



Atascadero City Council

Staff Report – Community Development Department

Dormant Building Permit Applications Time Extensions Title 8 Code Text Amendments

RECOMMENDATION:

Council adopt on second reading, by title only, draft Ordinance A amending Title 8 to retroactively extend dormant and expired single family residential, multi-family residential, industrial, and commercial building permit applications to June 30, 2010, once all outstanding, unpaid plan check fees have been paid; and to clarify the City's building permit fee refund policy and Board of Appeals membership.

REPORT-IN-BRIEF:

On September 9, 2008, the City Council introduced for first reading an ordinance amending the Local Building Code, Title 8 to provide a retroactive time extension for dormant building permit application. The Council stipulated that the extension would run to June 30, 2010, and be contingent on all outstanding plan check fees being paid by February 28, 2009.

FISCAL IMPACT:

Collection of unpaid plan check fees is estimated to provide a financial benefit to the City of approximately \$150,000±.

ATTACHMENTS:

1. Draft Ordinance A

Attachment 1: Draft Ordinance A

DRAFT ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING 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 in 2007 and 2008; and,

WHEREAS, this economic downturn has had a considerable negative effect on the construction industry, especially the 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 \$370,000; and,

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

WHEREAS, the City Council reviewed this issue on August 9, 2008, and 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 directed staff to prepare a code text amendment that would provide an addition time extension to inactive building permit application; and,

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.

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.

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.
3. **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 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.

SECTION 2

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

112.1 Appeals Board. The Board of Building Appeals shall be as described in Section 2-12.01 of the Atascadero Municipal Code.

SECTION 3:

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

Mike Brenner, Mayor

APPROVED AS TO FORM:

Brian Pierik, City Attorney