

2004-2005 MARIN COUNTY CIVIL GRAND JURY

What Are We Permitting?

Construction Permitting and Enforcement Practices at the Marin County Community Development Agency

Date of Report: June 20, 2005

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.

SUMMARY

The Marin County Civil Grand Jury (Grand Jury) decided to investigate the construction permitting practices at the Marin County Community Development Agency (CDA) because of a complaint that it received as well as in light of a former Grand Jury investigation. The Grand Jury discovered that there have been some positive changes in the practices of the CDA, but there are significant problems in the areas of customer service, enforcement, lack of information technology, staffing, and working conditions. The CDA's practices fall into the categories of the good, the bad, and the ugly.

The Good - The Grand Jury is generally impressed with the dedication and professionalism of the staff of the CDA. The measures that were put in place after the controversy over the large home in central Marin (on Bret Harte road, the "Bret Harte house") are clearly a step in the right direction. The Grand Jury commends the CDA leadership for working to clarify the design process by working on Single Family Residential Design Guidelines which, are in the process of being finalized. The fast-tracking of permits through the Minor Interdepartmental Project (MIP) process is another positive step for the department.

The Bad - The Grand Jury has uncovered a planning process that is unclear, convoluted, time-consuming, and costly. There needs to be a serious attempt to be more consumer-oriented, and we urge the CDA to work at minimizing delays and not feed into the perception that it is easier to "build first and permit later." The department is also seriously behind in using current information technologies that could help in performing the job more efficiently and minimizing delays. All eleven cities and towns in Marin require a pre-sale inspection; the County does not.

The Ugly - The CDA's mismanagement of the Bret Harte house case was egregious and pointed up serious flaws in the agency's practices. Staffing needs have been neglected in the agency. While permits, applications, and enforcement situations have continued to increase, the staffing levels have remained static. Clearly there is a need for more staff in code enforcement, building inspection, and current planning. Because staffing needs have not been adequately addressed, more and more work is accumulating with no remedy in sight. The lack of space and concomitant physical crowding in the agency is untenable. Morale is affected by inadequate staffing levels, crowded conditions, lack of appropriate information technologies, and poor communication. The CDA failed to address the recommendations contained in the 1999-2000 Grand Jury report.

Recommendations. The Grand Jury recommends that enforcement be more stringent and consistent, that the planning process be streamlined, that information technology needs be analyzed and implemented, that the CDA be more responsive to customer service needs, that the County adopt a residential pre-sale inspection requirement (as the cities and towns already have), that staffing/workload issues be addressed, and that overcrowding in the workplace be alleviated.

BACKGROUND

The Grand Jury received a complaint about the construction permit policies of the CDA. This was triggered by the public outcry over CDA's permitting processes that were brought to light by the highly publicized Bret Harte house controversy and the Board of Supervisors (BOS) handling of the matter. We also wanted to see if there was truth to the perception: "build first and permit later." Specifically, we wanted to know if there was a tightening up on permit infractions. The Grand Jury set out to determine what happened, what the CDA's policies are, and how to prevent future abuses of the public interest.

APPROACH

The Grand Jury conducted interviews with CDA planners, inspectors, members of the Board of Supervisors, members of the Planning Commission, contractors, architects, and members of planning departments from several Marin County cities. It also examined previous Grand Jury reports, building guidelines, and a variety of other documents as well as web-based information.

GLOSSARY

GIS – The Geographic Information System (GIS) is a computer-based repository of digital maps, databases and software that provide for the acquisition and organization of data, and it displays them in a spatial format. The Mapping and GIS Division of CDA maintains the County's Geographic Information System, generates map products, and provides spatial analysis services for the County, other agencies and the public. Examples of map resources include Assessor parcels, digital orthophotographs, elevation contours, administrative districts, policy boundaries (e.g., General Plan, zoning), Countywide Plan reference maps, voting precincts, census boundaries, and natural features.

GPS - The Global Positioning System (GPS) is a worldwide radio-navigation system formed from a constellation of 24 satellites and their ground stations. GPS uses these "man-made stars" as reference points to calculate positions accurate to a matter of meters. In fact, with advanced forms of GPS one can make measurements to better than a centimeter, giving every square meter on the planet a unique address.

Marin County Planning Commission – A seven member commission that reviews and makes recommendations to the Board of Supervisors on all countywide and community plans and amendments, master plans, and rezonings. The commission has final authority (pending appeal to the Board of Supervisors) on design reviews, subdivisions, use permits, and other planning decisions appealed from planning staff actions. Projects go to the Planning Commission if they trigger major policy changes or controversy.

Marin Countywide Plan – Marin County's long-range guide for use of land and resources. The Plan balances current and future needs for urban, rural, and natural uses of Marin's 520 square miles of lands. The Plan provides specific policy direction for land in the unincorporated areas of Marin and provides general guidelines for the cities and towns of Marin. It also deals with environmental quality, community development, transportation, housing, noise, agriculture,

parks, trails, and environmental hazards. The first Countywide Plan was adopted in 1973 and was last updated in 1994. The CDA is currently working on an update of the Plan.

