

(O-91-11)

ORDINANCE NUMBER O-17534 (NEW SERIES)

ADOPTED ON OCT 01 1990

AN ORDINANCE AMENDING CHAPTER VI, Article II, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0101, 62.0102, 62.0103, 62.0104, 62.0105, 62.0106 and 62.0107; BY ADDING SECTION 62.0108; BY RENUMBERING AND AMENDING SECTIONS 62.0108, 62.0109, 62.0110 AND 62.0111; BY RENUMBERING SECTION 62.0112; BY ADDING SECTION 62.0114; BY RENUMBERING SECTION 62.0114; BY RENUMBERING AND AMENDING SECTION 62.0115; BY ADDING SECTIONS 62.0117, 62.0118 AND 62.0119; BY AMENDING SECTIONS 62.0202, 62.0203, 62.0206, 62.0207, 62.0301, 62.0302, 62.0303, 62.0304, 62.0401 AND 62.0402; BY RENUMBERING AND AMENDING SECTIONS 62.0402.1 AND 62.0402.2; BY ADDING SECTION 62.0405; RENUMBERING AND AMENDING SECTIONS 62.0403 AND 62.0404; BY ADDING SECTION 62.0408; BY RENUMBERING SECTION 62.0404.6; BY RENUMBERING AND AMENDING SECTION 62.0405; BY RENUMBERING SECTIONS 62.0406 AND 62.0407; BY RENUMBERING AND AMENDING SECTIONS 62.0408, 62.0409, 62.0410, 62.0414, 62.0416.5 and 62.0417; BY RENUMBERING SECTION 62.0417.1; BY RENUMBERING AND AMENDING SECTION 62.0418; BY RENUMBERING SECTION 62.0419; BY RENUMBERING AND AMENDING SECTION 62.0420 AND BY RENUMBERING SECTION 62.0421 RELATING TO PUBLIC RIGHT-OF-WAY AND LAND DEVELOPMENT; AMENDING CHAPTER VIII, ARTICLE 2, SECTION 82.25.5, CHAPTER X, ARTICLE 1, SECTION 101.0550 AND CHAPTER X, ARTICLE 3, SECTIONS 103.1204 AND 103.1408 TO REFLECT THE RENUMBERING OF SECTION 62.0115 TO 62.0116 WITHIN THOSE SECTIONS; AND AMENDING CHAPTER X, ARTICLE 2, SECTION 102.0500 TO REFLECT THE RENUMBERING OF SECTION 62.0111 to 62.0112 WITHIN THAT SECTION.

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

Section 1. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by

amending Sections 62.0101, 62.0102, 62.0103, 62.0104, 62.0105, 62.0106 and 62.0107 to read as follows:

**SEC. 62.0101 Purpose and Intent**

It is the purpose of this Article to provide for the orderly administration of private contract work in the public right-of-way and to protect the public interest and safety in the development of private property by:

Regulating land development, private encroachments on public rights-of-way or public property, and construction within the public right-of-way, and establishing standards therefor.

**SEC. 62.0102 Definitions**

Whenever the following words are used in this Article, they shall have the meaning ascribed to them in this section:

(a) "Agricultural clearing" shall mean any clearing that is done to prepare a site for growing agricultural plants or animals.

(b) "Architect" shall mean an architect registered by the State of California, who is engaged in the practice of architecture.

(c) [No change.]

(d) [No change.]

(e) [No change.]

(f) [No change.]

(g) "Civil Engineer R.C.E." shall mean an engineer registered by the State of California to practice in the field of civil engineering.

(h) "Clearing" shall mean the cutting and removal of vegetation from the land without disturbance to the soil surface or destruction of the root system.

(i) [No change.]

(j) [No change.]

(k) [No change.]

(l) [No change.]

(m) [No change.]

(n) [No change.]

(o) "Environmentally Sensitive Lands" shall mean the areas regulated in San Diego Municipal Code section 101.0462 ("Resource Protection Ordinance"), including floodplains, hillsides, wetlands, biologically sensitive lands, and significant prehistoric and historic site and resources.

(p) [No change.]

(q) [No change.]

(r) [No change.]

(s) [No change.]

(t) [No change.]

(u) [No change.]

(v) [No change.]

(w) [No change.]

(x) [No change.]

(y) [No change.]

(z) [No change.]

(aa) [No change.]

(bb) [No change.]

(cc) [No change.]

(dd) [No change.]

(ee) "Public Utility" shall mean a person, firm, corporation or other legal entity furnishing gas, electricity, or communication services to the citizens of San Diego under a franchise granted by the City or by the State of California.

(ff) [No change.]

(gg) "Slope" shall mean the inclined exposed surface of an embankment, excavation, or natural terrain.

(hh) [No change.]

(ii) [No change.]

(jj) [No change.]

**SEC. 62.0103 General Requirements**

(a) No person shall do or cause to be done any public improvement, land development or encroachment without first having obtained a permit, City contract, or City franchise to do such work.

(b) All work done under this Article shall be done in accordance with the approved plans and the conditions of the required permits, City contract, or City franchise. The work shall conform to the standards

of the City of San Diego as set forth and contained in standard drawings, specifications and general conditions, on file in the office of the City Clerk.

(c) This Article shall not affect the requirements of any other Division of this Municipal Code requiring other permits, fees, charges, including those for water and sewer mains and services, or affect any provisions concerning the granting of franchises.

(d) Any person or entity performing work covered by this Article shall provide a bond as described in Sections 62.0111 and 62.0112 of this Municipal Code and shall comply with the requirements of those sections.

**SEC. 62.0104 Administration**

(a) Permit Issuing Authority. The City Engineer and Building Official are designated and hereinafter referred to as the Permit Issuing Authority for Land Development, Encroachments, and Public Improvements.

(b) The Permit Issuing Authority shall, upon application by qualified persons, issue permits for the work under Divisions 1, 2, 3 and 4 of this Article when all applicable requirements and provisions of this Municipal Code have been met.

