

ORDINANCE NO. 12580
(New Series)

O.79-47
REVISED

FEB 12 1979

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0506 RELATING TO
CONDITIONAL USE PERMITS GRANTED BY THE
PLANNING COMMISSION.

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 101.0506 to read as follows:

SEC. 101.0506 CONDITIONAL USE PERMIT GRANTED BY
PLANNING COMMISSION.

A. USES WHICH MAY BE CONSIDERED.

[No amendment to this subsection.]

B. APPLICATION - FORM AND CONTENTS

[No amendment to this subsection.]

C. HEARING BEFORE PLANNING COMMISSION - PROCEDURE

[No amendment to this subsection.]

D. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning
Commission may, by resolution, grant a
conditional use permit, if, after considering
the facts presented in the application and at
the hearing, it is concluded 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 Commission, 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, it 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 Commission in reaching its 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 Planning Commission may impose such conditions as it 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 Planning Commission shall be final on the eleventh day following its filing in the office of the City Clerk, except when an appeal is taken to the City Council as provided in paragraph "E." of this section.

E. APPEAL TO THE CITY COUNCIL FROM DECISION OF THE PLANNING COMMISSION.

[No amendment to this subsection.]

F. AMENDMENT TO PERMIT.

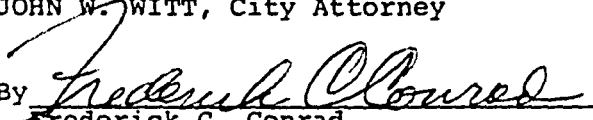
[No amendment to this subsection.]

G. 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
Chief Deputy City Attorney

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

NEW LANGUAGE - Underlined
OLD LANGUAGE - Crossed Out

SECTION 101.0506

Revised 2/6/79

D. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, grant a conditional use permit if, after considering the facts presented on the application and at the hearing, it is concluded that:

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 in 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;~~

12580

2. If the Commission, 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, it 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 Commission in reaching its decision. The resolution shall be filed with the City Clerk, 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 conditional use permit.

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

5. 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 an appeal is taken to the City Council as provided in paragraph "E." of this section.

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. 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

JAN 30 1979, and on 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. H. Cook, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 12580 Adopted FEB 12 1979

XXXXXXXX

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

Att: Earnest H. Cook

CERTIFICATE OF PUBLICATION

AMENDING SECTION 101.0506

ORDINANCE NO. 12580

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0506 RELATING TO CONDITIONAL USE PERMITS GRANTED BY THE PLANNING COMMISSION.

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 101.0506 to read as follows:

SEC. 101.0506 CONDITIONAL USE PERMIT GRANTED BY PLANNING COMMISSION.

A. USES WHICH MAY BE CONSIDERED.

(No amendment to this subsection.)

B. APPLICATION - FORM AND CONTENTS

(No amendment to this subsection.)

C. HEARING BEFORE PLANNING COMMISSION - PROCEDURE

(No amendment to this subsection.)

D. DECISION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, grant a conditional use permit, if, after considering the facts presented in the application and at the hearing, it is concluded 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 Commission, 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, it 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 Commission in reaching its 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 Planning Commission may impose such conditions as it 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 Planning Commission shall be final on the eleventh day following its filing in the office of the City Clerk, except when an appeal is taken to the City Council as provided in paragraph "E." of this section.

E. APPEAL TO THE CITY COUNCIL FROM DECISION OF THE PLANNING COMMISSION.

(No amendment to this subsection.)

F. AMENDMENT TO PERMIT.

(No amendment to this subsection.)

G. 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 25, 1979

60-2547

Patricia M. Spaulding, I am a citizen of the State of California and of the County of said: I am over the age of 18 years, and I appear to or interested in the above-entitled matter. I am the publisher 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 2, 1974, bearing No. 14-94 and the

ORDINANCE NO. 12580

A true and correct copy of the foregoing is certified true and was published in the newspaper of the County of San Diego, California.

February 26, 1979

Patricia M. Spaulding, Publisher

Witness my hand and seal this 6th day of March, 1979.

Patricia M. Spaulding

1-2-79 39