Red Tag – A red tag is a notice of violation that the Building Department posts to stop all work on a job site.

Variance – A variance is a permit to do something that is normally prohibited by building regulations. Variances provide relief from standards relating to principal building height, floor plan ratios, setbacks from property lines, required parcel size, width, density, and slope requirements. A variance may be granted to vary or modify the strict applications of these regulations.

Yellow Tag – A yellow tag is a notice that indicates there has been a construction complaint; it is used to notify an owner that an inspector has been unable to verify if construction has taken place.

DISCUSSION

The CDA is a department within the Marin County governmental organization. It is subdivided into several divisions, e.g. Building & Safety Division, which are sometimes identified only by their functions, e.g. Environmental Health Services. These divisions are sometimes referred to as departments.

The CDA is responsible for issuing all permits and overseeing building projects in the unincorporated areas of Marin County (see Figure 1). Two divisions in CDA, Current Planning and Building & Safety, are mainly responsible for the permitting process.

The Current Planning Division administers and enforces zoning and subdivision regulations in accordance with the Marin Countywide Plan and applicable state laws. The Division is responsible for processing applications for construction development permits and providing public information on the general plan, zoning, and subdivision matters. Permits under this division's control may be required for new construction projects, remodeling, second units, signage, new commercial business, and other types of projects. In regard to building, staff from the Department of Public Works (DPW) becomes involved and often reviews and gives input on matters pertaining to grading, soil composition, and engineering. In addition, the Environmental Health Services Division works with the Current Planning and Building & Safety Divisions on issues of water and sewage

The Building & Safety Division identifies its mission and procedures as “enforcing State and County building codes and ordinances to ensure buildings are safe for occupancy. This is accomplished through the issuance of building permits, plan review, and inspections.” The process is very extensive as the CDA also states, “No building shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained.” A full account of the necessary steps required to obtain building permits and the fees that can be imposed can be found in the General Information document provided by the Building & Safety Division (Appendix A).

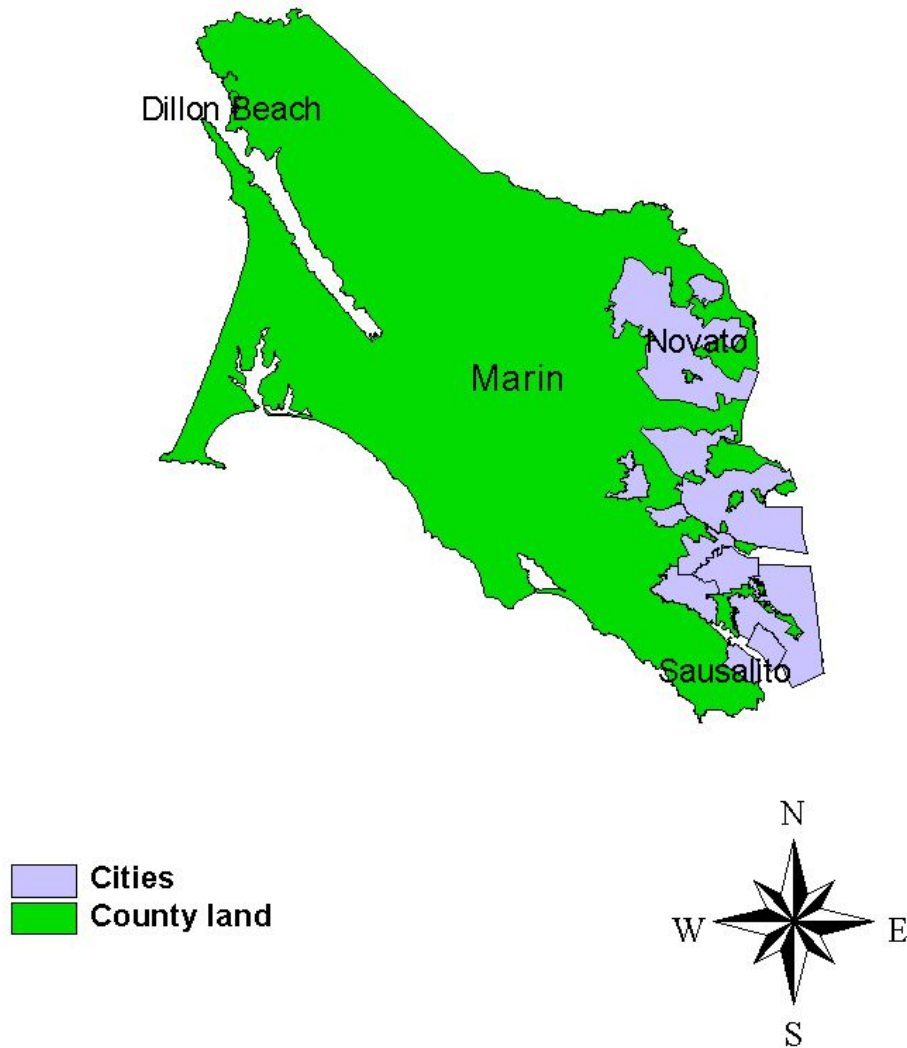


Figure 1 – Map of Marin County.