(c) The Permit Issuing Authority, based on applicable ordinances, policies and standards, shall determine the extent, type, and nature of the work to be done under Divisions 1, 2, 3 and 4 of this Article,

the type of application and permit required, and the applicable fees.

(d) When the nature of the work requested is such that it is subject to other requirements of this Municipal Code or to other administrative regulations issued pursuant thereto, or affects the operations of any other department of the City, the Permit Issuing Authority shall adhere to such other requirements and shall be guided by the recommendations of such departments in determining the disposition of the application. Applications which are not consistent with the various requirements shall be denied.

(e) The Permit Issuing Authority as a condition of permit issuance shall fix the time for completion of the work. The Permit Issuing Authority may, upon request of the permittee and for good cause shown, extend the period of time for completion for a sufficient time which, in the opinion of the Permit Issuing Authority, will enable the permittee to complete the work.

(f) The City Engineer shall cause to be inspected all work done under Divisions 1, 2, 3 and 4 of this Article to insure compliance with the provisions of the applicable regulations and conditions of approval and shall certify when such work is properly completed.

(g) The Permit Issuing Authority may cancel a permit or may require the plans to be amended when it

is in the interest of public health, safety or general welfare and under any of the following situations:

1. Upon the request of the permittee; or
2. When the site conditions or operative facts upon which the permit was sought were not accurately presented in the application; or
3. [No change.]

(h) Where work subject to the provisions of this Article is undertaken without a permit, the Permit Issuing Authority shall:

1. [No change.]
2. [No change.]
3. [No change.]

If a permit is not promptly obtained, the Permit Issuing Authority shall cause building permits to be suspended or certificates of occupancy withheld, and shall cause to be stopped all administrative action toward processing of any project for which the issuance of a permit pursuant to this Article is a prerequisite until the property is restored to its original condition or to a condition satisfactory to the Permit Issuing Authority at sole cost of the applicant.

Should restoration or such other resolution as determined by the Permit Issuing Authority not begin promptly, the City Attorney shall begin prosecution and shall record a notice against the property prohibiting development until satisfactory resolution is attained.

(i) Deputies. In accordance with prescribed procedures, the City Engineer and Building Official may appoint deputies, as shall be authorized from time to time, provided they have the necessary training and experience to enforce the provisions of this section.

**SEC. 62.0105 Applications for Permits**

(a) Applications for permits authorizing work under this Article shall be made in accordance with procedures established by the Permit Issuing Authority. Applications shall be accompanied by such detailed plans, specifications, schedules, and estimates as may be required to determine the nature and extent of the work and the applicable fees.

Detailed plans shall be prepared on material and to the size and in the manner designated by the Permit Issuing Authority.

(b) When proposed work or inquiries concerning the public rights-of-way necessitates investigation, the Permit Issuing Authority may require a special investigation application and fee. Special investigation fees shall be in addition to other fees and are not refundable.

(c) [No change.]

**SEC. 62.0106 Issuance of Permits**

(a) The Permit Issuing Authority shall issue permits authorizing work under Divisions 1, 2, 3 and 4 of this Article upon approval of the permit plans,



application, and documents which describe the scope of work. Approvals shall be made based on the consistency of the proposed work with this Municipal Code, applicable regulations, payment of prescribed fees, posting of required bond, and appropriate insurance.

(b) The Permit Issuing Authority's decision to approve a permit shall be based on the following:

1. The proposed work authorized by the permit is consistent with the applicable ordinances, regulations, policies, and development standards.

2. The proposed work authorized by the permit has satisfied all C.E.Q.A. requirements.

3. The permit is consistent with council policies, the General Plan and applicable community plan.

4. The proposed work is consistent with and in substantial conformance with, all discretionary permits approved by the City Council, Planning Commission, Subdivision Board or Planning Director.

For purposes of this subsection, "Development Standards" shall mean the following City of San Diego Documents:

- Standard Drawings
- Plan Preparation Manual
- Drainage Preparation Manual
- Street Design Manual
- Landscape Technical Manual

- Any other applicable standards adopted for purposes regulating Land Development, Public Improvements, and Encroachment Permits.

(c) Permits to do Land Development work or Encroachments that are not listed in Section 62.0118 and are not part of a fully describable project which has been reviewed and approved by the City Council, Planning Commission, Subdivision Board or the Planning Director at a noticed public hearing shall not be issued until a notice of the intent to issue the permit is sent to all the property owners within 300 feet of the project boundary. This notice must be sent at least 10 calendar days prior to the date on which the permit is intended to be issued. The notice shall be sent by the Permit Issuing Authority and contain the following information:

1. A sketch showing location of proposed work.
2. A brief description of work.
3. The name and telephone number of person to contact to ask questions about the project.
4. How and when to file a request for a public hearing, if desired and

(d) If a request for a public hearing is filed within the prescribed time the permit will not be issued until the hearing is held in accordance with Section 62.0116 of this Code.

(e) Permits for the following types of work do not require noticing and the decision to issue the permit is not subject to requests for a public hearing.

1. All public improvements, such as curb, sidewalk, paving, sewer mains, water mains, storm drains, etc., to be installed in the public rights of way when located adjacent to applicant's property and constructed in accordance with City standards.

2. All work that is determined by the Permit Issuing Authority to be minor and listed in Section 62.0118.

3. All work that was fully described in the application for project which has been reviewed and approved at a noticed public hearing by the City Council, Planning Commission, Subdivision Board or Planning Director.

**SEC. 62.0107 Permits for Projects within the Coastal Zone**

No land development permit, public improvement permit or encroachment permit will be issued by the Permit Issuing Authority for projects or developments within the California Coastal Zone as established by the California Coastal Act of 1976 as amended until such time as a Coastal Development Permit or certificate of exemption has been obtained from the City Planning Director or the California Coastal Commission except that the repair of curbs, streets, and sidewalks will not be subject to this provision.

