

(O-90-9)

ORDINANCE NUMBER O- 17365 (NEW SERIES)

ADOPTED ON OCT 16 1989

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISIONS 1 AND 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0101, 62.0102, 62.0112, 62.0403, 62.0404.6, 62.0405, 62.0410, 62.0414 AND 62.0417 AND BY DELETING SECTION 62.0404.5 RELATING TO THE LAND DEVELOPMENT ORDINANCE AND THE CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL.

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

Section 1. That Chapter VI, Article 2, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0101, 62.0102 and 62.0112, 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, grading, private encroachments on public rights-of-way or public property, and construction within the public right-of-way, and establishing standards thereof.

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" for the purpose of this article 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) "Brushing" shall mean the removal of vegetation at or above the ground level.

(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 removal of vegetation from the land without disturbance to the soil surface or construction of the root system.

(i) [No change.]

(j) [No change.]

(k) "Drought Resistant Plantings" shall mean the type plant materials, either seeds, cuttings, and/or

rooted plants which once established are suitable for the conditions of the project site, and when established can survive normal summer seasons without the provision of supplemental watering.

(l) [No change.]

(m) [No change.]

(n) "Engineering Geologist" or "Certified Engineering Geologist" shall mean a geologist certified by the State of California as a Certified Engineering Geologist (C.E.G.).

(o) Environmentally Sensitive Lands shall include the areas regulated in Resource Protection Ordinance Section 101.0462, including floodplains, hillsides, wetlands, biologically sensitive lands, and significant prehistoric and historic site and resources.

(p) [No change.]

(q) [No change.]

(r) "Geotechnical Engineer" or "Soils Engineer" shall mean a Civil Engineer registered by the State of California as a Geotechnical Engineer (G.E.).

(s) [No change.]

(t) "Grubbing" shall mean the removal or destruction of vegetation by removal of or disturbance to the root system and/or soil mantle by any means including chemical.

(u) "Land Development" shall mean the clearing, grading or grubbing on public or private property including the construction of slopes and facilities incidental thereto. Land development shall also include clearing, grading or grubbing for other than fire protection.

(v) [No change.]

(w) "Landscape Architect" shall mean a landscape architect, registered by the State of California, to practice in the profession of landscape architecture.

(x) [No change.]

(y) [No change.]

(z) [No change.]

(aa) "Property Owner" shall mean any person, agent, firm or corporation having a legal or equitable interest in real property.

(bb) [No change.]

(cc) [No change.]

(dd) [No change.]

(ee) [No change.]

(ff) [No change.]

(gg) [No change.]

(hh) "Soils Engineer," see "Geotechnical Engineer."

(ii) [No change.]

(jj) [No change.]

SEC. 62.0112 QUALIFICATIONS TO DO WORK

(a) All work under this Article shall be performed by a contractor who is licensed by the State of California to do the work proposed under the permit; provided, however, that any person occupying property as that person's primary residence or constructing a house to be occupied as that person's primary residence may present an application to personally construct improvements or encroachments in the public right-of-way adjacent to that person's property or to do land development work on the property.

(b) [No change.]

(c) Revegetation plans for projects involving public improvements and major work involving encroachment or land development authorized under this Article shall be prepared by a Landscape Architect or other licensed professional whose primary area of work includes revegetation.

Section 2. That Chapter VI, Article 2, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 62.0403, 62.0404.6, 62.0405, 62.0410, 62.0414 and 62.0417, to read as follows:

SEC. 62.0403 EXEMPTIONS FROM PERMIT REQUIREMENTS

The following types of work shall not require a Land Development Permit:

(a) through (f) [No change.]

(g) Clearing land as defined in Division 1 of this Article;

(h) Certain soils and geologic exploration activity as more specifically described in Section 62.0404.6, except that such activity is not exempt within lands regulated by the Resource Protection Ordinance or the Hillside Review Overlay Zone;

(i) Grubbing on other than lands regulated by the Resource Protection Ordinance or within the Hillside Review Overlay Zone.

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

(a) Designated open space;

(b) Any waterway or wetland, stream, river, channel, pond, lake, harbor, ocean, marsh, bog, lagoon, vernal pool; biologically sensitive lands; or significant prehistoric or historic sites and resources;

(c) Any floodway or floodplain fringe;

(d) Any officially mapped area of high geologic risk (Zone "D") as defined by the Seismic Safety Element of the General Plan;

- (e) The Old San Diego Planned District;
- (f) The Hillside Review Overlay Zone;
- (g) Any area regulated by the Resource Protection Ordinance.

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

SEC. 62.0404.6 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.

SEC. 62.0405 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) through (f) [No change.]
- (g) A revegetation plan that is prepared in compliance with standards adopted by City Council as set forth in the document entitled, "City of San Diego

Landscape Technical Manual," on file in the office of the City Clerk.

(h) and (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 year period immediately preceding application after the permit is granted.