Note: The green area represents the Community Development Agency’s general area of responsibility. For simplicity, only the most northern and southern cities are shown as well as a western area (Dillon Beach) to provide the viewer with an orientation. The Richardson Bay area is not shown, and State and Federal lands (Parks) are not delineated.

There are other areas that come under CDA's jurisdiction, but these deal with separate issues from those handled by the Current Planning and Building & Safety Divisions. For example, Future Planning is not directly involved in building, but is concerned with long-range and community planning as well as sustainability.

Permits. The Grand Jury has been informed that "Applications are accepted either at the Building Department's counter or the Planning Department's counter. If a request is considered straightforward by CDA staff, it is considered to be non-discretionary (also referred to as "ministerial") and can proceed directly to the building department for a building permit. If the staff believes a request is not straightforward in that it contains complex elements or does not fit approved guidelines (e.g. is larger than 4,000 square feet), a formal design review should be required. The process is under the discretion of planners and takes a much longer time. The Grand Jury has been told that eighty percent of what planners do is to process applications. There are eleven planners on projects, each with a caseload of 30-40 active projects. This entire process can take from three to six months (or longer in more complicated cases) before final approval. In addition, if projects trigger major policy changes, become controversial, or have led to an appeal of a prior decision, they go to the Planning Commission for adjudication. This commission, which is appointed by the Board of Supervisors, makes its recommendations directly to it, and the Board becomes the final arbiter.

Thus, the Building Department accepts Building Permit applications for work that does not require a discretionary permit (e.g. Design Review, Use Permit, Variance); otherwise, the staff will direct the applicant to submit the application to Planning. Similarly, applicants who know they need a discretionary permit will file directly with the Planning Department.

Only complete applications are allowed to be processed. There are 30 calendar days allowed to designate an application as being complete or not. The Grand Jury has been apprised that 10 to 20% of submissions are deemed complete within the 30 days. If an application is deemed complete, it is then accepted for review and analysis. The next step is design review. The CDA must make a decision in a specified length of time (usually 60 days) to approve, approve with modifications, or deny an application. Prior to the project being approved, the CDA mails out public notices, inviting comment, and subsequently schedules the application for a decision by the Director, Deputy Zoning Administrator, or the Planning Commission. After approval, the applicant then must then apply for a building permit to ensure conformance to design guidelines and adherence to building codes. Sometimes there can be as many as 10 to 30 conditions to be met for approval. These could lead to "holds" that have to be addressed before the building can proceed. Appeals can be made at several stages of the process.

After reviewing all of the steps required, the Grand Jury believes the process of application and design review is unduly arbitrary, complicated, unwieldy, and time-consuming.

Enforcement. Although technically speaking the Current Planning Division and the Building & Safety Division have enforcement responsibilities, the CDA has consolidated enforcement by establishing a separate enforcement division with a program to ensure compliance with the County's laws and regulations. There is a code enforcement staff as well as building inspectors. There are two kinds of enforcement: building code and zoning code enforcement. Building inspectors are responsible for compliance with building codes, including electrical, accessibility,

energy-loss, plumbing, mechanical, lighting, etc. Building inspectors inspect construction sites for compliance with the approved plans, permits, and California codes

The Code Enforcement Division receives all complaints; these usually come from neighbors or other interested parties. Each case is assigned to one of three code enforcers, who cover zoning as well as building violations. When a signed complaint is made about unauthorized construction, a building inspector goes out to verify the complaint and can “red tag” i.e., shut down the project. A red tag can be posted only if the inspector can verify that the work is taking place. If the work is in an area that the inspector cannot see and no one responds at the front door, the inspector may leave a “yellow tag.” Inspectors do not have the right to enter property and inspect without the property owner’s permission.

Currently, the three code enforcers have approximately 850 to 900 complaints with each handling about 300 in an area reaching from Sausalito to Dillon Beach, a large geographical area (See Figure 1). Approximately half of these complaints require active attention. Code enforcement personnel take a complaint, write it up, and start a file. They have citation powers and can collect enforcement costs and civil penalties from non-compliant homeowners, following a hearing before administrative hearing officers. One expert told us, “Enforcement people should be given expanded citation power; red-tagging is not enough!” CDA planners have indicated that they would like to see fewer, but more rigorously enforced, regulations.