Procedures to be followed when an application is submitted for a permit in the Coastal Zone are: The application, plans and specifications filed by an applicant for a permit shall be reviewed by the Permit Issuing Authority. Such plans shall be reviewed by other City departments to ensure compliance with the laws and ordinances under their jurisdiction. If the Permit Issuing Authority is satisfied that the work described in the application for a permit, and the plans and specifications filed therewith conform to the requirements of this Code, and other pertinent laws and ordinances, the Permit Issuing Authority shall give notice that they are prepared to issue a permit, when the appropriate fees specified in Section 62.0109 have been paid and the applicant presents an approved permit or certificate of exemption granted by the City Planning Director or the California Coastal Commission.

Section 2. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding a new Section 62.0108 to read as follows:

**SEC. 62.0108 Exploratory Permits**

In certain circumstances there may be a need to conduct geotechnical explorations for the purpose of basic data collection, research, or resource evaluation prior to completion of environmental studies or studies necessary to obtain an RPO permit. In those circumstances, the Permit Issuing Authority is

authorized to issue a Land Development Permit for geotechnical exploration when the Planning Director makes written findings that all of the following conditions exist:

(a) The work would not result in serious or major disturbance to an environmental resource; and

(b) The work contemplated will not have an adverse impact on the biological, or prehistoric or historic values of the site.

(c) The permit is for exploratory work only, and only when the exploratory work is necessary to develop information for other required City reports and studies.

(d) The work involved is the minimum necessary to accomplish the exploration, survey or testing required.

(e) The work contemplated will not physically enhance the use of the land.

Permits for geotechnical exploration are not subject to the noticing provisions of this chapter.

Notwithstanding any provision of the Resource Protection Ordinance (San Diego Municipal Code section 101.0462), which may provide to the contrary, such permits may be issued without obtaining a Resource Protection permit when the above conditions have been met.

Section 3. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by

renumbering Section 62.0108 to Section 62.0109; Section 62.0109 to Section 62.0110; Section 62.0110 to Section 62.0111 and Sect. 62.0111 to Sect. 62.0112 and amending them to read as follows:

**SEC. 62.0109 Fees**

Permit fees or deposits required by this Article shall be collected by the Permit Issuing Authority or other designated person in accordance with procedures established by the City Auditor and Comptroller. A schedule of fees and deposits to cover the costs of processing the various types of work referred to in this Article shall be established by the City Council and filed in the office of the City Clerk. Fixed charges may be established to cover portions of the City Costs. Such fixed charges may include but are not limited to the cost for driveway permits, encroachment permits, and public improvement permits, update of City records and enforcement. No permit shall be issued and no work in the public rights-of-way or land development shall be permitted until the fees applicable under this Article have been received by the appropriate Permit Issuing Authority.

Any portion of said deposit not used to cover the actual costs of the City in processing a permit application will be refunded, but no funds will be released until all billings are in, and until final acceptance of the work by the City Engineer. In determining the actual costs incurred by the City in

connection with the processing of final maps and improvements plans, the costs as recorded by the City Auditor and Comptroller shall be prima facie evidence of actual costs of services performed by the City.

The State of California, its political subdivisions or other governmental agencies shall file applications for permits and shall be issued permits as required by this Article; provided, however, that no fees shall be required for work to be performed directly by the State of California, its political subdivisions or other governmental agencies.

Contractors working for the State of California, its political subdivisions, or other governmental agencies shall obtain a permit and shall pay the permit fee.

**SEC. 62.0110 Refunds**

In the event a permit fee refund is requested by permittee and the City Engineer has determined that it is in the public interest to allow the permittee to abandon the work, the appropriate Permit Issuing Authority shall cancel the permit and refund the refundable portion of the fee.

**SEC. 62.0111 Bond Required**

Persons performing work under Land Development, Encroachment, Public Improvement, or Driveway permits issued in accordance with this Article shall furnish a performance and materialman's bond, cash deposit or

other form of security acceptable to the Permit Issuing Authority in accordance with the following provisions:

(a) The bond shall be issued by a surety company authorized to do business in the State of California and shall be approved by the City. The bond shall be in favor of The City of San Diego and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this Article and the conditions prescribed by the permit. The Bonds shall be conditioned upon the surety company completing the required work or in employing a contractor to complete such work. Bonds shall be further conditioned that in the event the surety company does not notify the Permit Issuing Authority within 21 calendar days from the date of receipt of notice of default that it intends to complete the construction, that in such event the surety shall deposit with the Permit Issuing Authority within 35 days of the date of receipt of the notice of default, the sum of money equal to the Permit Issuing Authority's estimated cost of the work plus 25%.

(b) Whenever the Permit Issuing Authority finds that a default has occurred in the performance of any term or condition of work authorized by a permit, they shall give written notice of such default to the principal and surety of the bond. Such notice shall state the work remaining to be done, the estimated cost



of completion and the time estimated by the Permit Issuing Authority to be necessary for the completion of the work. After receipt of such notice, the principal or the surety must, within the time specified, either complete the work satisfactorily or deposit with The City of San Diego an amount equal to the Permit Issuing Authority's estimate of the completion cost plus an additional sum equal to 25% of such cost.

(c) In the event the principal or surety fails to deposit the estimated cost plus 25% with the City, the Permit Issuing Authority may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing all necessary work which shall include all administrative costs and overhead incurred by the City in order to complete the work and collect costs.

(d) If the principal or surety deposits the estimated cost plus 25% as set forth in the notice, the Permit Issuing Authority shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the City harmless from any liability in connection with the work so performed by the City or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

(e) In lieu of a bond, the permittee may post a cash deposit or other security acceptable to the Permit Issuing Authority with the City Treasurer in an amount equal to the required bond. In the event of a default, the notice of default as provided above shall be given to the principal and if the default is not corrected within the time specified, the Permit Issuing Authority shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or other security or any portion of such deposit or security to complete the required work. The balance, if any, of such cash deposit shall, upon completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work.

(f) [No change.]

(g) [No change.]

(h) The bond may be for a specific project or an annual and continuing bond may be filed with the City covering the costs of several projects. The amount of the bond covering a specific project shall be based on the amount of the estimate submitted by the person doing the work and approved by the Permit Issuing Authority and in accordance with the schedule in Section 62.0112 of this Article.

