

17800

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON JUL 13 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0454, RELATING TO EROSION CONTROL MEASURES FOR THE HILLSIDE REVIEW OVERLAY ZONE.

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

Section 1. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0454, to read as follows:

**SEC. 101.0454 HR (Hillside Review) Overlay Zone**

A. through C. [No change.]

**D. DEVELOPMENT REGULATIONS**

Within a Hillside Review Overlay Zone no building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged or used, or demolished, nor shall any lot or premises be excavated or graded, nor shall any erosion control structure, device or method be constructed or placed until a Hillside Review Permit is obtained in accordance with the procedure set forth in this section, or a Conditional Use Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 5, or a Planned Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9; provided, however,

that a Hillside Review Permit will not be required in those cases where said building, improvement or portion thereof does not in any way alter the ground coverage of an existing building or structure. The granting of a Hillside Review Permit does not relieve the applicant for such permit of the responsibility for obtaining other applicable permits from the City and other governmental agencies, including a Land Development Permit from The City of San Diego, if such permit is required by the Municipal Code.

E. through I. [No change.]

J. COASTAL ZONE REGULATIONS

Within the Coastal Zone, the following regulations shall be supplementary to, and in the event of conflict shall supersede, the regulations set forth or referenced in preceding paragraphs of this section.

1. through 3. [No change.]

4. Special Regulations.

a. Where a development, including any land division, is proposed on slopes of twenty-five percent (25%) grade and over which possess environmentally sensitive habitats, or significant scenic amenities, or potential hazards to development, as identified on Map Drawing No. C-720 (on file in the office of the City Clerk as Document No. OO-17065), the following regulations shall apply:

1) Slopes of twenty-five percent (25%) grade and over shall be preserved in their natural state, provided a minimal encroachment into such slopes (areas disturbed by grading or development) may be permitted as set forth in the following table:

TABLE 1 OF SECTION 101.0454

25% SLOPE ENCROACHMENT ALLOWANCE

Percentage of Parcel Allowance in Slopes of 25% in Slopes Grade and Over	Maximum Encroachment as Percentage of Area of 25% Grade and Over
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

For the purposes of Section 101.0454, encroachment shall be defined as any area of twenty-five percent (25%) or greater slope in which the natural landform is altered by grading, is rendered incapable of supporting vegetation due to the displacement required for the building, accessory structures, or paving, or is cleared of vegetation, other than allowed below.

The following uses or development features shall be exempt from the

encroachment limitations set forth  
above:

a) through e) [No change.]

f) Erosion control  
structures, devices or methods for  
purposes of protecting existing  
principal structures which do not  
cause the removal or disturbance of  
any native vegetation located on  
any portion of the property.

2) and 3) [No change.]

b. through f. [No change.]

**K. EROSION CONTROL STRUCTURES, DEVICES OR  
METHODS**

1. A Hillside Review Permit is required for any erosion control structure, device or method if any portion of the property lies within the Hillside Review Overlay Zone. For purposes of Section 101.0454, erosion control structures, devices or methods include but are not limited to retaining walls, air placed concrete and other structures, devices or methods appropriate for controlling or minimizing erosion from natural or man-made causes. Erosion control measures do not include those preventive measures required for soil stabilization or drainage. An erosion control structure, device or method shall only be allowed if it is determined to be the only

feasible means of erosion control necessary to protect the existing principal structure(s) or public improvement(s). A geotechnical report shall be required documenting the need for the erosion control structure, device or method, unless it is determined by the responsible department that unstable conditions on the site do not exist. The geotechnical report shall identify the type and design of the erosion control structure, device or method necessary, based upon site specific conditions. The use of air-placed concrete as an erosion control structure, device or method, either by gunite or shotcrete, shall be designed and applied in accordance with generally accepted engineering standards and specifications and shall also incorporate existing and adjacent landform characteristics, including but not limited to color coating, texturing, landscape and topographical features.

2. The permittee shall, prior to the approval of the Hillside Review Permit, execute and record a waiver of public liability for the approved erosion control measure. Where a proposed erosion control structure, device or method would encroach upon any portion of property owned by The City of San Diego, the permittee shall provide written permission from the City Manager prior to the approval of the HR Permit.

Documentation of this approval shall be recorded with the conditions of permit approval.

L. REPAIR AND MAINTENANCE OR EROSION CONTROL STRUCTURES, DEVICES OR METHODS

The responsible department shall determine if any repair or maintenance activity of an approved and permitted erosion control structure, device or method constitutes a minor modification or requires an amendment to the permit(s) or a new permit(s). The responsible department shall require submittal of necessary reports, documents or any other material necessary to make such determination. Repair or maintenance of an erosion control structure, device or method which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained and reviewed.

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 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 not be applicable within the Coastal Zone pending further action of the City Council.

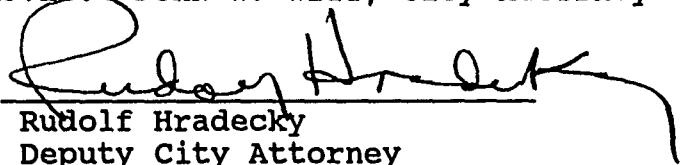
Section 3. In areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the

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

  
Rudolf Hradecky  
Deputy City Attorney

FCC:RH:lc  
06/08/92  
06/29/92 COR.COPY  
07/10/92 REV. 1  
07/15/92 REV. 2  
Or.Dept:Plan.  
O-92-155  
Form=o+t

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

JUL 13 1992

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"/>
George Stevens	<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"/>
Valerie Stallings	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Linda Luzano*, 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

JUN 30 1992

JUL 13 1992

....., 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 *Linda Luzano*, Deputy.

Office of the City Clerk, San Diego, California

JUL 13 1992

Ordinance Number **0-17800** Adopted.....



CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
52 JUL 29 AM 11:13  
SAN DIEGO, CALIF. *RP*

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

EROSION CONTROL METHODS FOR THE HILLSIDE  
REVIEW OVERLAY ZONE

I, Corey Donahue, 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-17800 (NEW SERIES)**  
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0454 RELATING TO EROSION CONTROL METHODS FOR THE HILLSIDE REVIEW OVERLAY ZONE.  
This ordinance amends the provisions of the HILLSIDE REVIEW Overlay Zone, Municipal Code section 101.0454, to provide regulations relating to the installation of erosion control facilities.  
A complete copy of this ordinance is available for inspection in the office of the City Clerk, City Administration Building, 202 C Street, 2nd floor, San Diego, CA 92101.  
INTRODUCED ON June 30, 1992.  
Passed and Adopted by the Council of the City of San Diego on July 13, 1992.  
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 Linda Lugano, Deputy  
(SEAL)  
Pub. July 27 254850

ORDINANCE NUMBER O-17800 (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 27

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

Dated at San Diego, California this 27th day of JULY, 19 92.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

4'14" = 55.66