



# ***Atascadero City Council***

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## ***Staff Report – Community Development Department***

### **Second Reading Title 8 Building Code Text Amendment**

### **Dormant Building Permit Applications Time Extensions Program Phase III**

#### **RECOMMENDATION:**

Council introduce for second reading by title only, Draft Ordinance A to create a Phase III Dormant Building Permit Application program.

#### **REPORT-IN-BRIEF:**

The City Council held a hearing and introduced the Phase III Dormant Building Permit Program for first reading on June 8, 2010. As amended by the Council, the Phase III will include the following components:

- Phase I: For projects that participated in the Phase I dormant application program, existing permits are extended to June 30, 2011. Each permit will be subject to a \$150 processing fee to cover the cost of staff time. Starting July 1, 2011, Phase I permits must be revised to meet the 2011 building code.
- Phase II: For projects that are in Phase II, existing permits are extended to December 31, 2011. These permits plans must be revised to the current building code and all outstanding fees must be paid prior to issuance.

### Summary of Phase III Permit Extension Program

Time Frame	Phase I Permits	Phase II Permits
Expires June 30, 2010	<ul style="list-style-type: none"> <li>• All outstanding plan check fees had to be paid</li> </ul>	<ul style="list-style-type: none"> <li>• Deferred outstanding plan check fees</li> <li>• All plans must be brought up to current code</li> </ul>
July 1, 2010 to June 30, 2011	<ul style="list-style-type: none"> <li>• Phase I permits may be issued</li> <li>• \$150 processing fee</li> </ul>	<ul style="list-style-type: none"> <li>• Deferred outstanding plan check fees</li> <li>• All plans must be brought up to current code</li> <li>• \$150 processing fee</li> </ul>
July 1 to December, 31, 2011	<ul style="list-style-type: none"> <li>• All Phase I and II permits must be brought up to the 2011 building code.</li> <li>• All outstanding plan check fees must be paid.</li> <li>• \$150 processing fee</li> </ul>	
January 1, 2012	<ul style="list-style-type: none"> <li>• All permits expired</li> <li>• Outstanding plan check fees turned over for collections</li> </ul>	

#### FISCAL IMPACT:

It is likely that between 25%-50% of the \$374,000 in outstanding plan check fees will be collected with the Phase III extension program.

#### ATTACHMENTS:

Attachment 1: Draft Ordinance A Modifying Title 9 Section 105.3.2.3

**Attachment 1: Draft Ordinance A****DRAFT ORDINANCE A****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING TITLE 8 OF THE  
ATASCADERO MUNICIPAL CODE BY REPLACING  
SECTIONS 8-2.102(C) AND 8-2.102(E)  
OF THE LOCAL BUILDING CODE**

The City Council hereby finds and declares as follows:

**WHEREAS**, the National, State and local economy have experienced a significant economic downturn from 2007 to 2010; and,

**WHEREAS**, this economic downturn has had a considerable negative effect on the construction industry, especially the local residential construction sector; and,

**WHEREAS**, the City of Atascadero now has a backlog of over 250 building permit applications for new residential and commercial projects with outstanding plan check fees of over \$374,000; and,

**WHEREAS**, the building code requires building permit applications to be deemed abandoned after 180 days of inactivity; and,

**WHEREAS**, the City Council determined that it was in the economic interests of the City of Atascadero to provide relief to the construction industry by extending the permit extension deadlines; and,

**WHEREAS**, the City Council has approved a Phase I and Phase II Dormant Permit Extension Program that will expire on June 30, 2010, and,

**WHEREAS**, the City Council directed staff to prepare a Phase III Dormant Permit Extension Program code text amendment that would provide an addition time extension to inactive building permit application.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO  
HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:**

Section 8-2.102(c) of the Atascadero Municipal Code is amended to read as follows:

**105.3.2. Time limitations of application.**

- (a) ~~1-~~ **Expiration of Plan Review.** Applications for which no permit is issued within 180 days following date of notification of approval/ready for issuance by the Building Division, or applications within 180 days following date of notification of permit corrections to be picked up or returned, 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. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. No extension is allowed except by written appeal to the Building Official. The Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. No application shall be extended more than once.
- (b) ~~2-~~ **Fee refund.** Application fees and permit fees are assessed to cover the cost of providing permit issuance services and therefore are not refundable once service has been obtained. A full refund (100%) can only be given when a cancelled application was submitted and/or reviewed due to staff error. Refunds for cancelled applications will not include submittal fees, document imaging fees, and plan review fees (once a plan review has been completed). Refunds must be requested in writing and within one (1) year of application submittal date. Refunds for cancelled permits will include up to 80% of the permit fee, provided no work has commenced and the request for refund is within one (1) year from permit issuance. Refunds must be requested in writing and within one (1) year of permit issuance. Refunds will not be processed for applications and/or permits that have been suspended or revoked, or that have expired due to limitation.
- ~~1. — **Dormant building permit application one-time-only blanket extension.** In addition to the time extension allowed in section 105.3.2.1., any building permit application for new single family residence, new multi-family residence, new commercial or industrial building, or a commercial or industrial addition, submitted to the City of Atascadero on or before September 9, 2008, may opt into a one-time-only application extension. In~~

~~order to be considered for this program, all outstanding building permit plan check fees must be paid in full on or before February 28, 2009, and any subsequent building permit regulated by this program must be paid for in full and issued on or before June 30, 2010. Any building permit application or subsequent building permit regulated by this program that does not meet all timeframes indicated in this section will be cancelled and become null and void, and any subsequent work will require a new permit application, new plans, and new plan check and permit fees.~~

**(c). Phase III - 2010 Dormant Building Permit Application Extension Program.**

In addition to the processing timeframes provided for in Section 105.3.2.1, all dormant permit applications currently covered in Dormant Permit Application Programs Phase I and Phase II shall be provided application extensions consistent with the following:

1. Phase I: Building Permit Applications that are included in the Phase I Dormant Building Permit Application Extension Program, have paid all outstanding plancheck fees to the City, but have not received building permits by June 30, 2010, are allow an extended deadline until June 30, 2011 to issue a building permit provided a \$150.00 processing fee is paid at time of permit issuance. Phase I permits that are not issued by June 30, 2011 are extended to December 31, 2011 provided that prior to issuance, (1) all outstanding plan check fees are paid (2) a \$150.00 processing fee is paid, and (3) building construction plans have be revised to meet the current Building Code requirements.
2. Phase II: Building Permit Applications that are included in the Phase II Dormant Building Permit Application Extension Program permits are extended to December 31, 2011 provided that prior to issuance, (1) all outstanding plan check fees are paid (2) a \$150.00 processing fee is paid, and (3) building construction plans have be revised to meet the current Building Code requirements.
3. All Dormant Building Permit Applications that have not been issued by December 31, 2011 will become null and void, and all unpaid fees for services rendered will be due to the City of Atascadero is full.

**SECTION 2:**

A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in

the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on \_\_\_\_\_, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on \_\_\_\_\_, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

CITY OF ATASCADERO

\_\_\_\_\_  
Marcia McClure Torgerson, C.M.C.,  
City Clerk

By: \_\_\_\_\_  
Roberta Fonzi, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney