

ORDINANCE NUMBER O- 17801 (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 101.0462 RELATING TO EROSION CONTROL MEASURES FOR THE RESOURCE PROTECTION ORDINANCE.

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 101.0462, to read as follows:

SEC. 101.0462 Resource Protection Ordinance

This section is indexed as follows:

A. through S. [No change in index list of subsection titles.]

A. through F. [No change.]

G. PERMITTED USES AND DEVELOPMENT REGULATIONS

1. through 4. [No change.]

5. Hillside and Biologically Sensitive Lands.

Permitted uses in the hillside areas or biologically sensitive lands, or both, shall be those uses permitted by the underlying zone subject to the following regulations and the regulations and restrictions of the underlying zone, and the Hillside Review Overlay Zone (Section 101.0454) when applicable to the hillside

portion of a parcel, except that a separate Hillside Review Permit shall not be issued.

Where a development is proposed on hillsides or biologically sensitive lands, or both, the following regulations shall apply:

a. and b. [No change.]

c. The following exemptions from the encroachment allowance may be considered up to the maximum allowance in Column 3 of the "Encroachment Table for Hillsides and Sensitive Lands" if the Planning Director finds that all such exemptions are sited, designed and constructed to: minimize if not preclude adverse impacts to the biologically sensitive lands; comply with the regulations of the Hillside Review Overlay Zone where applicable, and Hillside Design and Development Guidelines (October, 1984); and not adversely impact state or federally-listed rare, threatened or endangered species or wetlands:

- 1) [No change in text.]
- 2) [No change in text.]
- 3) [No change in text.]
- 4) [No change in text.]
- 5) An "erosion control measure"

which does not cause the removal or disturbance of any native vegetation

located on any portion of the property. The erosion control measure 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). For purposes of Section 101.0462, erosion control measures include, but are not limited to retaining walls, air placed concrete and other devices, structures 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. Air-placed concrete used as an erosion control measure, either by gunite or shotcrete, shall be designed and applied in accordance with generally accepted engineering standards and specifications and shall also incorporate existing adjacent landform characteristics, including but not limited to color coating, texturing, landscape and topographical features.

Where an erosion control measure is proposed, the permittee shall prior to

the approval of the Resource Protection Ordinance ("RPO") permit, execute and record a waiver of public liability for the approved erosion control measure. Where such erosion control measure is proposed to be located on 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 RPO permit. Documentation of this approval shall be recorded with the conditions of permit approval.

d. through g. [No change.]

6. [No change.]

H. APPLICATION SUBMITTAL REQUIREMENTS

Every application for a Resource Protection Permit shall be accompanied by the following information (where applicable) prepared in accordance with the guidelines of Section 2 of the City of San Diego Landscape Technical Manual, on file in the office of the City Clerk:

1. through 7. [No change.]

8. In hillsides:

a. and b. [No change.]

c. If erosion control measures are proposed, submittal of a geotechnical report documenting the need for erosion control

measure shall be required, 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 measure necessary, based upon site specific conditions.

d. Repair and Maintenance of Erosion Control Measures. The responsible department shall determine if any repair or maintenance activity of an approved and permitted erosion control measure 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 measure which was constructed or placed without City approvals or permits shall necessitate all required approvals and permits to be obtained and reviewed.

9. and 10. [No change.]

I. through S. [No change.]

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

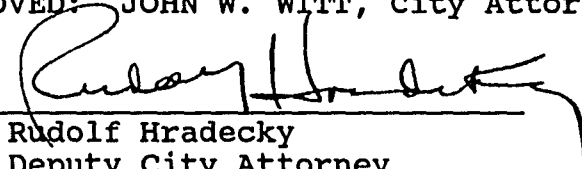
unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall not be applicable within the Coastal Zone pending further action 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:HR:lc
06/08/92
06/29/92 COR. COPY
07/10/92 REV. 1
07/15/92 REV. 2
Or. Dept: Plan.
O-92-156
Form=o+t

JUL 13 1992

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"/> |
| 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Linda Sugano*, 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 Sugano*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0- 17801** Adopted **JUL 13 1992**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
92 JUL 29 AM 11:12
SAN DIEGO, CALIF. *89*

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 PROTECTION
ORDINANCE RESOURCE

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-17801 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0482 RELATING TO EROSION CONTROL METHODS FOR THE PROTECTION ORDINANCE RESOURCE
This ordinance amends the provisions of the Resource Protection Ordinance, Municipal Code section 101.0482, 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 (I.) ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL) By Linda Lugano, Deputy
PUB. JULY 27 284651

ORDINANCE NUMBER O-17801 (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, 1992.

Corey Donahue

(Signature)

4'14" = 55.66