

(O-90-121)

ORDINANCE NUMBER O-17436 (NEW SERIES)

ADOPTED ON FEB 26 1990

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.0303 RELATING TO PERMITS ISSUANCE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 1, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0303 to read as follows:

**SEC. 91.0303 PERMITS ISSUANCE**

(a) Issuance. The application, plans and specifications and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of This Code and other pertinent laws and ordinances, and that the fees specified in Section 91.0304 have been paid, a permit therefor shall be issued to the applicant.

When the Building Official issues the permit where plans are required, he shall endorse in writing or stamp the plans

and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorizations from the Building Official, and all work required by This Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of This Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted. The applicant for a permit for construction of a part of a structure must comply with This Code and any other ordinance, statute, or regulation in effect on the date such permit application is submitted to and accepted by the Building Inspection Department.

No building permit will be issued by The City of San Diego for a project or development located within the "Coastal Zone" of the California Coastal Commission as established by the California Coastal Act of 1976 until such time as a development permit or exemption certificate has been obtained from the Coastal Commission, or any court of competent jurisdiction which has authorized said constructions, except that building permits for repairs or improvements to single-family dwellings which are not located

between the mean high tide line and the first continuous public roadway paralleling the shoreline or three hundred (300) feet from the shoreline, whichever distance is furthest, as mapped by the Coastal Commission, will not be subject to this provision. Repairs or improvements will include, but not be limited to, additions of rooms, carports, garages, swimming pools, fences, interior remodeling or rewiring. Procedures to be followed when an application is submitted for a building permit in the "Coastal Zone" are: The application, plans and specifications filed by an applicant for a permit shall be reviewed by the Building Official. Such plans shall be reviewed by other City departments to ensure compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a permit, and the plans and specifications filed therewith conform to the requirements of This Code, and other pertinent laws and ordinances, he shall issue to the applicant a letter stating that he is prepared to issue a permit therefor to the applicant when the appropriate fees have been paid and the applicant presents an approved permit or certificate of exemption granted by the California Coastal Commission, or a court of competent jurisdiction authorizing construction for which the application was filed; provided, however, that the application, plans and specifications comply with all laws and ordinances in effect at the time of the presentation of such permit, waiver or certificate and payment of such fee.

Upon presentation of such permit or exemption certificate and payment of the fee as specified by Section 91.0304, the Building Official shall issue a permit to the applicant provided that the application, plans and specifications comply with all laws and ordinances in effect at the time of presentation of such permit or certificate and payment of fee.

(b) Retention of Plans. One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than ninety (90) days from date of completion of the work covered therein; and one (1) set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(c) Validity of Permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of This Code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of This Code or other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the Building Officials from thereafter requiring the correction of errors in said plans, specifications and other data, or from

preventing building operations being carried on thereunder when in violation of This Code or of any other ordinances of this jurisdiction.

(d) Expiration. Every permit issued by the Building Official under the provisions of This Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of permit issuance, or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) days at any time after the work is commenced. Work authorized by a permit shall be diligently performed to completion. Failure to complete a substantial amount of work, as determined by the Building Official, authorized by the permit within the time limits set forth in this section shall cause the permit to expire by limitation and become null and void.

A permit shall expire by limitation and become null and void if the entire foundation or an equivalent amount of work for the permitted structure, as determined by the Building Official, is not completed within three hundred sixty (360) days from the date of permit issuance. The Building Official may extend this time period for completion of the foundation upon making a determination that circumstances beyond the control of the permittee have prevented the completion of the foundation and the permittee, prior to the expiration of the permit, requested an extension in writing and set forth such circumstances.

Any permittee holding an unexpired permit may apply for an extension of the permit provided the requirements of Subsections (d)1. or (d)2. below are satisfied.

1. Where work has not commenced, the permit has not expired and the permittee requests a permit extension, the following provisions shall apply.

A. The Building Official may grant an extension of the permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented the permitted work from commencing.

B. The permit extension shall provide an additional one hundred eighty (180) days starting from the expiration date of the original permit.

C. The permittee must request the extension prior to the permit expiration date.

D. The permittee shall revise the plans, specifications, and other data which define the work permitted, as necessary to show compliance with This Code and all applicable ordinances, statutes, or regulations in effect at the time the extension is granted.

E. The permittee shall not be required to pay a permit fee for an extension. However, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay an amount equal to the increases in all applicable

fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted.

In addition, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay any applicable newly created fee, cost, assessment, deposit, penalty or other charge that is in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required pursuant to Section 91.0304(b).

F. Only one (1) such extension may be granted for any permit.

2. Where work has commenced, the permit has not expired and the permittee requests a permit extension, the following provisions shall apply.

