

## ***Expired Building and Grading Permits***

### **PURPOSE**

To provide a policy that will enable Permit and Resource Management Department (PRMD) staff to assist customers with expired building and grading permits.

### **GENERAL**

The Sonoma County Code Section 7-13(A)(5) amends Chapter 1, Division II, of the 2013 California Building Code (CBC) Section 105.5 as follows: *Unless otherwise authorized, every permit issued by the Permit and Resource Management Department under the provisions of this code shall expire by limitation three (3) years from the date of permit issuance. The Chief Building Official may limit a permit to a lesser time period when necessary to abate dangerous or substandard conditions. The Chief Building Official may extend this time period when such extension is warranted, including (1) to correct an error by the department, (2) when a legal action prevents the project from being completed within the three year time frame, or (3) in the interest of public health and safety. The Chief Building Official's decision regarding the limitation period shall be final.*

Before any work can be recommenced on any expired permit, a new permit shall first be obtained. The new permit shall be obtained for all work necessary to finish the project including work already completed that has not been previously inspected and approved by the department. As described in California Building Code Chapter 1, Division 1, Section 1.8.3, the provisions regulating the erection and construction of dwellings and appurtenant structures shall **not** apply to existing structures for which construction was lawfully commenced or approved prior to the effective date of this code. The building standards for the work authorized by a new permit for all structures shall be governed by the codes in force at the time of the expired permit application.

*Policy Exception:* When a new building permit is obtained to complete the work on a building permit where the work has not commenced, as defined below, the work authorized by the new permit shall be governed by the codes in force at the time of the expired permit application, provided not more than two subsequent model California Building Codes have been adopted. If more than two subsequent model California Building Codes have been adopted, the work authorized by the new permit shall be governed by the codes in effect when the new permit is issued.

*Commencement of work* shall mean (1) Construction of all of a foundation based on PRMD inspection records, or (2) for remodel work, completion of work or inspection which resulted in a correction notice or approved inspection or verified by receipts or other evidence, when approved by the Building Official. Excavation or grading alone is not considered commencement of work on a building permit.

It is the intent of this policy to: a) provide procedures that will enable PRMD staff to assist customers with an expired building or grading permit(s); b) ensure that any new permit issued to complete the project receives all required approvals; and, c) assess all applicable plan review and permit fees.

## **AUTHORITY**

Sonoma County Code Section 7-13.  
Chapter 11, Sonoma County Code  
California Building Code

## **PROCEDURE**

Unless otherwise authorized, any building or grading permit issued after July 1, 1999, shall not be extended beyond the three (3) year limitation. When a building or grading permit expires, a new permit is required to complete the work started under the expired permit.

When a building or grading permit is issued in connection with a code violation, Code Enforcement staff may require that the work be completed in less than three (3) years. In this situation, the permit will expire even though the date of expiration is less than three (3) years from the date of permit issuance. Customers with these expired permits will be referred to Code Enforcement staff who will determine if the permit(s) can be extended up to the three (3) year limitation.

Upon receipt of a building or grading permit application, the permit history will be reviewed for expired or inert (same as expired) permits and the date(s) of expiration. Expired permits for work unrelated to the permit under review on the same parcel will not require renewal. If the date of expiration is before January 1, 1997<sup>a</sup> or the permit was issued for minor repairs (A-BLD permit), the property owner will **not** be required to obtain a final on that expired permit as a condition to receiving another permit unless the expired permit was issued to legalize a code violation.

If the date of expiration is on or after January 1, 1997 and is applicable to a structure or grading project for which a permit is now being requested, the property owner will be required to apply for a new permit to complete the work under the expired permit as a condition to obtaining another permit for that structure or grading project. The Director of PRMD, Chief Building Official or their designee may waive this requirement when necessary to protect health and safety and for storm or other disaster damage repair.

If PRMD is informed that no work was done under an expired permit and there is no evidence to indicate otherwise, the property owner must submit a signed letter verifying that no work was done and request that the expired permit be cancelled. A notice will be entered into Permits Plus verifying receipt of the letter and the permit status changed to CANCELLED. The letters will be

retained pursuant to the current retention schedule.

