

ORDINANCE NO. _____
(New Series)

12716

O.79-225
Revised

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.

AUG 6 1979

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

[No amendment to subsections A through D.]

E. HILLSIDE REVIEW PERMIT

[No amendments to subsections 1 and 2.]

3. The Planning Director shall not approve
any Hillside Review Permit unless the proposed
development was publicly noticed in conjunction with
applicable environmental review requirements at
least 30 days prior to the decision of the Planning
Director in the official City newspaper and by mail
to all property owners within 300 feet of the proposed
development, to the affected community planning groups
and any other group or organization which has requested
notification by written request to the Planning
Department.

4. 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.

[No amendments to subsections 5 through 10 except for renumbering.]

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 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;

3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;

4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.

5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not covered by a community plan; or

6. The Planning Commission decision was in conflict with adopted Council policy or the Municipal Code.

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 thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad, Chief Deputy

4. 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.

(No amendments to subsections 5. through 10. except for renumbering.)

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 Clerk 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:

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E. HILLSIDE REVIEW PERMIT

(No amendments to subsections 1. and 2.)

3. The Planning Director shall not approve any Hillside Review Permit unless the proposed development, was publicly noticed in conjunction with applicable environmental review requirements at least 30 days prior to the decision of the Planning Director in the official City newspaper and by mail to all property owners within 300 feet of the proposed development, to the affected Community Planning groups, and any other group or organization which was requested notification by written request to the Planning Department.

~~3. In the event the Planning Director determines that there is substantial public interest in an application, he may notify, by US 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.~~

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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;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance;
5. The decision of the Planning Commission is inconsistent with applicable Community Plans or the General Plan for those areas not covered by a Community Plan; or
6. The Planning Commission decision is in conflict with adopted Council Policy or the Municipal Code.

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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. 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.

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Passed and adopted by the Council of The City of San Diego on AUG 6 1979
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" 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 Barton Berridge, 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

JUL 24 1979

AUG 6 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.

By Barton Berridge, Deputy.

RECEIVED 266
 CITY CLERK
 1979 JUL 23 PM 11:15
 SAN DIEGO, CALIF. (Seal)

Office of the City Clerk, San Diego, California

Ordinance Number 12716 Adopted AUG 6 1979

CERTIFICATE OF PUBLICATION

NO

REC-100
20 11 1979

City of San Diego
202 C St., City Admin. Bldg.
10th fl.
San Diego, CA 92101

Attn: Barbara Berridge

D. H. MAYER

HILLSIDE REVIEW (HR) OVERLAY DISTRICT.

ORDINANCE NO. 12716
(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
(No amendment to subsections A through D.)

E. HILLSIDE REVIEW PERMIT
(No amendments to subsections 1 and 2.)

3. The Planning Director shall not approve any Hillside Review Permit unless the proposed development was publicly noticed in conjunction with applicable environmental review requirements at least 30 days prior to the decision of the Planning Director in the official City newspaper and by mail to all property owners within 300 feet of the proposed development, to the affected community planning groups and any other group or organization which has requested notification by written request to the Planning Department

4. 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.

(No amendments to subsections 5 through 10 except for renumbering.)

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 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;
3. The Planning Commission decision was arbitrary because no evidence was presented to the Planning Commission that supports the decision;
4. The development presents a City-wide planning issue on which guidance of the City Council is required and the matter is of City-wide significance.
5. The decision of the Planning Commission is inconsistent with applicable community plans or the General Plan for those areas not covered by a community plan; or

I, Paula J. Santonocito, Clerk of the City of San Diego, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the City of San Diego. Witness my hand and the seal of the City of San Diego, California, this 24th day of August, 1979.

ORDINANCE NO. 12716
(New Series)

A true and correct copy of the foregoing as printed up and was published in accordance with the law on the 24th day of August, 1979.

August 20, 1979

I certify under penalty of perjury that the foregoing is true and correct.
Dated at San Diego, California, this 24th day of Aug. 1979

Paula J. Santonocito
Signature

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