

55/B

(O-93-138)
Cor. Copy 06/01/93

ORDINANCE NUMBER O- 17945 (NEW SERIES)

ADOPTED ON JUL 26 1993

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 R. [No change in index list of subsection titles.]
- A. through F. [No changes]
- G. PERMITTED USES AND DEVELOPMENT REGULATIONS
 - 1. through 4. [No changes]
 - 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 changes]

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) through 4) [No changes]

5.) An "erosion control measure" which does not cause the removal or disturbance of any native vegetation located on any portion of the property and is not located within the delineated "viewshed" areas of Map Drawing No. C-720. 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. 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 changes]

6. [No changes]

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 changes]

8. In hillsides:

a. and b. [No changes]

c. If erosion control measures are proposed, submittal of a geotechnical report documenting the need for the erosion control measure shall be required, unless it is demonstrated by the responsible department through submittal of appropriate investigative report, documentation or other evidence 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. [No changes]

9. and 10. [No changes]

I. through R. [No changes]

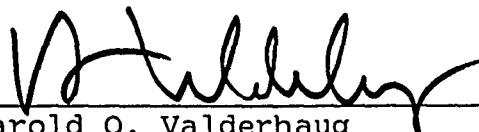
Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the

provisions of this ordinance shall not be applicable within the Coastal Zone until the day the California Coastal Commission concurs with the executive director's report of the acceptance of the suggested modifications. If the suggested modifications are not approved by the City of San Diego as previously certified, the provisions of this ordinance shall not be applicable within the Coastal Zone.

In areas of the City of San Diego outside 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.

In areas of the City of San Diego 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 Coastal Commission concurred with the executive director's report of acceptance of the suggested modifications.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
06/01/93 Cor.Copy
Or.Dept:Plan.
0-93-138
Form=o+t

STRIKEOUT ORDINANCE

SEC. 101.0462 Resource Protection Ordinance

This section is indexed as follows:

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

A. through F. [No changes]

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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) through 4) [No changes]

5) An "erosion control measure" which does not cause the removal or disturbance of any native vegetation located on any portion of the property and is not located within the delineated "viewshed" areas of Map Drawing No. C-720. 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.

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1. through 7. [No changes]

8. In hillsides:

a. and b. [No changes]

c. If erosion control measures are proposed, submittal of a geotechnical report documenting the need for ~~the~~ erosion control measure shall be required, unless it is ~~determined demonstrated~~ by the responsible department ~~through submittal of appropriate investigative report, documentation or other evidence~~ 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. [No changes]

9. and 10. [No changes]

I. through R. [No changes]

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

JUL 26 1993

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By *Mayfield Z. Melendez*, 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 06 1993

JUL 26 1993

~~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.

(Seal)

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

By *Mayfield Z. Melendez*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17945 Adopted JUL 26 1993

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
93 AUG 11 PM 3:27
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION...

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 0-17945 (NEW SERIES)
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 RESOURCES PROTECTION ORDINANCE.
This ordinance amends San Diego Municipal Code section 101.0462 by incorporating the California Coastal Commission suggested modifications relating to erosion control methods.
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.
INTRODUCTION ON JULY 6, 1993
Passed and Adopted by the Council of The City of San Diego on JULY 26, 1993
AUTHENTICATED BY: SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
(SEAL) By MAYDELL L. PONTECORVO, Deputy. 278932
Pub. Aug. 9

ORDINANCE NUMBER 0-17945 (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:

AUGUST 9

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

Dated at San Diego, California this 9th day of AUGUST, 19 93.

Corey Donahue

(Signature)

2 1/4" x 2 = \$ 64.00