**A. Procedure for Expired A-BLD Permits**

1. The applicant submits a completed building permit application and a copy of the field inspection record card from the job site (job card).
2. The Permit Technician initializes the new permit and enters the description that will reference the expired permit and identify the scope of work. For example: COMPLETE WORK STARTED UNDER EXPIRED PERMIT BLD03-1234 ISSUED TO UPGRADE ELECTRICAL SERVICE TO SFD.
3. The Permit Technician relates the new permit to the old permit in Permits Plus.
4. Required Permits Plus approvals for the expired permit will be reviewed and all required *final* approvals will be carried forward to the new permit by the Permit Technician. It will **not** be necessary to route customers back to those divisions or sections who have approved a *final* approval on the expired permit. However, the new permit application will be reviewed by those divisions or section staff who entered only an approval for *permit issue* on the expired permit. Those division/section staff will be responsible for electronically entering required final approvals on the new permit in Permits Plus as well as applicable conditions from the approval screen of the expired permit.

*Exception:* Customers will always be routed to the Code Enforcement Cubicle if there is a violation of record.

5. Building permit fees will be charged as follows:
  - If there is electrical work included, select the minimum electrical fee.
  - If there is plumbing work included, select the minimum plumbing fee.
  - For water heaters, select the minimum plumbing fee only.
  - If there is mechanical work included, select the minimum mechanical fee.
  - For furnaces, select the minimum mechanical fee only.
  - If there is work which is part of a minor remodel on the walls, ceilings, roofs or floors, the fee is calculated using four value ranges. This results in the fee ranging from the minimum building fee up to 2.5 hours inspection time.
  - For re-roofs the fee is calculated using four value ranges. This results in the fee ranging from the minimum building fee up to 2.5 hours inspection time.

**B. Procedure for Expired B-BLD Permits**

1. The applicant submits a completed building permit application, two copies of the previously approved plans and calculations (the job and file set), and the field inspection record card. The file set of approved plans is obtained from the File Room either by the

applicant or by staff. These documents are required for a complete application. Incomplete applications cannot be accepted.

2. A Permit Technician initializes the new permit in Permits Plus and completes the description including the scope of work and a reference to the expired permit. For example: PERMIT TO COMPLETE WORK STARTED UNDER EXPIRED PERMIT BLD03-1234 ISSUED FOR A 643 SQUARE FOOT KITCHEN ADDITION TO SFD - 15%. (See number B. 10.below for percentage of permit fees.)
3. The Permit Technician relates the new permit to the old permit in Permits Plus.
4. Required Permits Plus approvals for the expired permit will be reviewed and all required *final* approvals will be carried forward to the new permit by the Permit Technician. It will **not** be necessary to route customers back to those divisions or sections who have approved a *final* approval on the expired permit. However, the new permit application will be reviewed by those divisions or section staff who entered only an approval for *permit issue* on the expired permit. Those division/section staff will be responsible for electronically entering required final approvals on the new permit in Permits Plus as well as applicable conditions from the approval screen of the expired permit.

*Exception:* Customers will be routed to the Code Enforcement Cubicle if there is a violation of record.

*Exception:* Customers will be routed to the Zoning Cubicle if the building has not been completed and inspected through close-in.

5. The Permit Technician will carry forward all applicable Locks, Holds and Notices to the new permit. If necessary, the applicant will be referred to the appropriate staff for resolution of any issues related to those entries.
6. The permit history will be reviewed on all previously known parcel numbers (inactive parcels) to determine if a violation exists on the property. If a violation exists, the applicant will be referred to the Code Enforcement Cubicle.
7. Any unpaid fees, such as fire and reinspection fees, will be carried forward to the new permit for payment.
8. The on-duty Plans Examiner for building permits or Engineering Section staff person for grading permits will review and compare the job and file set of plans to ensure they are complete and legible.
  - a) Any new permits issued to recommence work started under an expired permit will be based on the codes in effect at the time of the original expired permit. If work has not commenced and more than two subsequent model California Building Codes have been adopted, the work authorized by the new permit shall be governed

- by the codes in effect when the new permit is issued.
- b) If the engineer/architect stamp on the previously approved set of plans was valid at the time of permit issuance and there is no change in the building, the applicant will not be required to obtain new stamps.
  - c) Plans for nonresidential or multi-residential building permits must include accessibility requirements in effect on the date the original plans were submitted.
9. The Plans Examiner will re-stamp the previously approved plans and enter an approval electronically and on the new permit application in Permits Plus. The minimum plan review fee will be charged at ½ hour of the current Plan Examiner’s hourly rate. Additional fees will be charged based upon the amount of time spent reviewing the plans.
10. Building permit fees are prorated using a percentage of current permit fees as shown below. The percentages are based upon the amount of work completed and approved as determined by the Plans Examiner.

<u>Work Completed and Approved</u>	<u>Percentage of Permit Fees</u>
• Foundation	85%
• Underfloor	75%
• Shear, siding, roof nailing	65%
• Close-in	45%
• Wallboard	15%
• Final with corrections	05%
• Final inspection with outstanding approval(s)	05%
• Temporary occupancy	05%

Applicable minimum electrical, plumbing and mechanical fees must be included.

