

#606
6/2/2020

(O-2020-110)
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ORDINANCE NUMBER O- 21198 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 02 2020

AN INTERIM URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 EXTENDING EXPIRATION DATES OF DEVELOPMENT PERMIT APPLICATIONS, BUILDING PERMIT APPLICATIONS, AND CONSTRUCTION, DEVELOPMENT, GRADING, AND PUBLIC RIGHT-OF-WAY PERMITS DUE TO THE STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS, COVID-19.

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in December 2019; and

WHEREAS, COVID-19 symptoms include fever, cough, and shortness of breath, and those who have been afflicted have experienced anything from mild illness to death; and

WHEREAS, the Centers for Disease Control and Prevention considers COVID-19 to be a very serious public health threat and the World Health Organization declared the COVID-19 outbreak to be a pandemic; and

WHEREAS, on February 19, 2020, the County Board of Supervisors ratified a declaration of local health emergency related to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, Mayor Kevin Faulconer proclaimed the existence of a local emergency in the City of San Diego (City) as a result of COVID-19, which was ratified by the Council of the City of San Diego (Council) on March 17, 2020; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence, except to obtain essential services; and

WHEREAS, as of April 27, 2020, there are currently more than 3,000 confirmed cases of COVID-19 within San Diego County, more than 42,000 in California, and at least 1,600 COVID-19-related deaths in California, and these statistics are increasing daily; and

WHEREAS, the effects of the COVID-19 pandemic on the global economy and supply chains are impacting many local companies due to overseas factories operating at reduced capacity and a drastic reduction in tourism; and

WHEREAS, COVID-19 is causing, and is expected to continue to cause, serious negative impacts on the local economy and serious financial impacts to local residents and businesses, including substantial loss of income due to the loss of compensable work hours or wages, layoffs, and business closures; and

WHEREAS, the Governor, the San Diego County Public Health Officer, and the Mayor have issued a variety of orders and directives to respond to the emergency, including closing or significantly curtailing certain business operations, prohibiting gatherings of 10 people or more, and cancelling conferences, sporting events, and other large group activities; and

WHEREAS, the City issues Building Permits, Electrical Permits, Plumbing Permits, Mechanical Permits, Fire Permits, Grading Permits, and Public Right-of-Way (collectively, Construction Permits) pursuant to Chapter 12, Article 9 of the San Diego Municipal Code (Municipal Code), and issues Development Permits, pursuant to Chapter 12, Article 6 of the Municipal Code in response to applications filed in conformance with the applicable Municipal Code requirements; and

WHEREAS, applications for both Construction Permits and Development Permits may be closed by the City after a specified amount of time if certain circumstances occur; and

WHEREAS, once issued, the Municipal Code establishes fixed expiration dates for Construction Permits that are based upon the date that the Construction Permit was issued; and

WHEREAS, the Municipal Code also establishes fixed expiration dates for Development Permits, once issued, that are based upon utilization of the Development Permit and the date the Development Permit is issued; and

WHEREAS, if an applicant for a Development Permit or Construction Permit had to restart lengthy entitlement and permit processes because of expired permits it could further harm the local economy; and

WHEREAS, in some circumstances, applicants may not be able to submit a request to extend the expiration dates of a Construction Permit or Development Permit because of governmental orders or due to operational changes at the City's Development Services Department adopted to ensure the health, safety, and well-being of customers and employees; and

WHEREAS, in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary public exposure; and

WHEREAS, it is in the public interest to take steps to ensure that housing and other needed development can continue and to reduce financial impacts on San Diego residents during this public health emergency; and

WHEREAS, San Diego Charter, Article III, section 11 vests all legislative authority for the City in the Council; and

WHEREAS, California Government Code section 65858 expressly authorizes the Council to adopt an interim urgency Ordinance which is necessary for the immediate protection of the public health, safety, and welfare, by four-fifths (4/5) vote, without following the procedures otherwise required for the adoption of a zoning ordinance; and

WHEREAS, the Council finds that adopting this interim urgency Ordinance is necessary and appropriate to address the threats to the public health, safety, and welfare of its citizens related to the significant health and economic impacts of the COVID-19 outbreak, and to further enable compliance with public health orders and recommendations related to COVID-19; specifically, adopting this interim urgency Ordinance will allow the City to implement actions needed to prevent or mitigate the adverse effects to public health, safety, and welfare related to the spread of COVID-19 by reducing delay and economic impacts on housing and other development; and

WHEREAS, the Council finds that there is an emergency necessitating immediate adoption of this Ordinance pursuant to Government Code section 65858; and

WHEREAS, under San Diego Charter section 280(a)(3), this Ordinance is not subject to veto by the Mayor because it is an emergency Ordinance; and

WHEREAS, under California Government Code section 65858, a supermajority vote of the Council is required for passage of this Ordinance; NOW THEREFORE,

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

Section 1. That applications for Building Permits, Electrical Permits, Plumbing Permits, Mechanical Permits, Fire Permits, Grading Permits, and Public Right-of-Way Permits that have not been closed prior to March 12, 2020, shall be granted a 365-day extension from the date for

closing the application files, in addition to any extensions already permitted by the Municipal Code and the Mayor's Executive Order 2020-2.

Section 2. That Building Permits, Electrical Permits, Plumbing Permits, Mechanical Permits, Fire Permits, Grading Permits, and Public Right-of-Way Permits that have not expired prior to March 12, 2020, shall be granted an additional 365-day extension of their utilization or expiration dates in addition to any extensions already permitted by the Municipal Code and the Mayor's Executive Order 2020-2, unless direction from the State dictates otherwise. These projects shall comply with state building standards in effect at the time of permit issuance.

Section 3. That Development Permit applications will be given an additional 60 days to the time provided in Municipal Code section 126.0115 to submit or resubmit requested materials, information, fees, or deposits before the Development Permit application file will be closed by the City.

Section 4. That Development Permits that have not expired prior to March 12, 2020, will be granted a 365-day extension of the expiration date of the Development Permit in addition to any extensions already permitted by the Municipal Code, unless direction from the State dictates otherwise. However, this extension shall not be granted for permits that have been issued pursuant to San Diego Municipal Code Section 141.0504 or San Diego Municipal Code Section 141.1004 that have not been utilized as of the effective date of this Ordinance.

Section 5. There is a current and immediate threat to the public health, safety, and welfare of the City and its communities caused by COVID-19, thereby necessitating the immediate enactment of this change as an interim urgency Ordinance in order to prevent or mitigate the adverse effects to public health, safety, and welfare related to the spread of COVID-19, to

mitigate the adverse economic effects on development of necessary housing and other buildings, and to allow continuity of City operations.

Section 6. That this Ordinance, being an urgency Ordinance, is effective upon the day of its passage, and is effective for 45 days from the date of its passage, unless extended in accordance with California Government Code section 65858 at a noticed public hearing.

Section 7. That this Ordinance is intended to supplement, not to duplicate or contradict, applicable state law and shall be construed in light of that intent.

Section 8. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Heather M. Ferbert
Heather M. Ferbert
Deputy City Attorney

HMF:soc
05/15/2020
06/01/2020 COR. COPY
Or.Dept: Development Services
Doc. No.: 2374999

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 06/02/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Connie Patterson
Deputy City Clerk

Passed by the Council of The City of San Diego on JUN 02 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 02 2020.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUN 02 2020, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21198