

ORDINANCE NO. 11100 JUL 24 1973
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0206, RELATING TO PROCEDURE FOR ZONING - HEARING BEFORE THE PLANNING COMMISSION, AND SECTION 101.0208, RELATING TO PROCEDURE FOR ZONING - ACTION BY THE CITY COUNCIL.

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

Section 1. That Chapter X, Article 1, Division 2 of the San Diego Municipal Code be amended by amending Section 101.0206 and Section 101.0208 to read as follows:

SEC. 101.0206 PROCEDURE FOR ZONING - HEARING
BEFORE THE PLANNING COMMISSION

The Planning Commission shall set a date for public hearing and give notice of the time, place, and purpose of such hearing in the following manner:

1. By at least one publication thereof in a newspaper of general circulation that is published on five or more days in a calendar week in the City of San Diego, not less than ten days prior to the date of the hearing; and by either "2." or "3." as follows:

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2. By depositing in United States mail, postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner or owners of each parcel of land within 300 feet of the exterior boundaries of the property to be zoned. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice.
3. By posting notices not less than ten days prior to the date of the hearing in at least three public places within the proposed district or zone.

The notice required under "2." or "3." above shall be headed "Notice of Zoning Hearing" in letters not less than one inch in height and shall recite in legible characters:

1. The boundaries either by diagram, plat or brief description of the area proposed to be zoned.
2. The zone into which said area is sought to be placed.
3. A statement that the Planning Commission reserves the right to make any of the

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following recommendations to the City Council:

- a. The property may be placed in the zone proposed in the notice.
 - b. The property may not be rezoned.
 - c. The property be placed in any land use zone falling between the existing and proposed land use zones, as classified by Section 101.0209 of this Code, which in the opinion of the Planning Commission best serves the public interest.
4. The date, time and place of hearing before the Planning Commission.
 5. A statement that any property owner may appear and be heard before said Planning Commission.

After conducting the public hearing, the Planning Commission may recommend by the affirmative vote of not less than a majority of its total voting members the adoption of an ordinance incorporating the property set forth in said notice, or a portion thereof, into the proposed land use zone or into any land use zone falling between the existing and proposed land use zones as classified by Section 101.0209, which in the opinion of the Planning Commission best serves the public interest, or it may deny the proposed land use zone change.

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SEC. 101.0208 PROCEDURE FOR ZONING - ACTION
BY THE CITY COUNCIL

The City Council shall consider the proposed inclusion of placing of property into a zone or the proposed change of zone at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time by the City Council. The City Council may:

1. Adopt the ordinance as recommended by the Planning Commission.
2. Reject the recommendation of the Planning Commission in whole or in part and order such changes as it deems to be in the public interest and as it sees fit, except that it may only place said property in the zone proposed or in any zone which is between the existing and proposed land use zones as classified by Section 101.0209.
3. Take such action as it deems to be in the public interest as to those applications for inclusion or placing of property into a land use zone or a proposed change of land use zone where the Planning Commission has denied said application or has failed to act thereon, except that it may only place said property in the zone proposed or in any zone which is between the existing and proposed land use zones as classified by Section 101.0209.

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In all such instances, any action so taken shall be adopted by ordinance by the affirmative vote of not less than the majority of the total voting members of the City Council.

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
Frederick C. Conrad, Chief Deputy

FCC:nr
6-26-73

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JUL 24 1973

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

RECEIVED
CITY CLERK'S OFFICE
1973 JUN 27 AM 9:48
SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input type="checkbox"/>	<input checked="" 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 *Mary Anne Neuse*, 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 10 1973

JUL 24 1973

_____, 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 *Mary Anne Neuse*, Deputy.

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MAY 1 1978

Office of the City Clerk, San Diego, California

Ordinance Number **11100** Adopted JUL 24 1973

02024 MS

ATTORNEY (S)

RECORDED
15/30/73 10 00 3:13
SAN DIEGO, CALIF. 150

CITY OF SAN DIEGO
202 C Street, 12th Floor
San Diego, California 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF
RELATING TO PROCEDURE FOR ZONING

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 NO. 11100 (NEW SERIES)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on August 2, 1973

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on August 9, 1973

Patricia M. Applestill

(Signature)

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15" \$63⁰⁰

ORDINANCE NO. 11100

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0206, RELATING TO PROCEDURE FOR ZONING— HEARING BEFORE THE PLANNING COMMISSION, AND SECTION 101.0208, RELATING TO PROCEDURE FOR ZONING— ACTION BY THE CITY COUNCIL.

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

Section 1. That Chapter X, Article 1, Division 2 of the San Diego Municipal Code be amended by amending Section 101.0206 and Section 101.0208 to read as follows:

SEC. 101.0206 PROCEDURE FOR ZONING— HEARING BEFORE THE PLANNING COMMISSION

The Planning Commission shall set a date for public hearing and give notice of the time, place, and purpose of such hearing in the following manner:

1. By at least one publication thereof in a newspaper of general circulation that is published on five or more days in a calendar week in the City of San Diego, not less than ten days prior to the date of the hearing, and by either "2." or "3." as follows:
2. By depositing in United States mail, postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner or owners of each parcel of land within 300 feet of the exterior boundaries of the property to be zoned. The last known name and address of each owner as shown on the records of the County Assessor may be used for this notice.
3. By posting notices not less than ten days prior to the date of the hearing in at least three public places within the proposed district or zone.

The notice required under "2." or "3." above shall be headed "Notice of Zoning Hearing" in letters not less than one inch in height and shall recite in legible characters:

1. The boundaries either by diagram, plat or brief description of the area proposed to be zoned.
2. The zone into which said area is sought to be placed.
3. A statement that the Planning Commission reserves the right to make any of the following recommendations to the City Council:
 - a. The property may be placed in the zone proposed in the notice.
 - b. The property may not be rezoned.
 - c. The property be placed in any land use zone falling between the existing and proposed land use zones, as classified by Section 101.0206 of this Code, which in the opinion of the Planning Commission best serves the public interest.
4. The date, time and place of hearing before the Planning Commission.
5. A statement that any property owner may appear and be heard before said Planning Commission.

After conducting the public hearing, the Planning Commission may recommend by the affirmative vote of not less than a majority of its total voting members the adoption of an ordinance incorporating the property set forth in said notice, or a portion thereof, into the proposed land use zone or into any land use zone falling between the existing and proposed land use zones as classified by Section 101.0206, which in the opinion of the Planning Commission best serves the public interest, or it may deny the proposed land use zone change.

SEC. 101.0208 PROCEDURE FOR ZONING— ACTION BY THE CITY COUNCIL

The City Council shall consider the proposed inclusion of placing of property into a zone or the proposed change of zone at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time by the City Council. The City Council may:

1. Adopt the ordinance as recommended by the Planning Commission.
2. Reject the recommendation of the Planning Commission in whole or in part and order such changes as it deems to be in the public interest and as it sees fit, except that it may only place said property in the zone proposed or in any zone which is between the existing and proposed land use zones as classified by Section 101.0206.
3. Take such action as it deems to be in the public interest as to those applications for inclusion or placing of property into a land use zone or a proposed change of land use zone where the Planning Commission has denied said application or has failed to act thereon, except that it may only place said property in the zone proposed or in any zone which is between the existing and proposed land use zones as classified by Section 101.0206.

In all such instances, any action so taken shall be adopted by ordinance by the affirmative vote of not less than the majority of the total voting members of the City Council.

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

Introduced on July 10, 1973.

Passed and adopted by the Council of The City of San Diego on July 24, 1973.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.

By MARY ANNE MEASE, Deputy

(SEAL)

Published August 2, 1973

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