

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 101.0435.1 REGARDING PERMITS
GRANTED BY THE PLANNING DIRECTOR AND APPEAL
PROCEDURES TO THE PLANNING COMMISSION AND
CITY COUNCIL.

NOV 5 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 101.0435.1 to read as follows:

SEC. 101.0435.1 M-IP ZONE

A. PURPOSE AND INTENT

[No amendment to this subsection.]

B. PERMITTED USES

[No amendment to this subsection.]

C. SPECIAL REGULATIONS

[No amendment to this subsection.]

D. PROPERTY DEVELOPMENT REGULATIONS

[No amendment to subsections 1 through 3.]

4. Development Plan Approval.

a. Prior to the issuance of any permits or
the use of any premises, preliminary development
plans shall be submitted to the Planning Director
for approval.

b. Decisions of the Planning Director can be
appealed to the Planning Commission within fifteen
(15) days after the decision is made by the Planning
Director. Appeals shall be in writing and shall be
filed with the Planning Department.

c. The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of this Code.

d. Plans shall include a site plan showing location of proposed buildings, signs, parking areas, storage and loading areas and generalized landscaping. Also, building elevation plans indicating treatment of exterior building surface materials and relationships to pertinent topographical features shall be included. In reviewing and approving development plans, the Planning Commission or Planning Director shall limit review and consideration to the following:

(1) Landscaping, including preservation of large shrubs and trees, and also including the use of landscaping to screen building walls.

(2) Preservation of existing topography where feasible.

(3) Layout of site with respect to location and width of driveways and private streets.

(4) Orientation and location of principal buildings in respect to adjacent property.

(5) Signs in relation to site location and fronting streets.

(6) Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.

(7) Location of loading docks and off-street loading facilities in relation to adjacent property.

(8) Outdoor storage area location and screening in relation to adjacent property, streets and highways.

(9) Building materials utilized for exterior walls and, when appropriate, roofs.

(10) Building elevations in relation to minimum yard requirements and topographical features of the premises.

e. In approving development plans the Planning Director or Planning Commission may grant a suspension or variance of any of the Property Development Regulations as set forth in this section, provided such suspension or variance shall be based on sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the granting of the suspension or variance will not adversely affect the General Plan of the City.

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; or

(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.

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.

g. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Zoning Administrator.

[No amendment to subsections 5 through 7.]

E. OFF-STREET PARKING REGULATIONS

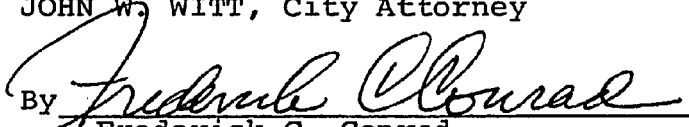
[No amendment to this subsection.]

F. EXTERNAL EFFECTS

[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
7/10/79
9/7/79 REV.
600
Or.Dept.:Planning

NEW LANGUAGE - Underlined
OLD LANGUAGE - Crossed Out

SEC. 101.0435.1 M-IP ZONE

A. PURPOSE AND INTENT

[No amendment to this subsection.]

B. PERMITTED USES

[No amendment to this subsection.]

C. SPECIAL REGULATIONS

[No amendment to this subsection.]

D. PROPERTY DEVELOPMENT REGULATIONS

[No amendment to subsections 1 through 3.]

4. Development Plan Approval.

a. Prior to the issuance of any permits or the use of any premises, preliminary development plans shall be submitted to the Planning Director Planning-Commission for approval.

b. Decisions of the Planning Director can be appealed to the Planning Commission within fifteen (15) days after the decision is made by the Planning Director. Appeals shall be in writing and shall be filed with the Planning Department.

c. The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of this Code.

d. Plans shall include a site plan showing location of proposed buildings, signs, parking areas, storage and loading areas and generalized landscaping. Also, building elevation plans

indicating treatment of exterior building surface materials and relationships to pertinent topographical features shall be included. In reviewing and approving development plans, the Planning Commission or Planning Director shall limit its review and consideration to the following:

a- (1) Landscaping, including preservation of large shrubs and trees, and also including the use of landscaping to screen building walls.

b- (2) Preservation of existing topography where feasible.

c- (3) Layout of site with respect to location and width of driveways and private streets.

d- (4) Orientation and location of principal buildings in respect to adjacent property.

e- (5) Signs in relation to site location and fronting streets.

f- (6) Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.

g- (7) Location of loading docks and off-street loading facilities in relation to adjacent property.

h- (8) Outdoor storage area location and screening in relation to adjacent property, streets and highways.

i- (9) Building materials utilized for exterior walls and, when appropriate, roofs.

j- (10) Building elevations in relation to minimum yard requirements and topographical features of the premises.

e. In approving development plans the Planning Director or Planning Commission may ~~after a public hearing which has been noticed in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of this Code,~~ grant a suspension or variance of any of the Property Development Regulations as set forth in this section, provided such suspension or variance shall be based on sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the granting of the suspension or variance will not adversely affect the General Plan of the City.

