



Legalizing Construction Completed Without Benefit of City Permits and Inspections

This information bulletin describes the permitting requirements to legalize work that was completed without benefit of city permits and inspections.

The City of Walnut Creek encourages owners to obtain permits to legalize work that may have been completed without benefit of permits and inspections. Properties having illegal construction may affect property insurance in a negative way, may affect transfer of property during escrow, and may affect property owner's liability exposure.

Please note that the City of Walnut Creek views a permit application for this purpose as if the application is for new construction. That is, the construction must meet the codes in effect at the time the application for permit to legalize the work is made. It does not matter what time the actual construction took place – the current codes must be used.

Submittal Requirements

Construction plans must completely describe the work to be legalized. Please refer to the Building Division's Internet web site at <http://www.walnut-creek.org/citygov/depts/cd/building/singlefamily.asp> for helpful submittal lists for difference project types.

It is recommended that an architect or engineer provide the construction plans, so that a comparison between today's codes and the as-built condition may be performed and properly addressed in the final plans. Structural members and bracing not meeting the Conventional Light-Frame Construction provisions of Chapter 23 of the *California Building Code* will require an architect or engineer for the design.

The construction plans must clearly distinguish between the following areas of work:

- Existing construction to be removed
- Existing construction to remain (which is not part of illegal construction)
- Illegal construction (that part of the construction to be legalized under the permit)
- New work (work that the owner would like to do at the present time)

It is recommended that the designer use separate symbols on the plans to clearly distinguish the building components into these categories.

If the project involves illegally constructed footings or foundations that cannot be inspected, then the applicant has the following options to address the permitting and inspection of these items:

- Remove the illegal footings or foundations and reconstruct to allow city inspections to occur.
- Owner may hire a registered civil or structural engineer or licensed architect to fully evaluate the illegal footings or foundations. The engineer or architect may require local destructive

testing and inspection of the footing or foundation to enable him or her to reach a conclusion or recommendation. The engineer or architect shall provide a written report (stamped and signed) to the building official on the adequacy of the illegal footings or foundations to safely carry the vertical and/or lateral loads of the structure under the present codes.

Field Inspection Process

The owner of the property must provide the building inspector access to the structural framing and the plumbing, electrical, and mechanical systems, and any other component or element that the city inspector deems necessary, to allow inspections of these areas. The city inspector cannot sign off on work that he or she cannot see.

Unless a report by a civil or structural engineer or licensed architect recommends otherwise, the city will require the owner to expose the depth and width of bearing footings or foundations for field inspection. The city inspector will determine the locations to be inspected based upon field conditions.

Waste Management Program

For noncompliance with Title 5, Article 6 Construction Debris Recycling of the City of Walnut Creek Municipal Code, the owner shall pay to the city the civil penalty required in Municipal Code Section 5-3.607 (b) of \$1,000 or 1% of the total cost of the work completed without permit, whichever is greater.