

City of San Pablo Legalizing Unpermitted Construction

What is “Unpermitted Construction?”

- Building projects that have been constructed without a valid Building Permit are known as “Unpermitted Construction.”

Why do I need a permit?

- It’s the law. California State Building Code requires permits be obtained for most types of work. (CBC Sec. 105.1)
- Permits protect you, the occupants, structure, and your financial investment against work that might be substandard.
- Inspections ensure that work is done safely and meets the minimum code requirements. Incorrect installations can result in house fires, flood damage and/or structural problems.
- When selling a property, the buyer, realtor or lender may require that unpermitted work be properly permitted, corrected and inspected before closing. Otherwise, the seller or realtor must disclose that work has been done illegally.
- Unpermitted work may not be covered by homeowners insurance.

What are my options?

When legalizing unpermitted construction, there are two options a property owner has:

- 1) You may choose to restore the building to its previous condition, if originally built with a building permit and meeting zoning requirements.

OR

- 2) Start the process of legalizing the unpermitted work. This document will help guide the owner through the legalization of illegal construction work.

How do I legalize unpermitted construction?

STEP 1 - MEET WITH PLANNING DEPARTMENT

Meet with the Planning Department to see if your addition or alteration is allowed within the existing zoning codes. The planner will require a site plan to be provided. The site plan is a drawing that shows the entire project site and all structures, existing and proposed. The site plan must be drawn to scale and contain building dimensions, property lines and setback measurements. In addition, the plan shall include the existing building area, total net lot area, and building coverage. The planner will verify if the use is permitted, and if the unpermitted work complies with the maximum square footage for lot coverage, setbacks and other local zoning

ordinances. If the unpermitted work complies with all Planning regulations, a planner may then require documents for Design Review.

A Design Review is required if additions or alterations add more than 120 square feet or 15' in height. Design review fees are based on the size of the addition. If the addition does not meet Planning regulations, then legalizing the work as-is will not be a viable option. Modifications can then be made to legalize the work provided they meet current city zoning codes.

STEP 2- PROVIDE PROFESSIONALLY DRAWN PLANS FROM AN ARCHITECT OR DESIGNER

Typically, the City will require a site plan, floor plans, elevations, sections, structural drawings, electrical plan, and a Title 24 Energy Compliance report. Other drawings and documents may be required depending on the nature and scope of the work involved. The plans should show the before and after conditions of the structure. It is important the drawings be accurate as possible. A complete set of plans will expedite the plan check process and make your project approval easier.

STEP 3 - PLAN CHECK REVIEW - Once all the drawings and pertinent documents are completed, the owner then goes through the Plan Check process, in which the Community Development and Public Works Departments will review the drawings to see if they meet minimum respective codes or standards. Three sets of full sized drawings and other related documents are required at submittal. The owner or contractor will need to fill out an application and pay the plan check fee.

The plan check package should include the following items:

- 3 sets of legible plans, drawn to scale:** Indicate the scale on each plan. Plans should be drawn to 1/4" = 1'-0" scale on paper 18" x 24" minimum size and must be of sufficient clarity to indicate the nature and extent of the work. Building designs must meet current building codes (2013 California Building, Electrical, Mechanical, and Plumbing Code and Energy Design Calculations.) A full plan submittal is required for all work, including the full scope of all work that is proposed.
- Plans signed by project designer:** If prepared by an engineer or architect, they must be wet stamped and signed.
- Plot plan** - showing the entire lot, with all existing structures and proposed structures, and the distances from each structure to other structures and property lines. Provide 3 copies of the plot plan.
- A floor plan** of the existing structures and the new structures, including room dimensions, locations and sizes of windows and doors. The plans should show the locations of new electrical receptacles, light fixtures, switches, and plumbing fixtures. The locations and sizes of existing and/or new main electrical service panels and furnace or heating appliances should be shown.
- Elevation Drawings (If exterior changes are made.),** cross section(s) and construction details of the building. Show the appearance of all exterior walls, roofs, doors, windows, indicate the materials being used.
- A foundation plan and details.** Show foundation sizes, reinforcing steel and anchor bolts. Some areas of the City may require a soils engineer's report.

