



County of San Diego

PLANNING & DEVELOPMENT SERVICES
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DAHVIA LYNCH
DIRECTOR

August 2, 2023

Update No. 109

4-22

TO: Persons Holding Copies of the San Diego County Zoning Ordinance
FROM: Planning & Development Services
RE: AMENDMENT PAGES FOR THE COUNTY ZONING ORDINANCE

Attached are pages containing changes to the San Diego County Zoning Ordinance amended by adoption of Ordinance No. 10784 (N.S.), effective May 27, 2022.

Ordinance No. and 10784 makes additions and amendments to regulations and definitions related to Inactive Permit Applications. These amendment pages are known as the 'Amendment to the San Diego County Zoning Ordinance To Add Definitions And Procedures For Closing Of Inactive Permit Applications. Adding Sections 1110 and 7018 Related To Inactive Permit Applications, adopted by the Board of Supervisors on April 27, 2022.

Please substitute these pages in your hard copy of the Zoning Ordinance by removing the obsolete pages and adding the new pages as follows:

REMOVE	ADD	SECTION CHANGES/DESCRIPTION
1110 Definitions E (6 pages)	1110 Definitions E (6 pages)	Add the term and definition of "Extenuating Circumstances"
1110 Definitions I (2 pages)	1110 Definitions I (2 pages)	Add the term and definition of "Inactive Permit Application" and "Inactive Permit Application Holder"
7018 Section 4 (2 pages)	7018 (4 pages)	Adds Section 7018 which provides guidelines for the Closing Of Inactive Permit Applications

Upon insertion of these pages, we suggest you fill in the space provided for Update No. 109 inside the front cover of your Zoning Ordinance. This will serve as a record that your copy has been updated. If you have any questions regarding this update, please contact Angelica Truong at Angelica.Truong@sdcounty.ca.gov.

A handwritten signature in blue ink, appearing to read "Dahvia Lynch". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dahvia Lynch, Director

Department of Planning & Development Services

THE ZONING ORDINANCE OF SAN DIEGO COUNTY
Ordinance No. 5281 (New Series)

Adopted - October 18, 1978
Effective - December 19, 1978

RECORD OF CHANGES TO THIS ORDINANCE
Note date and initial when replacement pages are inserted

UPDATE			UPDATE			UPDATE			UPDATE		
No.	Date	By	No.	Date	By	No.	Date	By	No.	Date	By
1	3-83	DPLU	33	10-89	DPLU	65	2-03	DPLU	97	11-14	PDS
2	6-83	"	34	1-90	"	66	6-03	"	98	5-16	"
3	10-83	"	35	5-90	"	67	9-03	"	99	4-17	"
4	12-83	"	36	7-90	"	68	2-04	"	100	3-19	"
5	5-84	"	37	8-90	"	69	8-04	"	101	9-19	"
6	6-84	"	38	10-90	"	70	10-04	"	102	3-20	"
7	11-84	"	39	9-91	"	71	2-05	"	103	12-20	"
8	12-84	"	40	3-92	"	72	3-06	"	104	03-21	"
9	1-85	"	41	6-92	"	73	3-07	"	105	10-21	"
10	3-85	"	42	10-92	"	74	5-07	"	106	02-22	"
11	5-85	"	43	12-92	"	75	4-08	"	107	10-21	"
12	8-85	"	44	1-93	"	76	9-08	"	108	9-22	"
13	9-85	"	45	3-93	"	77	1-09	"	109	4-22	"
14	11-85	"	46	6-93	"	78	3-09	"			
15	12-85	"	47	7-93	"	79	4-09	"			
16	5-86	"	48	1-94	"	80	10-09	"			
17	6-86	"	49	7-94	"	81	2-10	"			
18	7-86	"	50	10-94	"	82	7-10	"			
19	8-86	"	51	1-95	"	83	9-10	"			
20	10-86	"	52	3-95	"	84	10-10	"			
21	11-86	"	53	11-95	"	85	1-11	"			
22	1-87	"	54	12-95	"	86	2-11	"			
23	6-87	"	55	8-96	"	87	9-11	"			
24	7-87	"	56	1-98	"	88	4-12	"			
25	9-87	"	57	5-98	"	89	7-12	PDS			
26	11-87	"	58	10-98	"	90	11-12	"			
27	2-88	"	59	7-99	"	91	3-13	"			
28	2-88	"	60	7-00	"	92	6-13	"			
29	6-88	"	61	4-01	"	93	10-13	"			
30	8-88	"	62	3-02	"	94	11-13	"			
31	2-89	"	63	1-03	"	95	2-14	"			
32	8-89	"	64	1-03	"	96	9-14	"			

Environmental Assessment: A formal evaluation process to determine whether a proposed project will have a significant impact on the environment.

EIR - Environmental Impact Report: A report by the appropriate San Diego County granting authority which analyzes the environmental effects of a proposed project pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 6506 (N.S.) adopted 1-5-83.)

Essential Public Facility or Project: Any structure or improvement necessary for the provision of public services, which must be located in the particular location to service its purpose and for which no less environmentally damaging location, alignment, or non-structural alternative exists.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Extenuating Circumstances: Events or requirements that are out of the control of the applicant, including but not limited to the following: mandated requirements or review from other government agencies (e.g., United States [U.S.] Army Corp of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, or San Diego Regional Water Quality Control Board permit requirements); the need to complete studies that include surveys or other associated requirements that are outside the applicant's control (e.g. seasonal surveys, traffic counts during school year, etc.); the discovery of new environmental issues affecting the project; and/or financial hardship (e.g., loss of financing, change in circumstances affecting a loan, unanticipated and/or extraordinary costs).

(Added by Ord. No. 10784 (N.S.) adopted 4-27-22)

Exterior Wall: (See Wall, Exterior)

DEFINITIONS (F)

Factory-Built Housing: A unit defined as "factory-built housing" by Section 19971 of the Health and Safety Code which has the approval of the Department of Housing and Community Development of the State of California.

Family: An individual, or 2 or more persons (related or unrelated) living together as a single housekeeping unit in a dwelling unit.

(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)

Family Care Home: A state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children and providing such care and service on a 24-hour-a-day basis. No facility shall qualify as a family care home if it is operated in such manner that facilities, activities, or events thereon are shared by more than 6 elderly, mentally disordered or otherwise handicapped persons or dependent and neglected children.

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

Family Care Institution: A state-authorized, certified, or licensed family care home, foster home, or group home which does not qualify as a family care home.

Def. F

Family Day Care Home for Children, Large: A state-licensed family day care home serving nine to fourteen children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 6782 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 7743 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Family Day Care Home For Children, Small: A state-licensed family day care home serving eight or fewer children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The number of children shall include children under the age of 10 years who reside at the home.

(Added by Ord. No. 7743 (N.S.) adopted 3-28-90)
(Amended by Ord. No. 8897 (N.S.) adopted 3-18-98)

Farm Employee: A person who derives more than half of their total livelihood in the service of another person as an employee engaged in active commercial agriculture. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7110 (N.S.) adopted 4-2-86)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farm Employee Housing: A living unit or units for farm employees and their families consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. This is an accessory use to active Commercial Agriculture, subject to Section 6156.u. Farm Employee Housing is not subject to Density Regulations.

(Added by Ord. No. 7790 (N.S.) adopted 08-01-90. This ordinance will expire on August 31, 1993, unless extended in connection with GPA 93-02)
(Amended by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farm Labor Camp: A living unit or units used for housing by 13 or more Farm Employees and their families or with 37 or more beds in a group quarters. This is an agricultural use, as a part of active commercial agriculture, subject to Section 1750 and Section 6906. A Farm Labor Camp is not subject to Density Regulations.

(Added by Ord. No. 10003 (N.S.) adopted 8-5-09)

Farmers' Market, Certified: (See Certified Farmers' Market)

(Added by Ord. No. 9958 (N.S.) adopted 12-10-08)

Feedstock: Is any compostable material used in the production of compost or chipped and ground material including, but not limited to, agricultural material, green material, vegetative food material, food material, biosolids, digestate, and mixed material. Feedstocks shall not be considered as either additives or amendments.

(Added by Ord. No. 10807 (N.S.) adopted 9-14-22)

Fence, Non-View-Obscuring: (See Fence, Open)

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, Open: A fence (and the gates in such fence) which permits direct vision through at least 80 percent of any one square foot segment of fence surface.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, Solid: A fence (and the gates in such fence) constructed of solid material through which no visual images or light may be seen. Openings in such fence (and its gates when closed) shall not exceed 2 percent of any one square foot segment of the fence's surface which is more than 8 inches above the ground.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fence, View-Obscuring: A fence (and the gates in such fence) whose surface is covered by solid or opaque material through which no visual images may be seen. Openings in such a fence (and its gates when closed) shall not exceed 20 percent of any one square foot segment more than 8 inches above the ground, nor shall any opening exceed one-half inch in width. Woven wire or chain link fences containing slats are not view- obscuring fences.

(Added by Ord. No. 5786 (N.S.) adopted 6-4-80)

Fill: Any material or substance which is deposited, pushed, dumped, pulled or otherwise transported or moved to a new location for the purpose of elevating an area above the floodplain. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, asphalt, refuse and concrete rubble.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Financial Pro Forma: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, a financial statement which clearly demonstrates that a requested incentive results in identifiable, financially sufficient, and actual cost reductions that contribute significantly to the economic feasibility of the reserved units in a proposed housing development.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. F

Flood: A general and temporary condition of partial or complete inundation of normally dry land area lying outside normal stream channel as a result of one or more of the following occurrences or conditions - the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, 10-Year: A flood estimated to occur at an average of once in 10 years (the flood having a 10 percent chance of being equaled or exceeded in any given year).

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

Flood, 100-year: A flood estimated to occur at an average of once in 100 years (the flood having a one percent chance of being equaled or exceeded in any given year).

Def. F

(Amended by Ord. No. 10204 (N.S.) adopted 3-28-12)

Floodplain: The relatively flat area of low lands adjoining, and including, the channel of a river, stream, watercourse, bay, or other body of water which is subject to inundation by the flood waters of the one-hundred year frequency flood as shown on flood plain maps approved by the Board of Supervisors.

(Added by Ord. No. 7630 (N.S.) adopted 05-23-89)

Floodplain Fringe: The area within the floodplain that is not the floodway.

(Amended by Ord. No. 7630 (N.S.) adopted 05-23-89)

Floodway: All that land as determined by the Director of Public Works, which meets the following criteria:

- a. The floodway shall include all areas necessary to pass the 100-year flood without increasing the water surface elevation more than one foot, or in the case of San Luis Rey River, San Dieguito River, San Diego River, Sweetwater River, and Otay River, upon adoption by the Board of Supervisors of revised floodplain maps which so specify, the increase shall be no more than 2/10 of one foot.
- b. The floodway shall include all land necessary to convey a ten-year flood without structural improvements.
- c. To avoid creating erosion and the need for channelization, rip-rap or concrete lining, the floodway will not be further reduced in width when the velocity at the floodway boundary is six feet per second or greater.
- d. Floodways are determined by removing equal conveyance (capacity for passing flood flow) from each side unless another criterion controls.

(Amended by Ord. No. 7630 (N.S.) adopted 05-23-89)

Floor Area: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Floor Area, Gross: The area included within the surrounding walls of a building plus any roofed, partially roofed or open area customarily used for display or business operations. Interior open court may be exempt if not used for display or business operations.

(Added by Ord. No. 6940 (N.S.) adopted 4-10-85)

Floor Area, Ground: The gross horizontal area of that floor which is located at the ground level of a building or structure.

Floor Area, Ratio: The numerical value obtained by dividing the gross floor area of a building or buildings located upon a lot or building site by the net site area of such lot or building site.

Food Materials: Is any waste material of plant or animal origin that results from the preparation or processing of food for animal or human consumption. Food material includes, but is not limited to, food waste from food facilities as defined in California Health and Safety Code, food processing establishments, grocery stores, institutional cafeterias (such as prisons, schools, and hospitals), and residential food scrap collection.

(Added by Ord. No. 10807 (N.S.) adopted 9-14-22)

Food Sales Push Cart: A mobile food facility on/in which food is prepared, stored or displayed for the purpose of sale or given away without charge. This does not include self propelled or motorized vehicles or trailers which are designed so as to allow a person to be within such mobile food facility. This does not include agricultural stands or agricultural stores related to commercial agriculture operations.

(Added by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

Frontage: The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

DEFINITIONS (G)

Game Of Skill Or Amusement: Any mechanical, electrical, electronic, or video machine, device or apparatus, or combination thereof, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest or amusement of any description, or which may be used for any such game, contest or amusement, and the use or possession of which is not prohibited by any law of the State of California. This definition shall include video games which generate or display a computer or electronically created image on a screen, but shall exclude a "peep show device."

(Added by Ord. No. 8015 (N.S.) adopted 12-4-91)

Garage, Parking: (See Parking Garage)

Garage, Private: (See Private Garage)

Garage, Public: (See Public Garage)

Gate Entry Structure: A structure located over or near ways of ingress and egress designed to identify an entrance or exit point for pedestrian or vehicular access to private property. Gate entry structure includes, but is not limited to, posts, columns, pilasters or other elements whether free standing or part of a wall or fence, and any associated gate. A post or other support element which does not exceed the permitted fence height and functions only to support a gate shall not be considered a gate entry structure.

(Added by Ord. No. 8246 (N.S.) adopted 5-19-93)

General Bookstore: An establishment engaged in the buying, selling and/or trading of new and/or used books, manuscripts and periodicals of general interest. A general bookstore does not include an establishment that is encompassed by the definition of adult bookstore.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

General Motion Picture Theater: A building or part of a building intended to be used for the specific purposes or presenting entertainment as defined herein, or displaying motion pictures, slides, or closed circuit television pictures before an individual or assemblage of persons, whether such assemblage be of a public, restricted or private nature, except a home or private dwelling where no fee, by way of an admission charge, is charged; provided, however, that any such presentations are not distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas in that any such depiction or description is only incidental to the plot or story line. A general motion picture theater does not include any establishment that is defined by Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Motion Picture Arcade, or Adult Drive-In Theater.

(Added by Ord. No. 5840 (N.S.) adopted 7-30-80)

Grade: For the purpose of determining building height and calculating the number of stories, grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

(Amended by Ord. No. 7048 (N.S.) adopted 10-09-85)

Horse Stable: A stable consisting of, but not limited to, animal enclosures, riding arenas, corrals, paddocks, pens and/or other structures used for the boarding, breeding, raising, rehabilitation, riding training and/or performing of horses, by the owners, occupants or persons other than the owners or the occupants of the premises, for commercial purposes. See Animal Schedule for allowed zones and uses. For the private use of horses by the owner or occupants of a premises, see Horsekeeping.

(Added by Ord. No. 10285 (N.S.) adopted 9-11-13)

Hospital: An institution which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to injured persons and which maintains and operates 24-hour inpatient services for the diagnosis and treatment of patients. Any hospital shall be so licensed by the State Department of Health.

(Amended by Ord. No. 5330 (N.S.) adopted 12-13-78)

Host Home: A single-family dwelling in which no more than two bedrooms are made available for rent on a less than weekly basis to provide lodging, including overnight sleeping accommodations and breakfast. (see Section 6156.hh)

(Added by Ord. No. 7160 (N.S.) adopted 6-18-86)

(Deleted by Ord. No. 7363 (N.S.) adopted 8-19-87) (See Bed and Breakfast Home)

(Added by Ord. No. 7515 (N.S.) adopted 7-13-88)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

Household, Low or Lower Income: A household whose income does not exceed the lower income limits applicable to San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Household, Moderate Income: A household whose income does not exceed the moderate income limits applicable to the San Diego County as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Def. H

Household, Very Low Income: A household whose income does not exceed the very low income limits applicable to San Diego County, as published and periodically updated by the California Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Housing Assistance Plan: The Housing Assistance Plan adopted by the Board of Supervisors as part of the application for community development block grants from the federal government.

Housing Development: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, housing development shall mean a development project for five or more residential units and be as further defined in Section 65915(i) of the California Government Code.

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Hydroponics: A form of agriculture in which plants are grown in water or an inert supportive medium and as defined in the Food and Agricultural Code.

(Added by Ord. No. 10463 (N.S.) adopted 4-14-17)

DEFINITIONS (I)

Inactive Permit Application: The condition which occurs when requested materials, funds, and/or other information necessary to proceed with processing a discretionary permit application (e.g., a Use Permit, Administrative Permit, Site Plan, Variance, or other discretionary permit) have not been submitted within 12 months of the last written request by the Department.

(Added by Ord. No. 10784 (N.S.) adopted 4-27-22)

Inactive Permit Application Holder: The applicant or owner of record of an Inactive Permit Application.

(Added by Ord. No. 10784 (N.S.) adopted 4-27-22)

Incentive: As applied in the Density Bonus Program at Sections 6350 through 6399 and the Density Bonus Permit Procedures at Sections 7400 through 7449, incentive shall mean such regulatory incentive or concession as defined in California Government Code Subsection 65915(k).

(Added by Ord. No. 10068 (N.S.) adopted 8-4-10)

Incidental Landing Area: An area of land, water or structure which is not designated as a heliport, helipad or helistop and is required for the landing of helicopters for emergencies, public service or maintenance activities and is not a permanent landing or storage area for a helicopter.

(Added by Ord. No. 7058 (N.S.) adopted 10-30-85)

PART SEVEN: PROCEDURES

GENERAL PROVISIONS:

7000 TITLE.

The provisions of Section 7000 through Section 7999, inclusive, shall be known as the Procedures.

7005 PURPOSE AND INTENT.

The purpose of these provisions is to provide procedures for processing applications and administering the requirements of the Zoning Ordinance. The intent is to provide flexibility to achieve good and appropriate development while providing certainty to landowners and other members of the public that the public health, safety and welfare will be protected.

(Amended by Ord. No. 7576 (N.S.) adopted 1-11-89)

7007 DECISION OF DENIAL FOR VIOLATION CASES.

The decision-making authority as defined by the respective permit type procedures herein shall have the discretion to deny a Use Permit, Administrative Permit, Site Plan, or Variance when there is an existing violation of any County Ordinance which the decision-making authority determines is related to the Use Permit, Administrative Permit, Site Plan, or Variance that is being sought.

(Added by Ord. No. 9690 (N.S.) adopted 12-15-04)

7010 APPLICABILITY.

The Procedures shall apply in all zones unless otherwise provided.

7015 CITIZEN ADVISORY BOARD REVIEW.

Notwithstanding any other provision of The Zoning Ordinance, where a decision-making authority is required to consider the action or recommendation of any citizen advisory board prior to making any decision as required by The Zoning Ordinance, the decision-making authority may act without such action or recommendation under any of the following circumstances:

1. Where an advisory board which has not conducted an initial meeting has not provided a recommendation within the time limitations of applicable sections of this Ordinance, or within 60 days, whichever is less, commencing from the date the Director transmits the application to a duly appointed advisory board member;
2. Where an advisory board previously established by the Board of Supervisors has subsequently been disestablished by the Board of Supervisors; or
3. Where an advisory board which has conducted an initial meeting has not provided a recommendation within the time limitation of applicable sections of The Zoning Ordinance.

7015

When circumstances under 1. or 2. above involve a citizen advisory board other than a community planning or sponsor group, the Director shall distribute the application to the appropriate community planning or sponsor group. The decision-making body shall consider the recommendation, if any, of said planning or sponsor group which is received within the time limitations of applicable sections of The Zoning Ordinance, or within 60 days, whichever is less.

(Added by Ord. No. 8451 (N.S.) adopted 9-21-94)

7017 APPLICATIONS TO BE SIGNED BY PROPERTY OWNERS

Any application which is authorized to be filed by the property owner pursuant to these procedures shall be signed by all owner(s) of the property subject to the application, or the authorized agent(s) of the owner(s). The applicant shall provide proof satisfactory to the Director, of the ownership of the property and the authority of the agent(s) to sign on behalf of the owner(s).

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

7018 CLOSING OF INACTIVE PERMIT APPLICATIONS.

The time parameters for processing discretionary permit applications are established by numerous state and local laws, ordinances, and policies. Timely permit processing increases efficiency and decreases costs for the Department and for applicants. The purpose of this section is to establish a procedure for closing Inactive Permit Applications.

- a. Inactive Permit Applications. To determine if a project is "inactive", a permit application shall meet the criteria in the definition of "Inactive Permit Application", Section 1110 (l).

- b. Application Withdrawal or Extension of Time. Once a permit application is deemed Inactive, the Director, or their designee, shall provide written notification to the Inactive Permit Application Holder that certain materials, funds, and/or other information are needed in order to continue processing the permit application. The applicant shall have two years from the date of the written notification to submit the requested materials, funds, and/or other information or to request an extension in accordance with subparagraph "1" below.
 1. No later than 60 days before the expiration of the two-year period of inactive status, the Director shall provide written notification to the permit holder that the two-year period of inactive status is expiring, and that certain materials, funds, and/or other information are needed in order to continue processing the permit application. Upon the receipt of a request for an extension of inactive status, a two-year extension of inactive status may be granted. If the materials, funds, and/or other information, or a written request for an extension, is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close it in accordance with subparagraph "d" of this section.

 2. No later than 60 days before the expiration of the first two-year extension of inactive status, the Director shall provide written notification to the permit holder that the first two-year extension of inactive status is expiring, and that certain materials, funds, and/or other information are needed to continue processing the permit application. If the materials, funds, and/or other information, or a written request for a second extension pursuant to subparagraph "3" below, is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close it in accordance with subparagraph "d" of this section.

3. Upon the receipt of a request for a second extension, the Director may grant a second extension of inactive status pursuant to subparagraph “b” of this section. If granted a second extension, the applicant shall then have an additional two years to submit the requested materials, funds and/or other information. No later than 60 days before the expiration of the second two-year extension, the Director shall provide written notification to the permit holder that the second two-year extension is expiring, that certain materials, funds, and/or other information are needed in order to continue processing the permit application. If the requested materials, funds, and/or other information is not submitted within 60 days of the written notification to the Inactive Permit Application Holder, the Director shall deem the permit application withdrawn and close it in accordance with subparagraph “d” of this section.
- c. **Extenuating Circumstances.** The applicant may request an additional extension of the Inactive Permit Application for two years (for a total of 6 years since the permit application was deemed inactive) due to extenuating circumstances, as specified in the definition of “Extenuating Circumstances”, Section 1110 (E), in accordance with the following:
 1. The applicant shall submit a written request for an extension 60 days prior to the expiration of the permit application describing the extenuating circumstances applicable to the project.
 2. If the Director finds that there are extenuating circumstances applicable to the project, the Director may approve an additional extension of the Inactive Permit Application for up to two years.
 3. No later than 60 days before the expiration of the two-year extension for extenuating circumstances, the Director shall provide written notification to the permit holder that the final two-year extension is expiring, that certain materials, funds, and/or other information are needed in order to continue processing the permit application. If the material, funds, and/or other information are not received within the 60 days, the project application will be deemed withdrawn and closed in accordance with subparagraph “c” of this section.
 - d. **Project Closure.** Upon deeming an inactive project application withdrawn, the Director shall notify the applicant in writing that the project application has been deemed withdrawn and is closed. Projects which require a deposit account shall be charged for the project closure. Any unused deposit account funds after project closure will be refunded.
 - e. **Reapplication.** Once closed, a permit application cannot be reopened; however, the applicant can reapply. To reapply, the applicant shall submit a new permit application with required submittal materials and shall be subject to all applicable fees and regulations in effect on the date the new application is deemed complete.
 - f. **Decisions by the Director under this section may be appealed by the permit applicant in accordance with Section 7200 through 7206 of the Zoning Ordinance.**

(Added by Ord. No. 10784 (N.S.) adopted 4-27-22)

7019 PERMITS AND APPROVALS TO BE RECORDED AND PROVIDE CONSTRUCTIVE NOTICE

When the approval of any Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit or Reclamation Plan, or a modification to any of the foregoing, has become final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The document to be recorded shall set forth the names of all owners of the property subject to the Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit, or Reclamation Plan. The recorded document shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by the Administrative Permit, Density Bonus Permit, Variance, Site Plan, Use Permit or Reclamation Plan.

(Added by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10068 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)