

ORDINANCE NUMBER O- 16316 (NEW SERIES)

ADOPTED ON NOV 5 1984

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0201, 62.0202, 62.0203, 62.0204, 62.0205, 62.0206, 62.0207 AND 62.0208 RELATING TO PUBLIC IMPROVEMENTS AND PUBLIC RIGHTS-OF-WAY.

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

Section 1. That Chapter VI, Article 2, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0201, 62.0202, 62.0203, 62.0204, 62.0205, 62.0206, 62.0207 and 62.0208, to read as follows:

SEC. 62.0201 STANDARDS FOR PUBLIC IMPROVEMENT WORK

All public improvement work shall be done in accordance with the prevailing standards of The City of San Diego; provided, however, that in Centre City said prevailing standards for sidewalks, light standards and street landscaping shall be as specified by the Urban Design Program.

SEC. 62.0202 PUBLIC IMPROVEMENT WORK REQUIRING CITY COUNCIL AUTHORIZATION

Permits for certain work, as hereinafter provided, shall require authorization by the City Council. The City Engineer shall submit the applications, together with his recommendations thereon, to the City Manager for presentation to the City Council. Issuance of a

permit, therefore, shall be in accordance with the conditions established by the City Council.

Permits shall require City Council authorization where any one of the following apply:

(a) The permit includes work for which the provisions of this Article or schedule of fees do not apply.

(b) The work involves more than 3,000 feet of property frontage.

SEC. 62.0203 PUBLIC IMPROVEMENTS SUBJECT TO DESUETUDE OR DAMAGE

(a) Where, in the course of development of private property, public improvements are damaged, removed, disconnected or dislocated, the property owner shall, at not cost to the City, repair or replace such public improvements to the satisfaction of the City Engineer.

(b) Where, in the course of development of private property, a driveway is abandoned and is no longer suited for vehicular use, the property owner shall remove the depressed curb section and apron and restore the right-of-way to the standards normally required.

(c) The City Engineer shall notify the property owner in writing of such desuetude or damage, and the property owner shall take corrective action within 30 days of receipt of such notice. There shall be no certification as to the completion of a building or other permitted work where a notice has been issued, and corrective action has not been taken.

SEC. 62.0204 CITY STREETS - PAINTING, DISFIGURING
PROHIBITED

Unauthorized persons shall not paint, daub sticky substance, deface, mar or place any sign or advertisement upon any public property, public street or part thereof.

SEC. 62.0205 ACCEPTANCE OF RESERVATIONS

No reservation for public rights-of-way shall be offered for dedication unless such offer includes the necessary slope easements required for the ultimate development of the right-of-way, and no such reservation shall be accepted for dedication by the City until improvements therein are constructed pursuant to the requirements of this Code.

SEC. 62.0206 PUBLIC IMPROVEMENTS INCIDENTAL TO A
BUILDING PERMIT OR STRUCTURE

(a) No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any R-1 or less restrictively zoned lot as such zones are set forth in Chapter X of this Code unless the streets and alleys adjacent to such lot have been dedicated and improved along the abutting frontage to the then prevailing standards of The City of San Diego; provided, however, that in Centre City said prevailing standards shall be supplemented by the standards of the Urban Design Program.

Street improvements shall include but not be limited to curbs, gutters, sidewalk and half width

paving. Alley improvements shall consist of full width paving. Where such improvements do not exist or are not to the prevailing standard, a building permit may, nevertheless, be issued under any of the following circumstances after any needed dedication has been granted:

(1) When a permit for the required improvements has been issued in accordance with the provisions of this Code.

(2) When improvements constructed to less than the prevailing standard exist and the City Engineer finds that they are in substantial conformance with the requirements of this section.

(3) When the City Engineer determines that the amount of work associated with the requested building permit is of such limited scope that it should be deferred until such time as adjacent improvements are installed.

Whenever it is determined that the abutting public improvements are to be deferred, no building permit shall, nevertheless, be issued until the property owner executes a waiver of his, or any successor is in interest, right to protest a future assessment project for installation of the required improvements, said waiver to be recorded against the property on which the building permit is issued.

(b) The provisions of this section shall not apply to:

(1) The construction of accessory buildings such as residential garages.

(2) The construction of accessory structures such as swimming pools or patio decks.

(3) The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official of \$10,000 or less; provided, however, that in Centre City the value threshold shall be \$250,000.

(4) Neighborhood revitalization projects operated by the City Housing Commission.

(c) The requirements of this section may be waived or modified by the City Council upon appeal as provided for by Section 62.0115 after a finding that there are unusual circumstances which make its application an unreasonable burden upon the property or its owner.