A person may utilize an annual and continuing bond for more than one permit provided the aggregate bonded

amount of the permits outstanding do not exceed the total amount of the bond. Annual and continuing bonds shall contain a clause providing the Permit Issuing Authority with 30 days' notice prior to cancellation.

**SEC. 62.0112 Amount of Bond Required**

The bond, cash deposit, or other security amount shall be based on an estimate of the cost of work approved by the City Engineer and in accordance with the following schedule:

(a) [No change.]

(b) [No change.]

(c) Land Development:

1. Appurtenances: 100% of the estimated cost of work for retaining walls, drainage structures, or other grading appurtenances.

2. [No change.]

3. [No change.]

Any notice of cancellation shall be sent to the appropriate Permit Issuing Authority with sufficient information describing the project(s), permit type(s) and number, date issued, and purpose of the permit.

Section 4. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by renumbering old Section 62.0112 to Section 62.0113 to read as follows:

**SEC. 62.0113 Qualifications to do Work**

[No change.]

Section 5. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding a new Section 62.0114 to read as follows:

**SEC. 62.0114 City Manager's Hearing**

The City Manager shall appoint a Hearing Officer to hold public hearings on the decisions of the Permit Issuing Authority's intent to issue permits as provided for in Sections 62.0106 and 62.0116.

Section 6. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by renumbering old Section 62.0114 to Section 62.0115 to read as follows:

**SEC. 62.0115 Public Utility Work**

[No change.]

Section 7. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0115 to Section 62.0116 and amending it to read as follows:

**SEC. 62.0116 Request for Public Hearing Before the City Manager**

In the event that anyone objects to the Permit Issuing Authority's intent to issue a permit which is subject to a public hearing pursuant to Section 62.0106 of this Municipal Code, they may request a public hearing before the City Manager's Hearing Officer. Requests for hearing shall be made in writing to the Permit Issuing Authority on forms provided by the Permit Issuing Authority. Objections must be received

by the Permit Issuing Authority within 14 calendar days of the date of the Permit Issuing Authority's publication of the Notice of Intent. The request shall state the nature and basis of the request for hearing.

The Permit Issuing Authority shall immediately upon receipt of an objection forward the objection to the Hearing Officer who shall docket the permit for hearing no later than 30 days from receipt of the written objection. The Hearing Officer shall conduct a noticed public hearing consistent with standard Municipal Code practices and policies. He shall consider all the information submitted and make the following required findings prior to issuance of a permit:

(a) That the proposed project is consistent with the established City standards, policies and ordinances; and,

(b) That the proposed project is consistent with the City's General Plan and applicable community plan.

The decision shall be final unless an appeal is filed as provided for in Section 62.0117.

Section 8. That Chapter VI, Article II, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding Sections 62.0117, 62.0118 and 62.0119 to read as follows:

**SEC. 62.0117 Appeals from Decisions of the City Manager's Hearing Officer**

In the event that any person is dissatisfied with the decision of the Hearing Officer, an appeal may be

filed to the appropriate City Council Committee. Appeals to the City Council Committee shall be made in writing, by filing a notice thereof with the City Clerk within ten business days following the date of the Hearing Officer's action. Appeals shall be filed in writing with and on forms provided by the City Clerk.

When the appeal is filed with the City Clerk, it shall be placed on the Transportation and Land Use Committee Agenda for the limited purpose of determining whether the Committee will hear the appeal. The Committee will accept an appeal for hearing for which any of the following situations are found to exist:

(a) The appellant was denied the opportunity to make a full and complete presentation to the Hearing Officer, or

(b) New evidence is now available that was not available at the time of the Hearing Officer's hearing, or

(c) The Hearing Officer's decision is in conflict with adopted council policy or the Municipal Code.

The Committee shall rely upon the record of the proceedings before the Hearing Officer and the written appeal. No oral presentations shall be made to the Committee by proponents or opponents of the appeal. If at least three (3) members of the Committee vote in favor of hearing the appeal, the Consultant to the Committee shall set the appeal for hearing before the

Transportation and Land Use Committee. A majority vote of the Committee is required to overturn the decision of the Hearing Officer. The decision of the Committee to grant, deny or modify the appeal shall be the final administrative remedy unless a hearing is set before the City Council pursuant to Municipal Code section 22.0101, Rule 4.

All appeals shall be subject to a cost recovery fee program. The fees shall be established by the City Manager consistent with Municipal Code section 62.0801.

**SEC. 62.0118 Minor Land Development and Encroachment Permits**

Permits for the following types of construction are considered minor and as such are not subject to request for a public hearing:

- (a) Under sidewalk drains.
- (b) Underground private utility lines.
- (c) Private storm drain connection to public storm drains.
- (d) Basements or underground structures encroaching into the street right of way that do not require City Council approval.
- (e) Private irrigation lines and landscaping to be constructed in the street right of way between the curb and property lines by the abutting property owner.
- (f) Land development involving less than 1,000 cubic yards of grading.

(g) Fences, landscaping, and other encroachments in utility easements.

**SEC. 62.0119 Permit Issuing Authority Power to Arrest**

The Permit Issuing Authority, or any designated representative thereof with the duty to enforce the provisions of Division 1, 2, 3 and 4 of this Article, is hereby authorized to arrest any person without a warrant whenever there is reasonable cause to believe that the person to be arrested has committed a violation of this Division in his or her presence.

Section 9. That Chapter VI, Article II, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0202, 62.0203, 62.0206 and 62.0207 to read as follows:

**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 Permit Issuing Authority 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) [No change.]
- (b) [No change.]



**SEC. 62.0203 Public Improvement Subject to Desuetude or Damage**

(a) [No change.]

(b) [No change.]

(c) The Permit Issuing Authority 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. 62.0206 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 Municipal 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. (San Diego Municipal Code section 62.0102)

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. [No change.]
2. When improvements constructed to less than the prevailing standard exist and the Permit Issuing Authority finds that they are in substantial conformance with the requirements of this section.
3. When the Permit Issuing Authority 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. [No change.]
2. [No change.]

