

RESOLUTION NUMBER R-303131

DATE OF FINAL PASSAGE **NOV 05 2007**

A RESOLUTION OF THE CITY OF SAN DIEGO WAIVING DEMOLITION PERMIT AND BUILDING PERMIT FEES FOR STRUCTURES AFFECTED BY THE WILDFIRES OF OCTOBER 2007; ESTABLISHING A VOUCHER PROGRAM FOR DISPOSAL AND RECYCLING OF FIRE-RELATED DEBRIS; DEVELOPING A WASTE MANAGEMENT REGULATION REGARDING MIRAMAR LANDFILL; AND REQUIRING THE IDENTIFICATION OF FUNDS TO REIMBURSE FOR THE WAIVED FEES AND VOUCHER PROGRAM.

WHEREAS, on October 22-24, 2007, the Witch Creek fire burned the community of Rancho Bernardo; and

WHEREAS, City of San Diego residents and property owners had their homes destroyed or damaged by these wildfires; and

WHEREAS, at least 424 single family homes were destroyed or damaged by these wildfires; and

WHEREAS, many of the persons suffering property losses from the wildfires will not be compensated or will be under compensated for the reconstruction of their homes; and

WHEREAS, there are few, if any, state or federal programs that provide grant assistance to individuals for building permits, demolition permits or waste disposal fees associated with reconstruction due to wildfires; and

WHEREAS, granting a fee waiver to permit applicants for building permits and demolition permits will allow victims of the wildfires to expeditiously obtain building permits and begin the rebuilding of their homes or businesses; and

WHEREAS, waiving demolition permit fees and providing vouchers for waste disposal and recycling will facilitate and encourage the expeditious removal of debris and other fire-related waste that could otherwise remain on site; and

WHEREAS, the expeditious removal of debris and other fire related waste will prevent the washing away of the waste into the City's storm drain system; and

WHEREAS, the expeditious rebuilding of homes and businesses in the City of San Diego will restore a sense of community and well-being within the neighborhoods destroyed by the wildfires; and

WHEREAS, concrete slabs and bricks are recyclable at a relatively low cost per ton at private facilities located near fire-damaged areas within the City, and recycling of these materials should be encouraged in order to demonstrate good faith efforts to comply with State of California waste diversion mandates; and

WHEREAS, a facility that accepts mixed construction and demolition debris is open and operating in Lemon Grove just outside City limits; and

WHEREAS, in accordance with the People's Ordinance, codified at San Diego Municipal Code section 66.0127(c)(4) and Government Code section 66016, this one time fee waiver and voucher program will not require an increase in disposal fees for other Miramar Landfill users, if the Environmental Services Department is fully reimbursed from the General Fund or other source; and

WHEREAS, in accordance with Government Code section 66005, this one time fee waiver to permit applicants and users will not require an increase of fees for other permits or users, if the Development Services Department is fully reimbursed from the General Fund or other source; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that in accordance with the recommendations of City staff contained in Report to City Council No. 07-175 dated October 26, 2007:

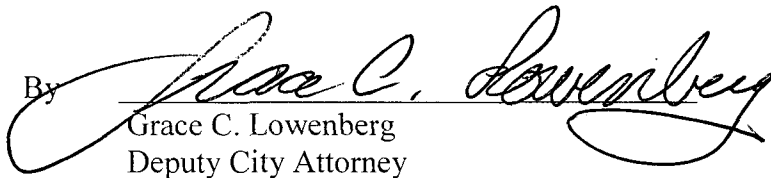
1. The Council hereby waives demolition permit fees for applicants who are demolishing structures damaged in the October 2007 wildfires.
2. The Council hereby waives building permit fees for applicants who are seeking to reconstruct the same or substantially the same structure destroyed or damaged in the October 2007 wildfires.
3. The Council hereby designates fire reconstruction permit applications resulting from the October 2007 wildfires as the highest priority for expedited development review of building permits in the City.
4. The Mayor is hereby authorized to establish and implement a voucher program to provide vouchers for (a) recycling mixed C&D waste and concrete slabs and bricks at recycling facilities approved by the City and (b) disposal of unrecyclable debris to the Miramar Landfill (i.e., Tipping Fee, AB939 fee, and Refuse Collector Business Tax or Franchise Fee), for waste generated within the City of San Diego from properties destroyed or damaged in the October 2007 wildfires.
5. The Council hereby authorizes the Mayor, consistent with the provisions of this resolution, to refund persons who have paid demolition permit fees, building permit fees, waste disposal fees at the Miramar Landfill or recycling fees at City-approved recycling facilities prior to this action of the City Council waiving said fees and establishing the voucher program.
6. The Mayor is requested to return to the Council within thirty days with an action to identify and appropriate funds to reimburse the Development Services Enterprise Fund, Number

1300; the Environmental Services Refuse Disposal Fund, Number 41200; and the Recycling Enterprise Fund, Number 41210; for waiver of demolition and building permit fees and for providing waste disposal and recycling vouchers, as authorized herein.

7. The Council hereby requests the Mayor to develop and issue a Waste Management Regulation to prohibit the disposal to the Miramar Landfill of concrete slabs and bricks removed from properties damaged or destroyed in the October 2007 wildfires.

8. The above activity is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility this activity will cause a significant impact on the environment.

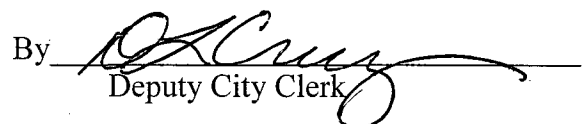
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
10/26/07  
10/31/07 Rev.  
Aud.Cert:N/A  
Or.Dept:DSD/ESD  
R-2008-373

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of OCT 30 2007.

ELIZABETH S. MALAND, City Clerk

By   
Deputy City Clerk

Approved: 11-5-07  
(date)

JSL  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor