

ORDINANCE NO. 11998
(New Series)

JAN 19 1977

AN ORDINANCE AMENDING SECTIONS 22.0101,
33.0501, 33.0502, 35.0110, 57.01.7,
62.0413, 72.0216 AND 102.0221 OF THE
SAN DIEGO MUNICIPAL CODE RELATING TO
APPEALS FROM CERTAIN ADMINISTRATIVE
DECISIONS.

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

Section 1. That Chapter II, Article 2, Division 1 of
the San Diego Municipal Code be and it is hereby amended by
amending Rule 4 of Section 22.0101 to read as follows:

SEC. 22.0101. PERMANENT RULES OF THE COUNCIL

Rule 4. Special Order of Business

Requests to have an item placed on the docket
under Special Order of Business may be initiated by any
individual and must be submitted in writing to the
Rules Committee. The Rules Committee shall review such
requests so received and shall direct the City Clerk to
list on the docket under Special Order of Business
those items which it approves, by majority vote. The
Rules Committee must place on the docket under Special
Order of Business the written request of a Council
member to have the full Council vote on the question of
causing a resolution or ordinance which has been held
in committee to be placed on the Adoption Agenda of the
Council docket. In addition, a Council member shall
have the same privilege to cause the full Council to

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vote on whether or not a committee decision on any application or appeal should be set aside and the application or appeal reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Council member within ten (10) days of the date of a committee's decision. A vote to hear the application or appeal by the Council shall void any prior committee decision. The application or appeal shall be considered de novo by the Council. A vote by the Council on a resolution or ordinance held in committee, or one relating to a decision of a committee on an application or appeal, shall not be subject to a motion to reconsider and the decision of the Council on an application or appeal shall be final forthwith. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda of the Council docket during the next succeeding week. Discussion during meetings of the City Council of items listed on the docket as Special Order of Business shall be within the discretion of the chairman. These items are not ~~debat~~ able.

Section 2. That Chapter III, Article 3, Division 5 of the San Diego Municipal Code be and it is hereby amended by amending Section 33.0501 and Section 33.0502 to read as follows:

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SEC. 33.0501 RIGHT OF APPEAL - DENIAL, SUSPENSION,
REVOCATION OF LICENSE

When a permit or license authorized under the provisions of this article is denied, suspended, or revoked, the applicant, permittee or licensee may, within ten (10) days of such action, appeal to the Public Services & Safety Committee of the City Council by filing a petition therefor with the City Clerk. Such denial, suspension or revocation shall be final if an appeal is not filed in accordance herewith.

SEC. 33.0502 PROCEDURE UPON APPEAL

When an appeal is filed in accordance with Section 33.0501, the City Clerk shall immediately transmit a copy thereof to the Committee Consultant who shall cause the matter to be set for a hearing before the Public Services & Safety Committee of the Council on a regular committee meeting docket within fourteen (14) days after such filing, or any later date as the applicant, permittee or licensee and the Committee Consultant agree, or as the Committee may order. The decision of the Committee shall be the final administrative remedy in such appeals unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 3. That Chapter III, Article 5, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 35.0110 to read as follows:

SEC. 35.0110 APPEAL

Any operator aggrieved by any decision of the City Treasurer with respect to the amount of such tax and penalties, if any, involving a dispute, the total amount of which exceeds three hundred dollars (\$300), may appeal to the Committee on Rules, Legislation & Intergovernmental Relations of the Council by filing a notice of appeal with the City Clerk within fourteen (14) days of the serving or mailing of the determination of tax due. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall fix a time and place for hearing such appeal, and shall give notice in writing to such operator at his last known place of address. The findings of the Committee on Rules, Legislation & Intergovernmental Relations of the Council shall be served upon the appellant in the manner prescribed above for service of notice of hearing and shall be final and conclusive unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4. Any amount found to be due shall be immediately due and payable upon the service of notice. Taxes and penalties, if any, involving a dispute, the total amount of which is three hundred dollars (\$300) or less, shall be resolved by the City Attorney, or his designated representative, whose decision shall be final and conclusive and shall be served upon the appellant

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in writing. In such cases, where the amount in dispute is three hundred dollars (\$300) or less, no appeal to the Council shall be permitted.

