

ORDINANCE NO. 11640
(New Series)

JUN 19 1975

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0454, RELATING TO
THE HR ZONE (HILLSIDE REVIEW).

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 amended by amending Section 101.0454
to read as follows:

SEC. 101.0454 HR ZONE (Hillside Review)

A. PURPOSE AND INTENT

The purpose of the HR 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 distur-
bance of natural terrain and does not create soil erosion,
silting of lower slopes, slide damage, flooding problems,
severe cutting or scarring. The HR 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.

B. PERMITTED USES

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

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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 Hillside Review 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 Hillside Review 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 Hillside Review 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.

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 HR Zone

may be applied to property having slopes with a natural gradient in excess of 25 percent (25 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 HR Zone in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the HR Zone provided that such area is within 300 feet of the nearest point of the slope to which the HR 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.

D. HILLSIDE REVIEW PERMIT

1. Upon the filing of the letter of request with the Planning Director for a Hillside Review 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 Hillside Review Zoning District. If the Director determines that the proposed land development will, in his

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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 Hillside Review 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 Hillside Review 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 Hillside Review Permit should be issued. The Planning Director shall not issue a Hillside Review Permit unless he reaches the three conclusions set forth in paragraph "D.5." of this section. In issuing

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a Hillside Review 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 Hillside Review 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 Hillside Review Permit may be appealed to the Planning Commission in accordance with the procedures as 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 Hillside

Review 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 Hillside Review 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 Hillside Review 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 Hillside Review Permit may be taken to the City Council within 10 days after said decision is filed

with the City Clerk 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

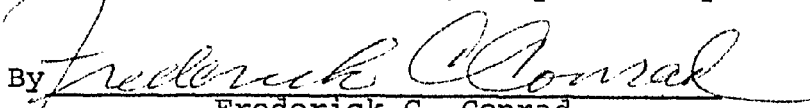
Council shall concern itself only with the conclusions listed in paragraph "D.5." of this section. The resolution shall contain a finding of facts showing wherein the proposed Hillside Review Permit meets or fails to meet the requirements set forth in paragraph "D.5." of this section.

5. In granting a Hillside Review 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 Hillside Review 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 City Attorney

Passed and adopted by the Council of The City of San Diego on JUN 19 1975,
 by the following vote:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input checked="" 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"/>
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.
 By Kathleen Martiniz, Deputy.

(Seal)

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 JUN 5 1975, and on JUN 19 1975.

~~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.
 By Kathleen Martiniz, Deputy.

(Seal)

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 1974 NOV 29 AM 10: 54
 SAN DIEGO, CALIF.

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Office of the City Clerk, San Diego, California

Ordinance Number 11640 Adopted JUN 19 1975

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SAN DIEGO, CALIF. *yu*

ATTORNEY(S)

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

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Hillside Review

JUL 1 1975 *yu*

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; and the

ORDINANCE NO. 11640

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

June 27, 1975

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

June 27, 1975

Patricia M. Applestill

(Signature)

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A. PURPOSE AND INTENT

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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 Hillside Review 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 Hillside Review 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 Hillside Review 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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- a. The development will result in minimum disturbance of the natural terrain commensurate with the proposed use of the lot or premises.
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 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.
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 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 Hillside Review Permit meets or fails to meet the requirements set forth in paragraph "D.5." of this section.
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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on June 5, 1975.

Passed and adopted by the Council of The City of San Diego on June 19, 1975.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By: KATHLEEN MARTINEZ, Deputy.

(SEAL)
Published June 27, 1975

LS-2341