

ORDINANCE NO. 11415 OCT 24 1974  
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 101.0507 RELATING TO  
CONDITIONAL USE PERMITS GRANTED BY CITY  
COUNCIL.

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

Section 1. That Chapter X, Article 1, Division 5, of the  
San Diego Municipal Code be and the same is hereby amended by  
amending Section 101.0507 to read as follows:

SEC. 101.0507      CONDITIONAL USE PERMIT  
                                 GRANTED BY CITY COUNCIL

A.    USES WHICH MAY BE CONSIDERED

The City Council shall have the authority, under  
conditions herein provided, to permit by conditional use  
permit the following uses in any zone including interim  
zones except as otherwise provided in paragraph "A.5."  
of this section.

1.    Airports, including permanent heliports and  
              helistops.
2.    Amusement parks.
3.    Cemeteries, mausoleums and crematories.
4.    Fairgrounds.
5.    Mobilehome parks, together with incidental  
              facilities for the convenience of the occupants,  
              on parcels comprising not less than five usable

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acres in any single or multiple family zone except the R-4 and R-4C Zones.

6. Newspaper publishing plants.
7. Race tracks.
8. Radio or television transmission stations and broadcasting studios.
9. Camping parks, together with incidental facilities for convenience of occupants, in any commercial or industrial zone except in the SR Zone and in the agricultural zones and FW (Floodway) Zone.

**B. APPLICATION - FORM AND CONTENTS**

Application to permit any conditional use referred to in this section may be made by the owner of the property affected, or it may be initiated by the City Council. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved and a detailed description of the proposed use.

**C. HEARING BEFORE PLANNING COMMISSION - PROCEDURE**

1. The Planning Commission shall set a date for public hearing and give notice of time, place,

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and purpose of such hearing in accordance with the procedure set forth in paragraphs "C.1.a." or "C.1.b." of this section.

- a. By depositing in the United States mail postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property and within 300 feet of the exterior boundaries of the subject property. The last known name and address of each owner as shown in the records of the County Assessor may be used for this notice.
  - b. By at least one publication of a notice in the City official newspaper, not less than ten days prior to the date of the hearing, and by posting notices, not less than ten days prior to the date of the hearing, in at least four public places within the subject property or within 300 feet of the boundaries of the subject property.
2. In addition to the methods set forth in paragraphs "C.1.a." or "C.1.b." of this section,

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the Planning Director may use other methods which he finds to be desirable in giving proper notice of the hearing.

3. The mailed and posted notices referred to in paragraph "C.1." of this section shall be headed "NOTICE OF PUBLIC HEARING" in letters not less than one inch in height and shall recite in legible characters the following:
  - a. The boundaries of the subject property. A diagram or plat may be substituted for this description.
  - b. The date, time, place and subject of the hearing.
  - c. A statement that any person may, but is not required to, appear and be heard.
  - d. A statement that the application together with plans and other data submitted with the application are available for public inspection in the office of the Planning Department.
4. Upon the date set for the hearing, the Planning Commission shall hear the application, unless for cause the Planning Commission shall, on that date, continue the matter. If a date and

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time certain for the continued hearing is announced in the open meeting, no further notice need be given.

**D. RECOMMENDATION OF THE PLANNING COMMISSION**

1. After the public hearing, the Planning Commission may, by resolution, recommend the granting of a conditional use permit if, after considering the facts presented on the application and at the hearing, it is concluded that:

- a. The proposed use at the particular location is desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community;
- b. The proposed use will not, particularly because of conditions imposed, be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
- c. The proposed use will comply with the regulations specified in the Code for such use; and

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- d. The granting of the conditional use permit will not adversely affect the PROGRESS GUIDE AND GENERAL PLAN OF THE CITY OF SAN DIEGO or the adopted plan of any governmental agency.
2. If the Commission, after considering the facts presented on the application and at the hearing, is unable to reach the four conclusions set forth in paragraph "D.1." of this section, it shall recommend by resolution that the permit be denied.
3. In recommending the granting of a conditional use permit, the Planning Commission may recommend the attachment of such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, density, minimum yards, maximum building coverage, and off-street parking may be increased or decreased.
4. In recommending the granting or denying of a conditional use permit, the Planning Commission

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shall make a written finding which shall specify the facts relied upon by the commission in making its decision and in recommending conditions. This finding of facts shall be incorporated in the resolution referred to in this section. A copy of the resolution shall be mailed to the applicant.

