

ORDINANCE NO. 12516
(New Series)

O.79-34
REV.

DEC 5 1978

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

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, and it is hereby amended
by amending Section 101.0454 to read as follows:

SEC. 101.0454 H.R. (HILLSIDE REVIEW) OVERLAY DISTRICT

A. PURPOSE AND INTENT

The purpose of the Hillside Review Overlay District
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 disturbance of natural terrain and
does not create soil erosion, silting of lower slopes,
slide damage, flooding problems, severe cutting or
scarring. The Hillside Review Overlay District is an
overlying zoning district 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. APPLICATION OF THE HILLSIDE REVIEW OVERLAY
DISTRICT

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 Hillside Review Overlay District 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 Hillside Review Overlay District in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the Hillside Review Overlay District provided that such area is within 300 feet of the nearest point of the slope to which the Hillside Review Overlay District is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this overlay district.

C. 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 overlay district.

D. DEVELOPMENT REGULATIONS

Within a Hillside Review Overlay District no building, improvement or portion thereof shall be

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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 does not relieve 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.

E. HILLSIDE REVIEW PERMIT

1. Upon the filing of an application with the Planning Director for a Hillside Review Permit, which application shall be accompanied by appropriate site plans, grading plans, sections and elevations, the Planning Director shall either: 1) approve the application; or, 2) deny the application. If

there is an appeal of the Director's decision the Director 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 request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in paragraph "E.4." of this section.

2. The Planning Director shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The Planning Director shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in paragraph "E.4." of this section. In issuing a Hillside Review Permit, the Planning Director or Planning Commission may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "E.4." of this section and to protect the environment in

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keeping with the provisions of the California Environmental Quality Act and Chapter VI, Article 9 of the Municipal Code.

Prior to approving or denying an application the Planning Director may solicit the recommendations and comments of other public agencies, City departments and interested groups. Where a tentative map or tentative parcel map is required, the decision of the Planning Director in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

3. In the event the Planning Director determines that there is substantial public interest in an application, he may notify, by U. S. mail, adjacent property owners and/or interested groups and individuals in the community of the decision to approve a request for a Hillside Review Permit. Any decision of the Planning Director regarding a Hillside Review Permit may be appealed to the Planning Commission within 15 days of his action in accordance with the procedures set forth in Chapter X, Article 2, of the Municipal Code.

4. In reviewing an application for a Hillside review Permit the Planning Director and/or the Planning Commission shall make the following findings of fact in the review process:

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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.

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.

5. The Planning Director, or the Planning Commission after the public hearing referred to in paragraph "E." of this section, may grant a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in paragraph "E.4." of this section.

6. In granting a Hillside Review Permit the Planning Director or Planning Commission may impose such conditions as may be deemed necessary and desirable to protect the public health,

safety and general welfare in respect to the facts listed in paragraph "E.4." of this section.

7. If the Planning Director or Commission, after considering the available information, is unable to reach the findings of fact set forth in paragraph "E.4." of this section, the application shall be denied.

8. The decision of approving or denying the application shall include the findings of fact relied upon by the Planning Director or Planning Commission. The decision shall be filed with the City Clerk, the Zoning Administrator, Engineering and Development Department, and the Building Inspection Department, and a copy shall be mailed to the applicant.

9. The decision of the Planning Commission shall be final on the fifteenth day from the date of the Commission's decision except when an appeal is taken to the City Council as provided in paragraph "F." of this section.