3. The alteration of existing buildings where the proposed improvements have a total value, as estimated by the Building Official of \$20,000 or less, provided, however, that in Centre City the value threshold shall be \$250,000.

4. [No change.]

**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 (San Diego Municipal Code section 62.0102), said improvements including but not limited to:

1. [No change.]
2. [No change.]
3. [No change.]

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 Municipal Code.

(b) Where such improvements do not exist or are not to the standard of the Urban Design Program (San

Diego Municipal Code section 62.0102), a building permit may, nevertheless, be issued under any of the following circumstances after any needed dedication has been granted:

1. [No change.]

2. [No change.]

3. The Permit Issuing Authority 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) [No change.]

Section 10. That Chapter VI, Article II, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0301, 62.0302, 62.0303 and 62.0304 to read as follows:

**SEC. 62.0301 Applications**

Applications for permits authorizing encroachment structures shall be made in accordance with Section 62.0105 of this Article.

No encroachment application shall be approved for walls and fences in the public right of way or when it is determined by the Permit Issuing Authority that the encroachment structures will adversely affect the public health, safety, or general welfare.

All encroachment applications within Centre City shall be subject to the review of the Centre City Advisory Committee. (San Diego Municipal Code section 101.0459(d))

**SEC. 62.0302 Encroachment Removal Agreement**

Applications for encroachment permits shall be accompanied by an encroachment maintenance and removal agreement signed by the property owner. This agreement shall be prepared by the Permit Issuing Authority and shall contain the following provisions and such other provisions as may, in the opinion of the Permit Issuing Authority, be necessary to afford protection to the property owner, City, and public utilities.

(a) [No change.]

(b) [No change.]

(c) The property owner must remove or relocate an encroachment within 30 days after notice by the Permit Issuing Authority or the Permit Issuing Authority may

cause such work to be done, and the costs thereof shall be a lien upon said land.

(d) For structures encroaching over or under the public right-of-way, the owner agrees to provide an alternate right-of-way or to relocate said City facility to a new alignment, all without cost or expense to the City, whenever it is determined by the Permit Issuing Authority that the City facility cannot be economically placed, replaced, or maintained due to the presence of the encroaching structure.

(e) [No change.]

(f) The property owner shall maintain a policy of liability insurance in an amount satisfactory to the Permit Issuing Authority in order to protect the City from any potential claims which may arise from the encroachments.

Removal agreements for approved encroachment permits shall be recorded in the office of the County Recorder as an obligation upon the land involved.

**SEC. 62.0303 Encroachments Requiring City Council Authorization**

(a) [No change.]

(b) [No change.]

(c) Other encroachments which, in the opinion of the Permit Issuing Authority, are of sufficient public interest to require City Council approval.

**SEC. 62.0304 Ramped Entries/Exits in Centre City**

Ramped entries or exits used for vehicular access to buildings in Centre City where ramps would extend into the public right-of-way in such a manner as to render any portion of the existing travel way unusable for public street purposes are hereby prohibited on any street identified as an activity corridor in the Urban Design Program. The Urban Design Program is defined in Section 62.0102 of this Article, and any action in denial shall be considered a decision of the Permit Issuing Authority and, therefore, shall be subject to appeal in accordance with Section 62.0116 of this Article.

Section 11. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0401 and 62.0402 to read as follows:

**SEC. 62.0401 Purpose and Intent**

The purpose of this Division is to protect persons, property and the environment, to establish minimum requirements for grading and land development, to provide for the issuance of permits and for the enforcement of the requirements. These provisions are complementary to the subdivision, zoning, and environmental regulations of this Municipal Code and shall be read and construed as an integral part of these regulations and the land development patterns and controls established thereby.

In addition to the specific requirements of this Division, all persons performing grading shall take all due care to provide safe and stable slopes, and to protect water quality in bays and lagoons and other bodies of water by reducing the effect of erosion, siltation, and pollution.

**SEC. 62.0402 Administration**

The Permit Issuing Authority shall administer this Division in accordance with the provisions of Division 1 of this Article and shall do all things necessary to effect its purpose and intent, including:

- (a) [No change.]
- (b) [No change.]
- (c) [No change.]
- (d) Cause the work to be inspected and certify completion by the City Engineer;
- (e) Suspend or cancel permits whenever:
  - 1. [No change.]
  - 2. [No change.]
  - 3. [No change.]
- (f) Cause unauthorized land development to be stopped by all appropriate legal means.

Section 12. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0402.1 to Section 62.0403 and Section 62.0402.2 to Section 62.0404 and amending them to read as follows:



**SEC. 62.0403 Penalties for Unauthorized Land Development**

No person shall do or cause to be done any work covered under this Division without having first obtained a Land Development Permit. Where land development is undertaken without a permit, the Permit Issuing Authority shall initiate administrative penalties in accordance with the provisions of Section 62.0104 hereof.

In addition to the administrative penalties imposed by the Permit Issuance Authorities, persons violating the provisions of this Division shall be guilty of a misdemeanor and shall be subject to the same penalty provisions as set forth in Chapter I, Article 3, Division 2 of this Code.

The provisions of this section shall apply to all persons who do, or cause to be done, or through action or inaction allow any work covered by this Division without benefit of a permit including, but not limited to:

- (a) Property owners or lessees;
- (b) [No change.]
- (c) [No change.]

Compliance with the provisions of this Division shall be evidenced by the availability on site whenever work is being performed on approved plans and copy of a valid Land Development Permit.

**SEC. 62.0404 Enforcement**

The Permit Issuing Authority or his designated representatives, in addition to law enforcement personnel who are otherwise empowered to enforce the provisions of the San Diego Municipal Code, are hereby authorized and empowered to enforce the provisions of this Division.

