

RESOLUTION NUMBER R- 315361DATE OF FINAL PASSAGE FEB 15 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO WAIVING DEMOLITION PERMIT FEES AND BUILDING PERMIT FEES FOR STRUCTURES AFFECTED BY JANUARY 22, 2024 STORM; WAIVING SAN DIEGO MUNICIPAL CODE SECTION 66.0604 REQUIREMENTS OF REFUNDABLE CONSTRUCTION AND DEBRIS REMOVAL DEPOSIT AND SUBMISSION OF WASTE MANAGEMENT FORM FOR THOSE AFFECTED BY JANUARY 22, 2024 STORM; ESTABLISHMENT OF DEBRIS ASSESSMENT PROGRAM; AND IDENTIFICATION OF FUNDS TO REIMBURSE THE WAIVED FEES.

WHEREAS, on January 22, 2024, the City of San Diego (City) and surrounding areas experienced an unprecedented storm event that brought record level rainfalls in a short period of time; and

WHEREAS, the storm caused catastrophic flooding throughout the City including the communities of Mountain View, Encanto, Mt. Hope, Shelltown, Southcrest, Rolando, and San Ysidro with at least 700 structures destroyed or damaged due to flooding caused by the storm as identified by the Red Cross and residents who self-reported damage (Impacted Community); and

WHEREAS, the human and economic impacts of the storm are severe, with many residents suffering major damage to their homes, businesses, and personal effects; and

WHEREAS, on January 22, 2024, City of San Diego Mayor Todd Gloria proclaimed a local emergency based on the storm, which was ratified by the Council of the City of San Diego (Council) on January 29, 2024; and

WHEREAS, on January 22, 2024, the County of San Diego proclaimed a countywide local emergency due to the storm; and

WHEREAS, on January 23, 2024, the Governor of California, Gavin Newsom, declared a state of emergency in San Diego and Ventura Counties due to the winter storms, including the storm on January 22, 2024;

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

WHEREAS, granting a fee waiver for permit applicants in the Impacted Community (Eligible Applicants) for building permits and demolition permits and designating them high priority will allow victims of the storm to expeditiously obtain building permits and begin the rebuilding of their homes or businesses; and

WHEREAS, issue necessary City building permits for Eligible Applicants who wish to permit and reconstruct previously unpermitted additions will allow equitable housing and development recovery for those impacted by the storm; and

WHEREAS, waiving the San Diego Municipal Code section 66.0604 requirements for a refundable Construction and Demolition Debris Diversion Deposit and the submission of a Waste Management Form Part I for Eligible Applicants of the storm will facilitate expeditious removal of debris and other storm-related waste that could otherwise remain on site or eventually wash away in the City's storm drain system; and

WHEREAS, the expeditious rebuilding of homes and business in the City will restore a sense of community and well-being within the neighborhoods damaged by the storm; and

WHEREAS, a Debris Assistance Program that would provide collection, handling, and proper processing, recycling and/or disposal of demolition waste generated by Eligible Applicants will encourage compliance with the State of California waste diversion mandates and assist storm victims with the expeditious rebuilding of their homes and business; and

WHEREAS, in accordance with Government Code section 66005, this fee waiver to Eligible Applicants 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; and

WHEREAS, the Construction and Demolition Debris Diversion program is a refundable deposit program such that this deposit waiver will not lead to any increase in costs; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate;


NOW, THEREFORE,

BE IT RESOLVED, by the Council, as follows.

1. The Council hereby waives demolition permit fees for Eligible Applicants who are demolishing structures damaged in the January 22, 2024 storm.
2. The Council hereby waives building permit fees for Eligible Applicants who are seeking to reconstruct the same or substantially the same structure destroyed or damaged during the January 22, 2024 storm.
3. The Council hereby waives San Diego Municipal Code section 66.0604 requirements for a refundable Construction and Demolition Debris Diversion Deposit and the submission of a Waste Management Form Part I for waste generated by Eligible Applicants.
4. The Council hereby authorizes the Mayor to establish and implement a Debris Assistance Program to provide collection, handling, and proper processing, recycling and/or disposal of demolition waste generated by Eligible Applicants.
5. The Council hereby authorizes the Mayor, consistent with the provisions of this resolution, to refund Eligible Applicants who have paid demolition permit fees and building permit fees prior to this action of the Council waiving said fees.

6. The Council hereby authorizes the Chief Financial Officer to encumber the General Fund- Citywide Program Expenditures Department in an amount not to exceed \$1,268,000 for FY2024 and \$1,142,000 for FY2025 to reimburse the Development Services Enterprise Fund, Number 700036 for waiver of demolition and building permit fees and to establish and implement the Debris Assistance Program as authorized herein.
7. The Council designates reconstruction permit applications from Eligible Applicants to be high priority for expedited development review of building permits in the City.
8. The Council requests the Mayor issue necessary City building permits for those Eligible Applicants who wish to permit and reconstruct previously unpermitted additions.

APPROVED: MARA W. ELLIOTT, City Attorney

By: 

William Smith
Deputy City Attorney

WTS:cm:jdf
02/06/2024
Or.Dept: Mayor
Doc. No. 3558472

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 12 2024.

DIANA J.S. FUENTES
City Clerk

By *Kristine Medina*
Deputy City Clerk

Approved: 2/15/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 12 2024, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| Joe LaCava | <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"/> |
| Stephen Whitburn | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| District 4 - vacant | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kent Lee | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage FEB 15 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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