F. APPEAL FROM DECISION OF THE PLANNING COMMISSION

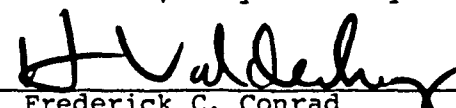
The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents of opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

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 
for Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
8/3/78
REV. 11/15/78
630
Or.Dept.:Planning

12516

NEW LANGUAGE - Underlined
OLD LANGUAGE - Crossed Out

REVISED 11/15/78

SEC. 101.0454 ~~HR-ZONE~~ H.R. (HILLSIDE REVIEW) OVERLAY DISTRICT

A. PURPOSE AND INTENT

The purpose of the ~~HR-Zone~~ Hillside Review Overlay District 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 disturbance of natural terrain and does not create soil erosion, silting of lower slopes, slide damage, flooding problems, severe cutting or scarring. The ~~HR-Zone~~ Hillside Review Overlay District is an overlying ~~zone~~ zoning district 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. APPLICATION OF THE HILLSIDE REVIEW OVERLAY DISTRICT

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~~ Hillside Review Overlay District 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~~ Hillside Review Overlay District. In order to promote the purpose and intent of this zone, such rim or bottom land may be included in the ~~HR-Zone~~ Hillside Review Overlay District provided that such area is within 300 feet of the nearest point

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of the slope to which the ~~HR-Zone~~ Hillside Review Overlay District is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this ~~zone~~ overlay district.

C. 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~~ overlay district.

D. DEVELOPMENT REGULATIONS

Within a Hillside Overlay District 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 does not relieve 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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E-0: 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 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 2, 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~~

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~~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 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.~~

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~~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.~~

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- ~~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.~~
1. Upon the filing of an application with the Planning Director for a Hillside Review Permit, which application shall be accompanied by appropriate site plans, grading plans, sections and elevations, the Planning Director shall either: 1) approve the application; or, 2) deny the application. If there is an appeal of the Director's decision the Director shall thereupon set the matter for public hearing in

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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 request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in paragraph "E.4." of this section.

2. The Planning Director shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The Planning Director shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in paragraph "E.4." of this section. In issuing a Hillside Review Permit, the Planning Director or Planning Commission may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "E.4." of this section and to protect the environment in keeping with the provisions of the California Environmental Quality Act and Chapter VI, Article 9 of the Municipal Code.

Prior to approving or denying an application the Planning Director may solicit the recommendations and comments of other public agencies, City Departments and interested groups. Where

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a tentative map or tentative parcel map is required, the decision of the Planning Director in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

3. In the event the Planning Director determines that there is substantial public interest in an application, he may notify, by U.S. mail, adjacent property owners and/or interested groups and individuals in the community of the decision to approve a request for a Hillside Review Permit. Any decision of the Planning Director regarding a Hillside Review Permit may be appealed to the Planning Commission within 15 days of his action in accordance with the procedures set forth in Chapter X, Article 2, of the Municipal Code.

4. In reviewing an application for a Hillside Review Permit the Planning Director and/or the Planning Commission shall make the following findings of fact in the review process:

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.

5. The Planning Director, or the Planning Commission after the public hearing referred to in Paragraph "E." of this section, may grant a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in paragraph "E.4." of this section.

6. In granting a Hillside Review Permit, the Planning Director or Planning Commission may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "E.4" of this section.