Section 13. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0405 to read as follows:

**SEC. 62.0405 Site Restoration**

Restoration of land development work undertaken without a permit shall be required. Restoration shall require a Land Development Permit and approval by inspection of the City Engineer. The permit for restoration work is subject to the penalties set forth in Section 62.0104(h) and Section 62.0403 of this Article. Site Restoration shall also include City plan acceptance, including necessary monitoring, prior to permitting any further development on the site.

Section 14. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0403 to Section 62.0406 and Section 62.0404 to Section 62.0407 and amending them to read as follows:

**SEC. 62.0406 Exemptions from Land Development Permit Requirements**

The following types of work shall not require a Land Development Permit, provided the work is not being

done on land that is in the Hillside Review Overlay Zone, Old San Diego Planned District, Resource Protection Overlay Zone, or any other area requiring a discretionary permit before development as established by the City Council.

(a) Excavation or embankment on any site when all of the following conditions are met:

1. Depth or height at any point does not exceed five feet measured vertically at the face of the slope from the top of the slope to the bottom of the slope and does not result in the movement of more than 200 cubic yards of material on any one site; and,

2. The excavation or embankment does not change or adversely affect the existing drainage pattern; and,

3. The embankment material contains less than 5% by volume, broken concrete, asphalt, masonry, or construction debris and no dimension of any piece of said material shall be larger than four inches in any direction.

(b) Excavation below finished grade for the basement or footing of a building, for a retaining wall, or for any other structure authorized by a valid building permit. This paragraph shall not exempt from permit requirements, however, any embankment made with the material from such excavation which exceeds thresholds established in this section;

(c) [No change.]

(d) [No change.]

(e) Excavation or embankment performed by a governmental agency, public utility, or their contractor in connection with the construction of roadways, pipelines, or utility lines within their rights-of-way.

(f) Clearing or brushing land as defined in Section 62.0102 of this Municipal Code;

(g) Certain soils and geologic exploration activity as more specifically described in Section 62.0409, except that such activity is not exempt within lands regulated by the Resource Protection Ordinance or the Hillside Review Overlay Zone;

(h) Grubbing or agricultural clearing on other than lands regulated by the Resource Protection Ordinance (San Diego Municipal Code section 101.0462) or within the Hillside Review Overlay Zone (San Diego Municipal Code section 101.0454).

Exemptions from requirements shall not apply to grading, or Land Development including grubbing, whenever it will occur in:

(a) [No change.]

(b) [No change.]

(c) [No change.]

(d) [No change.]

(e) [No change.]

(f) [No change.]

(g) [No change.]

**SEC. 62.0407 Land Development in Connection with a Building or Structure**

Any person desiring to do land development work in connection with the construction of a new or existing building or structure shall, if the scope of the work exceeds the exemption criteria of Section 62.0406, obtain a Land Development Permit prior to obtaining a building permit. The City may suspend a building permit or withhold the Certificate of Occupancy where it is found that land development has been done without a permit until such time as the required permit is obtained and the inspections of the work are approved. Any person performing land development without benefit of a permit shall be further subject to the penalties and enforcement provided for in Sections 62.0104(h), 62.0117 and 62.0403 of this Article.

Section 15. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by adding Section 62.0408 to read as follows:

**SEC 62.0408 Land Development in Connection with a Subdivision Final Map or Parcel Map**

Land development required as a condition of approval of a tentative map or a tentative parcel map shall be processed in accordance with the procedures established by Chapter X, Article 2, of the San Diego Municipal Code.

Section 16. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0404.6 to Section 62.0409 to read as follows:

**SEC. 62.0409 Soil Testing and Geologic Exploration**

Soil testing and geologic exploration unless within lands regulated by the Resource Protection Ordinance or the Hillside Review Overlay Zone shall be exempt from the permit requirements of this Division unless the grading thresholds of Section 62.0403 (a) or (b) are exceeded; provided however, that areas disturbed by such activity shall be restored.

Section 17. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering old Section 62.0405 to Section 62.0410 and amending it to read as follows:

**SEC. 62.0410 Applications for Permits**

Applications for Land Development Permits shall be made in accordance with Section 62.0105 of this Article. Applications shall be accompanied by detailed plans and specifications including but not limited to:

(a) [No change.]

(b) [No change.]

(c) An erosion control plan for projects within the Coastal Zone, Hillside Review Overlay Zone (San Diego Municipal Code section 101.0454) or when otherwise required by the Permit Issuing Authority.

(d) A soils report including an assessment of seepage characteristics, prepared by a Geotechnical Engineer or a Civil Engineer.

(e) [No change.]

(f) [No change.]

(g) [No change.]

(h) The final environmental document which addresses the proposed grading; or

A copy of the application for an environmental initial study; or

A statement from the Planning Director certifying that the project is exempt from environmental review requirements in accordance with the California Environmental Quality Act.

(i) [No change.]

All soils and geologic reports shall consist of a preliminary report and a final as-built report.

Applications for agriculture permits are required one time only for lands or portions thereof not used for agriculture during the five (5) year period after the permit is granted.

Applications for a Land Development Permit to do agricultural clearing shall in addition to that listed above indicate the crop to be planted, and method of irrigation. Such permits are limited to plowing along the natural surface only or to the making of

embankments or excavations within the scope of Section 62.0406 "Exemptions from Permit Requirements."

Clearing as defined in Section 62.0102 of this Municipal Code required by City fire preventive and brush management programs does not require a Land Development permit. Grubbing of vegetation within lands regulated by the Resource Protection Ordinance lands or within the Hillside Review Overlay Zone for whatever purpose requires a Land Development permit.

Section 18. That Chapter VI, Section II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0406 to Section 62.0411 and Section 62.0407 to Section 62.0412 to read as follows:

**SEC. 62.0411 Protection of Adjacent Property and Public Rights of Way**

[No change.]

**SEC. 62.0412 Replacement of Public Improvements Damaged by Land Development**

[No change.]