Section 4. That Chapter V, Article 7, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 57.01.7 to read as follows:

SEC. 57.01.7 SAME - PUBLIC HEARING UPON DENIAL,
SUSPENSION, REVOCATION - APPEAL

Within five (5) days after notification by registered or certified mail of any denial, suspension or revocation, an applicant or permittee may file with the City Clerk a written request for a public hearing thereon before the Public Services & Safety Committee of the City Council. The City Clerk shall immediately transmit a copy of said request to the Committee Consultant who shall thereupon set a time and place for the hearing and shall so notify said applicant or permittee. The hearing shall be held within thirty (30) days after the request is filed. At the hearing, the applicant or permittee may present evidence in support of his contentions. Any interested persons may be allowed to participate in the hearing and present evidence. After the conclusion of the hearing the Public Services & Safety Committee of the City Council shall either sustain or overrule the appeal. The decision of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 5. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0413 to read as follows:

SEC. 62.0413 CITY COUNCIL CONSIDERATION OF APPEALS
FROM DECISIONS OF THE PLANNING COMMISSION
OR CITY ENGINEER

a. In the event that the subdivider, applicant for special permission or Subdivision Review Board is dissatisfied with the Planning Commission's action on the request for special permission for higher or steeper slope development as set forth in Section 62.0412, an appeal, as provided for herein, may be directed to the City Council within fifteen (15) days following such action.

Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal.

The City Clerk shall, upon receipt of the appeal from the Planning Commission's decision, place the matter on the Council docket for a hearing within fifteen (15) days or at the next succeeding regular Council meeting unless the applicant consents to a continuance.

At the hearing, the Council shall hear testimony of the appellant or any witnesses in his behalf and testimony of the representatives of the Subdivision Review Board or any other witnesses. Upon the conclusion of the hearing, unless the Council and the subdivider or applicant for special permission mutually agree that additional time is needed for further consideration, the Council

shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Council may sustain, modify, reject or overrule the recommendations or the rulings of the Commission and may make such findings as are not inconsistent with State or local laws.

b. In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities & Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed

before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and may make such findings as are not inconsistent with State or local laws. The action of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 6. That Chapter VII, Article 2, Division 2 of the San Diego Municipal Code be and it is hereby amended by amending Section 72.0216 to read as follows:

SEC. 72.0216 DRIVERS - LICENSES

(a) It shall be unlawful for any person to drive or operate any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(b) It shall be unlawful for any person to employ as a driver or operator of any automobile for hire without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

- (1) Any person under the age of 18 years.
- (2) Any person who has been convicted of a felony or who has been convicted of either driving

a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

(e) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

- (1) Been convicted of a felony;
- (2) Shall have had his State Driver's license revoked or suspended;
- (3) Been convicted of driving while under the influence of intoxicating liquors;
- (4) Been convicted of driving while under the influence of narcotics;
- (5) During any continuous six (6) month period he shall have had three (3) or more convictions of any of offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351, and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;
- (6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive an

automobile for hire.

(f) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Public Services & Safety Committee of the City Council for a hearing thereon by filing a notice thereof with the City Clerk. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within a reasonable time. The decision of the Committee in this regard shall be final unless a hearing is set before the Council pursuant to Section 22.0101, Rule 4.

Section 7. That Chapter X, Article 2, Division 2 of the San Diego Municipal Code be and it is hereby amended by amending Section 102.0221 to read as follows:

SEC. 102.0221 IMPROVEMENTS AND LAND DEVELOPMENT

1. Subdivider shall improve public rights of way and perform land development work as required in this article and in accordance with the conditions of the resolution approving the tentative map and the standards prescribed in Chapter VI, Article 2.

2. In agricultural and residential subdivisions of five lots or less, the following public improvements may be waived when any of the following facts are found

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to exist by the Commission (or Council upon appeal):

a. Pavement, curb and gutter, and sidewalk.

(1) Like improvements do not exist within 600 feet on the same street or on an intersecting street.

(2) Such improvements would create a drainage or traffic hazard.

b. Grading. There would be created a drainage or traffic hazard.

c. Drainage. Because of the size or hazard to adjoining properties, drainage facilities are impractical.

3. Streets in and adjoining subdivisions shall be improved as follows:

a. Interior streets full width and extending to the boundary.

b. Ordinary boundary streets to the center line or to the boundary, whichever is greater, except that where such a street is dedicated full width, grading is to extend to the opposite curb line.

c. Boundary streets which are used for access or which are located where topography creates a hazardous condition are to be paved to a point 24 feet from the curb in single-family residential zones and 28 feet from the curb in other zones.