Applications require a description of the area, statement of crop to be planted, and method of irrigation. Agriculture permits are limited to plowing along the natural surface only or to the making of embankments or excavations within the scope of Section 62.0403 "Exemptions from Permit Requirements."

Clearing of vegetation as defined in Division 1 of this Article 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.

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 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 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 contingent upon:

(a) [No change.]

(b) Submission of a soils test report by a certified agronomic soil testing laboratory indicating if the soil at the anticipated slope profile is capable of permanently sustaining re-generating vegetative growth without benefit of permanent supplemental watering.

(c) Submission of a revegetation plan by a registered landscape architect. The design shall incorporate the recommendations of the soils or geotechnical report and the agronomic soils test report.

[No change to last paragraph of this section.]

SEC. 62.0414 REVEGETATION

Application for a Land Development Permit made in accordance with Section 62.0405 of this Article shall include a program for the revegetation of all 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 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 not less than 90 days unless the property owner informs the City Engineer in writing that (s)he will assume the maintenance responsibilities.

(b) Non-permanently irrigated plantings shall be maintained for a period not less than 25 months.

An agreement shall be executed by the applicant and recorded with the County Recorder assuring the maintenance for the required period of time by the applicant or his successor in interest.

The agreement must be secured by a Letter-of-Credit, cash, or some other form of security acceptable to the permit-issuing authority. The agreement must also provide for the ability of the City to enter onto the property to provide the required maintenance in the event the property owner fails to do so.

(c) All revegetated areas shall be maintained by the Permittee until final approval by the Planning Director. The maintenance period begins on the first day following acceptance and may be extended at the determination of the Planning Director.

(d) Prior to final approval, the Planning Director may require corrective action including but not limited to, replanting, the provision or modification of irrigation system, and the repair of any soil erosion or slope slippage.

The City Engineer 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 3. That Chapter VI, Article 2, Division 4, of the San Diego Municipal Code be and the same is hereby amended by deleting Section 62.0404.5.


Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

Section 5. In areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

Section 6. Within the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to

the date the California Coastal Commission unconditionally certified this ordinance as a local coastal program amendment.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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07/26/89
Or.Dept:Plan.
O-90-9
Form=o.none

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CITY CLERK'S OFFICE

89 JUL 27 PM 4:38

SAN DIEGO, CALIF.

30 D

OCT 16 1989

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"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" 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.

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

(Seal)

By *Rhonda L. 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

OCT 3 1989, and on OCT 16 1989.

~~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 *Rhonda L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>017365</u>	Adopted <u>OCT 16 1989</u>



EST. JAN 27 PM 4:55

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC

(12)

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

TO :

FROM :

DATE:

BY:

SUBJECT:

RE:

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

- Mr. Tolson
- Mr. Boardman
- Mr. Nichols
- Mr. Belmont
- Mr. Mohr
- Mr. DeLoach
- Mr. Casper
- Mr. Callahan
- Mr. Conrad
- Mr. Felt
- Mr. Gale
- Mr. Rosen
- Mr. Sullivan
- Mr. Tavel
- Mr. Trotter
- Tele. Room
- Miss Holmes
- Miss Gandy

Mr. Tolson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Boardman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Nichols	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Belmont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Mohr	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. DeLoach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Casper	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Callahan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Conrad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Felt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Gale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Rosen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Sullivan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Tavel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Trotter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miss Holmes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miss Gandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Very truly yours,

J. Edgar Hoover, Director

FEB 27 1955
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC

RECEIVED
CERTIFICATE OF PUBLICATION CITY CLERK'S OFFICE

89 NOV-9 PM 3:40

SAN DIEGO, CALIF. *ER*

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BLDG.
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101
ATTN: RHONDA BARNES

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISIONS
1 AND 4, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTIONS 62.0101, 62.0102, 62.0112,
et al . . .

NO.

ORDINANCE NUMBER 0-17365 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISIONS 1 AND 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 62.0101, 62.0102, 62.0112, 62.0403, 62.0404, 62.0405, 62.0410, 62.0414 AND 62.0417 AND BY DELETING SECTION 62.0404.5 RELATING TO THE LAND DEVELOPMENT ORDINANCE AND THE CITY OF SAN DIEGO LANDSCAPE TECHNICAL MANUAL.

This ordinance amends Chapter VI (Public Works and Property; Public Improvement and assessment Proceedings) of the San Diego Municipal Code by amending various sections for maintenance and installation criteria of citywide landscapes. This updates existing standards, introduces new standards and prioritizes and consolidates these standards. In addition, it updates definitions to be consistent with Chapter VI (Land Development Ordinance).

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, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON OCT 3 1989 Passed and Adopted by the Council of the City of San Diego on OCT 18 1989

AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, CA

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

By RHONDA R. BARNES, Deputy. *02003 J.J. NOV 15889*

THOMAS D. KELLEHER

I, _____, 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 0-17365 (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:

NOV. 2

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

Dated at San Diego, California this 2 day of NOV., 1989.

Thomas D. Kelleher

(Signature)

2 1/2" x 2 = 58.32