CDA Statistics. In fiscal year (FY) 2003-2004, 991 applications were filed for discretionary approval; of these, 504 permits were issued. There were 2,601 Building and Safety applications of which 2,210 building permits were issued. Thirty variances were approved (18 through public hearing and 12 administratively). There were 117 stop work orders and 209 penalty fees that were assessed by the Current Planning and Building & Safety Divisions. (According to the CDA, “This figure does not include enforcement cases that were resolved without the need for permits.”) Partial figures for FY 2004-2005 lead to the anticipation that the numbers will be higher.

The Perception of “Build First and Permit Later”

Marin citizens expect the permitting process to be thorough and rigorous, and most comply with it. There is, however, a mindset in some people to attempt to bypass the system and build without obtaining a permit. The CDA needs to remedy a process that fosters people to avoid obtaining permits in the hope they will not be caught.

If the permitting processes were streamlined and easier to understand, fewer people might be induced to bypass it. A requirement for residential pre-sale inspections could also deter some property owners from undertaking projects without required permits. For example, they would know that when a property is sold, a County inspector could discover non-permitted construction, code violations, and possible safety hazards. The Grand Jury also was informed that often people do not get permits because the system is too bureaucratic and expensive.

Unresolved Problems in the CDA

A complaint to the Grand Jury about the Bret Harte house and the attendant permitting practices was one of the factors that led the Grand Jury to review the policies and procedures of the CDA. In 2001, a building permit was issued for a 3,950 square foot house. Because it was less than 4,000 square feet, it did not trigger an automatic design review by the Planning Division. Nine months later the CDA received a neighbor's complaint that the house was larger than the plans had indicated which led to the house being inspected and red-tagged.

There ensued a pattern of expansions, variances, complaints, etc. The CDA indicated that the planning staff believed the situation allowed them to approve the house themselves without forwarding the matter to the Planning Commission. Over time, the house increased in size to 6,542 square feet, a 66% increase over the original size permitted. Ultimately, the case went before the Marin County Planning Commission, which approved only part of the application and denied the rest. After a subsequent appeal by the homeowner, however, the Marin County Board of Supervisors ignored the advice of its Planning Commission and approved the house. This action by the Board of Supervisors led to a great many public complaints about the Board's action with comments such as "they sold us down the river," and "the County's reputation and the interests of the community were forfeited."

Comments made by the BOS, itself, at the time of its action revealed fundamental weaknesses in the CDA's planning and inspection procedures. As an outcome of the controversy, the CDA took several new measures to improve their processes.

Complaints. Nevertheless, there are several complaints about the CDA that the Grand Jury heard repeatedly:

- While there has been a tightening of permitting procedures, there is a relative lack of emphasis and consistency on the enforcement side. This laxity leads to situations where homeowners and builders often expand on original approved plans or make significant unapproved changes.
- The planning process is costly and time-consuming.
- The steps are not clearly defined and the process is inconsistent.
- Applicants are frustrated with the varying interpretations of rules and confusing jargon, which is understood by the CDA planners but not the public.
- The CDA's public service counter has only a small carousel with limited information.
- Unlike many of Marin's cities, the CDA does not have what is commonly called a "one-stop shop," which would enable a quick sign off for simple projects. The CDA has taken some steps to improve customer service but needs to look at a number of other ways to better serve the public.
- Contractors complain that there is a lack of standardization of permitting and enforcement processes between the cities and the County.
- CDA staff is not getting adequate supervision; CDA is a hands-off department, running on its own with everyone in charge of everything.

The Grand Jury believes that:

- The CDA could streamline the permitting process and make it more user-friendly.
- A larger display including information about the processes, design requirements, application forms, etc., would be helpful. The CDA could develop a fact sheet, explaining the work flow for applicants.
- Applicants could be given on-line access to information about the stages of their permits and to obtain an indication of the needed next steps. A computer tracking system is one small, but important, way in which the CDA could provide better service and reduce customers' frustrations.
- Requiring surveys by licensed surveyors could help thwart those who abuse the building process. Several professionals suggested that surveys are essential and can be done at three critical stages: a site survey, foundation survey, and a roof ridge survey. See Appendix B for one architect's suggestions, regarding specific situations that might trigger a need for a survey

A Pressing Need for Information Technology. Efficiency is compromised at the CDA because of inadequate access to information technology. Staff has told us they are swamped with a great deal of data that are spread over a variety of sources. It would be helpful if staff could click on a map of a specific property to access codes, ordinances, and other relevant information. We have been told that there are concerns about bringing information to bear in a timely manner. Expanded Geographic Information System (GIS) and data information will require a budgetary commitment to make information readily available. One staff member was clearly frustrated and stated, "There's tons of information that we can't get access to."

