

ORDINANCE NO.
(New Series)

12592

0.79-167

FEB 20 1979

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0920
RELATING TO PLANNED INDUSTRIAL DEVELOPMENTS.

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

Section 1. That Chapter X, Article 1, Division 9 of the
San Diego Municipal Code be, and it is hereby amended by amending
Section 101.0920 to read as follows:

SECTION 101.0920 PLANNED INDUSTRIAL DEVELOPMENTS

[No amendment to subsections A through H]

I. DECISION ON APPLICATION.

Upon the filing of an application with the Planning
Department for a Planned Industrial Development Permit,
the Planning Director shall either: 1) approve the
application; or 2) deny the application.

1. In the event the Planning Director determines
that the proposed project is not of such substantial
interest as to warrant a public hearing, he shall examine
the plans, sections, elevations and any other required
information submitted with the letter of request for
a permit and determine whether or not a Planned Industrial
Development Permit shall be issued. The Planning
Director shall not issue a Planned Industrial Development
Permit unless he reaches the conclusions set forth in
Paragraph "J.1." of this section. In issuing a Planned
Industrial Development 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 "J.1." of this section. The Planning Director may notify abutting property owners and/or interested groups and individuals of the decision to approve a request for a Planned Industrial Development Permit. Notification shall be by United States Mail.

2. In granting or denying a permit, the Planning Director shall make a written finding which shall specify facts relied upon by the Planning Director in rendering a decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section.

3. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection, and shall be mailed to the applicant.

4. The decision of the Planning Director shall be final unless an appeal is filed within 15 days after the decision of the Director is mailed to the applicant, pursuant to paragraph "I.2." If notices of the decision are mailed to interested parties pursuant to paragraph "I.1.," an appeal may be filed within 15 days of such mailing. An appeal shall be scheduled for hearing before the Planning Commission in accordance with the procedures set forth in paragraph "I.5."

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5. In the event of an appeal to the Planning Commission of a decision by the Planning Director, notification of the public hearing before the Planning Commission shall be:

a. By at least one publication in the official newspaper of the City of San Diego, not less than ten days prior to the date of the hearing.

b. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

[No amendment to Subsection J.]

K. 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.

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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.

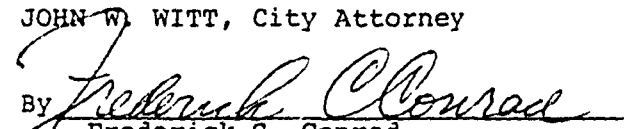
The City Council shall rely on the record of the proceedings before the Planning Commission and the written appeal. No oral presentations shall be made to the City Council by proponents or opponents of the project. A vote on a motion to set the appeal for hearing shall not constitute a vote on the merits 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.

[No amendment to subsections L through S.]

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
1/5/79
Or.Dept.:Planning

I. HEARING ON APPLICATION

~~If the Planning Director determines that the application is complete, the Planning Commission shall set the matter for public hearing at the earliest practicable date. The public hearing shall be noticed and held in accordance with the provisions of this section. Notice of time and place and purpose of such hearing shall be given as follows:~~

- ~~1. By at least one publication in the official newspaper of The City of San Diego, not less than ten days prior to the date of the hearing.~~
- ~~2. By mailing notices at least ten days prior to the date of such hearing to all record owners of property within 300 feet of the exterior boundaries of the property involved. The last known name and address of each owner as shown on the records of the County Assessor may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.~~

K. 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 the 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 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.

Passed and adopted by the Council of The City of San Diego on FEB 20 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 FEB 5 1979, and on FEB 20 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. Cook, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>12592</u> Adopted <u>FEB 20 1979</u>

477/18/16/4

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

CERTIFICATE OF PUBLICATION

PLANNED INDUSTRIAL DEVELOPMENTS

ORDINANCE NO. 12592

(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0920 RELATING TO PLANNED INDUSTRIAL DEVELOPMENTS.

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

Section 1. That Chapter X, Article 1, Division 9 of the San Diego Municipal Code be, and it is hereby amended by amending Section 101.0920 to read as follows:

SECTION 101.0920 PLANNED INDUSTRIAL DEVELOPMENTS

(No amendment to subsections A through H)

1. DECISION ON APPLICATION.

Upon the filing of an application with the Planning Department for a Planned Industrial Development Permit, the Planning Director shall either: 1) approve the application; or 2) deny the application.

1. In the event the Planning Director determines that the proposed project is not of such substantial interest as to warrant a public hearing, he shall examine the plans, sections, elevations and any other required information submitted with the letter of request for a permit and determine whether or not a Planned Industrial Development Permit shall be issued. The Planning Director shall not issue a Planned Industrial Development Permit unless he reaches the conclusions set forth in Paragraph "J.1." of this section. In issuing a Planned Industrial Development 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 "J.1." of this section. The Planning Director may notify abutting property owners and/or interested groups and individuals of the decision to approve a request for a Planned Industrial Development Permit. Notification shall be by United States Mail.

2. In granting or denying a permit, the Planning Director shall make a written finding which shall specify facts relied upon by the Planning Director in rendering a decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements of this section.

3. A copy of this written finding of fact shall be filed with the City Clerk, the Planning Director, the Zoning Administrator and the Director of Building Inspection, and shall be mailed to the applicant.

4. The decision of the Planning Director shall be final unless an appeal is filed within 15 days after the decision of the Director is mailed to the applicant, pursuant to paragraph "I.2." If notices of the decision are mailed to interested parties pursuant to paragraph "I.1.," an appeal may be filed within 15 days of such mailing. An appeal shall be scheduled for hearing before the Planning Commission in accordance with the procedures set forth in paragraph "I.5."

5. In the event of an appeal to the Planning Commission of a decision by the Planning Director, notification of the public hearing before the Planning Commission shall be:

a. By at least one publication in the official newspaper of the City of San Diego, not less than ten days prior to the date of the hearing.

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. 14594; and the

ORDINANCE NO. 12592

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 6, 1979

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

Dated at San Diego, California this 12th day of Mar., 1979.

Patricia M. Spaulding
Signature

13" - \$109.36

h. By mailing notices at least ten days prior to the date of such hearing of all record owners of property within 300 feet of the exterior boundaries of the property involved. The list of the exterior boundaries of the property involved, the list of the names and address of each owner as shown on the records of the County Assessor, may be used for the aforementioned notice. Where property within 300 feet of the exterior boundaries of the property involved in the application is contiguous to and under the same ownership as the subject property, the owners of the property adjoining and within 300 feet of the exterior boundaries of the additional property owned by the applicant shall be notified in the same manner as herein provided.

K. 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.

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The City Council shall rely on 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 two (2) 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.

(No amendment to subsections L through S.)
Section 2. This ordinance shall take effect and be in force on the 15th day from and after its passage.

Introduced on February 5, 1979.
Passed and adopted by the Council of The City of San Diego on

February 22, 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. CHONG, Deputy

SEAL
Published March 6, 1979

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