

ORDINANCE NUMBER O- 21725 (NEW SERIES)DATE OF FINAL PASSAGE SEP 18 2023

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 9,
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 129.0211, RELATING TO ALLOWING
UP TO TWO 180-DAY EXTENSIONS FOR BUILDING
PERMIT APPLICATIONS.

WHEREAS, the San Diego Municipal Code (Municipal Code) provides that an application for a building permit expires one year after the date the application is deemed complete, and two years for master planned residential projects; and

WHEREAS, the Municipal Code grants the Building Official authority to issue a one-time extension, for a period not to exceed 180 days, if circumstances beyond the applicant's control prevented issuance of the permit; and

WHEREAS, for various reasons, applicants are not able to have permits issued before this application period expires, even with the one-time extension. The reasons cited include, but are not limited to, difficulty in: bringing building plans into conformance with numerous and complex regulations, obtaining financing that would allow the applicant to pay the fees required to allow the City to issue the permit, securing construction funding for the project from the loan market or, in the case of affordable housing projects subsidized by tax credits, obtaining a tax credit award to help finance the project within the permit application timeline; and

WHEREAS, the proposed Municipal Code amendment allows one additional 180-day extension to provide more time to obtain the permits and financing needed to construct the projects; and

WHEREAS, this amendment is intended to apply retroactively to any permit application that expired on or after June 1, 2023; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 12, Article 9, Division 2 of the San Diego Municipal Code is amended by amending section 129.0211 to read as follows:

§129.0211 Closing of Building Permit Application

(a) through (b) [No change in text.]

(c) The Building Official may extend a Building Permit application up to two times, each for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the *applicant* prevented issuance of the Building Permit.


(d) through (e) [No change in text.]

Section 2. This Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall apply retroactively to any permit application that expired on or after June 1, 2023.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Noah J. Brazier
Deputy City Attorney

NJB:nja
07/05/2023
Or. Dept: DSD
Doc. No.: 3355942

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of SEP 12 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 9/15/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(Note: The date of final passage is September 18, 2023, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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NJB:nja
07/05/2023
Or. Dept: DSD
Doc. No.: 3355943

Passed by the Council of The City of San Diego on SEP 12 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Krystell Medina, 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

AUG 01 2023, and on SEP 18 2023.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Krystell Medina, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21725</u>