

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *MD*

BOARD AGENDA # D-1

Urgent

Routine

AGENDA DATE May 25, 2010

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of the Residential Building Permit Pilot Amnesty Program

STAFF RECOMMENDATIONS:

Approve the Residential Building Permit Pilot Amnesty Program.

FISCAL IMPACT:

Costs for the program will be recoverable through fee collection.

BOARD ACTION AS FOLLOWS:

No. 2010-332

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: O'Brien

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DISCUSSION:**

The County's Department of Planning and Community Development Building Permits Division is responsible for the issuance of permits that are required by code or law for property improvements. While most property owners, contractors, and developers apply and receive building permits for their proposed improvements, there are still many that proceed with work without benefit of permit due to a lack of knowledge of the code requirements, or to avoid the permitting process altogether.

Many people do not realize they need permits for various types of work or repairs on their homes or they have bought a home with undocumented additions or alterations. Over the past several years, numerous cases have been brought to the attention of the Planning and Community Development Department, Building Permits Division, or Code Enforcement (Department of Environmental Resources) related to undocumented construction.

Historically, most of the un-permitted single-family residential improvements are discovered through complaints from the general public as well as from County inspectors that may be on site to inspect other unrelated work. Improvements are also discovered when the property is placed on the market and violations are disclosed to the buyer by the seller, or the real estate agent discovers during a sale that there has been work conducted without benefit of permit. These are then brought to the Building Permit Division's attention through the research of the real estate agent or potential buyer of the property.

Processing complaints or potential violations often require a substantial amount of work from Code Enforcement or Building Inspectors to resolve the issues. Landowners may be issued citations or "red tags" from the County enforcement staff and may be subject to more formalized Nuisance Abatement Board hearings.

In an attempt to reduce formal Code Enforcement or Building Permits "red tag" actions, the Departments of Planning and Community Development and Environmental Resources, with participation from County Counsel and the Chief Executive Office, propose a program to provide the opportunity for landowners to bring undocumented projects into code compliance while retaining the value of the landowners investment without being penalized by double fees or code enforcement action.

This Residential Building Permit Pilot Amnesty Program (Amnesty Program) is to assist in permitting the single-family residential room additions, interior/exterior remodels, residential site improvements for grading and drainage, and construction of single-family dwelling units constructed without benefit of permit. Only single-family residential property improvements would be covered under the Amnesty Program. It will be necessary for the unpermitted construction to comply with all Federal, State, and local codes. The Department will use the Building Code and zoning regulations in effect at the time of original construction. This program is only available for uses allowed within the zoning classification for the parcel, and variances cannot be granted as part of the program. Fees will be collected (if necessary) based on the current fee structure.

The Amnesty Program provides an opportunity for property owners to apply for building permits for buildings, additions, and remodels not previously permitted. The benefits include:

- No double building permit penalty fee.
- Use the building code that was in effect at the time of construction.
- No civil penalties assessed for site development work without permits.
- Removal of recorded Violation for Non-Compliance on a property files.
- Assignment of a staff member to assist the property owners through the application process.

Similar projects have been successful in Solano, Alameda, Yolo, and other counties. The following provides a summary of the proposed Amnesty Program.

**Step 1. Pre-Qualification Informational Consultation:** Potential applicants are encouraged to take advantage of this pre-qualification consultation with the Planning and Community Development Department (Planning Services and Building Permits) staff. It allows the applicant to gather enough information to find out if this program will work for them, without the fear of enforcement action. At this point of the process, the Building Permits Division or Code Enforcement will not pursue any form of abatement, compliance or citation action toward the property. Staff will inform the applicant of how the program works and what is needed to continue, so they can make an informed decision to enroll or not to enroll in the program. The applicant may back out at no cost and no application or fee is required at this time.

**Step 2. Enrollment and Qualification Application Process:** The applicant has decided to continue and completes and submits an Application for the Amnesty Program along with a \$200 application fee.

The applicant will provide a Site Plan identifying property lines, building footprints, patios, pools or other ancillary structures, water well and existing septic system. With documentation (Assessor's records, grant deed, current photograph's, receipts, old contracts, purchase date etc.), Department staff will research and verify permit history, zoning requirements, land use, and set back issues with regards to establishing an original date of construction.

At this time, an initial draft assessment will also be provided to determine if the project will qualify for the Amnesty Program. An estimate of fees will also be provided. Based on information provided, an estimated date of construction may be established. The applicant may still back out at this time prior to inspection of the property.

**Step 3. Inspection:** A mutually agreeable date and time will be set for County Inspectors to conduct an inspection of the subject property. A \$105 inspection fee will be required at that time. Within 10 days following the inspection, the applicant will be provided with a written inspection report. The report will identify Health and Safety violations and related issues and items required such as: documents needed for submittal, requirements from Zoning, Department of Environmental Resources, Department of Public Works, and Fire Department when necessary. The report will also identify time lines and estimate of fees due upon Building Permit issuance.