4. Streets which must be constructed offsite to

provide the required improved access shall be improved as follows:

a. Within existing street reservations which are to be dedicated, complete improvements shall be installed as for onsite streets.

b. Within regularly dedicated streets, improvements shall consist of not less than a 24-foot width of paving together with necessary berms and aprons to control drainage. Where the volume of anticipated traffic warrants, additional width paving may be required.

5. Sidewalks shall be constructed on both sides of all streets except that they may be omitted in whole or in part in the following cases:

a. Large lot agricultural or residential subdivision where all the following conditions exist:

(1) Entire area of the subdivision is in an R-1-10 or more restrictive zone.

(2) Lots have a minimum frontage of 90 feet or approved equivalent frontage on turnarounds or knuckles.

(3) Street rights of way are not less than approved minimum widths including ten-foot curb-to-property line distance.

(4) Streets are local in character, and do not provide principal access to schools or other

institutional uses.

b. Large lot industrial subdivision where all the following conditions exist:

(1) Entire area of the subdivision is in an M-1D, M-1A, or M-2A Zone.

(2) All lots fronting on local industrial streets have a minimum area of two acres and a minimum frontage of 200 feet or approved equivalent frontage on turnarounds or knuckles.

(3) All lots fronting on primary streets have a minimum area of five acres and a minimum frontage of 300 feet.

6. Provision shall be made for sewer and water services connecting to the City sewer and water systems for each lot. Water systems shall provide for fire flow required to service the entire subdivision. Individual sewer or water systems may be recommended by the City Engineer subject to the concurrence of the Utilities Director and approval of the Health Director in subdivisions of five lots or less where the installation of extension mains to connect to the existing City systems would be impractical. In such cases, contracts shall be executed for installation of future permanent facilities.

7. Privately owned public utility systems and service facilities shall be located underground, except where a final subdivision map has been previously accepted by

the City Council, and sewer and water utilities have been installed.

Subdivider shall make the necessary cost and other arrangements, with each of the public utilities companies for the installation of underground facilities and relocation of existing facilities in conformance with the respective operating company's rules and regulations then on file with and approved by the State of California Public Utilities Commission.

The provisions of this section shall not require undergrounding of power transmission lines of 60,000 volts or more.

A subdivider or public utility company may apply to the Public Facilities & Recreation Committee of the Council for special permission to vary from the requirements of this section. Applications shall be processed in the manner provided by Section 62.0413(b). The action of the Public Facilities & Recreation Committee of the Council shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

After the public hearing, the Committee may direct that the conditions of the resolution approving the tentative map contain allowance for overhead utility facilities if the Committee finds from the evidence presented at the hearing, that all of the following facts exist:

a. That such special permission will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the neighborhood.

b. That extraordinary conditions exist to the extent that enforcement of this section would result in unnecessary hardship.

8. Street lights shall be installed at each street intersection, at mid-block locations where the distance between intersections exceeds 850 feet, and at the end of each cul-de-sac which exceeds 200 feet in length. Such lights shall be required on both interior streets and on boundary streets. Whenever, in the opinion of the City Engineer, a dangerous condition is created by sharp curves or irregularities in street alignment, additional lights shall be required. The street light and mounting pole shall be of a type approved by the City Engineer and shall be wired for underground service.

9. Masonry walls or fences shall be required adjacent to rights of way of flood control channels, railroads, freeways, expressways, major streets, and other streets where necessary or desirable from the standpoint of public health and safety.

10. Any private improvements existing or to be installed in public rights of way shall require encroachment permits in accordance with the provisions of Chapter VI, Article 2.

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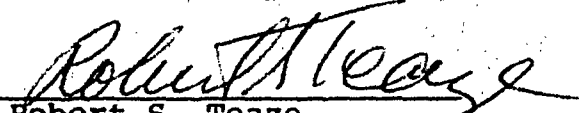
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Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Robert S. Teaze
Assistant City Attorney

RST:rb 002 X-011.2
REV. 1-4-77
Orig.Dept.: Mayor

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Passed and adopted by the Council of The City of San Diego on _____
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input 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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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 Richard 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

JAN 5 1977

JAN 19 1977

~~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 Richard Martinez, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1976 JAN -5 AM 11:46
SAN DIEGO, CALIF.

CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California	
Ordinance Number	11998
Adopted	JAN 19 1977

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Sw

ATTORNEYS:

San Diego, City of
12th Floor, City Admin. Bldg.
202 C Street
San Diego, CA 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

APPEALS FROM CERTAIN ADMINISTRATIVE DECISIONS

ORDINANCE NO. 11998

(New Series)

AN ORDINANCE AMENDING SECTIONS 22.0101, 33.0501, 33.0502, 35.0110, 57.01.7, 62.0413, 72.0216 and 102.0221 OF THE SAN DIEGO MUNICIPAL CODE RELATING TO APPEALS FROM CERTAIN ADMINISTRATIVE DECISIONS.

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

Section 1. That Chapter II, Article 2, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Rule 4 of Section 22.0101 to read as follows:

SEC. 22.0101 PERMANENT RULES OF THE COUNCIL

Rule 4. Special Order of Business

Requests to have an item placed on the docket under Special Order of Business may be initiated by any individual and must be submitted in writing to the Rules Committee. The Rules Committee shall review such requests so received and shall direct the City Clerk to list on the docket under Special Order of Business those items which it approves, by majority vote. The Rules Committee must place on the docket under Special Order of Business the written request of a Council member to have the full Council vote on the question of causing a resolution or ordinance which has been held in committee to be placed on the Adoption Agenda of the Council docket. In addition, a Council member shall have the same privilege to cause the full Council to vote on whether or not a committee decision on any application or appeal should be set aside and the application or appeal reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Council member within ten (10) days of the date of a committee's decision. A vote to hear the application or appeal by the Council shall void any prior committee decision. The application or appeal shall be considered de novo by the Council. A vote by the Council on a resolution or ordinance held in committee, or one relating to a decision of a committee on an application or appeal, shall not be subject to a motion to reconsider and the decision of the Council on an application or appeal shall be final forthwith. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda of the Council docket during the next succeeding week. Discussion during meetings of the City Council of items listed on the docket as Special Order of Business shall be within the discretion of the chairman. These items are not debatable.

Section 2. That Chapter III, Article 3, Division 5 of the San Diego Municipal Code be and it is hereby amended by amending Section 33.0501 and Section 33.0502 to read as follows:

SEC. 33.0501 RIGHT OF APPEAL, DENIAL, SUSPENSION, REVOCATION OF LICENSE

When a permit or license authorized under the provisions of this article is denied, suspended, or revoked, the applicant, permittee or licensee may, within ten (10) days of such action, appeal to the Public Services & Safety Committee of the City Council by filing a petition therefor with the City Clerk. Such denial, suspension or revocation shall be final if an appeal is not filed in accordance herewith.

SEC. 33.0502 PROCEDURE UPON APPEAL

When an appeal is filed in accordance with Section 33.0501, the City Clerk shall immediately transmit a copy thereof to the Committee Consultant who shall cause the matter to be set for a hearing before the Public Services & Safety Committee of the Council on a regular committee meeting docket within fourteen (14) days after such filing, or any later date as the applicant, permittee or licensee and the Committee Consultant agree, or as the Committee may order. The decision of the Committee shall be the final administrative remedy in such appeals unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 3. That Chapter III, Article 5, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 35.0110 to read as follows:

I, **PATRICIA M. DUTRA** hereby certify that the 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

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(NEW SERIES)

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

February 2, 1977

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

February 2, 1977

Patricia M. Dutra
(Signature)

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56" @ 5.08 = 284.48 ✓

Any person aggrieved by any decision of the Planning Commission or the amount of such tax and penalties, if any, involving a sum in excess of three hundred dollars (\$300), may appeal to the Committee on Rules, Legislation & Intergovernmental Relations of the Council by filing a notice of appeal with the City Clerk within fourteen (14) days of the serving or mailing of the determination of tax due. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall fix a time and place for hearing such appeal, and shall give notice in writing to such operator at his last known place of address. The findings of the Committee on Rules, Legislation & Intergovernmental Relations of the Council shall be served upon the appellant in the manner prescribed above for service of notice of hearing and shall be final and conclusive unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4. Any amount found to be due shall be immediately due and payable upon the service of notice. Taxes and penalties, if any, involving a dispute, the total amount of which is three hundred dollars (\$300) or less, shall be resolved by the City Attorney, or his designated representative, whose decision shall be final and conclusive and shall be served upon the appellant in writing. In such cases where the amount in dispute is three hundred dollars (\$300) or less, no appeal to the Council shall be permitted.

