

ORDINANCE NO. 12698
(New Series)

O. 79-289

JUL 16 1979

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 62.0401, 62.0403, 62.0405,
62.0406, 62.0410, 62.0411, 62.0412, 62.0413
AND 62.0415 RELATING TO ADMINISTRATION OF
LAND DEVELOPMENT BY CITY ENGINEER.

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

Section 1. That Chapter VI, Article 2, Division 4 of
the San Diego Municipal Code be and it is hereby amended by
amending Sections 62.0401, 62.0403, 62.0405, 62.0406, 62.0410,
62.0411, 62.0412, 62.0413 and 62.0415 to read as follows:

SEC. 62.0401 ADMINISTRATION OF LAND DEVELOPMENT BY
CITY ENGINEER

The City Engineer shall, in conformance with the
provisions of this Article, accept applications and issue
permits for all land development work. He shall inspect
such work and shall certify when the work is properly com-
pleted. He shall cause all land development work being
done without a permit to be stopped until a permit has
been obtained. He may require, as a condition of the
permit, that the work done without a permit be removed
or corrected at the expense of the responsible person.

Except as herein provided, all work involving land
development shall be done in accordance with the latest
revised standards of the City of San Diego. Such drawings,
specifications, and general conditions are on file in the
office of the City Engineer. In connection with land

development work, deviations from the requirements of these standards will be permitted upon written reports and recommendations by qualified and recognized authorities subject to review by the City Engineer.

In addition to specific requirements of the Municipal Code and the City Engineer, the developer and his contractor shall take all due care to provide for safe and stable slopes.

SEC. 62.0403 EXCEPTIONS FOR LAND DEVELOPMENT

The following types of land development shall not be subject to the permit requirements as set forth in Division 4 of this Article:

(a) The making of an excavation on any site, or contiguous sites, held under one ownership which is less than four feet in vertical depth at its deepest point measured from the natural ground surface and does not result in the movement of more than 100 cubic yards of material per each 8,000 square feet of area or portion thereof, not extending below the angle of repose or natural slope of the soil as measured from a point one foot inside the exterior property line.

Cut or fill within the building envelope does not apply toward this maximum volume.

(b) The making of an embankment on any site or contiguous sites held under one ownership in which all of the following are found to exist:

(1) None of the embankment exceeds three feet in vertical height;

(2) None of the embankment is placed on an existing slope steeper than five units horizontal to one vertical;

(3) The embankment does not change or adversely affect the existing drainage pattern;

(4) The toe of the embankment is no closer than three feet to an exterior property line; and

(5) Does not exceed 100 cubic yards of material per each 8,000 square feet of area or portion thereof.

(c) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This paragraph shall not exempt from the permit requirements any embankment made with the material from such excavation or any excavation having an unsupported height greater than four feet after the completion of such structure.

(d) The depositing of material in any disposal area operated or licensed by the City pursuant to the terms of the Municipal Code where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property.

(e) Gravel pits, mines, quarries or the processing and stockpiling of soil, rock, sand, gravel, aggregate,

or clay where such gravel pits, mines, quarries or the processing and stockpiling operations are conducted and operated in accordance with a conditional use permit issued pursuant to the terms of the Municipal Code where the operation and conduct thereof does not block or divert any natural drainage way or affect the lateral support or unduly increase the stresses in or pressures upon any adjacent or contiguous property.

(f) Excavation or embankment performed by a governmental agency, public utility, or their contractor incidental to the construction of roadways, pipelines, or utility lines within their rights-of-way.

(g) A subdivider of land required to do land development work as a condition of the approval of the tentative map shall proceed in accordance with the procedures established by Chapter X, Article 2 of the Municipal Code.

Note: The above exceptions shall not exempt from land development any embankment or excavation or work done at another site where the above exceptions are not met.

SEC. 62.0405 APPLICATIONS FOR PERMITS

(a) Applications for permits authorizing work involving land development work shall be made in accordance with this Article. Applications shall be accompanied by such detailed plans, specifications, schedules and estimates as may be required by the City Engineer in determining the nature and extent of the work and applicable fees. Detailed plans shall be prepared on material

and to the size and in the manner designated by the City Engineer in a standard available for distribution in the office of the City Engineer.

(b) Detailed plans and specifications for land development shall include but not be limited to:

(1) A suitable topographic map showing the present contours of the land and the proposed finished grades after completion of the proposed work.

(2) A plot plan showing the location of the land development boundaries, lot lines, public and private rights-of-way lines, and an indication of the intended use of the property as required by the City Engineer.

(3) Engineering studies and soils engineering reports as may be required. Geologic engineering reports, prepared by a certified engineering geologist, on subsurface conditions may be required for hillside areas of questionable stability. Geological reports prepared by registered geologists may be required in areas with other potential geological problems.

A seepage statement or study is required as part of all soils reports. All soils engineering, geologic, and geologic engineering reports shall consist of a preliminary and a final as-built report. Sufficient inspection shall be performed during construction to enable preparation of final report.

