



City Council Agenda Item

City Council Meeting Date: August 6, 2019

TO: Jim Throop, City Manager

FROM: Al Johnson, Building Services Manager / Building Official
a_johnson@ci.lompoc.ca.us

SUBJECT: Appeal of Building Requirements (204 North C Street)

Recommendation:

Staff recommends the City Council deny the appellant's request to use a substandard footings design, that is not approved by the City, require the appellant to submit the requested and required reports, and submit a building permit application for his project.

Background:

On August 4, 2016, the Building Department received a building permit application for construction of a duplex at 204 North C Street (Project) (Attachments 1 and 2). Following review by the various involved City Departments/Divisions, the following corrections were issued:

August 8, 2016	Electric Department	(Attachment 3)
August 9, 2016	Public Works Department	(Attachment 4)
August 10, 2016	Lompoc Fire Department	(Attachment 5)
August 11, 2016	Planning Division	(Attachment 6)

At the time, JAS Pacific was the City's consultant who completed the plan check for the Project. Plan check corrections were issued August 8, 2016 (Attachment 7).

The applicant debated the validity of the requirements as required by the City Departments/Divisions and by JAS Pacific. The applicant never submitted corrections or a formal response to the plan correction requests (Attachments 3 through 7), and the permit application expired on February 6, 2017. An expiration notification letter was sent on December 13, 2017.

The applicant stated in a recent conversation that he should be allowed to build his project under the 2013 Building Code. When the Building Code is updated, all outstanding projects will finish under the code as they were approved. In this case, since the corrections were not made, and the permit lapsed, resubmission is required and the

current Building Code requirements are applicable. Unfortunately, the Building Official does not have the ability or authority to allow construction under an old code.

Discussion:

At the City Council meeting of June 18, 2019, the applicant orally submitted his request for appeal and later followed up by emailing his written appeal on June 19, 2019 (Attachment 8). The applicant submitted supporting documentation with his written appeal. (Attachment 9).

The footings design the applicant has referenced in his original application cannot be used because it must be based on a soils report. A soils report will be required for the Project. The applicant has not submitted an acceptable soils report.

Fiscal Impact:

The appeal has no direct fiscal impact other than staff time to prepare this report and attend the appeal hearing. In order to provide a true accounting of staff time utilized to research and prepare a response to the appeal the following summary is detailed below:

Staff Person	Hours	Rate	Total
Building Official	3.5	\$208	\$728.00
Community Development Director	2.0	103	206.00
Contract DSA II	1.5	70	105.00
City Attorney Consultation	2.5	185	462.50
Total Cost for Appeal Review/City Council Report Prep			\$1,501.50

The above costs are unrecoverable from the applicant. The City Council may, if it wishes, adopt a fee for appeals in the future.

Conclusion:

The California State Building Code was updated in 2016 which the City must follow. Staff recommends the City Council deny the appeal and direct the applicant to resubmit ensuring he complies with the current Building Code.

Respectfully submitted,

Al Johnson, Building Services Manager / Building Official

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Christie Alarcon, Community Development Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

- Attachments:
- 1) Building Permit Application
 - 2) Fee Payment
 - 3) Electric Corrections
 - 4) Public Works Corrections
 - 5) Lompoc Fire Corrections
 - 6) Planning Corrections
 - 7) Building Corrections
 - 8) Emailed Appeal
 - 9) Documentation Attached to Emailed Appeal