POLICY & PROCEDURE: Foundation only permits shall only be issued as conditional permits. The following conditions shall apply to all conditional permits issued as foundation only permits.

1. All plan review and building permit fees; building use taxes; and all other requisite fees shall be assessed and collected as would be required for a full and unconditional building permit of the entire project.

2. All deferred submittals required for the approval of the entire project shall be submitted for review by the building official within 60 days of the conditional permit issuance date. Failure to comply with this deferred submittal deadline shall cause the conditional permit to expire without limitation and become null and void.

ANALYSIS: It is not uncommon for application and approval of foundation permits prior to the full submittal and approval of a complete building permit. This is generally done where the full set of construction documents is not ready for submittal and the applicant seeks to get an early start on the project. While this may be appropriate, abuses of this process have occurred. “Foundation Only” permits have been applied for specifically to circumvent increases in utility tap fees, the residential growth ordinance requirements, or to lock in residential allocations. It should not be the role of the Building Division to aid and abet in the circumvention of required fees, rules, or regulations. Additionally, permits should only be issued where the applicant is ready and able to proceed with the construction and completion of the project.

Section 202 (Definitions – B) of the 2015 International Building Code (IBC) defines a “Building” as:

“... any structure used or intended for supporting or sheltering any use or occupancy.”

Section 107.3.3 (Phased Approval) of the IBC states:

“The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with the pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s risk with the building operation and without assurance that a permit for the entire structure will be granted.”

Section 107.3.4.1 (Deferred Submittals) of the IBC states in part:

“For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.”
It is clear from these sections that partial permits, including “Foundation Only” permits, may, but are not required to, be issued by the building official. It is also clear that a foundation does not, in and of itself, support or shelter any use or occupancy and does not constitute a building.

In that the issuance of partial permits is a discretionary decision of the building official and the building official is required to set a specified period of the submittal of deferred submittals, it is also clear that special conditions may be imposed on such partial permits.