SEC. 62.0207 PUBLIC IMPROVEMENTS INCIDENTAL TO A BUILDING OR STRUCTURE IN CENTRE CITY

(a) No building or structure shall be erected or enlarged, and no building permit shall be issued therefor within Centre City, unless the streets adjacent to such lot are improved along the abutting frontage to the standards prescribed by the Urban Design Program, said improvements including but not limited to:

(1) Specialized light standards.

(2) Specialized sidewalk pavement.

(3) Street landscaping.

The specialized light standards, specialized sidewalk pavement, and street landscaping referred to herein shall be considered as public improvements and shall be maintained by an assessment district established for that purpose pursuant to Division 15, Part 2 of the California Streets and Highways Code and Section 65.0201 of this Code.

(b) Where such improvements do not exist or are not to the standard of the Urban Design Program, a building permit may, nevertheless, be issued under any of the following circumstances after any needed dedication has been granted:

(1) When a permit for the required improvements has been issued in accordance with the provisions of this Code.

(2) When improvements constructed to a lesser or different standard than those specified by the Urban Design Program exist and the City Engineer finds that they are in substantial conformance with the requirements of this section.

(3) The City Engineer determines that the amount of work associated with the requested building permit is of such limited scope that it should be deferred until such time as adjacent improvements are installed.

Whenever it is determined that the abutting public improvements are to be deferred, no building permit shall, nevertheless, be issued until the property owner executes a waiver of his or any successor in interest's right to protest a future assessment project for installation of the required improvements; said waiver to be recorded against the property on which the building permit is issued.

(c) The provisions of this section shall not apply where the proposed building improvements have a total value, as estimated by the Building Official, of \$250,000 or less.

SEC. 62.0208 CHARGES FOR PRIOR STREET IMPROVEMENTS

Whenever a street or alley has been improved other than by public improvement proceedings for which assessments are levied, and the cost thereof shall have been paid by only a portion of the property owners benefitted, the City Engineer may, upon completion of the work, determine the cost of such improvements, the boundary of the area of all property benefitted and the allocation of the cost to the various parcels of benefitted property in accordance with the current street financing policy adopted by the City Council. After determination of the cost of such improvements, the City Engineer shall notify all property owners who may be benefitted and subject to recovery charges not less than ten days prior to the City Council's consideration of establishment of the district.

Once the allocation of the cost has been approved by a resolution of the Council of The City of San Diego, it shall constitute a statement of charges due from the owners of the various parcels of property as their share of the street or alley improvements. The City Clerk shall record a copy of the Council Resolution with the County Recorder. The resolution shall include the ownership of record, the legal description, and the amount of charges for each lot or parcel within the district.

If during the ten year period following the formation of the district, any person either files a tentative map or a tentative parcel map or applies for a building permit on a lot for which a charge for street or alley improvements has been established, and such person or his predecessor in interest has not paid such charges to The City of San Diego, the established charge shall be paid prior to the filing of the final map or parcel map, or the issuance of the building permit; provided, however, such payment shall not be required in connection with building permits having a total improvement value of \$10,000 or less; and provided further that the money paid shall include the principal plus interest charge from the date of establishment of the charge at a rate determined by the City Council.

All moneys collected under the provisions of this section shall be deposited by the Treasurer of The City of

San Diego into a Street and Alley Improvement Trust Fund.
The City Treasurer shall refund to the person or persons who
paid for the improvements for which the charges were
collected, or to their assignees, all moneys so collected;
except, however, that 5% of all such moneys collected shall
be retained by the City to defray the expenses incurred in
administering the Trust Fund.

Section 2. This ordinance shall take effect and be in force
on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:mem:710.2
7/23/84 Rev. 10/25/84
Or.Dept:Plan
O-85-18
Form=o.none

Passed and adopted by the Council of The City of San Diego on NOV 5 1984,
 by the following vote:

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-----------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksmma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dick Murphy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By June G. Blackwell, 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 OCT 23 1984, and on NOV 5 1984.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By June G. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16316 Adopted NOV 5 1984

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C Street, 12th Floor
San Diego, CA 92101

RECEIVED
CITY CLERK'S OFFICE
1984 NOV 21 AM 9:59
SAN DIEGO, CALIF.
NO.

IN THE MATTER OF

ORDINANCE NUMBER O-16316

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(NEW SERIES)**

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This ordinance makes several changes to the standards for public improvements work. These changes include the adoption of a new design standard for the Center City Area with differing thresholds for when non conforming public improvements must be brought up to the new design standards.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on OCT 23 1984.
Passed and adopted by the Council of The City of San Diego on NOV 6 1984.

AUTHENTICATED BY:
ROGER HEDGECOCK,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.
(SEAL)

By JUNE A. BLACKNELL, Deputy.
Pub. Nov. 19 8730

5" X 9.76 = 48.80

I, Linda S. Lawson, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NUMBER O-16316
(NEW SERIES)**

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 19, 1984

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 19th day of Nov., 19 84.

Linda S. Lawson

(Signature)

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