

(O-92-48)

ORDINANCE NUMBER O- 17706 (NEW SERIES)

ADOPTED ON NOV 04 1991

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 105.0209 RELATING TO LOS
PENASQUITOS WATERSHED RESTORATION AND
ENHANCEMENT FEE.

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

Section 1. That Chapter X, Article 5, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Section 105.0209 to read as follows:

SECTION 105.0209

An applicant for a coastal development permit for a project located in the watershed of Los Penasquitos Lagoon shall, as a condition of development approval, be required to pay a fee to the Los Penasquitos Lagoon Enhancement Fund and escrow account for restoration of the Los Penasquitos Lagoon and watershed. The watershed restoration and enhancement fee shall be computed on the basis of the site surface affected by grading for urban development, agriculture, transportation, and other public service facility improvements, exclusive of habitat restoration or enhancement areas, at a rate of \$0.005/square foot for all areas to be graded, with an additional rate of \$0.03/square foot for any impervious surfaces to be created by the finished development. The watershed restoration and enhancement fee shall be based on the grading and impervious

surfaces proposed under the initial coastal development permit and for any additional development increments (grading and/or impervious surfaces) for which permits are required. Fees associated with the maintenance and administration of the escrow account shall also be required. The watershed and enhancement fee shall not be required for developments which are exempted under Section 105.0204 of this ordinance. The required restoration and enhancement fee shall be computed by the applicant and such information shall be included with the permit application. The calculations shall be verified by the Planning Director or designated representative. The applicant shall deposit the required fee in an escrow account established by The City of San Diego, the California Coastal Commission and the State Coastal Conservancy. The applicant shall provide evidence satisfactory to the Planning Director or designated representative that such deposit has been made prior to the issuance of the coastal development permit. Administration of the funds shall be the responsibility of the State Coastal Conservancy in accordance with the terms of the escrow account.

Section 2. 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

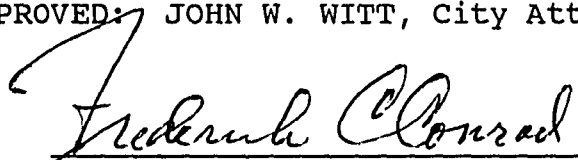
modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

Section 3. 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 4. 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

FCC:pev
09/18/91
Or.Dept:Plan
O-92-48
Form=o.code

(O-92-48-so)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5,
DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 105.0209 RELATING TO LOS
PENASQUITOS WATERSHED RESTORATION AND
ENHANCEMENT FEE.

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: SHADED

SECTION 105.0209

An applicant for a coastal development permit for a project located in the watershed of Los Penasquitos Lagoon shall, as a condition of development approval, be required to pay a fee to the Los Penasquitos Lagoon Enhancement Fund and escrow account for restoration of the Los Penasquitos Lagoon and watershed. The watershed restoration and enhancement fee shall be computed on the basis of the site surface affected by grading for urban development, agriculture, transportation, and other public service facility improvements, exclusive of habitat restoration or enhancement areas, at a rate of \$0.005/square foot for all areas to be graded, with an additional rate of \$0.03/square foot for any impervious surfaces to be created by the finished development. The watershed restoration and enhancement fee shall be based on the grading and impervious surfaces proposed under the initial coastal development permit and for any additional development increments (grading and/or impervious surfaces) for which permits are required. Fees associated with the maintenance and administration of the escrow account shall also be required.

The watershed and enhancement fee shall not be required for developments which are exempted under ~~SEC~~ ~~Section~~ 105.0204 of this ordinance. The required restoration and enhancement fee shall be computed by the applicant and such information shall be included with the permit application. The calculations shall be verified by the Planning Director or designated representative. The applicant shall deposit the required fee in an escrow account established by The City of San Diego, the California Coastal Commission and the State Coastal Conservancy. The applicant shall provide evidence satisfactory to the Planning Director or designated representative that such deposit has been made prior to the issuance of the coastal development permit.

Administration of the funds shall be the responsibility of the State Coastal Conservancy in accordance with the terms of the escrow account.

FCC:pev
09/18/91
Or.Dept:Plan
O-92-48-so
Form=o.code

CERTIFICATE OF PUBLICATION

RECEIVED

91 NOV 20 AM 9:43

SAN DIEGO, CALIF. COO

CITY CLERK'S OFFICE
CITY ADMIN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF _____ NO.
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, DIVISION
2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION
105.0209 RELATING TO LOS PENASQUITOS WATERSHED RESTORATION
AND ENCHANCEMENT FEE

ORDINANCE NUMBER O-17706 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, DIVISION 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 105.0209 RELATING TO LOS PENASQUITOS WATERSHED RESTORATION AND ENCHANCEMENT FEE.
This ordinance amends Municipal Code section 105.0209 by adding a provision which requires payment of an escrow maintenance and administration fee in addition to the watershed restoration and enhancement fee.
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, 202 "C" St., San Diego, CA 92101.
Introduced on OCTOBER 22, 1991
Passed and adopted by the Council of The City of San Diego on NOVEMBER 4, 1991.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By MARY CEPEDA, Deputy
Nov 18 1991 238294

I, Thomas D. Kelleher, 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

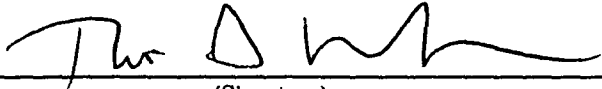
ORDINANCE NUMBER O-17706 (NEW SERIES)

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:

NOVEMBER 18

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

Dated at San Diego, California this 18TH day of NOV., 1991.



(Signature)

2" x 2 = 55.66

7151

Passed and adopted by the Council of The City of San Diego on.....
by the following vote: NOV 04 1991

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Il. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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 checked="" type="checkbox"/>	<input 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.

(Seal)

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

By *Mary Cepeda* 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 22 1991

NOV 04 1991

....., 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 *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17706**
Number

Adopted **NOV 04 1991**

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by the following vote:

NOV 04 1991

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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"/>
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H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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 checked="" type="checkbox"/>	<input 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 *Mary Cepeda* Deputy.

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CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17706**
Number

Adopted **NOV 04 1991**

RECEIVED
OFFICE OF THE
SHERIFF

91 OCT 21 PM 3:46

SAN DIEGO, CALIF.

NOV 19 1991

NOV 19 1991