

(O-209-)

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