

ORDINANCE NO. 10932
(New Series)

SEP 28 1972

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING
SECTION 101.0454, RELATING TO THE LC ZONE.

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

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

SEC. 101.0454 LC ZONE

A. PURPOSE AND INTENT

The purpose of the LC Zone is to provide for the
reasonable use of steep hillsides and related lands while
protecting the public health, safety and general welfare
by insuring that development results in minimum disturbance
of natural terrain and does not create soil erosion, silting
of lower slopes, slide damage, flooding problems, severe
cutting or scarring. The LC Zone is an overlying zone
intended to foster urban development of a character which
will respect the natural environment, thereby conserving
the aesthetic qualities and restorative value of such
land as an important part of San Diego's heritage.

After public hearing conducted pursuant to Chapter X,
Article 1, Division 2, Municipal Code, and upon finding

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that the public health, safety, general welfare and good zoning practice will be served thereby, the LC Zone may be applied to property having slopes with a natural gradient in excess of 35 percent (35 feet of vertical distance for each 100 feet of horizontal distance) and a minimum elevation differential of 50 feet. If at such hearing it is determined that land located adjacent to the slope, either above or below, must be included in the LC Zone in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the LC Zone provided that such area is within 300 feet of the nearest point of the slope to which the LC Zone is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this zone.

B. PERMITTED USES

Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone in addition to the regulations and restrictions of this zone.

C. DEVELOPMENT REGULATIONS

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged or used, nor shall any lot or premises be

excavated or graded until a Land Conservation 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 Residential Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9; provided, however, that a Land Conservation 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 Land Conservation Permit in no way relieves 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.

D. LAND CONSERVATION PERMIT

1. Upon the filing of the letter of request with the Planning Director for a Land Conservation Permit, which letter shall be accompanied by appropriate floor plans, grading plans, sections and elevations, the Planning Director shall determine whether or not the proposed land development will cover more than 6,000 square

feet of that portion of the premises which lies within a Land Conservation Zoning District. If the Director determines that the proposed land development will, in his opinion, cover more than 6,000 square feet, he shall notify the Planning Commission which shall thereupon set the matter for public hearing in accordance with the procedures set forth in Chapter X, Article 1, Division 5, of this Code. The plans, sections and elevations required to be submitted with a letter of request for a Land Conservation Permit shall be only those required to inform the City as to the facts listed in paragraph "D.5." of this section.

2. In the event the Planning Director determines that the proposed land development will not, in his opinion, cover more than 6,000 square feet of that portion of the premises which lies within a Land Conservation Zoning District and that the proposal is not of such substantial public interest as to warrant a public hearing, he shall examine the plans, sections and elevations submitted with the letter of request for a permit and determine whether or not, in his opinion, a Land Conservation Permit should be issued. The Planning Director

shall not issue a Land Conservation Permit unless he reaches the three conclusions set forth in paragraph "D.5." of this section. In issuing a Land Conservation Permit, the Planning Director may impose such conditions as he deems necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "D.5." of this section.

3. In the event the Planning Director determines that the proposed land development will not, in his opinion, cover more than 6,000 square feet of that portion of the premises which lies within a Land Conservation Zoning District, but that the proposal is of such substantial public interest as to warrant a public hearing, he shall arrange for the said public hearing before the Planning Commission in accordance with the procedures set forth in paragraph "D.1." of this section.
4. Any decision of the Planning Director regarding the granting or withholding of a Land Conservation Permit may be appealed to the Planning Commission in accordance with the procedures set forth in Section 102.0302 of the Municipal Code.
5. After the public hearing referred to in paragraph "D.1." of this section, the Planning Commission

may, by resolution, grant a Land Conservation Permit if, after considering the facts presented in the letter of application and after reviewing the plans, sections and elevations submitted with the letter of application and after considering the testimony presented at the hearing, it is concluded that:

- a. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.
 - b. Grading and excavation proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or severe cutting or scarring.
 - c. The proposed development will serve to preserve and enhance the natural environment and the aesthetic qualities of the site.
6. In granting a Land Conservation Permit the Planning Commission may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "D.5." of this section.

7. If the Commission, after considering the facts presented in the letter of request and at the hearing, is unable to reach the conclusions listed in paragraph "D.5." of this section, it shall deny the permit by resolution.
 8. The resolution granting or denying the permit shall include a finding of facts relied upon by the Commission in reaching its decision. The resolution shall be filed with the City Clerk, the Zoning Administrator, the Director of Building Inspection, the County Recorder of San Diego County and a copy shall be mailed to the applicant. The resolution shall not be filed with the County Recorder if the resolution is a denial of the Land Conservation Permit.
 9. The decision of the Planning Commission shall be final on the eleventh day following its filing in the office of the City Clerk except when appeal is taken to the City Council as provided in paragraph "E." of this section.
- E. APPEAL TO THE CITY COUNCIL FROM THE DECISION OF THE PLANNING COMMISSION
1. Appeal from the decision of the Planning Commission granting or denying any Land Conservation Permit may be taken to the City Council within 10 days after said decision is filed with the City Clerk

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MAY 1 1978

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by any owner of real property which is located in the City of San Diego. The appeal shall be in writing and filed with the City Clerk upon forms provided by said Clerk. The appeal shall specify wherein there was error in the decision of the Planning Commission.


2. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the City Council.
3. Upon the filing of the appeal, the City Clerk shall set the matter for public hearing, giving the same notice as provided herein for a hearing before the Planning Commission. The City Clerk shall send the Planning Commission a duplicate copy of the appeal and request the Planning Commission to transmit to the City Council a copy of its decision and findings, minutes of the hearing, and all other evidence, maps, papers, plans, and exhibits upon which the Planning Commission made its decision.
4. After hearing the appeal, the City Council may, by resolution, affirm, modify, in whole or in part, or reverse the decision of the Planning Commission. In reaching a decision, the Council shall concern itself only with the conclusions

listed in paragraph "D.5." of this section.
The resolution shall contain a finding of facts showing wherein the proposed Land Conservation Permit meets or fails to meet the requirements set forth in paragraph "D.5." of this section.

5. In granting a Land Conservation Permit, the City Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare in respect to the conclusions listed in paragraph "D.5." of this section.
6. The resolution shall be filed with the Planning Director, the Zoning Administrator, the Director of Building Inspection and the County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with the County Recorder if the resolution is a denial of the Land Conservation Permit.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Chief Deputy

FCC:nr
8-23-72

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SEP 28 1972

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

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Harvey M. Nol*, 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

SEP 14 1972

SEP 28 1972

_____, 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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Harvey M. Nol*, Deputy.

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MAY 1 1978

Office of the City Clerk, San Diego, California

Ordinance Number **10932** Adopted **SEP 28 1972**

ATTORNEY (S)

* City of San Diego
202 "C" Street
Community Concourse
San Diego, California

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1972 OCT 12 AM 11:13

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

LC ZONE

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NUMBER 10932

to a true and correct copy of which this certificate is annexed was published in said newspaper on

October 5, 1972

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

October 5, 1972

Patricia M. Applestill
(Signature)

Ord 10932

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

REC. 101.0454 LC ZONE

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The purpose of the LC Zone is to provide for the reasonable use of steep hillsides and related lands while protecting the public health, safety and general welfare by insuring that development results in minimum disturbance of natural terrain and does not create soil erosion, slitting of lower slopes, slide damage, flooding problems, severe cutting or scarring. The LC Zone is an overlaying zone intended to foster urban development of a character which will respect the natural environment, thereby conserving the aesthetic qualities and restorative value of such land as an important part of San Diego's heritage.

After public hearing conducted pursuant to Chapter X, Article 1, Division 2, Municipal Code, and upon finding that the public health, safety, general welfare and good zoning practice will be served thereby,

the LC Zone may be applied to property having slopes with a natural gradient in excess of 35 percent (35 feet of vertical distance for each 100 feet of horizontal distance) and a minimum elevation differential of 50 feet. If at such hearing it is determined that land located adjacent to the slope, either above or below, must be included in the LC Zone in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the LC Zone provided that such area is within 300 feet of the nearest point of the slope to which the LC Zone is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this zone.

B. PERMITTED USES

Permitted uses shall be those permitted by the underlying zone subject to the regulations and restrictions of the underlying zone in addition to the regulations and restrictions of this zone.

C. DEVELOPMENT REGULATIONS

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged or used, nor shall any lot or premises be excavated or graded until a Land Conservation 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 Residential Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9; provided, however, that a Land Conservation 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 Land Conservation Permit in no way relieves 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.

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4. Any decision of the Planning Director regarding the granting or withholding of a Land Conservation Permit may be appealed to the Planning Commission in accordance with the procedures set forth in Section 102.0302 of the Municipal Code.

5. After the public hearing referred to in paragraph "D.1." of this section, the Planning Commission may, by resolution, grant a Land Conservation Permit if, after considering the facts presented in the letter of application and after reviewing the plans, sections and elevations submitted with the letter of application and after considering the testimony presented at the hearing, it is concluded that:

- The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.
- Grading and excavation proposed in connection with the development will not result in soil erosion, slitting of lower slopes, slide damage, flooding problems, or severe cutting or scarring.

The proposed development will...
 6. In granting or denying a permit, the Commission shall...
 7. If the Commission, after considering the facts presented in the...
 8. The resolution granting or denying the permit shall include a...
 9. The decision of the Planning Commission shall be final on the...
APPEAL TO THE CITY COUNCIL FROM THE DECISION OF THE PLANNING COMMISSION
 1. Appeal from the decision of the Planning Commission granting or...
 2. If an appeal is filed within the time specified, it automatically...
 3. Upon the filing of the appeal, the City Clerk shall set the matter...
 4. After the hearing, the appeal, the City Council may, by resolution...
 5. The resolution shall be filed with the Planning Director, the Zoning...
 Section 2. This ordinance shall take effect and be in force on the...
 Introduced on September 14, 1972.
 Passed and adopted by the Council of The City of San Diego on September...
AUTHENTICATED BY:
 PETE WILSON
 Mayor of The City of San Diego, California
 EDWARD NIELSEN
 City Clerk of The City of San Diego, California
 BY KATHRYN M. NOE, Deputy