**E. HEARING SET BEFORE CITY COUNCIL**

A copy of the resolution setting forth the recommendations of the Planning Commission and the finding of facts shall be filed with the City Clerk as soon as possible after the public hearing or continuance thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council giving notice of the time, place and purpose of such hearing in the same manner as provided in paragraph "C." of Section 101.0507.

**F. DECISION OF THE CITY COUNCIL**

1. The City Council shall consider the conditional use permit application at the public hearing on the date set for said hearing or on the date to which such hearing may be continued from time to time by the City Council.
2. Upon the conclusion of the hearing, the City Council may, by resolution, grant or deny the

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permit. The resolution shall contain a finding of facts showing wherein the conditional use shall fulfill or fail to fulfill the requirements as set forth in paragraph "D.1." of this section. The resolution shall be filed with the City Clerk, 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 conditional use permit.

3. In granting a conditional use permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated including, but not limited to, signs, fences, walls, maximum building heights, density, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

G. AMENDMENT TO PERMIT

1. The City Council may, by resolution, grant an amendment to a valid conditional use permit

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which it has granted, if after considering the facts presented on the application and at the hearing, it can reach the conclusions set forth in paragraph "D.1." of Section 101.0506.

2. The procedure for making application for an amendment to a valid conditional use permit and for hearing before the Planning Commission and City Council shall be as set forth in Section 101.0507.
3. In recommending the granting or denying of an amendment to a valid conditional use permit, the Planning Commission shall make a written finding of facts which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions. Such finding of facts shall be incorporated in a resolution and a copy of the resolution shall be filed with the City Clerk as soon as possible after the public hearing or continuation thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council.
4. Upon the conclusion of the hearing, the City Council may by resolution grant or deny the

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amendment. The resolution shall contain a finding of facts showing wherein the amendment fulfills or fails to fulfill the requirements as set forth in paragraph "D.1." of this section. A copy of 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.

5. In granting an amendment to a valid conditional use permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building heights, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

H. EXTENSION OF TIME

1. The City Council may, by resolution, grant an extension of time to a valid conditional use permit which it has granted if it finds that

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there has been no material change of circumstances since the granting of the permit.

2. Application for an extension of time shall be in writing and shall be filed by the owner of the property covered by the permit. Application shall be filed with the City Clerk. The City Council may require a public hearing on such application if it determines that such a hearing is in the public interest. In the event a hearing is ordered by the Council, the procedure for noticing shall be as set forth in paragraph "C." of this section.
3. A copy of the resolution granting or denying the extension of time 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.

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

APPROVED: JOHN W. WITT, City Attorney

BY   
Frederick C. Conrad, Chief Deputy

FCC:mmb  
Corrected p.11  
5-10-74

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

**OCT 24 1974**

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<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 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"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 Kathleen Martinez, 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

**OCT 10 1974**

**OCT 24 1974**

~~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 Kathleen Martinez, Deputy.

RECEIVED  
CITY CLERK'S OFFICE  
1974 APR 30 AM 11:58  
SAN DIEGO, CALIF.

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**MAY 2 1978**  
Office of the City Clerk, San Diego, California

Ordinance Number **11415** Adopted **OCT 24 1974**

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RECEIVED  
CITY CLERK'S OFFICE  
1974 NOV -4 AM 11:03 *eg*  
SAN DIEGO, CALIF.