The CDA staff has computers at their desks, giving them access to the internet, the intranet, GIS, tracking software for planning and building permits, and other software. When the Grand Jury asked for basic information about the number of permits issued, variances, etc., however, it took almost two months for the CDA to deliver the information; even then, it was incomplete. The CDA is clearly not set up to track basic information. The computer systems in Building & Safety, Current Planning, Environmental Health Services, and the Public Works Department are not completely interconnected, making their intranet ineffective. For example, the Department of Public Works is connected to the Building & Safety Division but not to the entire CDA network. The biggest problem with the Building & Safety Division's database is that active and inactive permits are all shown, and there is no archive. This slows down the tracking process.

The Current Planning, Building & Safety, and Enforcement Divisions could benefit from having access to a variety of available technologies including expanded GIS, Global Positioning System (GPS), Computer Assisted Design (CAD) software, wireless laptop or hand-held computers, and the skills to use them.

The Grand Jury does not purport to be expert on the subject of specific technologies; however, a need has been demonstrated and an analysis of what is available and useful should be a high priority. Advanced technologies will provide staff with the tools they need to manage essential information and, thus, cut down on the time spent at each step of the process. A cost-benefit

analysis would be essential to making an appropriate decision regarding the adoption of advanced technologies.

Staffing. The 1999-2000 Grand Jury report noted that “the workload and training of staff should be reviewed (because) as workloads increase, the quality of the work decreases.” The current Grand Jury has been told that the biggest issue still is the need for more staff to do things correctly. Currently, CDA has approximately 11 current planners, three code enforcers, six building inspectors, and one plan checker. As these numbers indicate, and as the Grand Jury has corroborated through its investigation, there has been a greater emphasis on planning than on enforcement. Repeatedly, the Grand Jury was told of the need for more staff in the areas of code enforcement, building inspection, plan checking, and to a lesser extent in planning.

The 1999-2000 Grand Jury report made a recommendation on staffing levels; the current Grand Jury has discovered that the CDA still has not paid sufficient attention to staffing issues.

Work Environment. Several staff members complained about the overcrowded, cramped workspace. The Grand Jury observed the workspace and confirmed the crowded working conditions. It is a difficult environment to work in, and there are also safety issues because of the overcrowding.

Improvements in the Permitting and Enforcement Processes

The CDA has made some improvements:

- A survey by a licensed surveyor is required on projects where structures are close to setbacks.
- Houses that are constructed without following the permit requirements will require public hearings before decisions are made.
- Building inspectors are to ensure that all planning conditions are met throughout the entire construction process.
- Fines to discourage unpermitted work have been increased up to four times, depending on the severity of the violation.

The requirement to obtain surveys is a significant change. In the planning process, these include surveys to verify building height and area. The department can put “holds” on various stages of construction, and the building inspector will not sign off until the surveyor has. Before the Bret Harte house controversy, this happened on some but not all projects. One important concern is that there aren’t enough available surveyors, and there can be delays up to six weeks for a survey to be completed. On the negative side the Grand Jury notes that the cost of surveys increases the cost of the house (\$1,000 to \$5,000 or more). This response to the Bret Harte House situation now increases the cost for all Marin citizens who want to build.

Fines are levied if owners don’t build as permitted, but now fines have been increased for substantial violations and range from two to four times the original fee. There can be additional civil penalties. The Grand Jury believes that fines may not be the solution; for example, if a violation results in \$30,000 in fines, and the change will result in a \$200,000 increase in the

home's value, the fine may simply be thought of as part of the project cost. Such fines are only a disincentive for those who may have difficulty affording them and not for the wealthy.

The CDA is currently working on *Single Family Residential Design Guidelines*, which should help to bring some clarity to what concepts are important for reviewing a design. It will seek to give a clear explanation of ways to design that are sensitive to neighbors and the community. The guidelines will not be aimed at dictating architectural style but will deal with bulk and massing, trees, views, drainage, grading, etc. These guidelines have been approved by the Planning Commission and have been sent to the Board of Supervisors for their perusal and approval.

The CDA has initiated the Minor Interdepartmental Project, known as MIP. This fast-tracks certain projects such as minor building additions on sewer-served properties. It allows a determination to be made as to whether an application is complete within two weeks (as opposed to 30 days). It involves a joint review of the project by Current Planning and DPW staff.

Marin's Cities and Towns - Permitting and Enforcement Practices

For the sake of comparison, we examined the practices of several of the planning/building departments in Marin's largest cities, and we discovered that most cities had clear-cut guidelines as well as a streamlined permitting process. Most have "one-stop shops" where planning and building personnel can give applicants approval of a proposed project or simple design on the spot. These cities often have 2 days a week when this service is provided. This is very popular, according to both the cities' planning departments and the public.

