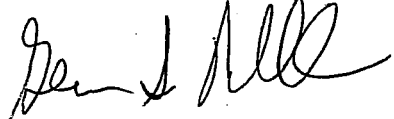# COUNTY OF SANTA BARBARA
PLANNING AND DEVELOPMENT

MEMORANDUM

TO: Santa Barbara County Board of Supervisors

FROM: Glenn Russell, Planning & Development Director

DATE: March 3, 2010

RE: Ordinance Amending the Building and Safety Fee Schedule
           Second Reading on March 16, 2010

At the Board of Supervisors hearing on March 2, 2010 (first reading of this Ordinance), Supervisor Centeno asked if this provision to charge a penalty fee for building permits issued to correct a building violation (up to $2,000) could be waived by the department. To clarify, if the Board of Supervisors adopts this ordinance, there will be three types of fees or fines that could potentially apply to resolution of a building violation:

1. Staff costs to investigate and resolve violations are charged to the property owner if a violation is substantiated. These staff charges are carefully reviewed by the department to ensure they are accurate and appropriate. These costs can be reduced or waived by the Board of Supervisors on appeal.

2. If a notice of violation is not addressed within the time specified in the notice, a notice of determination of fines (NOD) is issued. The NOD may be appealed to the department. The department has the discretion to reduce or waive the fines under NOD.

3. When an applicant chooses to correct a violation by obtaining the required permit(s), they must pay all applicable fees. The ordinance, as drafted, would require a penalty fee, up to $2,000, for permits correcting a building violation. As with other fees, these fees cannot be reduced or waived by the department. The Board of Supervisors is the sole body that can waive these fees. This approach matches the zoning fees and the approach followed by most of the other Building and Safety agencies throughout the State of California.

Should the Board of Supervisors wish to provide discretion to the department to reduce or waive this fine, the Board should provide that direction to staff on March 16, and reintroduce the ordinance and set date to conduct a second hearing on the item.