*Exception:*

- (a) If the above calculation results in a fee less than two (2) hours of inspection time, the minimum building permit fee shall be based on two hours of inspection.
11. The Plans Examiner enters the percentage of permit fees electronically in Permits Plus in the permit description of the application and directs the customer back to a Permit Technician.

**C. Procedure for Expired Grading Permits**

- 1. The procedures outlined above for expired B-Bld permits will be followed for expired grading permits, except that permits shall not be tied to the code adoption cycle and will be allowed to be renewed no more than twice. Also, the customer will be referred to

Grading/StormWater Cubicle staff for review and approval of plans, calculation of plan review and permit fees, and for providing the job card to the applicant. The fee for the new grading permit will be prorated per the following table. A plan check fee will be charged only when a full plan review is required.

<u>Work Completed and Approved</u>	<u>Percentage of Permit Fees</u>
<u>Pre-construction</u>	<u>95%</u>
<u>Rough grading</u>	<u>50%</u>
<u>Keying and Benching</u>	<u>50%</u>
<u>Concrete flatwork and/or paving</u>	<u>20%</u>
<u>Final grading</u>	<u>10%</u>

D. Procedure for Expired Building and Grading Permits Without Plans or Other Records<sup>b</sup>

1. Applicants who do not have a copy of the previously approved plans and the field inspection record card should be referred to the File Counter to request a record search. If the records are located, Records staff may then hand deliver the file set to the receptionist who will route them to a Permit Technician. As an alternative, a Permit Technician or other staff may retrieve the file set of plans. If the plans have been scanned, and the building has been completed and inspected through close-in, the floor and site plans are acceptable.
2. If the applicant does not have the job set of plans, the file copy may be copied following PRMD Policy & Procedure, *1-0-5 Public Record Availability*.
3. If the applicant does not have the job card, either a copy of the inspector's file copy or a copy of the electronic inspection records is acceptable.
4. In the absence of previously approved plans, the applicant will be required to submit new plans for the *as-built* construction and proceed through the plan check process. The "as-built" plans shall consist of a site plan, floor plan and elevations. The codes which apply to building permits shall be determined by the Plans Examiner. In addition, the applicant may be required to uncover a percentage of any concealed construction to verify code compliance per PRMD Policy & Procedure, *1-4-2 Concealed Construction Verification Guidelines*.
5. Review of the "as-built" drawings shall be charged 2 hours minimum at the currently adopted fee rate. Plans shall be identified and labeled as "Renewal of expired permit" and referenced the original permit number. Plans shall require the installation of the following

items:

- a. Ground Fault Protection in the bathrooms, kitchens, outdoors and garages.
  - b. Battery operated smoke detectors in locations identified in current code.
  - c. Battery operated carbon monoxide detectors per current code
  - d. Installation of low flow plumbing fixtures
6. The applicant may be required to uncover a percentage of any concealed construction to verify code compliance per PRMD Policy & Procedure, 1-4-2 *Concealed Construction Verification Guidelines*.
7. If the expired permit was issued for a minor addition (less than 500 sf.) or minor remodel (kitchen, bath, electric upgrade, etc.), or non-engineered grading work, it may be appropriate to issue a permit for compliance verification (2-hr life/safety). Staff should consult with a supervisor or manager to ensure that this is appropriate. The fee for compliance verification is calculated at two hours of the current inspector's hourly rate. If it is determined that it is appropriate to issue a permit for compliance verification, the customer will be informed that any concealed construction may be subject to exposure/removal per PRMD Policy & Procedure, 1-4-2 *Concealed Construction Verification Guidelines*. The following standard language will be used in the project description: COMPLIANCE VERIFICATION INSPECTION FOR EXPIRED PERMIT BLDXX-XXXX FOR REMODEL OF A KITCHEN IN SFD.

The PRMD Building Inspector may either decide that the compliance verification inspection is sufficient and final the permit, issue a correction notice or identify work that requires an additional permit.

**Approved by:**

**Tennis Wick, Director**

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Revision: DeWayne Starnes, Ben Neuman

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*Formerly:* Expired Building Permits

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4/01/15 Note, this revision consolidates draft revisions of 7/18/14

**Intranet and Internet**

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<sup>a</sup> January 1, 1997 is the date PRMD first documented inspection approvals electronically.

<sup>b</sup> Section D only applies to those permits where work was completed after permit issuance and may not be applied to projects constructed to permit (constructed without permit).