ATTORNEY(S)

San Diego, City of  
12th Floor City Admin. Bldg.  
San Diego, Ca. 92101

**CERTIFICATE OF PUBLICATION**

No. \_\_\_\_\_

IN THE MATTER OF

**CONDITIONAL USE PERMITS**

NOV 4 1974 *eg*

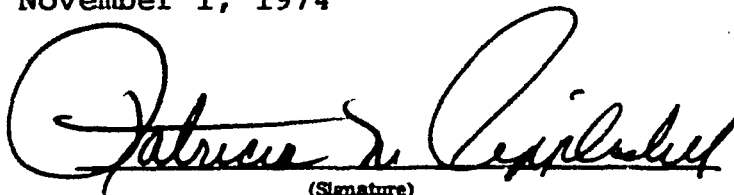
I, PATRICIA M. APPELSTILL hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal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

ORDINANCE NO. 11415

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

November 1, 1974

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on  
November 1, 1974

  
(Signature)

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**ORDINANCE NO. 11411**

(New Edition)

**AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0507 RELATING TO CONDITIONAL USE PERMITS GRANTED BY CITY COUNCIL.**

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

Section 1. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0507 to read as follows:

**SEC. 101.0507 CONDITIONAL USE PERMIT GRANTED BY CITY COUNCIL**

**A. USES WHICH MAY BE CONSIDERED**

The City Council shall have the authority, under conditions herein provided, to permit by conditional use permit the following uses in any zone including interim zones except as otherwise provided in paragraph "A.5." of this section.

1. Airports, including permanent heliports and helistops.
2. Amusement parks.
3. Cemeteries, mausoleums and crematories.
4. Fairgrounds.
5. Mobilehome parks, together with incidental facilities for the convenience of the occupants, on parcels comprising not less than five usable acres in any single or multiple family zone except the R-4 and R-4C Zones.
6. Newspaper publishing plants.
7. Race tracks.
8. Radio or television transmission stations and broadcasting studios.
9. Camping parks, together with incidental facilities for convenience of occupants, in any commercial or industrial zone except in the SR Zone and in the agricultural zones and FW (Floodway) Zone.

**B. APPLICATION -- FORM AND CONTENTS**

Application to permit any conditional use referred to in this section may be made by the owner of the property affected, or it may be initiated by the City Council. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved and a detailed description of the proposed use.

**C. HEARING BEFORE PLANNING COMMISSION -- PROCEDURE**

1. The Planning Commission shall set a date for public hearing and give notice of time, place, and purpose of such hearing in accordance with the procedure set forth in paragraphs "C.1.a." or "C.1.b." of this section.
  - a. By depositing in the United States mail postage prepaid, at least ten days prior to the date of such hearing, a notice addressed to the owner of each parcel of land lying within the subject property and within 300 feet of the exterior boundaries of the subject property. The last known name and address of each owner as shown in the records of the County Assessor may be used for this notice.
  - b. By at least one publication of a notice in the City official newspaper, not less than ten days prior to the date of the hearing, and by posting notices, not less than ten days prior to the date of the hearing, in at least four public places within the subject property or within 300 feet of the boundaries of the subject property.
2. In addition to the methods set forth in paragraphs "C.1.a." or "C.1.b." of this section, the Planning Director may use other methods which he finds to be desirable in giving proper notice of the hearing.
3. The mailed and posted notices referred to in paragraph "C.1." of this section shall be headed "NOTICE OF PUBLIC HEARING" in letters not less than one inch in height and shall recite in legible characters the following:
  - a. The boundaries of the subject property. A diagram or plat may be substituted for this description.
  - b. The date, time, place and subject of the hearing.
  - c. A statement that any person may, but is not required to, appear and be heard.
  - d. A statement that the application together with plans and other data submitted with the application are available for public inspection in the office of the Planning Department.
4. Upon the date set for the hearing, the Planning Commission shall hear the application, unless for cause the Planning Commission shall, on that date, continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