Section 4. That Chapter V, Article 7, Division 1 of the San Diego Municipal Code be and it is hereby amended by amending Section 57.017 to read as follows:

SEC. 57.017 SAME-PUBLIC HEARING UPON DENIAL, SUSPENSION, REVOCATION-APPEAL

Within five (5) days after notification by registered or certified mail of any denial, suspension or revocation, an applicant or permittee may file with the City Clerk a written request for a public hearing thereon before the Public Services & Safety Committee of the City Council. The City Clerk shall immediately transmit a copy of such request to the Committee Consultant who shall thereupon set a time and place for the hearing and shall so notify said applicant or permittee. The hearing shall be held within thirty (30) days after the request is filed. At the hearing, the applicant or permittee may present evidence in support of his contentions. Any interested persons may be allowed to participate in the hearing and present evidence. After the conclusion of the hearing the Public Services & Safety Committee of the City Council shall either sustain or overrule the action. The decision of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 5. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0413 to read as follows:

SEC. 62.0413 CITY COUNCIL CONSIDERATION OF APPEALS FROM DECISIONS OF THE PLANNING COMMISSION OR CITY ENGINEER

a. In the event that the subdivider, applicant for special permission or Subdivision Review Board is dissatisfied with the Planning Commission's action on the request for special permission for higher or steeper slope development as set forth in Section 22.2412, an appeal as provided for herein, may be directed to the City Council within fifteen (15) days following such action.

Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal.

The City Clerk shall, upon receipt of the appeal from the Planning Commission's decision, place the matter on the Council docket for a hearing within fifteen (15) days or at the next succeeding regular Council meeting unless the applicant consents to a continuance.

At the hearing, the Council shall hear testimony of the applicant or any witnesses in his behalf and testimony of the representatives of the Subdivision Review Board or any other witnesses. Upon the conclusion of the hearing, unless the Council and the subdivider or applicant for special permission mutually agree that additional time is needed for further consideration, the Council shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Council may sustain, modify, reject or overrule the recommendations or the rulings of the Commission and may make such findings as are not inconsistent with State or local laws.

b. In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities & Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of such notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and may make such findings as are not inconsistent with State or local laws. The action of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 6. That Chapter VII, Article 6, Division 2 of the San Diego Municipal Code be and it is hereby amended by amending Section 72.0113 to read as follows:

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... shall be unlawful for any person to drive or operate any motor vehicle upon the highway without such person first obtaining a permit in writing to do so from the Chief of Police of The City of San Diego.

(c) Said permit shall be filed with the City Treasurer as part of the application for license.

(d) No permit shall be issued to any of the following persons:

- (1) Any person under the age of 18 years.
- (2) Any person who has been convicted of a felony or who has been convicted of either driving a vehicle upon the highway while under the influence of an intoxicating liquor or under the influence of narcotics or reckless driving, unless two years have elapsed since his discharge from a penal institution or after having been placed upon probation during which period of time his record is good.

(e) The Chief of Police may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of his permit:

- (1) Been convicted of a felony;
- (2) Shall have had his State Driver's license revoked or suspended;
- (3) Been convicted of driving while under the influence of intoxicating liquors;
- (4) Been convicted of driving while under the influence of narcotics;
- (5) During any continuous six (6) month period he shall have had three (3) or more convictions of any of offenses set forth in Sections 23102, 23103, 23104, 23105, 22350, 22351, and/or 22352 of the Vehicle Code of the State of California, and amendments thereto, or any combination of either or any of said offenses;
- (6) When, for any reason, including, or other than, the above, in the opinion of the Chief of Police, the applicant is unfit to drive an automobile for hire.

(f) Any person whose operator's permit shall have been denied, revoked or renewal refused by the Chief of Police may within ten (10) days after receipt of notice thereof appeal to the Public Services & Safety Committee of the City Council for a hearing thereon by filing a notice thereof with the City Clerk. If no appeal is taken within ten (10) days, the action of the Chief of Police shall be final. The City Clerk shall immediately transmit a copy of said notice to the Committee. The Committee shall place the matter on the Committee docket for a hearing within a reasonable time. The decision of the Committee in this regard shall be final unless a hearing is set before the Council pursuant to Section 22.0101, Rule 4.

Municipal Code be and it is hereby amended by amending Section 102.0221 to read as follows:

SEC. 102.0221. IMPROVEMENTS AND LAND DEVELOPMENT.

1. Subdivider shall improve public rights of way and perform land development work as required in this article and in accordance with the conditions of the resolution approving the tentative map and the standards prescribed in Chapter VI, Article 2.