~~The decision of the Planning Commission on the proposed development plan may be appealed to the City Council in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of the San Diego Municipal Code.~~

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; or

(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.

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.

g. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Zoning Administrator.

[No amendment to subsections 5 through 7.]

E. OFF-STREET PARKING REGULATIONS

[No amendment to this subsection.]

F. EXTERNAL EFFECTS

[No amendment to this subsection.]

Passed and adopted by the Council of The City of San Diego on **NOV 5 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 *Ellen Boverd*, 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

OCT 23 1979, and on **NOV 5 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 *Ellen Boverd*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15066** Adopted **NOV 5 1979**

REC'D
CITY CLERK
NOV 21 10 4 10
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

San Diego, City of
12th Floor, City Admin. Bldg.
202 C St.
San Diego, CA. 92101
Attn: Ellen Bovard

IN THE MATTER OF

NO.

AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE
SAN DIEGO MUNICIPAL CODE

ORDINANCE NO. 0-15066
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0435.1 REGARDING PERMITS GRANTED BY THE PLANNING DIRECTOR AND APPEAL PROCEDURES TO THE PLANNING COMMISSION AND CITY COUNCIL.
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 101.0435.1 to read as follows:
SEC. 101.0435.1M-IP ZONE
A. PURPOSE AND INTENT.
(No amendment to this subsection.)
B. PERMITTED USES.
(No amendment to this subsection.)
C. SPECIAL REGULATIONS.
(No amendment to this subsection.)
D. PROPERTY DEVELOPMENT REGULATIONS
(No amendment to subsections 1 through 3.)
4. Development Plan Approval:
a. Prior to the issuance of any permits or the use of any premises, preliminary development plans shall be submitted to the Planning Director for approval.
b. Decisions of the Planning Director can be appealed to the Planning Commission within fifteen (15) days after the decision is made by the Planning Director. Appeals shall be in writing and shall be filed with the Planning Department.
c. The Planning Commission shall conduct a public hearing in accordance with the procedures set forth in Chapter X, Article 1, Division 5 of this Code.
d. Plans shall include a site plan showing location of proposed buildings, signs, parking areas, storage and loading areas and generalized landscaping. Also, building elevation plans indicating treatment of exterior building surface materials and relationships to pertinent topographical features shall be included. In reviewing and approving development plans, the Planning Commission or Planning Director shall limit review and consideration to the following:
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(4) Orientation and location of principal buildings in respect to adjacent property.
(5) Signs in relation to site location and existing streets.
(6) Parking lot location, traffic flow, marking of spaces, placement of lighting and screening from adjacent property.
(7) Location of loading docks and off-street loading facilities in relation to adjacent property.
(8) Outdoor storage area location and screening in relation to adjacent property, streets and highways.

I, Camille Simpson, 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. 14894; and the

ORDINANCE NO. 0-15066 (New Series)

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:

November 19, 1979

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

Dated at San Diego, California this 19th day of Nov., 1979.

Camille Simpson

(Signature)

25 1/2" - \$171.75

(9) Building materials utilized for exterior walls and, when appropriate, roofs.

(10) Building elevations in relation to minimum yard requirements and topographical features of the premises.

e. In approving development plans the Planning Director or Planning Commission may grant a suspension or variance of any of the Property Development Regulations as set forth in this section, provided such suspension or variance shall be based on sufficient showing that there are special circumstances or conditions affecting the property in question and that such suspension or variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and that the granting of the suspension or variance will not adversely affect the General Plan of the City.

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g. The premises shall be developed in substantial conformance with approved development plans, and substantial conformance shall be determined by the Zoning Administrator.

(No amendment to subsections 5 through 7.)

E. OFF-STREET PARKING REGULATIONS

(No amendment to this subsection.)

F. EXTERNAL EFFECTS

(No amendment to this subsection.)

Section 2. This ordinance shall take effect and be in force on the tenth day from and after its passage.

Introduced on October 23, 1979.
Passed and adopted by the Council of The City of San Diego on November 5, 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.

(SEAL)

By ELLEN BOVARD, Deputy.

Published November 19, 1979.

60-2258-1