

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHAPTER 15.06 OF THE CHULA VISTA MUNICIPAL CODE
(ADMINISTRATIVE PROVISIONS FOR THE TECHNICAL
BUILDING CODES) TO COMPLY WITH STATE LAW

WHEREAS, Chula Vista Municipal Code Chapter 15.06 established rules and regulations for the administration and enforcement of certain technical building codes; and

WHEREAS, Assembly Bill 2913 approved on September 21, 2018 extends the life of building permits for residential occupancies from 180 days to 12 months, and authorizes the Building Official to grant one or more extensions for time periods of not more than 180 days per extension; and

WHEREAS, the revisions contained in this Ordinance to CVMC Chapter 15.06 “Administrative Provisions for the Technical Building Codes” will implement AB 2913 and Sections 18938.5 and 18938.6 of the Health and Safety Code relating to building permits; and

WHEREAS the City’s Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because the action pertains to ministerial permit regulations. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

NOW THEREFORE the City Council of the City of Chula Vista does hereby ordain as follows:

Section I. Substantive Action

Chapter 15.06 of the Chula Vista Municipal Code is hereby amended as follows:

Chapter 15.06

ADMINISTRATIVE PROVISIONS FOR THE TECHNICAL BUILDING CODES

Sections:

15.06.085 Application for a Permit

15.06.090 Permit Issuance

15.06.085 Application for a Permit.

- A. Application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the City for that purpose. Every application shall:
 - 1. Identify and describe the work to be covered by the permit for which application is made.
 - 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans, diagrams, computations and specifications, and other data as required in subsection (B) of this section.
 5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
 6. Be signed by the applicant, or the applicant's authorized agent.
 7. Give such other data and information as may be required by the Building Official.
- B. Submittal Documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state even if not required by state law. However, the Building Official may waive the requirement to submit plans, calculations, construction inspection requirements and other data if the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.
1. Information on Plans and Specifications. Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the proposed work and show in detail that the proposed work will conform to the provisions of this chapter, the technical codes and all relevant laws, ordinances, rules and regulations. Plans for buildings of other than Group R, Division 3 and Group U occupancies shall indicate how required structural and fire-resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.
 2. Architect or Engineer of Record. When it is required that documents be prepared by an architect or engineer, the Building Official may require the applicant to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the applicant may designate a substitute architect or engineer of record who shall perform all the duties required of the original architect or engineer of record. The applicant shall notify the Building Official in writing if the architect or engineer of record is changed or is unable to continue to perform the duties. The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.
 3. Deferred Submittals. Deferred submittals are defined as those portions of the design which are not submitted at the time of the application and which are to be submitted to the Building Official within a specified period. Deferred submittals shall have prior

approval of the Building Official. The architect or engineer of record shall list the deferred submittals on the plans at time of application and shall submit the deferred submittal documents for review by the Building Official.

The architect or engineer of record shall submit the deferred submittals to the Building Official with notation indicating that the deferred submittals have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and deferred submittals have been approved by the Building Official.

- C. Expiration of Plan Review. ~~Every Applications~~ for which no permit is issued within 12 months ~~180 days~~ following the date of application shall expire and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may grant one or more extensions of time for periods extend the time for action by the applicant for a period not exceeding 180 days per extension on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. When considering an extension of a permit application, the Building Official shall consider the need to update the permit application to newly adopted building codes and regulations. An application shall not be extended more than once. In order to renew action on an application after expiration, the applicant shall submit a new permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is submitted resubmit plans and pay a new plan review fee. (Ord. 3087 § 1, 2007). All applicants requesting plan review extensions or new permit applications shall pay the required fees as designated in the City's Master Fee Schedule, as may be amended from time to time by resolution of the City Council.

15.06.090 Permit Issuance.

- A. Issuance. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the city to verify compliance with all applicable laws. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter, the technical codes, and other pertinent laws and ordinances, and that the fees specified in CVMC [15.06.095](#) have been paid, the Building Official shall issue a permit to the applicant.

When a permit is issued, and plans and specifications are required for that permit, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this chapter or the technical codes shall be done in accordance with the approved plans and specifications.

The Building Official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of

the technical codes. The issuance of a partial permit shall not, in any way, commit the Building Official to grant a permit for the entire building, structure or building service.

- B. Retention of Plans. The Building Official shall maintain an official copy, microfilm, electronic or other type of photographic copy of the plans of every building, during the life of the building, for which the City issued a building permit. All plans for common interest developments as defined in Section 1351 of the California Civil Code shall be maintained with the following exceptions:
1. Single or multiple dwellings not more than two stories and basement in height.
 2. Garages and other structures appurtenant to buildings listed in the exception in subsection (B)(1) of this section.
 3. Farm or ranch buildings.
 4. Any one-story building where the span between bearing walls does not exceed 25 feet, except a steel frame or concrete building.
- C. Validity of Permit. The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or the technical codes, or of any other ordinance of the City. Permits presuming to give authority to violate or cancel the provisions of this chapter, the technical codes, or of other ordinances of the City shall not be valid.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in these plans, specifications and other data, or prevent the Building Official from stopping building operations when there is a violation of these plans, specifications and other data, or violations of this chapter or the technical codes or of any other ordinances.

- D. Expiration of Permit. Every permit issued by the Building Official under the provisions of the technical codes shall expire, if the building or work authorized by such permit is not commenced within 12 months -180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. ~~Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.~~

~~A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons.~~

~~A permittee holding an unexpired permit may apply for an extension of the time for good and satisfactory reasons. A permittee with an expired permit may apply for a new permit. All permittees requesting permit extensions or new permits shall pay the required fees as designated~~

in the City's Master Fee Schedule, as may be amended from time to time by resolution of the City Council.

The Building Official may grant one or more extensions of ~~extend the~~ time for action by the permittee for a period not exceeding 180 days per extension upon written request by the permittee demonstrating good and satisfactory reasons for such extension. ~~showing that circumstances beyond the control of the permittee have prevented action from being taken.~~ When considering an extension of a permit, the Building Official shall consider the need to update the permit to any newly adopted building codes and regulations. ~~Permits shall not be extended more than once.~~

- E. Suspension or Revocation. The Building Official may in writing suspend or revoke a permit issued under the provisions of this chapter and the technical codes when the permit is issued in error or on the basis of incorrect information supplied, or in violation of this chapter, the technical codes or any other ordinance or regulation. (Ord. 3087 § 1, 2007).

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

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

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

Kelly G. Broughton, FASLA
Director of Development Services

Glen R. Googins
City Attorney