

ORDINANCE NUMBER O- 20919 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 22 2018

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 2, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 142.0101, AMENDING SECTION 142.0130 BY AMENDING THE EDITOR'S NOTE, AND ADDING NEW SECTION 142.0151, RELATING TO PALEONTOLOGICAL RESOURCES AND GRADING PROPOSED AS PART OF THE 11TH UPDATE TO THE LAND DEVELOPMENT CODE.

WHEREAS, paleontological resources may be encountered during grading activities associated with project construction in undisturbed geologic deposits, formations, and rock units; and

WHEREAS, paleontological monitoring requirements have historically been applied on a project-by-project basis during the City's California Environmental Quality Act development review process; and

WHEREAS, to avoid adverse impacts to paleontological resources, consistent regulations related to grading and paleontological monitoring are desired; and

WHEREAS, this Ordinance is being processed with the 11th update to the Land Development Code as a separate ordinance; NOW, THEREFORE,

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

Section 1. That Chapter 14, Article 2, Division 1 of the San Diego Municipal Code is amended by amending section 142.0101, amending section 142.0130 by amending the editor's note, and by adding new section 142.0151, to read as follows:

**§142.0101 Purpose of Grading Regulations**

The purpose of these regulations is to address slope stability, protection of property, erosion control, water quality, landform preservation, and paleontological resources preservation, and to protect the public health, safety, and welfare of persons, property, and the environment.

**§142.0130 Development Standards for Grading**

(a) through (b) [No change in text.]

**EDITORS NOTE: The Land Development Manual includes:**

Coastal Bluffs and Beaches Guidelines

Biology Guidelines

Historical Resources Guidelines

Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land

Development Code; RR-292249 for the Biology Guidelines of the Land

Development Code; RR-292250 for the Historical Resources Guidelines of the

Land Development Code; RR-292251 for the Submittal Requirements for

Deviations within the Coastal Overlay Zone of the Land Development Code.

General Grading Guidelines for Paleontological Resources

**§142.0151 Paleontological Resources Requirements for Grading Activities**

- (a) Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:

- (1) *Grading* that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or
  - (2) *Grading* that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or
  - (3) *Grading* on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.
- (b) If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during *grading*, notwithstanding Section 142.0151(a), all *grading* in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force no sooner than the thirtieth day from

and after the finding of consistency, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

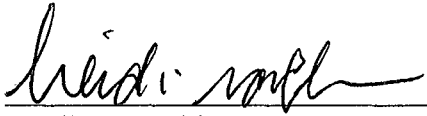
That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by

the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 4. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja  
01/08/18  
Or.Dept: Planning  
Doc. No.: 1661906

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 20 2018.

ELIZABETH S. MALAND  
City Clerk

By *Dinda Brwin*  
Deputy City Clerk

Approved: 3/22/18  
(date)

*Kevin L. Faulconer*  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck-Out~~**

**NEW LANGUAGE: Double Underline**

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HKV:nja  
01/05/18  
Or.Dept: Planning  
Doc. No.: 1661198

Passed by the Council of The City of San Diego on MAR 20 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 22 2018

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Gina Dravin, 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

MAR 06 2018, and on MAR 22 2018.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Gina Dravin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20919</u>