

ORDINANCE NUMBER O- 20341 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2014

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6,  
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 66.0601, 66.0606, AND 66.0608,  
ALL RELATING TO DIVERSION OF CONSTRUCTION  
AND DEMOLITION DEBRIS FROM LANDFILL DISPOSAL.

WHEREAS, since 1959, the City of San Diego [City] has owned and operated the Miramar Landfill [Landfill], which currently is the only active municipal landfill within the City; and

WHEREAS, the Landfill is expected to close by 2022; so preserving Landfill capacity in order to extend the useful life of the Landfill for the benefit of the citizens of the City is of paramount concern; and

WHEREAS, the California Integrated Waste Management Act of 1989, codified at California Public Resources Code sections 40000 through 49620, requires that each local jurisdiction in the State divert at least 50% of waste from landfill disposal or face fines up to \$10,000 per day; and

WHEREAS, the City enacted the Construction and Demolition Debris Diversion Deposit Program Ordinance [C&D Ordinance], codified at San Diego Municipal Code sections 66.0601 through 66.0610, in order to preserve Landfill capacity, extend the useful life of the Landfill, comply with state-mandated waste diversion requirements, and avoid state fines; and

WHEREAS, prior to the implementation of the C&D Ordinance and the construction and demolition debris surcharge at the Landfill, at least 35%, or 586,000 tons, of waste disposed to local landfills each year originated from construction and demolition projects within the City; and

WHEREAS, a private recycling facility which accepts mixed construction and demolition debris has been operating just outside City limits in a relatively central location since 2008, and two additional facilities are operating within the County of San Diego; and

WHEREAS, based on experience gained since the C&D Ordinance became effective approximately five years ago, the City believes some revisions to the C&D Ordinance would be useful to more effectively, fairly, and efficiently achieve the goals of the C&D Ordinance; and

WHEREAS, experience has shown that some projects do not generate recyclable debris or enough debris to warrant application of the C&D Ordinance, so the list of exemptions from the C&D Ordinance should be revised to include additional exempt activities; and

WHEREAS, experience suggests that, in order to trigger a higher diversion requirement under the C&D Ordinance, a mixed construction and demolition debris recycling facility must be operating at a minimum daily tonnage capacity of 1,000 tons; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 6, Article 6, Division 6 of the San Diego Municipal Code is amended by amending Sections 66.0601, 66.0606, and 66.0608 to read as follows:

**Division 6:**

**Construction and Demolition Debris Diversion Deposit Program**

**§ 66.0601 Findings**

The Council of the City of San Diego finds and declares that:

- (a) The City operates the Miramar Landfill, which is currently the only active municipal landfill in the City. The Miramar Landfill currently is expected to close by 2022. Preserving landfill capacity at the Miramar Landfill in order to

extend the useful life of the Miramar Landfill for the citizens of the City is a paramount concern.

(b) through (e) [No change in text.]

**§ 66.0606 Entitlement to Refund of Diversion Deposit**

(a) through (c) [No change in text.]

(d) If the *Director* determines the *applicant* is entitled to a refund, the amount of the refund shall be in the same proportion to the deposit paid by the *applicant* as the *diversion* rate achieved for the *development* is to the applicable *diversion* rate set forth below:

- (1) For Building Permits or Demolition/Removal Permits issued on or after the actual effective date of Section 66.0604 through and including 180 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall be 50% by weight of the total *construction and demolition debris* generated by the *development*; and
- (2) For Building Permits or Demolition/Removal Permits issued after 180 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall be 75% by weight of the total *construction and demolition debris* generated by the *development*, provided that a *certified recycling facility* which accepts mixed *construction and demolition debris* is operating within 25 miles of the City Administration Building located at 202 "C" Street, San Diego, at a 75% *diversion* rate as of 181 calendar days from the actual effective date of Section 66.0604. If such a facility is not in operation as of 181 calendar days from the actual effective date of

Section 66.0604, the *diversion* rate shall remain as set forth in Section 66.0606(d)(1) until a *certified recycling facility* which accepts mixed *construction and demolition debris*, with a permitted daily tonnage capacity of at least 1,000 tons, has operated at a 75% *diversion* rate for three consecutive calendar year quarters and the City has given the public 30 days' advance notice that such a facility is available, at which time the *diversion* rate shall increase to 75% by weight of the total *construction and demolition debris* generated by the *development*.

(e) through (j) [No change in text.]

**§ 66.0608 Diversion Deposit Program Exemptions**

- (a) The following activities, alone or in combination with one another, are exempt from this Division, except if the activity or activities is/are undertaken in conjunction with *development* which otherwise is subject to this Division:
- (1) Roofing projects.
  - (2) Installation, replacement, or repair of a *retaining wall*.
  - (3) Installation, replacement, or repair of a carport, patio cover, balcony, trellis, or fireplace.
  - (4) Installation, replacement, or repair of a deck.
  - (5) Installation, replacement, or repair of a *fence*.
  - (6) Installation, replacement, or repair of a swimming pool or a spa.
  - (7) Installation, replacement, or repair of a pre-fabricated accessory, such as a *sign* or an antenna, which does not require modification to the *structure* to which the accessory is attached.