All cities and towns in Marin require a residential pre-sale inspection; the County does not. A pre-sale inspection assures that significant problems associated with unpermitted construction are not passed on to new homeowners. There also are safety and health issues connected with this. Sometimes homeowners build without a permit, not stopping to think that they could be jeopardizing their family's safety, that of their neighbors, or of a buyer. The Grand Jury asked, "Why doesn't the County require a pre-sale home inspection?" The answer invariably was "It's political!" A report by the 2001-2002 Grand Jury entitled "Residential Pre-sale Inspections – Should Marin County Also Require Them?" focused on this issue. The report noted, "Pre-sale inspections can serve as both a consumer disclosure mechanism providing potential buyers with information on zoning (i.e., use, setback, parking, and conditions of prior entitlements), building and fire code violations that may exist with the property, and as a way of identifying potentially hazardous conditions." They reasoned that it would allow remedies to be negotiated between buyers and sellers and allow buyers to make more informed decisions regarding purchase. It encouraged a requirement for pre-sale inspections and recommended further study. The current Grand Jury concurs.

In the cities we contacted, aggressive code enforcement is considered to be very important. In many Marin cities, if there is no permit, the fee is doubled (as is also now the case in the County). Initially, citations are given, and if there is no compliance, the case may proceed to an administrative hearing before a group of retired judges and an attorney. Because of these administrative hearings, very few problems go to the Planning Commission or to the City Council. In one southern Marin city, if there is no permit, they issue red tags, double the fines,

and stop construction until the problem is corrected. Inspectors can also issue on-site administrative citations. One city administrator indicated, “We give them a ticket, warn them, and cite progressively. If they don’t cooperate, we take them to court.” Consistency is important in enforcement and requires a commitment from the top.

Previous Grand Jury Recommendations

The current Grand Jury checked on whether the CDA had responded to the recommendations of the 1999-2000 Grand Jury report. We wondered if much of the ensuing trouble would have occurred had the CDA responded to and implemented the recommendations.

The 1999-2000 Grand Jury noted, “The manner in which some construction projects are approved has left the County at risk for lawsuits because of changing and ambiguous administrative rulings.”

The following are the recommendations contained in that report:

- The CDA review staffing levels and training of its Planning and Building Inspection Departments to determine if sufficient time and skills are available to accomplish its stated goals.
- The CDA require that any variations to approved plans and specifications be thoroughly reviewed. Any variations, other than minor changes not affecting other properties, should be allowed only through the full permitting process.
- The CDA share its files with all agencies or department involved in construction projects, including histories of properties.
- Institute a policy that all planners and inspectors must follow through with warnings of infringements, issue stop work orders as necessary, order work reversed as necessary, and levy fines if such orders are not followed.

The 1999-2000 Grand Jury noted that they were told by other planning/inspection departments that for a project to be successful, these steps must be followed: the planning review must be demanding and thorough, inspectors must strictly enforce the plans and specifications as approved, stop work and other sanctions must be used where indicated, and the management must strongly support the staff; and elected officials must support the management.

The current Grand Jury recognizes that many troubles that became manifest during the past few years could have been prevented had the recommendations of the 1999-2000 Grand Jury report been implemented. Clearly a picture emerged that the recommendations largely had been ignored.

FINDINGS

- F1. The CDA has taken some steps to improve the permitting process.
- F2. The planning process lacks clarity and is unduly time-consuming, typically taking three to six months or more.

- F3. Permits and enforcements have increased, but the number of staff members has remained static. Within the CDA, Code Enforcement, Current Planning, and Building & Safety are chronically understaffed.
- F4. The workplace at CDA is seriously crowded.
- F5. CDA management has put little emphasis on enforcement.
- F6. Planning and Building & Safety Division staff lack the information technology to do their jobs efficiently
- F7. The CDA does not have a one-stop shop.
- F8. All eleven cities and towns in Marin require a pre-sale inspection. The County does not.
- F9. The CDA did not adequately follow through on the recommendations of the 1999-2000 Grand Jury report.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. Enforcement be more stringent and consistent.
- R2. The planning process be clarified, streamlined, and shortened.
- R3. The Board of Supervisors hire/appoint a consultant to assess the CDA's information technology needs and provide a cost-benefit analysis of their implementation.
- R4. The CDA institute a customer-friendly, one-stop shop service several days a week.
- R5. The CDA and the Board of Supervisors adopt a requirement for pre-sale inspections of residences for unincorporated areas of the County.
- R6. CDA staffing be increased in the areas of code enforcement, building inspection, and current planning.
- R7. The CDA find solutions to the crowded work conditions of its staff.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests responses as follows:

- Marin County Board of Supervisors F 1-9; R 1-7

The following agencies are invited to respond:

- Marin County Community Development Agency F 1-9; R 1-7
Marin County Planning Commission F 1-2; F 5-9; R 1-5

REFERENCES

Community Development Department website: <http://www.co.marin.ca.us/depts/CD/main>

“Construction Permit Enforcement,” (June 2000 Report) Marin County Civil Grand Jury 1999-2000.