**Step 4. Appeal Process:** Following receipt of the written inspection reports, should the applicant disagree with the conclusions, they may file an appeal with the Building Code Board of Appeals within (20) days or the Stanislaus County Planning Commission within (10) days (depending on the subject of the appeal) from receipt of the inspection. A hearing date will be set and the Board of Appeals will meet in an informal setting. The applicant may bring all documentation that supports their conclusions and present them to the Board. Planning Commission meetings are held the first and third Thursday of every month, and are a more formalized process. Department staff will be available to explain the type appeal needed and specifics regarding the appeal process.

**Step 5. Submittal of Additional Documents for Permit Issuance:** In order to obtain a Building Permit, the applicant may be asked to submit additional items, including Architectural Plans and or Engineering, Site Plan, Inspection Report or other documents. In certain instances, photographs and simple sketches may be accepted in lieu of detailed plans.

**Step 6. Fee Calculation, Permit Issuance:** Final Fees will be calculated and the permit issued.

**Step 7. Inspections and Final Sign-off on the Permit:** Inspections will be required during and after work is completed in order to verify compliance. There will be no additional charges for these inspections. If all work is completed in a satisfactory manner, Final sign off or Certificate of Occupancy will be issued by the Chief Building Official.

The amnesty program may involve several County Departments and Agencies including:

- Planning and Community Development (Building Permits Division and Planning Division)
- Environmental Resources
- Public Works
- Local Fire District

These agencies will assist in the Amnesty Program to permit the un-permitted work without penalties or fines. The Building Permits Division would check for life and safety issues as well as compliance with the minimum Building Codes and issue any required building permits. Planning and Zoning will ensure that the required set backs and maximum height requirements are met, as well as proper zoning. Environmental Resources will be checking for proper sizing of septic systems and leach fields and to ensure proper connection to a potable water connection and issue any associated septic or well permits. The Department of Public Works will be checking for proper construction of any improvement within the public right-of-way. The Fire Districts will be checking for fire life safety issues.

The purpose of the evaluations will be to ensure that the structures meet the minimum life-safety requirements. When Department staff evaluates the residence, it must ensure that the structure:

## Approval of the Residential Building Permit Pilot Amnesty Program

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- Is structurally sound;
- Satisfies the requirements of the code in effect at the time the work was commenced, indicating the date the work commenced and the requirements of the code in effect on that date;
- Complies with all requirements of the current or appropriate code; and
- Complies with the permit application and plans approved by the Building Permits Division.

At a minimum, the Department will ensure that the following life-safety requirements must be complied with at all times:

- Means of egress or escape;
- Hard-wired smoke detectors as required;
- Ground fault interrupter (GFI) as required;
- Full size pressure and temperature relief valve lines at water heaters;
- All gas piping systems, as well as bonding to ground;
- Handrails, if necessary; and
- Requirements of State laws or other preemptive laws, codes or standards in affect at the time of construction.

**Time Frame:** Staff recommends that this program be considered as a pilot for a period of six (6) months to be effective July 1, 2010 through December 31, 2010. The program will be evaluated after the initial implementation to determine the level of success and to consider continuation, expansion or modification of the program.

### **POLICY ISSUES:**

The Board should determine whether this action meets the priority of *Efficient delivery of public services*.

### **STAFFING IMPACTS:**

Existing staff from the Departments of Planning and Community Development, Environmental Resources, County Counsel, Public Works, Fire, and the Assessor's Office may be required to administer the Amnesty Program. No additional staff will be required.

### **CONTACT PERSON:**

Kirk Ford, Planning and Community Development Director. Telephone (209)525-6330.



# POWERPOINT PRESENTATION

PLANNING AND COMMUNITY DEVELOPMENT  
PLANNING PHONE: 209-525-6330  
BUILDING PERMITS: 209-525-6557

## Building Permit Pilot Amnesty Program

Many people do not realize they need permits for various types of work or repairs on their homes or they have bought a home with undocumented additions or alterations.





## Building Permit Pilot Amnesty Program

Permits may be required:

- By financial institutions to process a loan or refinance a property
- By Insurance Companies to issue or renew policies

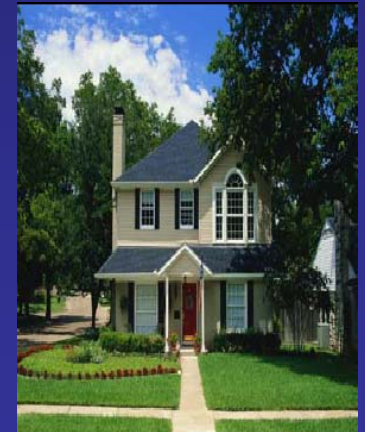




## Building Permit Pilot Amnesty Program

### Residential Undocumented Construction

- Single family residential room additions,
- Interior/exterior remodels,
- Residential site improvements for grading and drainage,
- Construction of single-family dwelling units







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# Building Permit Pilot Amnesty Program

## Residential Undocumented Construction

A common example of unpermitted activity is a garage or attic converted into living space.





## Building Permit Pilot Amnesty Program

An opportunity for property owners to apply for building permits for buildings, additions, and remodels not previously permitted.

- No double building permit penalty fee.
- Use the building code that was in effect at the time of construction.
- No Civil Penalties assessed for site development work without permits.
- Removal of recorded Violation for Non-Compliance on a property files.
- Assignment of a staff member to assist the property owners through the application process.



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# Building Permit Pilot Amnesty Program

## Step 1 Pre Qualification Informational Consultation

No Fee,

Just come in and talk to us

The applicant may back out at no cost at, and no application or fee is required



## Building Permit Pilot Amnesty Program

### Step 2 Enrollment and Qualification Application Process (\$200 application Fee)

#### Applicant provides:

- Site Plan
- Building footprints
- Septic plan
- Assessor's records
- Other data as required





## Building Permit Pilot Amnesty Program

### Step 2 Enrollment and Qualification Application Process (\$200 application Fee)

#### We provide:

- Initial draft assessment
- Estimate of fees
- Estimated date of construction

The applicant may still back out prior to inspection of the property.

All materials returned to Applicant





## Building Permit Pilot Amnesty Program

### Step 3 Inspection (\$105.00 Fee Required)

#### We provide:

- Field Inspection
- Inspection report
- Zoning, Building, Health & Fire Requirements (if any)
- Time Lines
- Fees assessment





# Building Permit Pilot Amnesty Program

## Step 4 Appeal Process

Should the applicant disagree with the conclusions, they may file an appeal with:

- Building Code Board of Appeals  
within (20) days, or
- Planning Commission  
within (10) days





## Building Permit Pilot Amnesty Program

### Step 5. Submittal of Additional Documents (if any)

The applicant may be asked to submit additional items:

- Architectural Plans and or Engineering,
- Site Plan,
- Inspection Report or other documents.

In certain instances, photographs and simple sketches may be accepted in lieu of detailed plans.







## Building Permit Pilot Amnesty Program

### Step 6 Fee Calculation, Permit Issuance

- Final Fees will be calculated (Current Fees)
- Permit issued





## Building Permit Pilot Amnesty Program

### Step 7. Inspections and Final Sign-off on the Permit

- Inspections will be required during and after work
- There will be no additional charges for these inspections.
- If all work is completed in a satisfactory manner, final sign off or Certificate of Occupancy will be issued by the Chief Building Official





# Building Permit Pilot Amnesty Program

## Who is involved?

The amnesty program may involve several County Departments and Agencies including:

- Building Permits Division
- Planning Division
- Environmental Resources
- Public Works
- Local Fire District





## Building Permit Pilot Amnesty Program

### What do we look for?

Minimum life-safety requirements:

- Is it structurally sound?
- Does it satisfy the requirements of the code in effect at the time the work was commenced?
- Does it comply with the permit application and plans?

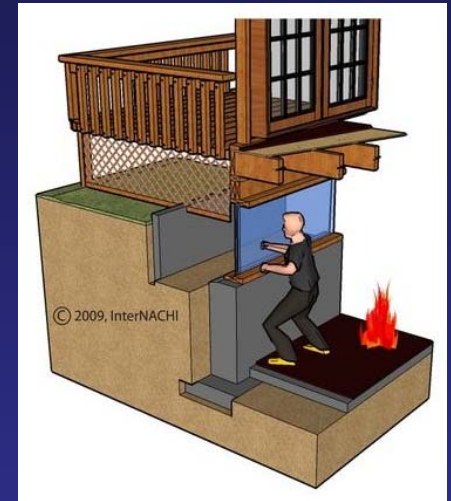




## Building Permit Pilot Amnesty Program

### What do we look for?

- Means of egress or escape
- Hard-wired smoke detectors as required
- Full size pressure and temperature relief valve lines at water heaters
- All gas piping systems and bonding to ground





## Building Permit Pilot Amnesty Program

### What do we look for?

- Ground fault interrupter (GFI)
- Electrical Services
- Handrails, if necessary
- Requirements of state laws, codes or standards in affect at the time of construction





## Building Permit Pilot Amnesty Program

### How quickly must corrective work be completed?

- Extreme health and life safety violations – 30 Days
- Otherwise: Construction must be completed within one year from the date that Building Permits are issued.



## Building Permit Pilot Amnesty Program

### **What Zoning and Building Codes must be complied with?**

Comply with Building and other County Codes (Title 16) in effect at the time of original construction.

Comply with all current Zoning Codes





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# Building Permit Pilot Amnesty Program

**How long will the Amnesty Program last?**

July 1, 2010 through December 31, 2010



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# Building Permit Pilot Amnesty Program

## Staff Recommendation

Approve the Residential Building Permit Pilot Amnesty Program