Whenever blasting is to be performed, or bedrock is to be exposed, a seepage study must be performed to determine method of handling excess water infiltration.

SEC. 62.0406 PROTECTION OF ADJACENT PROPERTY AND PUBLIC RIGHT-OF-WAY

(a) During the construction of land development, the contractor and the owner shall take all necessary measures to protect adjacent property and public right-of-way from damage which may result from the work and to provide the necessary fences and barricades to eliminate any hazard to the public in their normal use of such property or right-of-way. Temporary fences or barricades shall be provided adjacent to the excavation where the slope is two feet horizontal to one foot vertical or steeper. Such fences or barricades shall be substantially constructed and shall be properly maintained so long as the hazard resulting from the excavation exists.

Erosion and siltation control may require temporary or permanent siltation basins, energy dissipators, or other measures as actual field conditions warrant, whether or not such measures are a part of approved plans.

(b) Where a permanent excavation is adjacent to an existing developed right-of-way or other publicly used property, and the top of the slope is within ten feet of the property line, the property owner shall construct an acceptable permanent four-foot high fence at the property line where the vertical height of the excavation exceeds six feet.

(c) The City Engineer may modify or delete the above requirements where it is evident that the land development work will present no hazard to the adjacent property or public right-of-way.

(d) The City may suspend any building permit or land development permit whenever any of the above measures are being inadequately observed until such time as conformity is obtained.

SEC. 62.0410 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 shall 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 10 feet in vertical height shall be constructed at a gradient no steeper than two horizontal to one vertical. The City Engineer may permit such slopes at a gradient of one and one-half horizontal to one vertical, if the applicant provides a satisfactory investigation, subsurface exploration, analyses, and report by both a soils engineer and an engineering geologist. Such report must show that 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 produce a stable slope with a minimum factor of safety of not less than 1.5 for static loads. As-built reports are required as stated

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in Section 62.0405. Slopes higher than 100 feet or steeper than one and one-half to one require special permission beyond such engineering geologic investigation.

Special permission for higher or steeper slopes may be granted as set forth in Sections 62.0411, 62.0412, and 62.0413, but shall be contingent upon:

(a) The submission of a report by an engineering geologist and/or soils engineer as appropriate, certifying that he has investigated the property and that, in his opinion, the proposed slope will not endanger any public or private property; and

(b) The installation of an approved special slope planting program and permanent irrigation system. This special slope planting program irrigation system shall incorporate recommendations by a registered landscape architect for specific measures to be taken on the steeper slopes which will assure definite and continued erosion control and satisfactory growth of the ground cover and plant material under the climatic conditions of the project site.

SEC. 62.0411 AUTHORITY OF CITY ENGINEER TO PERMIT
STEEPER SLOPE DEVELOPMENT

Subject to the provisions of Section 62.0410, requests for special permission for the development of slopes steeper than one and one-half horizontal to one vertical may be authorized by the City Engineer where the vertical slope height is less than 100 feet, and;

(a) The total area of the proposed steeper slopes constitutes no more than ten percent of the total slope area to be constructed; or

(b) In the case of street construction, the properties contiguous to the proposed alignment are subdivided and developed, precluding acquisition of the right-of-way to provide for the slope gradient; or

(c) The material to be excavated is composed of solid rock.

SEC. 62.0412 PLANNING COMMISSION CONSIDERATION OF SPECIAL PERMISSION FOR HIGHER OR STEEPER SLOPE DEVELOPMENT

Requests may be made to the Planning Commission for special permission for higher or steeper slope developments. Such requests shall be filed with the Planning Department in writing after the application for a land development permit has been filed with and reviewed by the City Engineer, or in the case of tentative maps, after the tentative map has been reviewed by the Subdivision Board, or in conjunction with the HR or PRD hearing, if any. The Planning Director shall, upon receipt of the request, place the matter on the Planning Commission docket for a hearing.

At the hearing, the Planning Commission shall proceed to hear the testimony of the applicant or any witnesses in his behalf and the testimony of the City Engineer, Subdivision Board or any other witnesses. After the conclusion of the hearing, the Planning Commission shall declare its findings based on the testimony and documents placed before

it. The Planning Commission may direct that the conditions for approval of the land development permit or the tentative map resolution contain allowances for heights in excess of 100 feet or for slopes steeper than one and one-half horizontal to one vertical, if the Commission finds from the evidence presented at the hearing that the following facts exist:

(a) That special permission will not under the circumstances of the particular case be detrimental to the public health, safety or general welfare; and

(b) That extraordinary conditions exist to the extent that enforcement of the standards set forth in Section 62.0410 would result in unnecessary hardship.

SEC. 62.0413 CITY COUNCIL CONSIDERATION OF APPEALS FROM DECISIONS OF THE PLANNING COMMISSION OR CITY ENGINEER

(a) In the event that the subdivider, applicant for special permission or Subdivision Board is dissatisfied with the Planning Commission's action on the request for special permission for higher or steeper slope development as set forth in Section 62.0412, an appeal, as provided herein, may be directed to the City Council within fifteen (15) days following such action.

Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal.

The City Clerk shall, upon receipt of the appeal from the Planning Commission's decision, place the matter on

the Council docket for a hearing within fifteen (15) days or at the next succeeding regular Council meeting unless the applicant consents to a continuance.

At the hearing, the Council shall hear testimony of the appellant or any witnesses in his behalf and testimony of the representatives of the Subdivision Board or any other witnesses. Upon the conclusion of the hearing, unless the Council and the subdivider or applicant for special permission mutually agree that additional time is needed for further consideration, the Council shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Council may sustain, modify, reject or overrule the recommendations or the rulings of the Commission and may make such findings as are not inconsistent with State or local laws.

(b) In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities & Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and may make such findings as are not inconsistent with State or local laws. The action of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

SEC. 62.0415 GENERAL SLOPE IRRIGATION REQUIREMENTS

All slopes to be constructed at a gradient steeper than six horizontal to one vertical, and in excess of five feet in vertical height, shall be provided with an irrigation system except as otherwise provided herein which will meet or exceed the minimum requirements as specified herein.

Plans for the irrigation system shall be approved by the City Engineer. The irrigation system should be properly adapted to the nature and function of the plants used to stabilize and revegetate the slope. Such systems shall provide uniform water coverage for the slope area at a rate of no less than one-eighth inch per hour, nor greater than one-fourth inch per hour. A functional test of the irrigation system shall be performed by the installer prior to approval.

On slopes where the soils engineer has determined that excessive irrigation may adversely affect the stability of the slope, the water coverage should not exceed the soil engineer's recommendation.

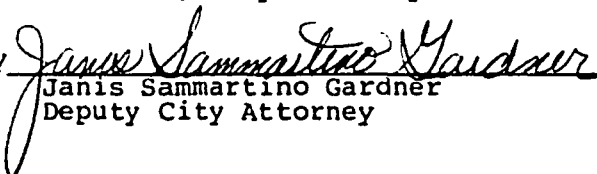
In lieu of the irrigation system requirement, hose bibs within 50 feet of the slope may be accepted for slopes less than ten feet in vertical height.

Slopes to be constructed in areas where water is not readily available may not require the installation of an irrigation system provided a slope restoration process satisfactory to the City Engineer is used. This work, which consists primarily of stockpiling the native topsoil and replacing it on the constructed slopes, shall be done in accordance with specifications on file in the office of the City Engineer or in accordance with specifications proposed by a developer and approved by the City Engineer. Slopes in this category will generally be limited to cut or embankment slopes along roadways or on property adjacent to open space areas, or adjacent to areas where the natural ground cover is not being disturbed.

Alternate methods of restoration recommended by a landscape architect using native or naturalized native plants may be approved by the City Engineer.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Janis Sammartino Gardner
Deputy City Attorney

JSG:vl:710.3

5/23/79

Or. Dept.: T&LU Comm. Chrmn.

Passed and adopted by the Council of The City of San Diego on JUL 16 1979,
 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"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

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

(Seal)

By Barbara Berridge, 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

JUL 2 1979

JUL 16 1979

, and on _____

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 Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Ordinance
 Number

12698

Adopted JUL 16 1979

ATTORNEY

City of San Diego
12th floor, City Admin. Bldg.
San Diego, CA 92101

Attn: Barbara Berridge

RECEIVED
CITY CLERK'S OFFICE
179 AUG -7 AM 10:14
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

**RELATING TO ADMINISTRATION OF LAND
DEVELOPMENT BY CITY ENGINEER.**

**ORDINANCE NO. 12698
(New Series)**

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0401, 62.0403, 62.0405, 62.0408, 62.0410, 62.0411, 62.0412, 62.0413 AND 62.0415 RELATING TO ADMINISTRATION OF LAND DEVELOPMENT BY CITY ENGINEER.

Several sections of the Municipal Code which affect land development are amended. These amendments relate to the following areas:

- (1) administration of land development by the City Engineer;
- (2) exceptions for land development permits;
- (3) applications for permits;
- (4) protection of adjacent property and public right-of-way;
- (5) slope gradient requirements;
- (6) authority of the City Engineer to permit steeper slope development;
- (7) Planning Commission consideration of special permission for higher or steeper slope development;
- (8) City Council consideration of appeals from decisions of the Planning Commission or City Engineer; and
- (9) general slope irrigation requirements.

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, 332 "C" Street, San Diego, CA 92101. Introduced on July 2, 1979.

Passed and adopted by the Council of The City of San Diego on July 16, 1979.

AUTHENTICATED BY: PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of
San Diego, California.

(SEAL)
By BARBARA BERRIDGE, Deputy,
Pub. July 28, 1979

68-7739

I Paula J. Santonocito, 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

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(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:

July 30, 1979

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

Dated at San Diego, California this 31st day of July, 1979.



(Signature)

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