

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 101.0503 RELATING TO  
CONDITIONAL USE PERMITS GRANTED BY THE ZONING  
ADMINISTRATOR.

FEB 12 1979

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

Section 1. That Chapter X, Article 1, Division 5 of  
the San Diego Municipal Code be, and it is hereby amended  
by amending Section 101.0503 to read as follows:

SEC. 101.0503 CONDITIONAL USE PERMIT GRANTED BY  
THE ZONING ADMINISTRATOR.

A. USES WHICH MAY BE CONSIDERED.

[No amendment to this subsection.]

B. APPLICATION - FORM AND CONTENTS

[No amendment to this subsection.]

C. HEARING BEFORE ZONING ADMINISTRATOR -  
PROCEDURE

[No amendment to this subsection.]

D. DECISION OF THE ZONING ADMINISTRATOR

1. After the public hearing, the Zoning  
Administrator may, by resolution, grant a  
conditional use permit, if, after considering  
the facts presented in the application and at  
the hearing, he concludes that:

a. The proposed use will not adversely affect  
the neighborhood, the General Plan or the Community  
Plan, and will not be detrimental to the health,  
safety and general welfare of persons residing or  
working in the area; and

b. The proposed use will comply with all the relevant regulations in the Municipal Code.

2. If the Zoning Administrator, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "D.1." of this section, he shall deny the permit by resolution.

3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with said County Recorder if the resolution is a denial of the conditional use permit.

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

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when an appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

E. AMENDMENT TO PERMIT

[No amendment to this subsection.]

F. EXTENSION OF TIME

[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  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
8/14/78  
REV. 2/6/79  
Or.Dept.:Planning  
630

SECTION 101.0503

D. DECISION OF THE ZONING ADMINISTRATOR

1. After the public hearing, the Zoning Administrator may, by resolution, grant a conditional use permit, if, after considering the facts presented in the application and at

a. ~~The proposed use at-the-particular location-is-desirable-to-provide-a-service-or facility-which-will-contribute-to-the-general well-being-of~~ will not adversely affect the neighborhood, the General Plan, or ~~community~~ the Community Plan and will not be detrimental to the health, safety or general welfare of persons residing or working in the area; and

~~b.--The-proposed-use-will-not,particularly because-of-conditions-imposed,be-detrimental to-the-public-health,safety-or-general-welfare-of-persons-residing-or-working-the-the-vicinity or-injurious-to-property-or-improvements-in-the vicinity;~~

~~eb.~~ The proposed use will comply with all the relevant regulations specified in the Municipal Code. for such use, and

~~d.--The-granting-of-the-conditional-use-permit will-not-adversely-affect-the-PROGRESS-GUIDE-AND GENERAL-PLAN-OF-THE-CITY-OF-SAN-DIEGO-or-the-adopted plan-of-any-governmental-agency;~~

12579

2. If the Zoning Administrator, after considering the facts presented on the application and at the hearing, is unable to reach the four two conclusions set forth in paragraph "D.1." of this section, he shall deny the permit by resolution.

3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with said County Recorder if the resolution is a denial of the conditional use permit.

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

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when an appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

12579

Passed and adopted by the Council of The City of San Diego on FEB 12 1979  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
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 checked="" type="checkbox"/>	<input 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"/>
Lucy Killea	<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. J. Coal, 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 30 1979

FEB 12 1979

~~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. J. Coal, Deputy.

RECEIVED  
 9 FEB 17 11 00 50  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12579</u>	Adopted <u>FEB 12 1979</u>

STANDARD

City of San Diego  
12th Floor, 202 C St.  
San Diego, Ca 92101

Att: Earnest H. Cook

CERTIFICATE OF PUBLICATION

AMENDING SECTION 101.0503

ORDINANCE NO. 12579

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0503 RELATING TO CONDITIONAL USE PERMITS GRANTED BY THE ZONING ADMINISTRATOR.

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

Section 1. That Chapter X, Article 1, Division 5 of the San Diego Municipal Code be, and it is hereby amended by amending Section 101.0503 to read as follows:

SEC. 101.0503. CONDITIONAL USE PERMIT GRANTED BY THE ZONING ADMINISTRATOR.

A. USES WHICH MAY BE CONSIDERED.

(No amendment to this subsection.)

B. APPLICATION - FORM AND CONTENTS

(No amendment to this subsection.)

C. HEARING BEFORE ZONING ADMINISTRATOR.

PROCEDURE

(No amendment to this subsection.)

D. DECISION OF THE ZONING ADMINISTRATOR

1. After the public hearing, the Zoning Administrator may, by resolution, grant a conditional use permit, if, after considering the facts presented in the application and at the hearing, he concludes that:

a. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan, and will not be detrimental to the health, safety and general welfare of persons residing or working in the area; and

b. The proposed use will comply with all the relevant regulations in the Municipal Code.

2. If the Zoning Administrator, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph "D.1" of this section, he shall deny the permit by resolution.

3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the City Clerk, Director of Building Inspection, County Recorder of San Diego County, and a copy shall be mailed to the applicant. The resolution shall not be filed with said County Recorder if the resolution is a denial of the conditional use permit.

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

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution in the office of the City Clerk, except when an appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

E. AMENDMENT TO PERMIT

(No amendment to this subsection.)

F. EXTENSION OF TIME

(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.

Introduced on January 30, 1979.

Passed and adopted by the Council of The City of San Diego on February 12, 1979.

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By EARNEST H. COOK, Deputy.

SEAL

Published February 26, 1979

60-2846

Patricia M. Spaulding

I, Patricia M. Spaulding, am a citizen of the County of San Diego, California, and the County aforesaid; I am over the age of 18 years, of legal age, and a person or interested in the above-entitled matter. I am the publisher and editor 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, in a judgment of January 24, 1969, (Case No. 14-94), and the

ORDINANCE NO. 12579

This is a true and correct copy of the ordinance as published and was published in the newspaper of general circulation as follows:

February 26, 1979

I hereby certify that this is a true and correct copy of the ordinance as published.

Dated this 10th day of March, 1979.

*Patricia M. Spaulding*  
Signature

103 - 25, 88