve public peace, health and safety insofar as certain building plan checks will expire within the next month which may cause a disruption to the local economy and the City’s property tax base.

**WHEREAS**, extending plan reviews submitted prior to December 31, 2007 until December 31, 2008, provided those plan reviews did not expire before September 1, 2008, will provide a reasonable increase in the time limit to obtain building permits therefor; and

**WHEREAS**, extending the expiration dates of the plan reviews subject to this Ordinance until December 31, 2008 will allow the City to maintain the status quo so that the City can analyze additional measures that may be necessary to address the current financial crisis and its impact on development within the City.

**WHEREAS**, this Ordinance expresses the intent of the City Council to promote a more efficient plan review process and, without this Ordinance, there is the potential that the problems related to the premature expiration of plan reviews would increase, thereby possibly impairing the City's ability to provide high quality plan review services; and

**WHEREAS**, it is in the best interests of the City and its citizens to extend the period of time for all plan reviews submitted prior to December 31, 2007 until December 31, 2008 (provided said plan reviews did not expire prior to September 1, 2008) insofar as such extension of time would be more efficient, would not impose harm on vested rights and would be consistent with all other existing statutory requirements.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:**

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** The City Council finds and declares: The findings, approvals, and certifications contained herein and in the City Council staff report dated October 14, 2008 are hereby adopted and incorporated by reference as though fully set forth herein.

**SECTION 3.** Section 105.3.2 of Volume I of the Glendale Building and Safety Code, 2008, regarding the expiration of building plan reviews, is hereby amended to read as follows:

### **105.3.2 Time limitation of application.**

1. An application for a permit for any proposed work shall be deemed to have been abandoned one year after the date of filing, unless one or more of the following occurs:
  - a. Such application has been pursued in good faith or a permit has been issued; or
  - b. Such application was filed prior to December 31, 2007 and did not expire before September 1, 2008, in which case such application shall be extended to December 31, 2008; or
  - c. The building official grants one or more extensions of time for additional periods not exceeding 180 days each. Such extension from the building official shall be requested in writing and justifiable cause demonstrated. In granting any extension the building official may require compliance with any new regulation.
2. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. The new plan review fee shall be one half the amount required for a new plan review, provided no changes have been made in the original plans and specifications for such work, and provided further that such abandonment has not exceeded one year. In order to renew action on an expired application the applicant shall comply with all applicable new regulations.

**SECTION 4.** The adoption of this urgency Ordinance is remedial in nature and is intended to maintain the status quo with respect to all other provisions of the Glendale Building and Safety Code.

**SECTION 5.** The adoption of this urgency Ordinance only extends the life of plan review of projects that have already complied with California Environmental

Quality Act. There is no possibility that the extension of the plan reviews will cause any significant impacts to the environment and this Ordinance is therefore not subject to any review under CEQA.

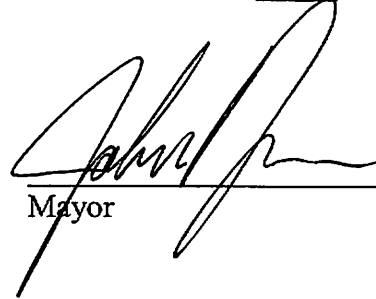
**SECTION 6. Retrospective effect.** This Ordinance shall apply to all plan review applications filed prior to December 31, 2007 that did not expire before September 1, 2008. Any plan review that expired between September 1, 2008 and the effective date of this Ordinance shall be deemed reinstated and extended through December 31, 2008. Staff is hereby directed to take all steps to provide reasonable notice to said applicants.

**SECTION 7. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

**SECTION 8. Urgency Measure.** It is hereby found that the public health, safety and welfare needs of the community are met by the immediate imposition of an extension or reinstatement of the building plan review period for building plan check applicants who applied prior to December 31, 2007 because such an extension would provide those permit applicants with sufficient time to comply with all the City's complex laws and regulations and go through review processes and returns for corrections. This Ordinance is hereby declared to be an urgency measure, in accordance with section 36937 of the Government Code of the State of California, and shall become effective immediately upon its adoption in order to revive affected expired plan checks as soon as possible.

**SECTION 9.** In the event the urgency component of this Ordinance is deemed invalid by a court of competent jurisdiction, the Council intends this Ordinance to become effective thirty (30) days from the date of passage.

Adopted by the Council of the City of Glendale on the 21st day of October, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA     )  
  ) SS.  
COUNTY OF LOS ANGELES )

I, Ardashes Kassakhian, City Clerk of the City of Glendale, hereby certify that the foregoing Ordinance No. 5629 was adopted by four-fifths vote the Council of the City of Glendale, California, at a regular meeting held on the 21st day of October, 2008, and that the same was adopted by the following vote:

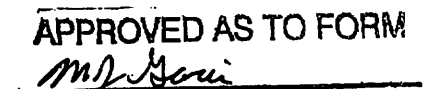
Ayes: Najarian, Quintero, Weaver, Yousefian, Drayman

Noes: None

Absent: None

Abstain: None

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM  
  
\_\_\_\_\_  
CHIEF ASSISTANT CITY ATTORNEY  
DATED 10/16/08