

In order to address these impacts, this ordinance extends the time between permit application and permit application expiration and the time between permit approval and permit expiration for a variety of permit types.

DISCUSSION:

If this ordinance is approved, the City will grant the additional one year Tentative Map extension to all maps that State Senate Bill 1185 allows (projects approved prior to July 15, 2008 that would expire after July 15, 2008), in addition to the one year map extension automatically granted by the bill. These extensions include any associated development permits that were approved with the map. Three years is the normal period of time between map and permit approval and expiration. The combination of this ordinance and SB 1185 makes this time period 5 years.

Approval of this ordinance would also grant a one year extension to any projects that have only City development permits (Neighborhood Use, Conditional Use, Neighborhood Development, Site Development, Planned Development, and Coastal Development Permits and Variances) issued prior to July 15, 2008 that would expire after July 15, 2008. Three years is the normal period of time between development permit approval and expiration. This ordinance change would make this 4 years.

This proposed ordinance would also add an additional factor that is considered by the City to constitute initial utilization of a map or development permit. If a project owner has made a valid building permit application that has been deemed complete and that has not expired, the City will consider the map or permit to be initially utilized under the Municipal Code. This will prevent project owners that spent significant funds to prepare construction drawings but that cannot obtain construction financing from losing their map or development permit while still having a valid building permit application in process at the City.

In addition to maps and development permits, this ordinance proposes to automatically extend the time between a Building Permit, Electrical Permit, Plumbing Permit, and Mechanical Permit application date and the date it would expire per the Municipal Code in addition to any other extensions allowed by the Code. This extension would be granted for any active or expired permit application that was deemed complete on or after July 1, 2007. The normal time between the permit application date and the date the application expires is 1 year with a 6 month extension allowed by the code. This ordinance would grant up to 2 ½ years before expiration.

The proposed ordinance would provide project owners with Building Permits, Electrical Permits, Plumbing Permits, Mechanical Permits, Grading Permits, and Public Right-of-Way Permits issued on or after July 1, 2007 an additional 545 day extension in addition to any other extension permitted by the Municipal Code. The normal time between permit issuance and permit expiration is 2 years for certain projects and 4 years for other projects. Two extensions of 6 months each are also provided under the current Municipal Code. This ordinance would allow the total time between permit issuance and expiration to be up to 4 ½ years for certain projects and 6 ½ for all others.

Projects that receive permit application and permit extensions under the proposed ordinance would still be subject to any applicable emergency building standards and new fire safety standards.

This ordinance would also allow any project owner that has received building permits on or after July 1, 2007 and that has completed foundation installation to proceed with the construction of the remaining structure in reliance on the building code in effect at the time the foundation permit application was deemed complete. This allows project owners that have invested significantly in the construction of a portion of their building to complete the remaining portion in reliance on the regulations in place when the project was originally designed.

(Note: In addition to the Tentative Map extensions noted above, bills are currently working through the State Legislature and propose to grant additional automatic extensions of time to maps and associated permits.)

FISCAL CONSIDERATIONS:

Administration of the map and permit review process is based upon a fee for service paid for by applicants in the development process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The proposed concept of extending maps and permits was presented as part of the Land Use and Housing Committee discussion regarding the San Diego Regional Chamber of Commerce Housing Committee report on March 11, 2009.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Numerous individuals have made requests for extensions including home owners, small businesses, and large scale project owners.

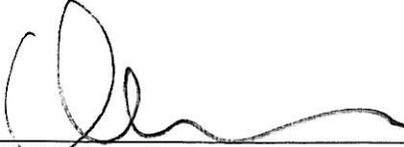
KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Development Services Department has been inundated with requests for extensions on maps and permits by property owners experiencing financial hardships and delays as a result of economic crisis. This ordinance would provide an additional tool to respond to these requests and allow additional time in hopes for improvement in the economic climate.

CONCLUSION:

The proposed ordinance in combination with State law takes an important step towards insuring that development can occur when the economy improves.

Respectfully submitted,



Kelly Broughton
Director, Development Services



Jay Goldstone
Chief Operating Officer

Attachment: Proposed Ordinance

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
DIEGO EXTENDING BUILDING PERMIT APPLICATION,
CONSTRUCTION PERMIT, DEVELOPMENT PERMIT 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 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 the construction permit is issued;

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

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;

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.

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 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 10. This ordinance shall take effect and be in force on the thirteenth day from and after its passage on _____ [The City Clerk is instructed to insert the effective date of this ordinance, once known, in the blank space provided] and shall be in effect from July __, 2009 through December 31, 2011.

APPROVED: JAN GOLDSMITH, City Attorney

By _____

Deputy City Attorney