“Residential Pre-sale Inspections – Should Marin County Also Require Them?” (May 2002 Report) Marin County Civil Grand Jury 2001-2002.

Single Family Residential Design Guidelines (Draft March 2005) Marin Community Development Agency

APPENDIX A¹

DIVISION OF BUILDING AND SAFETY GENERAL INFORMATION

Please familiarize yourself with the following general information regarding the building permit process.

PERMITS REQUIRED

No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained. (See section on exempted work)

COUNTY CODES

The County of Marin, by Ordinance No. 3354 has adopted the following codes:

2001 California Building, Plumbing, Electrical and Mechanical Codes

1997 editions of the:

Uniform Building Code

Uniform Housing Code

Uniform Swimming Pool, Spa, and Hot Tub Code

Uniform Solar Energy Code

Uniform Code for the Abatement of Dangerous Building

Uniform Administrative Code

2000 editions of the:

Uniform Plumbing Code

Uniform Mechanical Code

1999 edition of the National Electrical Code

This ordinance also lists exceptions and additions to the above listed codes as well as additional requirements for on-site development.

SUBMITTAL REQUIREMENTS

APPLICATION Please complete the applicant portion of the Building Permit Application. All information shall be legible and complete.

NUMBER OF SETS OF PLANS Each Building Permit Application shall be accompanied by two complete sets of documents. The documents shall include the site plan, working drawings, specifications, engineering calculations, energy calculations, diagrams, soil investigation reports, fire sprinkler plans and calculations, special inspection and structural observation programs and other related data. An additional (3rd) set of the plans will be required for the assessor prior to permit issuance.

SIZE OF PLANS All plans shall be drawn on a minimum of 24" x 36" sheets with a minimum scale of 1/4" per foot. The plot plan may be drawn with a smaller scale. All sheets of the plans shall be the same size.

¹ Appendix A is derived from information acquired from the CDA.

INFORMATION REQUIRED ON EACH PAGE OF THE PLANS

1. Job Address
2. Assessor's Parcel Number (APN)
3. Owner's Name
4. Signature of Person Preparing the Plans
5. "Wet" Stamp of Architect and/or Engineer (signed)
6. Scale used

INFORMATION REQUIRED ON PERMIT DOCUMENTS

1. Floor plan of each level, label all rooms.
2. Site plan including:
 - a. Outline of the parcel, with dimensions.
 - b. Contour lines, showing elevation changes on the property.
 - c. North arrow.
 - d. Names of any abutting streets.
 - e. The outline of all existing and proposed buildings/additions, with dimensions.
 - f. List of codes in effect at time of submittal.
 - g. Driveway and other hard surface parking areas.
 - h. Location of septic tank and leach fields.
3. Building Elevations.
4. Complete structural drawings including foundation, floor, roof and deck framing plans.
5. Roof/floor truss layout plan with calculations.
6. Cross sections and details to sufficiently clarify all construction.
7. Fireplace details or manufacturer's installation instructions.
8. Stairway, handrail and guardrail details.
9. Size, opening and type of glass for windows and skylights.
10. Location of electrical panels, switches, outlets and type of lights.
11. Plumbing fixtures.
12. Details of heating equipment (size, location and type of fuel).
13. Compliance with the California Energy Commission requirements (Energy Calculations).
14. CF-1R and MF-1R (from the Energy Calculations) on plans.
15. Fire sprinkler plans and calculations, stamped and signed.
16. Any information necessary to describe the work and to show that it will conform to the provisions of the codes, ordinances and laws as adopted by the County of Marin.
17. The scope of the work must be shown in a clear and concise manner.

BUILDING PERMIT FEES

The fees for obtaining building permits are collected in two stages. Processing fees are collected at the time of submittal. Processing fees include Building Division Plan Check Fees and Planning Review Fees of Building Permits. Issuance fees include the Building, Electrical, Mechanical, and Plumbing Permit Fees, and a State Fee. Other fees may include a Planning Division Surcharge on new structures, Site and Encroachment Permit Fees by the Department of Public Works, and EHS Review Fee of Building Permits. School Fees are collected by the local school district prior to issuance of a permit. When the work is started prior to the issuance of a

Building Permit and investigation fee shall be collected which is equal to the Building Permit Fee.

PERMIT PROCESSING PROCEDURE

1. The application and permit documents are submitted to the Building Inspection Division.
2. Permit documents are routed to the Planning Division (The Planning Division must be consulted prior to submission of plans for information regarding Planning and Zoning).
3. When the Planning review is complete, the package is returned to the Building Inspection Division where it is split between the Building Inspection Plan Check and either the Environmental Health Services Division (projects on septic systems) or the Department of Public Works (projects not on septic systems).
4. After review by EHS, the package is routed to the Department of Public Works for review.
5. Concurrently with the review by EHS and or DPW the plans are checked for compliance with the adopted codes by the Building Inspection Division.
6. After all requirements from each agency have been met, the permit is ready to be issued.