Section 19. That Chapter VI, Section II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0408 to Section 62.0413, Section 62.0409 to Section 62.0414, Section 62.0410 to Section 62.0415, Section 62.0414 to Section 62.0416, Section 62.0416.5 to Section 62.0417 and Section 62.0417 to Section 62.0418, and amending them to read as follows:



**SEC. 62.0413 Special Bond Required for Excavation**

Where land development work or any excavation exempted from Land Development Permit procedures under Section 62.0406 hereof involves excavation adjacent to the public right-of-way or public property with a height in excess of six feet and a slope steeper than two units horizontal to one unit vertical, the Permit Issuing Authority may require a special bond to indemnify the City against any damage which may result from such excavation or land development. The amount of the special bond shall be determined by the Permit Issuing Authority and such bond shall remain in force and effect until the excavation or land development has been completed or the permanent lateral support for the slope, if required, has been constructed, and it has been determined by the City Engineer that the adjacent improvements are no longer in jeopardy.

The special bond shall be conditioned upon the payment to the City of any costs incurred by the City in repairing, restoring, or replacing improvements which may be damaged as a result of the adjacent excavation or land development. Procedures for notice, performance of work, and payment to the City where such work is performed by the City shall conform to Section 62.0111 of this Code; provided, however, where delay in repair to the improvement would constitute a hazard to the public or to other improvements within the

immediate areas, the City Engineer may perform such emergency work as may be required and shall recover the cost thereof from the principal and surety of the bond.

**SEC. 62.0414 Maintenance Agreement for Land  
Development Involving Uncontrolled  
Embankment**

Where, in the opinion of the Permit Issuing Authority, the construction of an uncontrolled embankment would not be contrary to the public interest or general welfare, a permit for such land development may be issued provided that the plans clearly indicate the limits of the uncontrolled embankment to be constructed and an agreement as required in this Article is recorded in the office of the County Recorder.

Application for Land Development Permits involving uncontrolled embankment shall be accompanied by a land development maintenance agreement signed by the property owner. The agreement shall be prepared by the City Engineer and shall contain the following provisions and such other provisions as may, in the opinion of the City Engineer, afford protection to the property owner and the City.

(a) [No change.]

(b) [No change.]

(c) [No change.]

**SEC. 62.0415 Slope Gradient Requirements**

All constructed slopes shall be designed for proper stability considering both geological and soil properties. Cut and fill slopes less than 10 feet in vertical height may be constructed at a gradient no steeper than one and one-half horizontal to one vertical without special permission.

All cut and fill slopes greater than ten feet in vertical height shall be constructed at a gradient no steeper than two horizontal to one vertical. The Permit Issuing Authorities may permit such slopes at a gradient of one and one-half horizontal to one vertical contingent upon:

(a) Submission of reports by both a geotechnical engineer or civil engineer and a certified engineering geologist containing the results of surface and subsurface exploration and analysis sufficient for the geotechnical engineer or civil engineer and engineering geologist to certify that in their professional opinion the underlying bedrock and soil supporting the slope, and the materials to be exposed on cut and fill slopes shall have strength characteristics sufficient to provide a stable slope with a factor of safety of not less than one and one-half for static loads and will not pose a danger to persons or property;

(b) [No change.]

(c) [No change.]

Where extraordinary conditions exist to the extent that enforcement of the standards set forth herein would result in extreme hardship, the Permit Issuing Authority may authorize slopes steeper than one and one-half horizontal to one vertical; provided, however, that a determination that such steeper slopes are warranted shall be based upon soils and geologic investigations as provided for herein. Extraordinary conditions shall include such conditions as the excavation of solid rock or street construction within a confined right-of-way.

**SEC. 62.0416 Revegetation**

Application for a Land Development Permit made in accordance with Section 62.0410 of this Article shall include a program for the revegetation of all manufactured slopes which have a gradient steeper than six horizontal to one vertical and are in excess of five feet in vertical height.

Revegetation programs shall, comply with all relevant sections and requirements of the "City of San Diego Landscape Technical Manual," on file with the office of the City Clerk.

Whenever it is determined by the City Engineer that there is potential for soil slippage, major erosion, landslides, or other geologic hazard or instability, the revegetation plan shall include the

recommendations of a geotechnical engineer or civil engineer and certified engineering geologist.

**SEC. 62.0417 Prompt Installation of Irrigation System and Planting Required**

Slope planting and irrigation systems required under the permit shall be installed as soon as practicable after construction of the slopes. If reasonable progress toward installation of the slope planting and irrigation system is not being made in accordance with a project construction schedule submitted by the permittee prior to commencement of work, the Permit Issuing Authority may cause all other work related to the project to be stopped until such time as the slope planting and irrigation system are installed.

**SEC. 62.0418 Maintenance of Planting and Irrigation Systems**

The permittee shall be responsible for the maintenance of work provided for under the permit as follows:

(a) Permanently irrigated plantings shall be maintained for a period of not less than 90 days unless the property owner informs the Permit Issuing Authority in writing that (s)he will assume the maintenance responsibilities.

(b) [No change.]

(c) [No change.]

(d) [No change.]

The Permit Issuing Authority shall not certify completion or release of the bond until the work has been approved by the Planning Director. Thereafter, the responsibility for maintenance shall be vested in the property owner.

Section 20. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0417.1 to Section 62.0419 to read as follows:

**SEC. 62.0419 Protecting Water Quality in Coastal Lagoons**

[No change.]

Section 21. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0418 to Section 62.0420 and amending it to read as follows:

**SEC. 62.0420 Land Development Advisory Board**

There is hereby established a Land Development Advisory Board. The Advisory Board shall consist of nine members appointed by the Mayor, for a term of two years, with confirmation by the City Council, none of whom shall be City officers or employees. The Advisory Board shall be composed of the following:

(a) [No change.]

(b) A geotechnical engineer or a registered civil engineer in private practice in the City of San Diego who specializes in the practice of soils engineering;

(c) [No change.]

(d) [No change.]

(e) [No change.]

(f) [No change.]

(g) [No change.]

(h) [No change.]

The City Engineer, the Planning Director and the Building Official, or their designated representatives, shall be ex-officio members of the Board. The City Engineer or his designated representative shall serve as secretary to the Advisory Board.