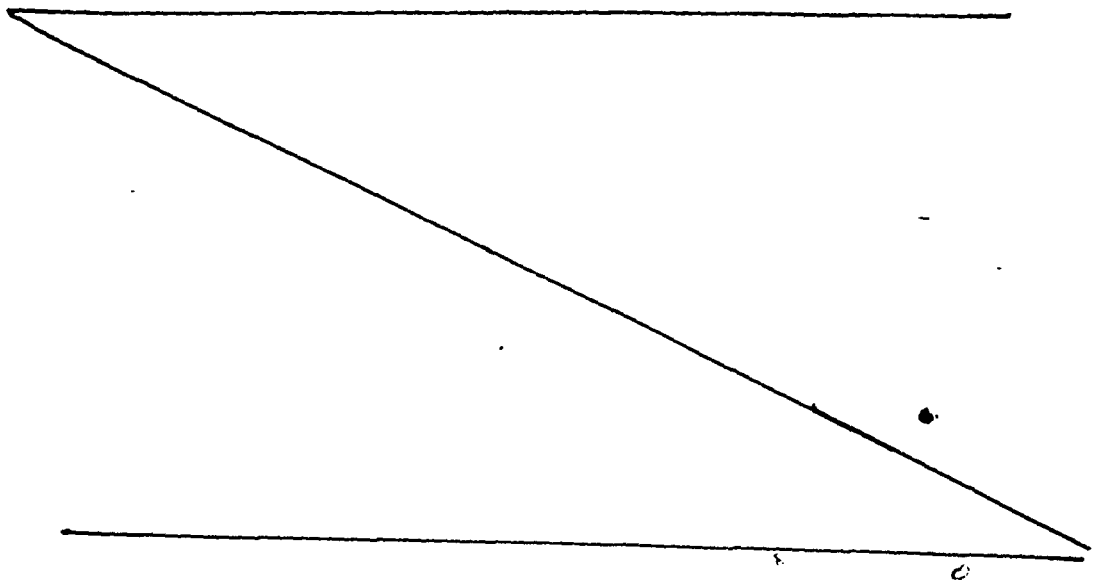
7. If the Planning Director or Commission, after considering the available information is unable to reach the findings of fact

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set forth in paragraph "E.4" of this section, the application shall be denied.

8. The decision of approving or denying the application shall include the findings of fact relied upon by the Planning Director or Planning Commission. The decision shall be filed with the City Clerk, the Zoning Administrator, Engineering and Development Department and the Building Inspection Department and a copy shall be mailed to the applicant.

9. The decision of the Planning Commission shall be final on the fifteenth day from the date of the Commission's decision except when an appeal is taken to the City Council as provided in Paragraph "F." of this section.



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F. E. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal. ~~The City Council will accept an appeal for hearing when any of the following situations are found to exist.~~

- ~~1. The appellant was denied the opportunity to make a full and complete presentation to the Planning Commission.~~
- ~~2. New evidence is now available that was not available at the time of Planning Commission hearing; or~~
- ~~3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision.~~

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents of opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and given notice of the appeal in the manner required by the Municipal Code.

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DEC 5 1978

Passed and adopted by the Council of The City of San Diego on _____
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 E. H. Cook, 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

NOV 14 1978

DEC 5 1978

and on _____

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By E. H. Cook, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1978 NOV 17 PM 3:45
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Ordinance Number 12516 Adopted DEC 5 1978

AK

ATTORNEY(S)

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, Ca 92101
Attn: Earnest Cook

1978 JAN 23 11 33 AM '78

CERTIFICATE OF PUBLICATION

12516

IN THE MATTER OF

HILLSIDE REVIEW (HR) OVERLAY DISTRICT

(REPRINTED WITH CORRECTIONS)
ORDINANCE NO. 12516

(New Series)

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

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, and it is hereby amended by amending Section 101.0454 to read as follows:

SEC. 101.0454 H.R. (HILLSIDE REVIEW) OVERLAY DISTRICT

A. PURPOSE AND INTENT

The purpose of the Hillside Review Overlay District is to provide for the reasonable use of steep hillside and related lands while protecting the public health, safety and general welfare by insuring that development results in minimum disturbance of natural terrain and does not create soil erosion, sifting of lower slopes, slide damage, flooding problems, severe cutting or scarring. The Hillside Review Overlay District is an overlying zoning district intended to foster urban development of a character which will respect the natural environment, thereby conserving the aesthetic qualities and restorative values of such land as an important part of San Diego's heritage.

B. APPLICATION OF THE HILLSIDE REVIEW OVERLAY DISTRICT

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 Hillside Review Overlay District 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 Hillside Review Overlay District in order to promote the purpose and intent of this zone, such rim or bottom land may be included in the Hillside Review Overlay District provided that such area is within 300 feet of the nearest point of the slope to which the Hillside Review Overlay District is to be applied. The overall average slope will be used for property with varying slope gradients when determining the application of this overlay district.

