

ORDINANCE NO. 12295
(New Series)

O.78-187
FEB 15 1978

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISIONS 5 AND 9 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTIONS 101.0508, 101.0900, and 101.0910
IN REGARD TO COMPLIANCE WITH CONDITIONAL USE, PLANNED
RESIDENTIAL DEVELOPMENT AND PLANNED COMMERCIAL
DEVELOPMENT PERMIT CONDITIONS AND REQUIREMENTS.

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

Section 1. That Chapter X, Article 1, Divisions 5 and 9,
of the San Diego Municipal Code, be, and they are hereby
amended by amending Sections 101.0508, 101.0900, and 101.0910
to read as follows:

SECTION 101.0508 FAILURE TO UTILIZE ZONE VARIANCE OR
CONDITIONAL USE PERMIT OR FAILURE TO
CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any zone variance or conditional use permit granted by the City as provided in this Code shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof.
2. Failure to utilize such zone variance or conditional use permit within the 18-month period will automatically void the same. If construction work is involved and if the City Council should find, after a public hearing noticed in accordance with the procedure set forth in paragraph "C." of Section 101.0507, that there has been no construction substantial in character accomplished under said zone variance or conditional use permit prior to the expiration of the 18-month period, the zone variance or conditional use permit shall be void.

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3. Construction substantial in character shall be not less than 20% of the total footings, foundations or similar supporting structural elements required in the construction of structures or buildings authorized by a variance or conditional use permit unless other specific provisions are included in the variance or conditional use permit.

4. Except as provided in Section 101.0509, during the 18-month period referred to in paragraph "1." of this section the property covered by a conditional use permit granted by the Zoning Administrator, Board of Zoning Appeals, Planning Commission or City Council shall not be used for any purpose other than that authorized by the permit.

5. The Planning Director shall determine whether the conditions and requirements of a Conditional Use Permit or variance granted by the Planning Commission or City Council have been met by the permittee or grantee of a variance. The determination by the Planning Director shall be final and conclusive on all affected parties.

The Zoning Administrator shall determine whether the conditions and requirements of a conditional use permit or variance granted by the Zoning Administrator or Board of Zoning Appeals have been met by the permittee or grantee of the variance. The determination by the Zoning Administrator shall be final and conclusive on all affected parties.

SECTION 101.0900 PLANNED RESIDENTIAL DEVELOPMENT

- A. [No amendment to this subsection.]
- B. [No amendment to this subsection.]
- C. [No amendment to this subsection.]
- D. [No amendment to this subsection.]
- E. [No amendment to this subsection.]
- F. [No amendment to this subsection.]
- G. [No amendment to this subsection.]
- H. FAILURE TO UTILIZE PRD PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such Permit within this 18-month period will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "I." herein. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said Permit, or that there has been a lapse of work for six months, the Permit shall be void.

2. During the 18-month period referred to in Paragraph "H." herein, the property covered by the Planned Residential Development permit granted by

the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the Permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

- I. [No amendment to this subsection.]
- J. [No amendment to this subsection.]
- K. [No amendment to this subsection.]
- L. [No amendment to this subsection.]
- M. [No amendment to this subsection.]
- N. [No amendment to this subsection.]
- O. [No amendment to this subsection.]
- P. [No amendment to this subsection.]
- Q. [No amendment to this subsection.]
- R. [No amendment to this subsection.]
- S. [No amendment to this subsection.]

SECTION 101.0910 PLANNED COMMERCIAL DEVELOPMENT.

- A. [No amendment to this subsection.]
- B. [No amendment to this subsection.]
- C. [No amendment to this subsection.]
- D. [No amendment to this subsection.]
- E. [No amendment to this subsection.]

- F. [No amendment to this subsection.]
- G. [No amendment to this subsection.]
- H. [No amendment to this subsection.]
- I. [No amendment to this subsection.]
- J. [No amendment to this subsection.]
- K. [No amendment to this subsection.]
- L. FAILURE TO UTILIZE PLANNED COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such permit within this 18-month period will automatically void same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "M." of this section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been a lapse of work for six months, the permit shall be void.

2. During the 18-month period referred to in Paragraph "L." of this section, the property covered by the Planned Commercial Development Permit granted by the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

M. [No amendment to this subsection.]

N. [No amendment to this subsection.]

O. [No amendment to this subsection.]

P. [No amendment to this subsection.]


Q. [No amendment to this subsection.]

R. [No amendment to this subsection.]

S. [No amendment to this subsection.]

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

FCC:clh
1/23/78
632
Or.Dept.:Councilman Gade

Passed and adopted by the Council of The City of San Diego on FEB 15 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt, 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

FEB 1 1978, and on FEB 15 1978

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newitt, Deputy.

1978 JAN 25 09 11 10
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Ordinance Number 12295	Adopted FEB 15 1978

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ATTORNEY(S)

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Allyn D. Nevitt

CERTIFICATE OF PUBLICATION

No. 12295

IN THE MATTER OF

CONDITIONAL USE, PLANNED RESIDENTIAL
DEVELOPMENT AND PLANNED COMMERCIAL
DEVELOPMENT PERMIT CONDITIONS

ORDINANCE NO. 12295

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 5 AND 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0808, 101.0809, and 101.0810 REGARDING COMPLIANCE WITH CONDITIONAL USE, PLANNED RESIDENTIAL DEVELOPMENT AND PLANNED COMMERCIAL DEVELOPMENT PERMIT CONDITIONS AND REQUIREMENTS.

