

ORDINANCE NO. 12581
(New Series)

2-12-79

O.79-48
REVISED (2)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0507 RELATING TO
CONDITIONAL USE PERMITS GRANTED BY THE
CITY COUNCIL.

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 101.0507 to read as follows:

SEC. 101.0507 CONDITIONAL USE PERMIT GRANTED BY
CITY COUNCIL

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. RECOMMENDATION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning
Commission may, by resolution, recommend the granting
of 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 will not adversely affect
the neighborhood, the General Plan or 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 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 recommend by resolution that the permit be denied.

3. In recommending the granting of a conditional use permit, the Planning Commission may recommend the attachment of 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 height, density, minimum yards, maximum building coverage, and off-street parking, may be increased or decreased.

4. In recommending the granting or denying of a conditional use permit, the Planning Commission shall make a written finding which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions.

This finding of facts shall be incorporated in the resolution referred to in this section. A copy of the resolution shall be mailed to the applicant.

E. HEARING SET BEFORE CITY COUNCIL.

[No amendment to this subsection.]

F. DECISION OF THE CITY COUNCIL

[No amendment to this subsection.]

G. AMENDMENT TO PERMIT

[No amendment to this subsection.]

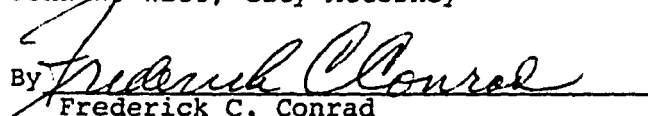
H. EXTENSION OF TIME

[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.-9/1/78
REV. 2/6/79
Or.Dept.:Planning
630

SECTION 101.0507

D. RECOMMENDATION OF THE PLANNING COMMISSION

1. After the public hearing, the Planning Commission may, by resolution, recommend the granting of 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-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;~~

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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 recommend by resolution that the permit be denied.

3. In recommending the granting of a conditional use permit, the Planning Commission may recommend the attachment of 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 height, density, minimum yards, maximum building coverage, and off-street parking, may be increased or decreased.

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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. 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

FEB 12 1979

, 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. J. Cook, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	12581 Adopted <u>FEB 12 1979</u>

KT/SK/SK/SK

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

Att: Earnest H. Cook

CEPT DATE OF PUBLICATION

AMENDING SECTION 101.0507

ORDINANCE NO. 12581

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0507 RELATING TO CONDITIONAL USE PERMITS GRANTED BY THE CITY COUNCIL.

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 101.0507 to read as follows:

SEC. 101.0507. CONDITIONAL USE PERMIT GRANTED BY CITY COUNCIL.

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. RECOMMENDATION OF THE PLANNING COMMISSION

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

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

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E. HEARING SET BEFORE CITY COUNCIL.

(No amendment to this subsection.)

F. DECISION OF THE CITY COUNCIL

(No amendment to this subsection.)

G. AMENDMENT TO PERMIT

(No amendment to this subsection.)

H. 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 28, 1979.

68-8548

Patricia M. Spaulding

I am a citizen of the United States and the County 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, on the date of January 24, 1964, Decree No. 14894; and the

ORDINANCE NO. 12581

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

February 26, 1979

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

Dated at San Diego, California, this 6th day of March, 1979.

Patricia M. Spaulding
Signature

12 1/4" - 2 7/8" 30