C. 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 overlay district.

D. DEVELOPMENT REGULATIONS

Within a Hillside Review Overlay District 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 does not relieve 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.

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, 1909, Decree No. 14894; and the

ORDINANCE NO. 12516

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:

December 20, 1978

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

Dated at San Diego, California this 3rd day of Jan..... 1979.

Patricia M. Spaulding
(Signature)

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1. The Planning Director shall receive and review all applications for a Hillside Review Permit and shall forward the same to the Planning Commission and the Planning Director shall, if approved, the application. If there is an appeal of the Director's action, the Director shall throughout the matter for Chapter X, Article 2, Division 2, of this Code. The plans, sections and elevations required to be submitted with a request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in paragraph "E.A." of this section.

2. The Planning Director shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The Planning Director shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in paragraph "E.A." of this section. In issuing a Hillside Review Permit, the Planning Director or Planning Commission may impose such conditions, including restrictions of the property development, parking and other regulations of the underlying land use laws, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "E.A." of this section and to protect the environment in keeping with the provisions of the California Environmental Quality Act and Chapter VI, Article 9 of the Municipal Code.

Prior to approving or denying an application the Planning Director may solicit the recommendations and comments of other public agencies, City departments and interested groups. When a tentative map or tentative parcel map is required, the decision of the Planning Director in regard to the Hillside Review Permit shall be made at the time action is taken on the matter that there is substantial public interest in an application, he may notify, by U.S. mail, adjacent property owners and/or interested groups and individuals in the community of the decision to approve a request for a Hillside Review Permit. Any decision of the Planning Director in granting a Hillside Review Permit may be appealed to the Planning Commission within 15 days of his action in accordance with the procedure set forth in Chapter X, Article 2 of the Municipal Code.

3. In reviewing an application for a Hillside Review Permit, the Planning Director and/or the Planning Commission shall make the following findings of fact in the review process:

- a. The development will result in substantial deterioration of the environment.
- b. The development will result in substantial deterioration of the environment.
- c. The development will result in substantial deterioration of the environment.
- d. The development will result in substantial deterioration of the environment.

4. In reviewing an application for a Hillside Review Permit, the Planning Director and/or the Planning Commission shall make the following findings of fact in the review process:

a. The development will result in substantial deterioration of the environment.

b. The development will result in substantial deterioration of the environment.

c. The development will result in substantial deterioration of the environment.

d. The development will result in substantial deterioration of the environment.

5. The Planning Director or the Planning Commission shall grant a Hillside Review Permit if, after examining the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in paragraph "E.A." of this section.

6. In granting a Hillside Review Permit the Planning Director or Planning Commission may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in paragraph "E.A." of this section.

7. The Planning Director or Commission, after examining the available information, is unable to reach the findings of fact set forth in paragraph "E.A." of this section, the application shall be denied.

8. The decision of approving or denying the application shall include the findings of fact relied upon by the Planning Director or Planning Commission. The decision shall be filed with the City Clerk, the zoning Administrator, Engineering and Development Department, and the Building Inspection Department, and a copy shall be mailed to the applicant.

9. The decision of the Planning Commission shall be final on the thirtieth day from the date of the Commission's decision except when an appeal is taken to the City Council as provided in paragraph "F" of this section.

F. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 15th day following action by the Planning Commission unless an appeal is filed in the office of the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor.

When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal.

The City Council shall rely upon the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits of the appeal. If at least five (5) members of the Council vote in favor of hearing the appeal, the City Clerk shall set the appeal for hearing before the City Council and give notice of the appeal in the manner required by the Municipal Code.

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

Introduced on November 14, 1978.
Passed and adopted by the Council of The City of San Diego on December 5, 1978.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
CHARLES G. ABDELNDOUT,
City Clerk of The City of San Diego, California.
Witnessed December 21, 1978

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