

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: BP-V-01 (Building Permits on properties with violations)
Effective Date: 8/21/06
Originally Issued: 8/18/06

Question:

What criteria are used in determining whether to issue a building permit for property with an identified violation?

**Applicable Ordinance Section(s)
And/or General Plan/LUP Policy(ies)**
12.01.070(c)

INTERPRETATION:

County Code Section 12.01.070(c) lists four situations where the Department may authorize the issuance of a building permit for a property with an identified violation that does not require simultaneous correction of the violation. The following lists these situations and the responsible staff and criteria to be used.

1. Address an imminent health and/or safety violation.

Person responsible for imminent determination: Building Official

Backup: Permit Center Manager/Building Counter Supervisor

Criteria:

- a) if the complete structure is illegal, no building permit will be issued. If the situation is determined to be truly dangerous, staff should refer the applicant to Environmental Health. This may result in a relocation of tenants;
- b) if the structure is legal but includes illegal work, the permit can be issued if specific language is added to the permit description stating that there is an emergency and the illegal work is not being legalized by the issuance of the permit. An example is an applicant with a legal house and illegal addition whose roof is leaking and wants a reroof permit. Requests for imminent determination must be made in writing and explain why there is an urgent health and/or safety situation;
- c) if there is a legal structure located on a parcel with illegal structures, the permit can be issued for work to the legal structure if specific language is added to the permit description stating that there is an emergency and the illegal structure(s) is not being legalized by the issuance of the permit.

2. Facilitate an accessibility improvement to a structure or site.

Person responsible for determination: Building Official

Backup: Permit Center Manager

Criteria:

- a) if the complete structure is illegal, no building permit will be issued. If the situation is determined to be truly dangerous, staff should refer the applicant to Environmental Health. This may result in a relocation of tenants;
- b) if the structure is legal but includes illegal work, the permit can be issued for minor improvements only, such as an accessibility ramp. The permit can be issued if specific language is added to the permit description stating that the illegal work is not being legalized by the issuance of the permit.
- c) if there is a legal structure located on a parcel with illegal structures, the permit can be issued for work to the legal structure if specific language is added to the permit description stating that the illegal structure(s) is not being legalized by the issuance of the permit.

3. Facilitate a community enhancement, such as utility undergrounding or a redevelopment or public works project.

Person responsible for determination: Planning Director

Backup: Assistant Planning Directors

Criteria: Request must be preauthorized prior to building permit application. An example of a community enhancement was the Felton utility undergrounding project.

4. Allow an improvement on a property located in the rural area where the existing code violation is minor.

Person responsible for determination: Code Compliance Manager

Backup: Assistant Planning Director for Operations

Criteria: this exception is used in rare circumstances. An example might be a property that has one dog too many or a rear yard fence that is 6'6".

Reasons:

The County Code requires that violations be rectified as part of the processing of a new application. This provides the Department with an opportunity and responsibility to bring properties into compliance.

The Code recognizes that, in certain situations, a greater need temporarily supercedes the need for compliance: such as an imminent health and safety threat or a public infrastructure enhancement.

This interpretation provides specific standards to assist staff in the implementation of County Code Section 12.01.070(c)

Tom Burns, Planning Director

Date