- Framing plans** of roof and floor(s) showing the size, spacing and materials of all beams, floor joists, wall framing, headers, bracing, rafters, roof and floor sheathing, roof covering, insulation and interior finish. Include a floor plan should include location of shear walls and tie downs.
- Grading and Drainage Plan** (If applicable): Show all proposed earthwork, estimated cut and fill quantities, existing and proposed elevations, drainage patterns and Geotechnical Report, when necessary.
- Provide 2 copies of Title 24** Energy Compliance forms and calculations. If HERS Verification is required, submit registered watermarked copies of report.
- Provide 2 copies of any engineering** calculations and details, if applicable.
- Provide 2 copies of soils report**, if applicable.
- Survey** may be required when structures are built in close proximity to property lines. All property lines and corners must be set in relation to the project by a licensed survey or civil engineer.
- Plans must be approved and stamped by the County Waste Water District (510) 222-6700.** Properties with septic systems must also provide clearance from Contra Costa County Environmental Health (925) 692-2500.
- Plans must be approved and stamped by the Contra Costa Fire District (925) 930-5500.**
- Plans must be approved and stamped by the West County School District** for properties located within this jurisdiction, (510) 307-4545. West County School District has a fee levied on new dwellings and residential additions. These fees are based on square footage.
- Permit to construct in the flood plain** from the Public Works Dept. Call (510) 215-3205 for more information
- A Demolition permit is required to remove any existing structures.** A sign off document from PG&E, EBMUD, CWWD and a #J number from Bay Area Air Quality is required, prior to permit issuance. This application is available at our office.
- Design Review Approvals** - Some projects will require Design Review and pre-planning approval *prior* to plan check submittal. (See Step 1)

STEP 4 - ISSUANCE OF BUILDING PERMIT

Once the approvals are granted from each of the departments, the building permit is ready to be issued. The owner or contractor will complete the permit application and pay for all building permits.

STEP 5 – SCHEDULE BUILDING INSPECTIONS

Once a building permit is issued, the owner or contractor can call for inspections of each completed phase. Typical inspections include, but are not limited to: foundations, framing, rough electrical/plumbing/mechanical, insulation, building paper & lath, and the final inspection. The inspector will most likely want to see a section of the footing excavated to verify the size and depth of the footing. Selected areas of the drywall and other finished surfaces will be required to be opened and removed to confirm that the framing, electrical, plumbing, and insulation were properly installed. This allows the inspector to verify that all items on the plans match the actual construction.

If any of the inspections are not approved, then the applicant may be required to do corrections and repairs. For example, if the foundation is not constructed to minimum code requirements, it may be required to be completely removed and rebuilt.

While our goal is to complete required inspections with as little disruption to the building as possible, we strive to ensure, upon final approval, that the building meets all current code requirements.

How much time do I have to complete my project?

Once the permit has been processed, the construction process is limited to **180 days**. If you do not finish the corrective work within 180 days from the date the permit is issued, the permit will expire and may be forwarded to code enforcement for action.

If my project is taking longer than expected, may I request an extension? Permit extensions must be made in writing and approved by the Building Official *prior* to the permit expiration.

How to restore a building to its previous condition?

Usually a building, plumbing and electrical permit, and zoning check is required to remove the unpermitted construction. If an entire structure is to be removed, then a demolition permit is required along with a sign-off sheet from Pacific Gas & Electric, East Bay Municipal Utility District, Contra Costa County Fire District, West Contra Costa Water District and a Bay Area Air Quality Management District (J-Number), prior to permit issuance.

I need more information. What is the best way to contact your department?

Our offices are located at 13831 San Pablo Ave., Building 3 San Pablo, CA 94806

Hours of operation – Monday to Thursday 7:30 AM - 6:00 PM, Closed Fridays

Office (510) 215-3030

Fax (510) 215-3014