

Building Department Notification Regarding Building Code Amendments

1/22/24

Approved by: Mario A. Sigala, PE, CBO

Permit Application Expiration and Extensions & Permit Expiration and Extensions

Number: 105.5 & R105.5

Effective Date: January 1, 2022

Reference:

- 2022 California Building Code
- 2022 California Residential Code
- DCMC 15.00.030 & 15.00.040 *General*
- DCMC 15.08.030 & 15.08.040 *CBC*
- DCMC 15.10.030 & 15.10.040 *CRC*

Scope:

Daly City Municipal Code Amendments related to permit application and permit expiration and extensions.

Summary of Significant Changes:

Building Permits Phases

1. Building Permit Application Intake Phase: Initial submittal of construction documents, i.e., plans, calculations, supporting documentation. At this stage plan review fees are paid.
2. Plan Review Phase: Departmental reviews are completed on construction drawings for minimum code and ordinance requirements. If necessary, comments are issued to applicant to correct/address items on construction drawings.
3. Construction & Permit Issuance Phase: Permit related fees are paid and construction drawings are approved/stamped and issued to contractor. Construction identified on scope of work is permitted to begin. Contractor calls for required inspections to ensure construction matches the approved city stamped drawings. Plan changes and code non-compliant items discovered by the inspector are required to be submitted for plan review for approval.
4. Final Approval: City Building Inspection provides final approval after the project is complete. Owner is now permitted to occupy the altered space.

Daly City Amendments

General Requirements

1 – Permit Application Intake Phase & 2 – Plan Review Phase

15.00.030 Time Limitation Application

105.3.2 Time Limitation of Application. Except as set forth in subsection 105.3.2.1, every application for a permit for any proposed work for which no permit has been issued within one hundred eighty calendar days following the date of receipt of the application shall expire by limitation. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty calendar days upon request of the applicant demonstrating that circumstances beyond the control of the applicant and relating to the project have prevented action from being taken. The extension shall be required in writing and justifiable case must be demonstrated. No application under this subsection shall be extended more than twice. For the purpose of renewal on an application after expiration, the applicant shall resubmit plans compliant with the applicable code at time of resubmittal and pay new plan review fees. The building official may, in his/her sole discretion, grant an additional extension up to three hundred sixty days as necessitated by an official California major disaster declaration issued by FEMA.

105.3.2.1 Time Limitation of Application — Code Enforcement Permits. Notwithstanding any provision of section 105.3.2, if a permit application was filed in order to bring an unpermitted structure, and other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, and no permit has been issued within ninety days of receipt of the application it shall expire by limitation. The building official may extend the time for action by the applicant for a period not exceeding ninety calendar days upon request of the applicant demonstrating that circumstances beyond the control of the applicant and relating to the project have prevented action from being taken. No application covered under this subsection shall be granted more than once.

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3 – Permit Issuance and Construction Phase

15.00.040 Permit Expiration and Extension

105.5 Expiration. Except as set forth in subsection 105.5.1 and 105.5.2, every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one calendar year from the date of issuance 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 one calendar year.

For the purposes of this subsection "suspended or abandoned" shall mean that the permittee has, for a period of one calendar year or longer after commencing the work authorized by such permit, failed to make substantial progress toward completion of the work, as determined by the building official. Failure to schedule and pass a required interim or final inspection for a period of one calendar year or longer since the issuance date of the permit or since the most recent interim inspection may be deemed to constitute a failure to make substantial progress toward completion of the work.

Required inspections include: footing/foundation inspection, concrete slab or under-floor inspection, framing inspection, lath or gypsum board inspection, fire resistant penetration inspection, energy efficiency inspection, any required special inspections, final inspections, and any other inspections other than conference inspections required by the building official. However, the building official may extend a permit if justifiable delay is demonstrated in writing or where a good faith effort toward code compliant work has been performed.

- A. Permit Extensions.** Any permittee holding an unexpired permit may request in writing an extension of time when the permittee is unable to commence work within the time required by this section. The building official may, in his/her sole discretion, grant, one or more extensions of time, for periods not more than one hundred eighty days each. A written request by the permittee shall demonstrate written evidence demonstrating that a good faith effort to complete the project has been made and that reasons beyond the control of the permittee and relating to the project have resulted in a delay. Under no condition shall a permit be extended more than three times, for a total maximum time of three one hundred eighty-calendar day extensions. Each one hundred eighty-calendar day extension must be approved individually by the building official.
- B. Reactivation Required After Expiration.** Prior to recommencing work on the site after permit expiration a request for reactivation shall be first obtained, provided no changes have been made or will be made to the original plans and specifications for such work, and the work has not been suspended or abandoned for more than one year from the last required, recorded inspection. In cases in which the work was suspended or abandoned beyond one year from the last required, recorded inspection, reactivation shall not be issued after expiration if the original review was performed using a previously adopted code.

The building official, in his/her sole discretion, has the authority to deny reactivation which utilizes the requirements of the expired permit unless the permittee has made good faith effort to complete the project and for reasons beyond their control and related to the project. The permittee must provide a written report on the current status of construction which shall include a request for an extension and a timeframe for completion in order for the building official to renew the permit.

The building official may, in his/her sole discretion, grant an additional extension up to three hundred sixty days as necessitated by an official California major disaster declaration issued by FEMA.