A. The Building Official may grant an extension of the permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented the permitted work from continuing.

B. The permit extension shall provide an additional one hundred eighty (180) days starting from the original permit expiration date.

C. The permittee must request the extension prior to the permit expiration date.

D. Only one (1) such extension may be granted for any permit.

E. If the entire foundation or an equivalent amount of work, as determined by the Building Official, has been completed under the permit, the permittee need not revise the plans, specifications or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance or regulation which became effective subsequent to the date of permit issuance.

F. The permittee shall not be required to pay a permit fee for an extension. However, if the entire foundation or an equivalent amount of work as determined by the Building Official has not been completed, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay an amount equal to the increases in all applicable fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted.

In addition, notwithstanding any other provision of law which provides to the contrary, when the entire foundation or an equivalent amount of work under the permit has not been completed, the permittee shall pay any applicable newly created fee, cost, assessment, deposit, penalty or



other charge that is in effect on the date the permit extension is granted.

G. If the amount of work completed under the original permit is not substantial the permittee shall comply with This Code and all ordinances, statutes, or regulations in effect at the time the extension is granted. Completion of less than the entire foundation, or an equivalent amount of work as determined by the Building Official, for a structure shall not be deemed to be substantial work.

3. Where work has not commenced and the permit has expired, no extension shall be granted. If the permittee desires to proceed with the project, the following provisions shall apply.

A. The permittee shall obtain a new permit.

B. The permittee shall pay a full permit fee for the new permit, and, notwithstanding any other provision of law which provides to the contrary, pay all other applicable fees in effect at the time the new permit is issued.

C. The permittee must comply with This Code and all ordinances, statutes, or regulations in effect at the time the permit is issued.

4. Where work has commenced and the permit has expired, no extension shall be granted. If the permittee desires to continue with the project, the following provisions shall apply.

A. The permittee shall obtain a new permit.

B. The permittee must pay a permit fee for the new permit based upon a valuation of the work remaining to complete the project. If the entire foundation or an equivalent amount of work as determined by the Building Official has not been completed under the original permit, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay an amount equal to the increases in all applicable fees, costs, assessments, deposits, penalties, or other charges that are in effect on the date the new permit is issued.

In addition, notwithstanding any other provision of law which provides to the contrary, when the entire foundation or an equivalent amount of work has not been completed under the original permit, the permittee shall pay any applicable newly created fees, costs, assessments, deposits, penalties, or other charges that are in effect on the date the new permit is issued.

C. The permittee must obtain the new permit within five hundred forty (540) days from the date of issuance of the original permit for the project if the provisions of Section 91.0303(d)4D of This Code are utilized.

D. If the entire foundation or an equivalent amount of work, as determined by the Building Official, has been completed under the original permit, the permittee need not revise the plans, specifications, or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance, statute, or regulation which became effective subsequent to the date of original permit issuance. However the permittee shall comply with subsection 91.0303(d)4 A, B and C herein.

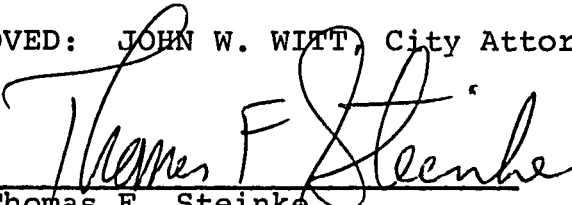
E. If the amount of work completed under the permit is not substantial, notwithstanding any other provision of law which provides to the contrary, the permittee shall comply with This Code and all ordinances, statutes, or regulations in effect at the time the permit is issued. Completion of less than the entire foundation, or an equivalent amount of work for a structure, as determined by the Building Official, shall not be deemed to be substantial work.

(e) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of This Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of This Code.

Section 2. All building permit applications filed with The City of San Diego prior to the effective date of this ordinance shall be exempt from its provisions.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By   
Thomas F. Steinke  
Deputy City Attorney

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Or.Dept:Bldg.Insp.  
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Passed and adopted by the Council of The City of San Diego on..... **FEB 26 1990** .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

..... **MAUREEN O'CONNOR** .....  
Mayor of The City of San Diego, California.

(Seal)

..... **CHARLES G. ABDELNOUR** .....  
City Clerk of The City of San Diego, California.

By ..... *Ellen Board* ..... , Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

**FEB 12 1990** ..... , and on **FEB 26 1990** .....

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

..... **CHARLES G. ABDELNOUR** .....  
City Clerk of The City of San Diego, California.

(Seal)

By ..... *Ellen Board* ..... , Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17436** Adopted **FEB 26 1990**

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