

ORDINANCE NO. 9997 (N.S.)

AN ORDINANCE AMENDING SECTIONS 87.203, 91.1.105.5
AND 91.1.105.5.1 OF THE SAN DIEGO COUNTY CODE
RELATING TO EXTENSION OF GRADING PERMITS
AND EXPIRATION OF BUILDING PERMITS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: Amend Section 87.203 to read as follows:

SEC. 87.203. ISSUANCE OF GRADING PERMIT.

(a) Upon application signed by the owner of the property, the County Official shall issue a grading permit where the County Official determines that:

- (1) The proposed grading substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208;
- (2) Any conditions imposed upon such grading or improvement plan approval, which are required to be completed or performed prior to grading permit issuance, have been satisfied;
- (3) The grading permit application was filed not more than 24 months following the approval of grading plans or improvement plans, or within the duration of a renewal of that period pursuant to paragraph (c) below, and for minor grading permits issued by the Department of Planning and Land Use the plan review for the associated dwelling or accessory building pursuant to Section 87.206(a)(9) must be active;
- (4) The grading permit fee specified in Chapter 3 of this Division has been paid;
- (5) An Agreement conforming to Section 87.215 has been signed and submitted, for purposes of providing the County with a Right of Entry for Inspection, and Indemnification;
- (6) The Agreement and Cash Deposit have been submitted, if required by Section 87.304; and
- (7) For Major Grading (Section 87.208), the application is accompanied by an "Acknowledgment to Employ Consultants" form which shall list the Permit Compliance Engineer as required by Sec. 87.420, the Soils Engineer and the

Engineering Geologist (if required), and a signed "Acceptance of Employment by Consultants" form for each consultant. The owner shall be responsible for notifying the County Official of any change in the consultants listed on the "Acknowledgment to Employ Consultants" form.

(b) Notwithstanding paragraph (a), where the approval of plans occurred prior to May 9, 2003, the application for a grading permit shall be evaluated based upon the criteria applicable under Sections 87.204 through 87.208; and where federal or state wildlife protection agencies identify newly discovered concerns with impacts to resources that were not known at the time of grading plan or improvement plan approval, the County Official may defer issuance of a grading permit until those agencies' requirements have been complied with.

(c) The 24 month period referenced in paragraph (a)(3) may be renewed by the County Official one time for an additional 24 months, if he or she determines that no significant changes in the work are proposed, environmental review documentation has been appropriately updated and, in the case of major grading, none of the criteria requiring denial under Section 87.211 exist. Notwithstanding the foregoing, the 24 month period shall not be renewed in violation cases, where the application has been filed to correct work done in violation of this Division (including work done without obtaining a grading permit).

(d) Once issued, the grading permit shall authorize only the work shown on the approved grading plans, which shall be deemed to be incorporated into the grading permit, for a period of 36 months following the date of permit issuance, after which time the permit shall expire and be of no further force or effect. All work authorized by the grading permit, including the matters required by Sections 87.425 (Completion of Work -- Final Reports) and 87.426 (Notification of Completion), shall be completed within 36 months.

(e) On the effective date of this subsection, a grading permit issued on or after August 21, 2007 and before August 21, 2009 that was issued for 24 months shall automatically be extended for an additional 12 months to make the expiration date 36 months from the original issue date.

(f) When requested by a permittee, the County Official shall grant a one time extension, up to an additional 12 months for a permit in subsection (d) or subsection (e) if the County Official determines that:

(1) No significant changes in the work are proposed;

(2) For a permit issued before August 21, 2009 the permittee has provided a statement that due to economic reasons, the permittee has not been able to

complete at least 30 percent of the total volume of earthwork. For a permit issued after August 21, 2009, substantial progress has been made towards completing the approved grading, in that at least 30 percent of the total volume of earthwork has been completed; and

(3) The estimates of the costs of the work for purposes of Section 87.304 have been updated to current costs at the time of extension.

(g) Upon application by the owner, the County Official shall approve a modification to a grading permit, provided that:

(1) A grading plan or improvement plan change has been approved for the modification pursuant to Section 87.204(c);

(2) The proposed grading, as modified, substantially complies with grading plans or improvement plans approved pursuant to Section 87.204 through 87.208;

(3) The grading permit application was filed not more than 24 months following the approval of grading plans or improvement plans, or within the duration of a renewal of that period pursuant to paragraph (c);

(4) The grading permit modification fee specified in Chapter 3 of this Division has been paid; and

(5) Appropriate amendments have been entered into, if required by the County Official, for the Agreement relating to a Right of Entry for Inspection and Indemnification pursuant to Section 87.215, and the Agreement and Cash Deposit if required by Section 87.304.

A modification to a grading permit shall have no effect on the period of time within which grading shall be completed.

Section 2: Amend Section 91.1.105.5. to read as follows:

SEC. 91.1.105.5. PERMIT EXPIRATION.

Every permit issued by the building official pursuant to this chapter shall expire and become null and void if (a) the building or work authorized by the permit is not commenced within two years from the date of the permit, (b) the building or work authorized by the permit is stopped at any time after the work is commenced for a 180 day period, unless the permittee is on active military duty, as described in section 91.1.108.5.10 or (c) the building or work authorized by the permit has not been completed within three years from the date the permit was issued. Work

shall be presumed to have commenced under the permit if the permittee has obtained a required inspection approval from the building official within one year from the date the permit was issued. Work shall be presumed to have stopped if within any 180 day period after work commenced the permittee has not obtained a required inspection approval from the building official or has not shown substantial progress acceptable to the building official. When a permit expires under this section no building or work shall be done unless the permittee obtains a new permit or a renewal permit, as provided in sections 91.1.105.5.1-91.1.105.5.3.

Section 3: Amend Section 91.1.105.5.1. to read as follows:

SEC. 91.1.105.5.1. PERMITS WHERE WORK HAS NOT COMMENCED.

For a permit where work has not commenced in the first two years from the date the permit was issued, a permittee may obtain a renewal permit provided:

- (a) No changes have been made or will be made in the original plans and specifications for the work.
- (b) Three years have not passed from the original issue date.
- (c) The same edition of the County Building Code, County Electrical Code, County Plumbing Code and County Mechanical ("County Construction Codes") are in effect as used in the original plan check and no relevant County ordinances, policies, rules or regulations have changed since the expiration of the permit. Where a later edition of the County Construction Codes have been adopted since the original plan check, renewal application shall be considered as a new plan check submittal. Accordingly, plans accompanying the renewal application shall reflect the requirements of the current County Construction Codes and relevant County ordinances, policies, rules or regulations in effect. A full new plan check fee shall be required and paid with the renewal application.
- (d) After the plans have been approved, the applicant pays a fee equal to one-half the amount required for a new permit.
- (e) A person issued a renewal permit shall be required to show the building official substantial progress in the form of a valid inspection every 180 days as required by section 91.1.105.5. The first 180-day period shall be measured from the date of renewal. A renewal permit issued under this section shall expire three years from the date the original permit was issued.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary

hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 22nd of July, 2009.