

ORDINANCE NUMBER O- **18279** (NEW SERIES)

ADOPTED ON APR 01 1996

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0206 RELATING TO PUBLIC IMPROVEMENTS INCIDENTAL TO A BUILDING PERMIT OR STRUCTURE

WHEREAS, February 12, 1996, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate where appropriate the City's land use regulatory and environmental procedures; and

WHEREAS, the City Manager's office has reviewed San Diego Municipal Code section 62.0206 having to do with public improvements incidental to a building permit or structure and has suggested several amendments to the code section to streamline the regulatory process; NOW, THEREFORE,

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 Section 62.0206, to read as follows:

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, 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, pedestrian access ramps, 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, provided, however, that the public improvements covered by such permit shall be installed and accepted prior to final inspection by the Building Official of the structure permitted under the building permit.

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 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 section 67.0206 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 an existing single family residence.
4. The alteration of existing buildings, other than a single family residence, where the proposed improvements have a total value, as estimated by the Building Official of \$50,000 or less, except that in Centre City the value threshold shall be \$250,000.
5. Neighborhood revitalization projects operated by the City Housing Commission.

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 Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

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