

RESOLUTION NUMBER R- **315216**
DATE OF FINAL PASSAGE **NOV 22 2023**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO WAIVING SIDEWALK REPAIR PERMIT FEES
FOR THE SAFE SIDEWALKS REPAIR PROGRAM FROM
FISCAL YEAR 2024 THROUGH FISCAL YEAR 2026 AND
RELATED ACTIONS.

WHEREAS, under California Streets & Highways Code section 5610, owners of
property fronting a public street are required to maintain sidewalks in a safe condition; and

WHEREAS, City Council Policy 200-12, Sidewalk Maintenance Policy, identifies certain
conditions that are the private property owner's responsibility, including damage caused by
private trees, old and deteriorated sidewalks, and normal wear and tear; and

WHEREAS, currently, if a property owner applies for a permit to repair a sidewalk
adjacent to their property, the costs of the permit and associated fees may exceed \$2,100, in
addition to the costs of constructing the repairs which may create a significant barrier for
property owners who desire to repair their sidewalks; and

WHEREAS, under Mayoral direction, the Transportation Department, in conjunction
with the Development Services Department (DSD) and the Engineering & Capital Projects
Department (ECP), is proposing a permit fee waiver for sidewalk repair permits through Fiscal
Year 2026, as part of a new Safe Sidewalks Repair Program (Program); and

WHEREAS, the permit fee waiver will be offered to residents with a known sidewalk
deficiency that has been confirmed by the City of San Diego (City) to be the residents'
responsibility to maintain under California Streets & Highways Code section 5610 and City
Council Policy 200-12; and

WHEREAS, under this Program, certain City permit related fees will be absorbed by the City for standard sidewalk repairs at locations determined by the City to be eligible under the Program; and

WHEREAS, the Transportation Department will provide all permitting and related services for the Program, but in the event DSD or ECP is requested to assist the Transportation Department, the waived fees for those services will be reimbursed by the City's General Fund back into the waived fees' respective enterprise funds or general fund accounts; and

WHEREAS, the Program is expected to save a property owner over \$2,100 in permit fees for the repair of their adjacent sidewalks, make sidewalk repairs easier for residents to address, reduce the overall backlog of sidewalks in need of repair, and enhance public safety; and

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

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

1. That the Council hereby waives the Right of Way Permit Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.
2. That the Council hereby waives the Traffic Control Permit Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.
3. That the Council hereby waives the General Plan Maintenance Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.

4. That the Council hereby waives the Mapping Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.

5. That the Council hereby waives the Collection Fee (Engineering & Capital Projects Department Inspections) for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.

6. That the Council hereby waives the Records Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.

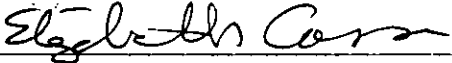
7. That the Council hereby waives the Engineering & Capital Projects Department Inspection Fee for sidewalk repair projects that the City deems eligible for the Safe Sidewalk Right-of-Way Permit Fee Waiver until June 30, 2026.

8. That the Council authorizes the Chief Financial Officer to expend an amount not to exceed \$300,000 annually from Fund 100000, General Fund, in the Transportation Department, to reimburse the Development Services Department Enterprise Fund , the City Planning Department, and Engineering & Capital Projects Department Fund for the fees being waived for the public purpose of making sidewalk repairs easier to construct for residents, reducing the overall backlog of sidewalk repairs and enhancing public safety under the Safe Sidewalk Right-of-Way Public Permit Fee Waiver from Fiscal Year 2024 through Fiscal Year 2026, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year.

9. That the Council finds, based on the entire record, that there is a public purpose in waiving these fees because this fee waiver will lower costs associated with sidewalk repair projects, which will incentivize citizens to repair damaged sidewalks, reduce the overall backlog of sidewalk repair locations and improve public safety.

10. That the Council finds, based on the entire record, that the City has a legitimate interest in funding and performing sidewalk repairs because those repairs increase the quality of the community's pedestrian infrastructure, increase walkability and public safety, and ensure climate equity consistent with the implementation of the City's Climate Action Plan.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Cassandra E. Mougin
Deputy City Attorney

CEM:cc:jdf
October 25, 2023
November 7, 2023 COR. COPY
November 9, 2023 COR. COPY 2
Or.Dept: Transportation
CC No. N/A
Doc. No. 3456229_3

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 13 2023

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 11/22/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 13 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 22 2023

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

AUTHENTICATED BY:

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

(Seal)

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

By Krystell Medina, Deputy
for Connie Patterson

Office of the City Clerk, San Diego, California

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