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

Section 1. That Chapter X, Article 1, Divisions 5 and 9, of the San Diego Municipal Code, be, and they are hereby amended by amending Sections 101.0808, 101.0809, and 101.0810 to read as follows:

SECTION 101.0808 FAILURE TO UTILIZE ZONE VARIANCE OR CONDITIONAL USE PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any zone variance or conditional use permit granted by the City as provided in this Code shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof.

2. Failure to utilize such zone variance or conditional use permit within the 18-month period will automatically void the same. If construction work is involved and if the City Council should find, after a public hearing noticed in accordance with the procedure set forth in paragraph "C" of Section 101.0807, that there has been no construction substantial in character accomplished under said zone variance or conditional use permit prior to the expiration of the 18-month period, the zone variance or conditional use permit shall be void.

3. Construction substantial in character shall be not less than 20% of the total footings, foundations or similar supporting structural elements required in the construction of structures or buildings authorized by a variance or conditional use permit unless other specific provisions are included in the variance or conditional use permit.

4. Except as provided in Section 101.0809, during the 18-month period referred to in paragraph "1." of this section the property covered by a conditional use permit granted by the Zoning Administrator, Board of Zoning Appeals, Planning Commission or City Council shall not be used for any purpose other than that authorized by the permit.

5. The Planning Director shall determine whether the conditions and requirements of a Conditional Use Permit or variance granted by the Planning Commission or City Council have been met by the permittee or grantee of a variance. The determination by the Planning Director shall be final and conclusive on all affected parties.

The Zoning Administrator shall determine whether the conditions and requirements of a conditional use permit or variance granted by the Zoning Administrator or Board of Zoning Appeals have been met by the permittee or grantee of the variance. The determination by the Zoning Administrator shall be final and conclusive on all affected parties.

I PATRICIA M. SPAULDING am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1969, Decree No. 14594; and the

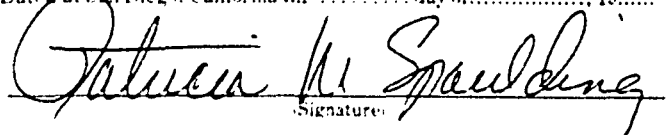
ORDINANCE NO. 12295

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

March 1, 1978

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 28th day of March 1978


Signature

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SECTION 161.0905 PLANNED RESIDENTIAL DEVELOPMENT

- A. (No amendment to this subsection.)
- B. (No amendment to this subsection.)
- C. (No amendment to this subsection.)
- D. (No amendment to this subsection.)
- E. (No amendment to this subsection.)
- F. (No amendment to this subsection.)
- G. (No amendment to this subsection.)
- H. (No amendment to this subsection.)

H. FAILURE TO UTILIZE PRD PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any Planned Residential Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such Permit within this 18-month period will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "I." herein. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been no construction substantial in character performed under said Permit, or that there has been a lapse of work for six months, the Permit shall be void.

2. During the 18-month period referred to in Paragraph "H." herein, the property covered by the Planned Residential Development permit granted by the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the Permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

- I. (No amendment to this subsection.)
- J. (No amendment to this subsection.)
- K. (No amendment to this subsection.)
- L. (No amendment to this subsection.)
- M. (No amendment to this subsection.)
- N. (No amendment to this subsection.)
- O. (No amendment to this subsection.)
- P. (No amendment to this subsection.)
- Q. (No amendment to this subsection.)
- R. (No amendment to this subsection.)
- S. (No amendment to this subsection.)

SECTION 161.0910 PLANNED COMMERCIAL DEVELOPMENT

- A. (No amendment to this subsection.)
- B. (No amendment to this subsection.)
- C. (No amendment to this subsection.)
- D. (No amendment to this subsection.)
- E. (No amendment to this subsection.)
- F. (No amendment to this subsection.)
- G. (No amendment to this subsection.)
- H. (No amendment to this subsection.)
- I. (No amendment to this subsection.)
- J. (No amendment to this subsection.)
- K. (No amendment to this subsection.)

L. FAILURE TO UTILIZE PLANNED COMMERCIAL DEVELOPMENT PERMIT OR FAILURE TO CONFORM TO OR COMPLY WITH CONDITIONS.

1. Any Planned Commercial Development Permit granted by the City as herein provided shall be conditioned upon the privileges granted being utilized within 18 months after the effective date thereof. Failure to utilize such permit within this 18-month period will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in paragraph "M." of this section. Construction must actually be commenced within the stated period and must be diligently prosecuted to completion. If the City should find that there has been a lapse of work for six months, the permit shall be void.

2. During the 18-month period referred to in Paragraph "L." of this section, the property covered by the Planned Commercial Development Permit granted by the Planning Commission, or by the City Council on appeal, shall not be used for any purpose or use other than that authorized by the permit.

3. The Planning Director shall determine whether the conditions and requirements of the permit have been met by the permittee. The determination by the Planning Director shall be final and conclusive on all affected parties.

- M. (No amendment to this subsection.)
- N. (No amendment to this subsection.)
- O. (No amendment to this subsection.)
- P. (No amendment to this subsection.)
- Q. (No amendment to this subsection.)
- R. (No amendment to this subsection.)
- S. (No amendment to this subsection.)

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

Enacted on February 1, 1978.

Passed and adopted by the Council of The City of San Diego on February 15, 1978.

AUTHENTICATED BY:

FRYE WILSON,

Mayor of The City of San Diego, California.

CHARLES G. ARDELINOUE,

City Clerk of The City of San Diego, California.

By ALLYN D. NEVITT, Deputy

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Feb. 15, 1978

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