2. In agricultural and residential subdivisions of five lots or less, the following public improvements may be waived when any of the following facts are found to exist by the Commission for Council upon appeal:

- a. Pavement, curb and gutter, and sidewalk.
 - (1) Like improvements do not exist within 600 feet on the same street or on an intersecting street.
 - (2) Such improvements would create a drainage or traffic hazard.
- b. Grading. There would be created a drainage or traffic hazard.
- c. Drainage. Because of the size or hazard to adjoining properties, drainage facilities are impractical.

3. Streets in and adjoining subdivisions shall be improved as follows:

- a. Interior streets full width and extending to the boundary.
- b. Ordinary boundary streets to the center line or to the boundary, whichever is greater, except that where such a street is dedicated full width, grading is to extend to the opposite curb line.
- c. Boundary streets which are used for access or which are located where topography creates a hazardous condition are to be paved to a point 24 feet from the curb in single-family residential zones and 28 feet from the curb in other zones.

4. Streets which must be constructed offsite to provide the required improved access shall be improved as follows:

- a. Within existing street reservations which are to be dedicated, complete improvements shall be installed as for boulevard streets.
- b. Within regularly dedicated streets, improvements shall consist of not less than a 24-foot width of paving together with necessary berms and aprons to control drainage. Where the volume of anticipated traffic warrants, additional width paving may be required.
- c. Sidewalks shall be constructed on both sides of all streets except that they may be omitted in whole or in part in the following cases:

- a. Large lot agricultural or residential subdivision where all the following conditions exist:
 - (1) Entire area of the subdivision is in an R-1-10 or more restrictive zone.
 - (2) Lots have a minimum frontage of 90 feet or approved equivalent frontage on turnaround or knuckles.
 - (3) Street rights of way are not less than approved minimum widths including ten-foot curb-to-property line distance.
 - (4) Streets are local in character, and do not provide principal access to schools or other institutional uses.
- b. Large lot industrial subdivision where all the following conditions exist:
 - (1) Entire area of the subdivision is in an M-1D, M-1A, or M-2A zone.
 - (2) All lots fronting on local industrial streets have a minimum area of two acres and a minimum frontage of 150 feet and approved equivalent frontage on turnaround or knuckles.

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shall provide for fire flow required to service the entire subdivision. Individual sewer or water systems may be recommended by the City Engineer subject to the concurrence of the Utilities Director and approval of the Health Director in subdivisions of five lots or less where the installation of extension mains to connect to the existing public systems would be impractical. In such cases, contracts shall be executed for installation of future permanent facilities.

7. Privately owned public utility systems and service facilities shall be located underground except where a final subdivision map has been previously accepted by the City Council, and sewer and water utilities have been installed.

Subdivider shall make the necessary cost and other arrangements with each of the public utilities companies for the installation of underground facilities and relocation of existing facilities in conformance with the respective operating company's rules and regulations then on file with and approved by the State of California Public Utilities Commission.

The provisions of this section shall not require undergrounding of power transmission lines of 60,000 volts or more.

A subdivider or public utility company may apply to the Public Facilities & Recreation Committee of the Council for special permission to vary from the requirements of this section. Applications shall be processed in the manner provided by Section 02.041d(b). The action of the Public Facilities & Recreation Committee of the Council shall be final unless a hearing is set before the City Council pursuant to Section 02.0101, Rule 4.

After the public hearing, the Committee may direct that the provisions of the resolution approving the tentative map contain allowance for overhead utility facilities if the Committee finds from the evidence presented at the hearing, that all of the following facts exist:

a. That such special permission will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of the neighborhood.

b. That extraordinary conditions exist to the extent that enforcement of this section would result in unnecessary hardship.

8. Street lights shall be installed at each street intersection, at mid-block locations where the distance between intersections exceeds 250 feet, and at the end of each cul-de-sac which exceeds 200 feet in length. Such lights shall be required on both interior streets and on boundary streets. Whenever, in the opinion of the City Engineer, a dangerous condition is created by sharp curves or irregularities in street alignment, additional lights shall be required. The street light and mounting pole shall be of a type approved by the City Engineer and shall be wired for underground service.

9. Masonry walls or fences shall be required adjacent to rights of way of flood control channels, railroads, freeways, expressways, and on streets, and other streets where necessary or desirable from the standpoint of public health and safety.

10. Any private improvements existing or to be installed in public rights of way shall require encroachment permits in accordance with the provisions of Chapter VI, Article 2.

Section 8. This ordinance shall take effect and be in force on the day it may from and after its passage.
Introduced on January 5, 1977.
Passed and adopted by the Council of The City of San Diego on January 19, 1977.

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

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