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ORDINANCE NUMBER O- 19894 (NEW SERIES)

DATE OF FINAL PASSAGE SEP 28 2009

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO EXTENDING BUILDING PERMIT APPLICATION, CONSTRUCTION, DEVELOPMENT, GRADING, PUBLIC RIGHT-OF-WAY PERMITS AND TENTATIVE MAP EXPIRATION DATES.

WHEREAS, the national, state and local economy have negatively impacted the financial markets that provide construction lending; and

WHEREAS, the lack of construction lending has stalled many projects in the City of San Diego that have been applied for or have been permitted for construction; and

WHEREAS, in recognition of this, the state legislature found it necessary to adopt SB 1185 to grant a 12 month extension of time for tentative maps and associated development permits to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions; and

WHEREAS, SB 1185 also allows local jurisdictions to grant another 12 month extension of time for tentative map expiration dates in addition to the automatic extension granted by the state legislature; and

WHEREAS, as this same condition applies to construction permit applications in the City of San Diego; and

WHEREAS, the City of San Diego Municipal Code establishes fixed expiration dates based upon the date that a building permit application is deemed complete and upon the date that construction permit is issued; and

WHEREAS, the City of San Diego Municipal Code establishes fixed expiration dates based upon the date that a development permit is issued; and

WHEREAS, if property owners had to restart lengthy entitlement and construction permit processes because of expired maps and permits it could further harm the local economy; and

WHEREAS, this activity will not result in a direct or reasonably foreseeable indirect physical change to the environment and is exempt pursuant to the California Environmental Quality Act Guidelines section 15060(c)(2); NOW, THEREFORE,

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

Section 1. That Building Permit applications deemed complete after July 1, 2007, and that have expired prior to the effective date of this ordinance or that will expire within the effective date of this ordinance shall be granted by the Building Official a 365 day application extension date in addition to any extensions already permitted by the Municipal Code. Requests for Building Permit application extensions shall be filed per Municipal Code section 129.0211.

Section 2. That Building Permits, Electrical Permits, Plumbing Permits, and Mechanical Permits issued on or after July 1, 2007, shall be granted an additional 545 day extension beyond any extensions already permitted by the Municipal Code. These projects shall comply with state building standards in effect at the time of permit issuance. Requests for extensions of time for Building Permits shall be filed per Section 129.0219.

Section 3. That projects granted permit and application extensions under this ordinance shall comply with any applicable emergency building standards and new State fire safety standards. Building permits for single dwelling unit or two-dwelling unit projects and for the relocation of structures shall become void if the building or work authorized by the permit has

not received final inspection within four and one half years after the date of permit issuance. A building permit for all other projects shall become void if the building or work authorized by a building permit has not received final inspection six and one half years after the date of permit issuance.

Section 4. That projects that have received building permits on or after July 1, 2007 and that have completed foundation installation shall be allowed to proceed with construction of the remaining structure in reliance upon the Building Code in effect at the time the foundation permit application was deemed complete.

Section 5. That grading permits and public right-of-way permits issued on or after July 1, 2007, shall be granted an additional 545 day extension beyond any extensions already permitted by the Municipal Code. Requests for extensions of time for grading permits shall be filed per Section 129.0651 and public right-of-way permits per Section 129.0751.

Section 6. That projects with tentative maps and associated development permits that receive automatic 12 month extensions under SB 1185 shall receive an additional 12 month extension granted by the City of San Diego to be consistent with Subdivision Map Act section 66452.22(c).

Section 7. That development permits that were issued prior to July 15, 2008 and that have not expired prior to July 15, 2008 will receive a 12 month extension of the expiration date of the development permit.

Section 8. That within the effective dates of this ordinance any map or development permit shall be considered to be initially utilized for the purposes of Municipal Code section 126.0108(a) if an application for a building permit has been deemed complete and has

not expired. Having a valid building permit application that has not expired will also maintain utilization of the map or development permit until either the building permit application expires, or one of the provisions of Municipal Code section 126.0109 has been satisfied.

Section 9. That any additional extensions of tentative map expirations granted by the State shall also automatically extend any associated development permits by the same amount of time to be consistent with Subdivision Map Act section 66452.22(c).

Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. This ordinance shall take effect and be in force on the thirtieth day from and after its passage on SEP 28 2009 and shall be in effect from July 21, 2009 through December 31, 2011. [The City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank spaces provided.]

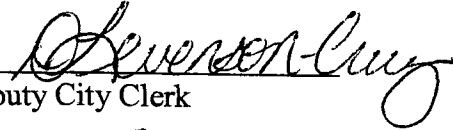
APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:pev
03/26/09
09/17/09 COR.COPY
Or.Dept:DSD
O-2010-1
MMS #8086

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 1 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9.28.09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor