

Expired Grading and Public Right-of-Way Permits

INFORMATION BULLETIN

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This information bulletin explains streamlined processing options for expired Grading, Private Grading and Public Right-of-Way Permits.

Note: Construction Plans on 11- x 17-inch paper do not qualify for the completion of an expired permit. A new permit with plans must be obtained.

I. Permit Expiration

Per SDMC 129.0650 PDF and 129.0750 PDF, Grading Permits and Right-of-Way Permits shall expire upon the latter of the following:

- Twenty-four months after the issuance date.
- The expiration date of a Subdivision Improvement Agreement.
- The expiration date of an associated Building Permit.
- The expiration date approved at the time of Permit issuance.

II. Permit Extensions

Per SDMC 129.0651 PDF and 129.0751 PDF, Grading and Right-of-Way Permits may be extended as follows:

- A permit may be extended 180 days if it is determined that circumstances beyond the applicant's control prevented the completion of the work.
- A second 180 extension may be granted if it is found that:
 - There has not been a significant change in the regulations applicable to the site since the date of permit issuance
 - The additional extension is in the public interest; and
 - Circumstances beyond the applicant's control prevented the authorized work from proceeding.
- Assembly Bill 2729 extends the expiration date for housing development projects by 18 months. To qualify for the extension, the permit must have been issued before Jan. 1, 2024, and must expire before Dec. 31, 2025.

III. Expired Permits

- If a permit has expired and is not eligible for an extension, a new permit application is required unless the remaining items are administrative actions to close the permit. Administrative actions include redlines, mylars, and minor deficiencies that must be corrected.
- Sections IV through X of this information bulletin explain the review process and requirements for a new application and permit.
- A new permit shall be issued before additional physical fieldwork occurs.
- The deposit account must always meet the required minimum balance.

IV. New Applications for Expired Permits

- An application is created online in the same manner as other new permits.
- The "Completion of Work" question should be affirmed as a part of the online application.
- The permit processing system assigns a new project number.
- A completed Inspection Status of Engineering Permit Form DS-901 PDF must be received from the City Resident Engineer inspector.
- If there is a deposit account, any balance due must be paid before a new application is made.
- New applications are subject to the current standards unless the City Engineer determines otherwise is in the City's best interests.

V. Scope of Work

- The scope of work input into the permit processing system shall convey that the application is for "Completion of Project [add the expired project number]." This includes indicating "Completion of Work" in response to the online application question.
- If a construction change from what was originally permitted is proposed, state it in the scope of work input into the permit processing system and note it on the plans/drawings.
- The scope of work input into the permit processing system shall clarify which of the following describes the status of construction and inspections: This note should not be part of the drawing.
 - All Construction work has been completed and accepted
 - 75% or more of construction work has been completed and accepted
 - Less than 75% of construction work has been completed and inspected; or
 - Construction has not started.

VI. All Construction Work Completed, Inspected and Accepted

- Typical remaining items: As-Graded Soils Report and As-Built Drawings.
- Plan check: Not required.
- Forms: Deposit Account/Financial Responsible Party DS-3242 PDF is required.
- Bond: If a bond was originally required for the project, then a Bond Rider is required.
- Plan Check Fees: Administrative and hourly fees for set-up and issuance will be assessed.
- Inspection Fees: Not eligible for continuation of existing deposit account by utilizing Deposit Account/Financial Responsible Party DS-3242 PDF.

VII. 75% or More of Construction Work Completed and Inspected

- Typical remaining items: Traffic signal release, street light release, signing and striping release, Parks & Recreation Department approval, megaohm test of Irrigation wires, landscape advisor walk-through, driveway station and width, MMC walk-through, Certification from registered landscape architect, Punch-List Items, As-Graded Soil Report and As-Built drawings.
- Plan check: Not required.
- Forms: Deposit Account/Financial Responsible Party DS-3242 PDF is required.
- Bond: If a bond was originally required for the project, then a Bond Rider is required.
- Plan Check Fees: Administrative and hourly fees for set-up and issuance will be assessed.
- Inspection Fees: Not eligible for continuation of existing deposit account by utilizing Deposit Account/Financial Responsible Party DS-3242 PDF.

VIII. Less Than 75% of Construction Work Completed and Inspected

- Typical remaining items: Operational inspections of storm drains, sewer mains, water mains, and permanent BMPs.
- Plan check: Required to determine compliance with current regulations.
- Forms: Deposit Account/Financial Responsible Party DS-3242 PDF is required.
- Bond: If a bond was originally required for the project, then a Bond Rider is required.
- Plan Check Fees: Administrative fees and hourly fees for set-up, review, and issuance will be assessed, and there may be hourly fees for City Deputy City Engineer review.
- Inspection Fees: Not eligible for continuation of existing deposit account by utilizing Deposit Account/Financial Responsible Party DS-3242 PDF.

IX. Construction Not Started

- Typical remaining items: All work remains.
- Plan check: Same process as a completely new permit.
- Forms: Deposit Account/Financial Responsible Party DS-3242 PDF is required.
- Bond: If a bond was originally required for the project, it will be released upon acceptance of a new bond.
- Plan Check Fees: Standard administrative and plan check fees per Information Bulletin 502 "Grading/Public Right-of-Way Permits and Mapping Actions".
- Inspection Fees: Deposit account established via Deposit Account/Financial Responsible Party DS-3242 PDF.

X. Construction Change

- Typical remaining items: Could be any of the items listed in Sections VI through IX of this information bulletin.
- Plan check: Same process as other construction changes and as modified by the items highlighted in Sections IV through IX of this information bulletin.
- Forms: Deposit Account/Financial Responsible Party DS-3242 PDF is required.
- Bond: If a bond was originally required for the project, then that bond will be released upon acceptance of a new bond.
- Plan Check Fees: Administrative fees and hourly fees for set-up, review, and issuance will be assessed, and there may be hourly fees for City Deputy City Engineer review. If construction has not started, all standard administrative and plan check fees per Information Bulletin 502 "Grading/Public Right-of-Way Permits and Mapping Actions" will be charged.

XI. Extension Request

A permittee may apply for an extension of time no earlier than 60 calendar days before the Permit Expiration date. To apply for an extension, submit a request for Application for Extension of Time for Grading/Right-of-Way Permits DS-340 PDF.

An extension request is required to process the final payment for the permit. Otherwise, the permit cannot be closed out.

XII. Fees

A non-refundable processing fee will be assessed for all requests at the time of submittal.

- For processing fees, refer to Information Bulletin 502 - Grading/Public Right-of-Way Permits and Mapping Actions.
- Any additional and/or unpaid plan check fees will be invoiced and must be paid prior to the processing of an application extension.
- The requester will receive an invoice, which is due upon receipt.
- The request will be evaluated upon receipt of payment.

References

- Project Submittal Manual - Section 3 – Construction Permits – Grading and Public Right-of-Way PDF



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