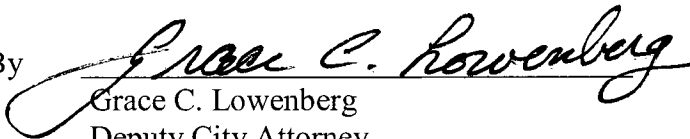
- (8) Installation, replacement, or repair of storage racks.
- (9) Installation, replacement, or repair of a shade structure (commercial), awning, or canopy.
- (10) Installation or replacement of a pre-fabricated modular building or mobile home, with or without a patio enclosure or cover.
- (11) Installation, replacement, or repair of partitions only.
- (12) Installation, replacement, or repair of siding, stucco, or veneer.
- (13) Installation or repair of seismic tie-downs.
- (14) Installation, replacement, or repair of skylights, windows, doors, stair flights, or poles.
- (15) Modification, alteration, or repair of facades.
- (16) Re-pipe repairs.
- (17) Foundation repairs, including caissons and piles.
- (18) *Development* which requires only an electrical permit, only a plumbing permit, or only a mechanical permit.
- (19) *Development* which requires a Building Permit that does not require plans.

(b) [ No change in text.]

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.


Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
11/12/13  
Or.Dept:ESD  
Doc.No:619546

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of JAN 14 2014.

ELIZABETH S. MALAND, City Clerk  
By   
Deputy City Clerk

Approved pursuant to Charter section 265(i)

\_\_\_\_\_  
Date

\_\_\_\_\_  
TODD GLORIA, Council President

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 6,  
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 66.0601, 66.0606, AND 66.0608,  
ALL RELATING TO DIVERSION OF CONSTRUCTION  
AND DEMOLITION DEBRIS FROM LANDFILL DISPOSAL.

**Division 6:**

**Construction and Demolition Debris Diversion Deposit Program**

**§ 66.0601 Findings**

The Council of the City of San Diego finds and declares that:

(a) The City operates the Miramar Landfill, which is currently the only active municipal landfill in the City. The Miramar Landfill currently is expected to close ~~between 2011 and 2013.~~ by 2022. Preserving landfill capacity at the Miramar Landfill in order to extend the useful life of the Miramar Landfill for the citizens of the City is a paramount concern.

(b) through (e) [No change in text.]

**§ 66.0606 Entitlement to Refund of Diversion Deposit**

(a) through (c) [No change in text.]

(d) If the *Director* determines the ~~applicant~~ applicant is entitled to a refund, the amount of the refund shall be in the same proportion to the deposit paid by

the *applicant* as the *diversion* rate achieved for the *development* is to the applicable *diversion* rate set forth below:

- (1) For Building Permits or Demolition/Removal Permits issued on or after the actual effective date of Section 66.0604 through and including 180 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall be 50% by weight of the total *construction and demolition debris* generated by the *development*; and
- (2) For Building Permits or Demolition/Removal Permits issued after 180 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall be 75% by weight of the total *construction and demolition debris* generated by the *development*, provided that a *certified recycling facility* which accepts mixed *construction and demolition debris* is operating within 25 miles of the City Administration Building located at 202 "C" Street, San Diego, at a 75% *diversion* rate as of 181 calendar days from the actual effective date of Section 66.0604. If such a facility is not in operation as of 181 calendar days from the actual effective date of Section 66.0604, the *diversion* rate shall remain as set forth in Section 66.0606(d)(1) until 30 days after the City has notified the public a *certified recycling facility* which accepts mixed *construction and demolition debris*, with a permitted daily tonnage capacity of at least 1,000 tons, has operated at a 75% *diversion* rate for three consecutive calendar year quarters and the City has given the public 30 days' advance notice that such a facility is available, at which time the *diversion* rate shall increase to 75% by weight



of the total *construction and demolition debris* generated by the *development*.

(e) through (j) [No change in text.]

**§ 66.0608 Diversion Deposit Program Exemptions**

- (a) The following activities, alone or in combination with one another, are exempt from this Division, except if the activity or activities is/are undertaken in conjunction with *development* which otherwise is subject to this Division:
- (1) Roofing projects, ~~that do not include the tear-off of the existing roof.~~
  - (2) Installation, replacement, or repair of a *retaining wall*.
  - (3) Installation, replacement, or repair of a carport, patio cover, balcony, trellis, or fireplace.
  - (4) Installation, replacement, or repair of a deck.
  - (5) Installation, replacement, or repair of a *fence*.
  - (6) Installation, replacement, or repair of a swimming pool or a spa.
  - (7) Installation, replacement, or repair of a pre-fabricated accessory, such as a sign or an antenna, which does not require modification to the *structure* to which the ~~sign~~ accessory is attached.
  - (8) Installation, replacement, or repair of storage racks.
  - (9) ~~Development which requires only an electrical permit, only a plumbing permit, or only a mechanical permit.~~ Installation, replacement, or repair of a shade structure (commercial), awning, or canopy.
  - (10) Installation or replacement of a pre-fabricated modular building or mobile home, with or without a patio enclosure or cover.

- (11) Installation, replacement, or repair of partitions only.
- (12) Installation, replacement, or repair of siding, stucco, or veneer.
- (13) Installation or repair of seismic tie-downs.
- (14) Installation, replacement, or repair of skylights, windows, doors, stair flights, or poles.
- (15) Modification, alteration, or repair of facades.
- (16) Re-pipe repairs.
- (17) Foundation repairs, including caissons and piles.
- (18) Development which requires only an electrical permit, only a plumbing permit, or only a mechanical permit.
- (19) Development which requires a Building Permit that does not require plans.

(b) [No change in text.]

GCL:mb  
11/12/13  
Or.Dept:ESD  
Doc.No:619466

Passed by the Council of The City of San Diego on JAN 14 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 30 2014.

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

DEC 10 2013, and on JAN 30 2014.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20341