

ORDINANCE NO. 2541

AN ORDINANCE OF THE CITY OF CHULA VISTA TO AMEND SECTIONS 12.24.020, 12.24.030, 12.24.040 AND 12.24.070 RELATING TO DEDICATION AND INSTALLATION OF PUBLIC IMPROVEMENTS

SECTION I: That Section 12.24.020 of the Chula Vista Municipal Code is amended to read:

Sec. 12.24.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section:

- A. "Alley" means a public or private way, permanently reserved as a secondary means of access to abutting property.
- B. "Building or structure" means any building or structure of which the construction cost is in excess of twenty (\$20,000) thousand dollars, or any building or structure moved or installed upon property for residential, commercial and industrial use, or such building or structure for use as a place for the assemblage of persons. The twenty thousand dollar amount shall be annually increased, effective July 1 of each year, by the proportionate growth in the "Construction Cost Index" reported in the *Engineering News Record* since the date of the last adjustment.

SECTION II: That Section 12.24.030 of the Chula Vista Municipal Code is amended to read:

Sec. 12.24.030 Requirements for dedication-Permit prerequisites.

No building permit shall be issued for the erection, construction, enlarging, altering, repairing, improving, converting or relocation of any building or structure as herein defined in the city until the owner of the parcel or property upon which the building or structure is to be situated shall have provided, by means of an offer of dedication or other appropriate conveyance as approved by the city attorney, a dedication of any necessary street, highway, or alley right-of-way as shown or designated as being necessary on the street and highway element of the general plan of the city, or upon any specific plan adopted by the city council, as such may presently exist or as they may, from time to time, be amended. Said dedication of additional street, highway, or alley right-of-way is required in order to properly align curb, gutter, sidewalk or paving with the existing or planned improvement in the same block frontage in accordance with said, general plan or specific plans. In

addition, the city may require the dedication of necessary rights-of-way for storm drain facilities in order to properly align said facilities with existing or planned storm drains in conformance with the adopted general plan or specific plans and studies as approved by the city council.

SECTION III: That Section 12.24.040 of the Chula Vista Municipal Code is amended to read:

Sec. 12.24.040      Installation of public improvements -Required-Standards and specifications.

Every person erecting, constructing, enlarging, altering, repairing, improving, converting or relocating any building or structure as defined herein in the city shall install, prior to the completion of such building or structure, in conformity with the provisions of this chapter and other ordinances of the city, sidewalks, curbs and gutters, pavement in streets, highways and alleys from the gutter or edge of travelway, if no gutters have been required, to the centerline or such portion of major streets as are required for subdivisions, and necessary drainage facilities and lighting structures. All public improvements required pursuant to this section shall be installed in accordance with standards and specifications adopted by the city council, and in conformity to the circulation element of the general plan of the city, and any specific plan adopted by the city; provided further, that street lighting, including ornamental street lighting, shall be installed in those cases where specific plans have been adopted or where adopted standards of lighting are in existence which would require the installation of additional lighting units.

The permits required for the construction of said public improvements shall be secured prior to the frame or electrical inspection approval in connection with the construction or erection of any building or structure; provided however, that the frame and electrical inspection may be made upon the acceptance of an appropriate acknowledgment of the nature and extent of the obligations contained in this chapter, guaranteeing compliance with the requirements contained herein prior to the completion of said building or structure.

SECTION IV: That Section 12.24.070 of the Chula Vista Municipal Code is amended to read:

Sec.12.24.070      Requirements deferred when-Deposit or bond required when-Appeal of denial.

A.      In the event that the installation of all or any of the improvements required by Section 12.24.040 would, if presently installed, create a hazardous or defective condition or be impractical, or if said installation of any or all of said improvements would be incompatible with the present development of the neighborhood or be

impractical or premature because of the existing condition of the surrounding property, or that it would be desirable to install said improvements as a part of the overall plan for the development of public improvements in a certain area, the property owner or his agent may apply to the city engineer for a deferral of the requirements of this chapter, stating the grounds and reasons therefor.


- B. If the city engineer, at his discretion, feels that such grounds or exceptions are reasonable and that the requested deferral should be granted, the city engineer may defer imposition of the requirements of this Chapter on such applicant, subject to the conditions set forth herein. Any deferral of the requirements for the installation of public improvements may be limited to a specific period of time by the city engineer, or may be subject to the determination of the city engineer as to the time at which said improvements should be installed, but in no event longer than three (3) years. In the event that the improvements are deferred, the property owner shall deposit with the city a sum equal to the estimated cost of the improvements, as approved by the city engineer, plus ten percent of such cost. If it is determined that the requirements for the installation of said public improvements will not be necessary within a reasonable and feasible time period, or if the owner demonstrates a financial hardship, the property owner may grant to the city, in lieu of said cash deposit, a lien upon the property in an amount estimated by the city engineer to be sufficient to install such public improvements at such time as they shall be required, and said lien shall also provide for reasonable attorney fees and costs in the event that it becomes necessary for the city to foreclose upon such lien; provided further, that said agreement shall stipulate that should said lien be extinguished by foreclosure of prior liens or otherwise, the improvements may be installed or provided by city and the cost thereof become a lien against said property as provided in Section 12.12.070.
- C. The city engineer may, from time to time, extend the period of deferral; however, such extension of time shall be conditioned upon the continued effectiveness of a valid cash deposit or lien, as established herein. The applicant for a deferral of such improvements shall pay a fee as presently designated, or as may be in the future amended, in the master fee schedule to cover investigation and processing of such requests.
- D. The applicant for a deferral of such improvements shall pay the Required Fee(s) to cover investigation and processing of such requests.
- E. The denial of a request for a deferral of public improvements may be appealed to the city council in the same manner as provided for appeal for requests for waiver of public improvements, as set forth in Section 12.24.060.

SECTION V: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

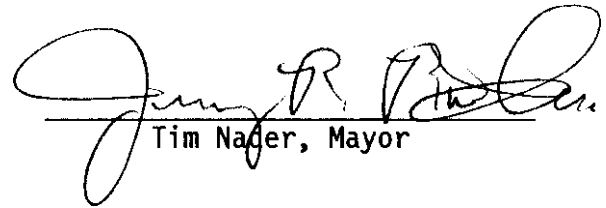
Approved as to form by

  
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John P. Lippitt  
Director of Public Works

  
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D. Richard Rudolf  
Assistant City Attorney

PASSED, APPROVED and ADOPTED by the City Council of the City of Chula Vista, California, this 2nd day of March, 1993, by the following vote:

AYES: Councilmembers: Fox, Horton, Moore, Rindone, Nader  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None  
ABSTAIN: Councilmembers: None

  
\_\_\_\_\_  
Tim Nader, Mayor

ATTEST:

  
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Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) ss.  
CITY OF CHULA VISTA )

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2541 had its first reading on February 23, 1993, and its second reading and adoption at a regular meeting of said City Council held on the 2nd day of March, 1993.

Executed this 2nd day of March, 1993.

  
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Beverly A. Authelet, City Clerk