**D. RECOMMENDATION OF THE PLANNING COMMISSION**

1. After the public hearing, the Planning Commission may, by resolution, recommend the granting of a conditional use permit if, after considering the facts presented on the application and at the hearing, it is concluded that:
  - a. The proposed use at the particular location is desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community;
  - b. The proposed use will not, particularly because of conditions imposed, be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  - c. The proposed use will comply with the regulations specified in the Code for such use; and
  - d. The granting of the conditional use permit will not adversely affect the purposes, goals and general plan of the City of San Diego or the adopted plan of land development.

recommended by resolution that the permit be denied. In recommending the granting of a conditional use permit, the Planning Commission may recommend the attachment of such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building height, density, minimum yards, maximum building coverage, and off-street parking may be increased or decreased.

4. In recommending the granting or denying of a conditional use permit, the Planning Commission shall make a written finding which shall specify the facts relied upon by the commission in making its decision and in recommending conditions. This finding of facts shall be incorporated in the resolution referred to in this section. A copy of the resolution shall be mailed to the applicant.

#### E. HEARING SET BEFORE CITY COUNCIL

A copy of the resolution setting forth the recommendations of the Planning Commission and the finding of facts shall be filed with the City Clerk as soon as possible after the public hearing or continuance thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council giving notice of the time, place and purpose of such hearing in the same manner as provided in paragraph "C." of Section 101.0507.

#### F. DECISION OF THE CITY COUNCIL

1. The City Council shall consider the conditional use permit application at the public hearing on the date set for said hearing or on the date to which such hearing may be continued from time to time by the City Council.

2. Upon the conclusion of the hearing, the City Council may, by resolution, grant or deny the permit. The resolution shall contain a finding of facts showing wherein the conditional use shall fulfill or fail to fulfill the requirements as set forth in paragraph "D.1." of this section. The resolution shall be filed with the City Clerk, 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 conditional use permit.

3. In granting a conditional use permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated including, but not limited to, signs, fences, walls, maximum building heights, density, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

#### G. AMENDMENT TO PERMIT

1. The City Council may, by resolution, grant an amendment to a valid conditional use permit which it has granted, if after considering the facts presented on the application and at the hearing, it can reach the conclusions set forth in paragraph "D.1." of Section 101.0506.

2. The procedure for making application for an amendment to a valid conditional use permit and for hearing before the Planning Commission and City Council shall be as set forth in Section 101.0507.

3. In recommending the granting or denying of an amendment to a valid conditional use permit, the Planning Commission shall make a written finding of facts which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions. Such finding of facts shall be incorporated in a resolution and a copy of the resolution shall be filed with the City Clerk as soon as possible after the public hearing or continuance thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council.

4. Upon the conclusion of the hearing, the City Council may by resolution grant or deny the amendment. The resolution shall contain a finding of facts showing wherein the amendment fulfills or fails to fulfill the requirements as set forth in paragraph "D.1." of this section. A copy of 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.

5. In granting an amendment to a valid conditional use permit, the Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated including, but not limited to, signs, fences, walls, maximum building heights, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

#### H. EXTENSION OF TIME

1. The City Council may, by resolution, grant an extension of time to a valid conditional use permit which it has granted if it finds that there has been no material change of circumstances since the granting of the permit.

2. Application for an extension of time shall be in writing and shall be filed by the owner of the property covered by the permit. Application shall be filed with the City Clerk. The City Council may require a public hearing on such application if it determines that such a hearing is in the public interest. In the event a hearing is ordered by the Council the procedure for noticing shall be as set forth in paragraph "C." of this section.

3. A copy of the resolution granting or denying the extension of time 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.

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

Introduced on October 16, 1974.  
Passed and adopted by the Council of The City of San Diego on October 24, 1974.

AUTHENTICATED BY:

PETE WILSON  
Mayor of The City of San Diego, California

EDWARD B. BROWN  
City Clerk