PRIOR TO ISSUANCE

Several requirements must be met prior to issuance of a Building Permit (some or all may apply to your project):

1. Signed Business & Profession Code statement and verification of type and expiration date of contractors license.
2. Workers Compensation Declaration signed (and verification of a valid Certificate of Workers Compensation).
3. Owner-Builder Declaration signed and verification/listing of contractors to be working on the project.
4. Certificate of Compliance with school developer fees (CAC Section 53080).
5. Letter from local water district regarding availability of water service.
6. Letter from local sanitary district regarding availability of sewer service.

EXPIRATION OF APPLICATION

The Building Permit Application expires one (1) year after the date of the Planning Division approval. A Building Permit must be issued prior the expiration. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay new processing fees.

EXPIRATION OF PERMIT

Every permit issued by the building official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one year from the date of such permit. All permits shall expire by limitation and become null and void, if the building or work authorized by such permit is not completed within two years from the date of such permit.

FIRE DISTRICT APPROVAL

Check with your local fire district for any requirements that they may have concerning local fire ordinances. The following is a partial list of fire districts in the county.

1. Southern Marin 388-8182 5. Mill Valley 389-4130

2. Novato 878-2690 6. Ross Valley 258-4686
3. Tiburon 435-7200 7. Kentfield 453-7464
4. San Rafael 485-3308 8. County of Marin 499-6717

EXEMPTED WORK

A Building Permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, play houses and similar uses, provided the total gross area does not exceed 120 square feet. In rural areas on parcels of one (1) acre or more, accessory structures used for tool sheds, workshops, and horse stalls, not exceeding 300 square feet each and fences over 6 feet in height may have permits waived if exempted from zoning requirements.
2. Fences not over 6 feet high.
3. Oil derricks.
4. Movable cases, counters and partitions not over 5 feet 9 inches high.
5. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II, or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
7. Platforms, walks and driveways not more than 30 inches above grade, not over any basement or story below and detached from a structure.
8. Painting, papering and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches.
11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above adjacent grade and if the capacity does not exceed 5000 gallons.

Separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

INSPECTION REQUESTS

Inspection requests should be made on the 24 Hour Inspection Request Line at 499-6560. You will need to have the job address and the permit number to request inspection. Generally, inspections for requests made prior to 7:00 a.m. will be made the same day, inspections for requests made after 7:00 a.m. will be made the following day. Weekends and County Holidays will delay inspection to the next available business day.

HOLDS

Some permits may be issued with “HOLDS” placed on them. These “HOLDS” represent requirements by different agencies that must be met prior to various stages of construction. “HOLDS” may be placed by the Planning Division, Building Division, Environmental Health

Division, Department of Public Works, and the Fire Marshall. A “CLOSE-IN HOLD” by any division means that Building Inspection will not inspect the framing (Close-in) on a project until that division has released the hold. It is the responsibility of the permit holder to be aware of all holds and to be sure the holds are released prior to requested inspections.

OFFICE HOURS/LOCATION

The Building Inspection Division is located in Room 308 of the County Civic Center at 3501 Civic Center Drive, San Rafael, CA 94903-4157. Office hours are from 8:00 a.m. to 4:00 p.m., Monday through Friday. Permits can not be processed (applied for or issued) after 3:30 p.m.

PHONE NUMBERS

Building Inspection Division 499-6550
Planning Division 499-6269
Environmental Health Services 499-6907
Department of Public Works 499-6549

APPENDIX B

Examples of Situations that Might Trigger a Need for Surveys

(Submitted by a Marin architect)

| Scope of Construction | Type of Survey | | |
|--|---|---|---|
| | Site Survey (\$2-5,000) with recorded corners, top., trees, adj. Residences + roof ridge elevations | Foundation Survey – height of foundation and plan verification with letter (\$500-1500) | Roof Ridge Survey – High points and ridges with letter (\$500-1000) |
| 1. New construction (bare lot or teardown) | X Surveyor to locate and verify story poles if require (adds \$1500) | X | X |
| 2. Major additions (over 500 sq. feet) | X (If existing corners located, recording not needed) | X | Not needed (discretionary) |
| 3. Minor additions (less than 500 sq. feet) | Discretionary | Discretionary | Not required |
| 4. Interior Renovations or within exiting footprint/no height issues | Not required | Not required | Not required |
| 5. Proximity conditions: | | | |
| a. within 6 feet of property line | X (no recording required) | N.A. | N.A. |
| b. within 1 foot of setback line | X (no recording required) | N.A. | N.A. |
| c. within 1 foot of easement | X (no recording required) | N.A. | N. A. |
| d. within 2 feet of height limit | X (no recording required) | X | X |

X = survey required