



## AGENDA REPORT SUMMARY

**Meeting Date:** September 12, 2023

**Subject:** Adoption of Penalty for Expired Permits Ordinance

**Prepared by:** Nick Zornes, Development Services Director

**Reviewed by:** Jon Maginot, Assistant City Manager

**Approved by:** Gabriel Engeland, City Manager

**Initiated by:**  
City Council.

**Environmental Review:**

Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970.

**Fiscal Impact:**

None.

**Attachments:**

1. Draft Ordinance with Appendices

**Summary:**

The draft ordinance proposed accomplishes the goal of eliminating or reducing future instances of “never ending” permits within the City of Los Altos. Under existing allowances of permits used under the Los Altos Municipal Code, Building Permits can obtain permit extensions, and reactivations by simply requesting an extension, and in some cases by paying a reactivation fee of the issued permits. However, the Los Altos Municipal Code does not limit the number of times a permit can be extended or reactivated once it has expired. The enactment of this ordinance will allow for enforcement of the prescribed regulations contained within, and ultimately require private developments to complete construction within a reasonable amount of time.

**Staff Recommendation:**

Adopt an Ordinance of the City Council of the City of Los Altos Adding Chapter 12.72 Penalty for Expired Permits and amending Chapter 12.08 and 12.10 of the Los Altos Municipal Code and find that this action is Exempt from Environmental Review Pursuant to Section 15061(b)(3) of the State Guidelines Implementing the California Environmental Quality Act of 1970.

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City Manager

GE

Reviewed By:

City Attorney

JH

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### **Background**

Existing practices and procedures regarding the expiration of building permits within the City of Los Altos follows the standard allowances as contained within the California Building Code (CBC), which allows for the reactivation of expired building permits by request and/or by payment of a reactivation fee by the applicant. However, the standard California Building Code falls short on limiting the number of times a reactivation may be granted of an existing building permit.

### **Analysis**

For example, if an applicant pulls a building permit in September 2005, under the 2001 CBC, and the building permit has expired several times since issuance date the applicant/property owner can reactivate the building permit simply by payment of either one half the cost of the original permit or pay the full cost of the original permit again (dependent upon prior extensions or reactivations granted).

- The example provided above outlines the potential for existing building permits to continue construction for several years into the future without completion or progress nor coming into compliance with today's building code regulations.
- The example provided above is an example of real-life circumstances of prior construction permits pulled within the City of Los Altos. This example would mean that the prior construction permit is six (6) building code cycles behind today's code standards (a total of 17 years post original approvals).

### **Discussion**

The example provided above provides multiple real examples of circumstance that exist today within the City of Los Altos. Unfortunately, due to the absence of regulations regarding this specific portion of the Municipal Code this is largely unenforceable without the enactment of the proposed ordinance.

The proposed ordinance would clarify the penalty of expired building permits in Chapter 12.08 – Building Code, and Chapter 12.10 – Residential Code, while also creating the standalone Chapter of 12.72 – Penalty for Expired Permits.

The draft ordinance would be applicable to all building permits pulled within the City of Los Altos. Additionally, the draft ordinance would provide a per day penalty upon the 31<sup>st</sup> day should a property owner not seek renewal prior.