The Advisory Board shall appoint a Chair and Vice-Chair from its members.

The Advisory Board shall meet at such time and place as shall be prescribed in the rules of the Board and as often as required to carry out its duties. Special meetings of the Board may be called by the Chair, Vice-Chair or Secretary. A majority of the appointed members shall constitute a quorum. Acts of the Advisory Board shall be by a majority vote of the members present at the meeting.

The Advisory Board may adopt rules for the conduct of its business and for the time, place and procedure for the conduct of its meetings.

The Permit Issuing Authority shall refer to the Advisory Board all land development standards including standard drawings, specifications and general conditions for their review. In addition, the Permit

Issuing Authority may refer to the Board any matter which, in his judgment, is necessary or desirable for their guidance in the administration of the land development aspects of this Article. The Advisory Board shall consider all matters referred by the Permit Issuing Authority and shall render an advisory technical opinion.

The Advisory Board shall review all amendments, deletions, or additions to the land development aspects of this Article. It shall submit its recommendations or comments in writing to the City Council prior to the Council's consideration of any such amendments, deletions or additions.

Section 22. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0419 to Section 62.0421 to read as follows:

**SEC. 62.0421 Severability**

[No change.]

Section 23. That Chapter VI, Article II, Division 4, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 62.0420 to 62.0422 and amending it to read as follows:

**SEC. 62.0422 Applicability to Tentative Maps**

Tentative maps approved prior to the effective date of this Article or any amendments thereto shall be



governed by the Municipal Code section in existence at that time.

Section 24. That Chapter VI, Article II, Division 4, of the San Dieog Municipal Code be and the same is hereby amended by renumbering Section 62.0421 to 62.0423.

**SEC. 62.0423 Areas of Special Flood Hazard**

[No change.]

Section 25. That Chapter VIII, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 82.25.5 by renumbering Section 62.0115 appearing within the text of that section to read Section 62.0116.

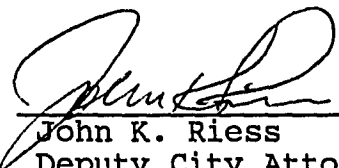
Section 26. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0550 by renumbering Section 62.0115 appearing within the text of that section to read Section 62.0116.

Section 27. That Chapter X, Article 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.1204 and 103.1408 by renumbering Section 62.0115 appearing within the text of those sections to read as Section 62.0116.

Section 28. That Chapter X, Article 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 102.0500 by renumbering Section 62.0111 appearing within that section to read Section 62.0112.

Section 29. 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:pev  
07/11/90  
10/02/90 COR.COPY  
Or.Dept:E&D  
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CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
CITY ADM. BLDG.  
202 C ST., 2ND FLOOR  
SAN DIEGO, CA. 92101  
ATTN: RHONDA R. BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER VI, Article II,...

**ORDINANCE NUMBER O-17534 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER VI, Article II, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0101, 62.0102, 62.0103, 62.0104, 62.0105, 62.0106 AND 62.0107; BY ADDING SECTION 62.0108; BY RENUMBERING AND AMENDING SECTIONS 62.0108, 62.0109, 62.0110 AND 62.0111; BY RENUMBERING SECTION 62.0112; BY ADDING SECTION 62.0114; BY RENUMBERING SECTION 62.0114; BY RENUMBERING AND AMENDING SECTION 62.0115; BY ADDING SECTIONS 62.0117, 62.0118 AND 62.0119; BY AMENDING SECTIONS 62.0202, 62.0203, 62.0205, 62.0207, 62.0301, 62.0302, 62.0303, 62.0304, 62.0401 AND 62.0402; BY RENUMBERING AND AMENDING SECTIONS 62.0402.1 AND 62.0402.2; BY ADDING SECTION 62.0405; RENUMBERING AND AMENDING SECTIONS 62.0405.6 AND 62.0404; BY ADDING SECTION 62.0408; BY RENUMBERING SECTION 62.0404.6; BY RENUMBERING AND AMENDING SECTION 62.0408; BY RENUMBERING SECTIONS 62.0408 AND 62.0407; BY RENUMBERING AND AMENDING SECTIONS 62.0408, 62.0409, 62.0410, 62.0414, 62.0416.5 AND 62.0417; BY RENUMBERING SECTION 62.0417.1; BY RENUMBERING AND AMENDING SECTION 62.0418; BY RENUMBERING SECTION 62.0419 AND BY RENUMBERING AND AMENDING SECTION 62.0420 RELATING TO PUBLIC RIGHT-OF-WAY AND LAND DEVELOPMENT; AMENDING CHAPTER VIII, ARTICLE 2, SECTION 62.28.5, CHAPTER X, ARTICLE 1, SECTION 103.0550 AND CHAPTER X, ARTICLE 3, SECTIONS 103.1204 AND 103.1408 TO REFLECT THE RENUMBERING OF SECTION 62.0118 TO 62.0116 WITHIN THOSE SECTIONS; AND AMENDING CHAPTER X, ARTICLE 2, SECTION 102.0500 TO REFLECT THE RENUMBERING OF SECTION 62.0111 TO 62.0112 WITHIN THAT SECTION.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 302 "C" Street, San Diego, CA 92101.

INTRODUCED ON Sept 17, 1990 Passed and Adopted by the Council of The City of San Diego on Oct 1, 1990

AUTHENTICATED BY:

MARUEEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA

(SEAL)

By RHONDA R. BARNES, Deputy.

Pub. Oct. 15

198362

I, THOMAS D. KELLEHER, 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-17534 (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:

OCT. 15

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

Dated at San Diego, California this 15TH day of OCT, 1990.

(Signature)

4 5/8 x 2 = 115.44

OCT 01 1990

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

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

By *Blonda R. Barnes* 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

SEP 17 1990

OCT 01 1990

~~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 *Blonda R. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 17534

Adopted OCT 01 1990

RECEIVED

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NY: CREDIT OFFICE  
SAN DIEGO, CA

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