

ORDINANCE NO. O-15273
(New Series)

JUN 2 1980

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0502(C.)5. AND 6., (D.)3. AND (E.)2; 101.0503(D.)3. AND 5. AND (F.)3. AND 101.0504(C.)2., RELATING TO VARIANCE AND CONDITIONAL USE PERMIT PROCEDURES.

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 the same is hereby amended by amending Sections 101.0502(C.)5. and 6., (D.)3. and (E.)2; 101.0503(D.)3. and 5. and (F.)3. and 101.0504(C.)2. to read as follows:

SEC. 101.0502 ZONE VARIANCE GRANTED BY ZONING ADMINISTRATOR

A. and B. remain the same.

C. DECISION OF THE ZONING ADMINISTRATOR

1. through 4 remain the same.

5. The written decision of the Zoning Administrator, which shall include a finding of facts relied upon in reaching his conclusions, shall be filed with the Director of Building Inspection, and, at the discretion of the Zoning Administrator, with the County Recorder of San Diego County. A copy shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if it constitutes a denial of the variance.

6. When the decision of the Zoning Administrator is not appealed as provided for in Section 101.0504, his decision shall be final on the eleventh day following the filing of the decision in those cases where a public hearing was held, and shall be final on the sixth day following such filing in those cases where a public hearing was not held.

D. EXTENSION OF TIME

1. and 2. remain the same.

3. The written decision of the Zoning Administrator granting or denying the extension of time shall contain a finding of facts relied upon in reaching his conclusions and shall be filed with the Director of Building Inspection, the County Recorder of San Diego County and a copy shall be mailed to the applicant.

E. AMENDMENT OF VARIANCE

1. remains the same.

2. An application for an amendment to a variance shall be in writing, and shall be filed by the owner of the property covered by the variance. The application shall be filed with the Zoning Administrator who may require a public hearing on such application if he determines that a hearing is in the public interest. In the event a hearing is ordered, the procedure on noticing shall be as set forth in paragraph "B." of this section.

The decision of the Zoning Administrator shall be by resolution and shall contain a finding of facts relied upon in reaching his conclusions. A copy of the resolution shall be filed with the Director of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

SEC. 101.0503 CONDITIONAL USE PERMIT GRANTED BY
THE ZONING ADMINISTRATOR

A., B. and C. remain the same.

D. DECISION OF THE ZONING ADMINISTRATOR

1. and 2. remain the same.

3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his decision. The resolution shall be filed with the 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. remains the same.

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution, except when an appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

E. remains the same.

F. EXTENSION OF TIME

1. and 2. remain the same.

3. The decision of the Zoning Administrator granting or denying the extension of time shall be in writing and shall contain a finding of facts relied upon by the Zoning Administrator in reaching his decision.

A copy of the decision shall be filed with the Director of Building Inspection, the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

SEC. 101.0504 APPEAL TO BOARD OF ZONING APPEALS
FROM DECISION OF ZONING ADMINISTRATOR

A. and B. remain the same.

C. DECISION OF THE BOARD OF ZONING APPEALS

1. remains the same.

2. The resolution shall be filed with the Zoning Administrator, 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 variance or conditional use permit.

3. remains the same.

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 Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:rc:632
3/26/80
Or. Dept.: Clerk

SEC. 101.0502 ZONE VARIANCE GRANTED BY ZONING
ADMINISTRATOR

A. and B. remain the same.

C. DECISION OF THE ZONING ADMINISTRATOR

1. through 4 remain the same.

5. The written decision of the Zoning Administrator, which shall include a finding of facts relied upon in reaching his conclusions, shall be filed with the ~~City-Clerk~~, Director of Building Inspection, and, at the discretion of the Zoning Administrator, with the County Recorder of San Diego County. A copy shall be mailed to the applicant. The written decision shall not be filed with the County Recorder if it constitutes a denial of the variance.

6. When the decision of the Zoning Administrator is not appealed as provided for in Section 101.0504, his decision shall be final on the eleventh day following the filing of the decision ~~in-the-office-of-the-City Clerk~~ in those cases where a public hearing was held, and shall be final on the sixth day following such filing in those cases where a public hearing was not held.

D. EXTENSION OF TIME

1. and 2. remain the same.

3. The written decision of the Zoning Administrator granting or denying the extension of time shall contain a finding of facts relied upon in reaching his conclusions and 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.

E. AMENDMENT OF VARIANCE

1. remains the same.

2. An application for an amendment to a variance shall be in writing, and shall be filed by the owner of the property covered by the variance. The application shall be filed with the Zoning Administrator who may require a public hearing on such application if he determines that a hearing is in the public interest. In the event a hearing is ordered, the procedure on noticing shall be as set forth in paragraph "B." of this section. The decision of the Zoning Administrator shall be by resolution and shall contain a finding of facts relied upon in reaching his conclusions. A copy of 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.

SEC. 101.0503 CONDITIONAL USE PERMIT GRANTED BY
THE ZONING ADMINISTRATOR

A., B. and C. remain the same.

D. DECISION OF THE ZONING ADMINISTRATOR

1. and 2. remain the same.

3. The resolution granting or denying the conditional use permit shall include a finding of facts relied upon by the Zoning Administrator in reaching his 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. remains the same.

5. The decision of the Zoning Administrator shall be final on the eleventh day after the filing of the resolution ~~in the office of the City Clerk~~, except when an appeal is taken to the Board of Zoning Appeals as provided in Section 101.0504 of this Code.

E. remains the same.

F. EXTENSION OF TIME

1. and 2. remain the same.

3. The decision of the Zoning Administrator granting or denying the extension of time shall be in writing and shall contain a finding of facts relied upon by the Zoning Administrator in reaching his decision. A copy of the decision 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.

SEC. 101.0504 APPEAL TO BOARD OF ZONING APPEALS
FROM DECISION OF ZONING ADMINISTRATOR

A. and B. remain the same.

C. DECISION OF THE BOARD OF ZONING APPEALS

1. remains the same.

2. The resolution shall be filed with the ~~City-Clerk,~~
Zoning Administrator, 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 variance or conditional use permit.

3. remains the same.

Passed and adopted by the Council of The City of San Diego on **JUN 2 1980**,
 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"/> |
| Bill Cleator | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Fred Schnaubelt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <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 Bovard*, 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

MAY 1 1980, and on **JUN 2 1980**

~~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 Bovard*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-15273** Adopted **JUN 2 1980**

CERTIFICATE OF PUBLICATION

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

RECEIVED
CITY CLERK'S OFFICE
1980 JUN 18 AM 10:21
SAN DIEGO, CALIF.
NO.

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TIONS 101.0502(C.)5. AND 6., (D.)3. AND (E.)2; ETC.

Camille Simpson

I, _____, 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. 0-15273 (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:

June 16, 1980

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

Dated at San Diego, California this 16th day of June, 19 80.

Camille Simpson

(Signature)

ORDINANCE NO. 0-15273
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SEC-
TIONS 101.0502(C.)5. AND 6., (D.)3. AND (E.)2, 101.0503(D.)2. AND
5. AND (F.)3. AND 101.0504(C.)2. RELATING TO VARIANCE AND
CONDITIONAL USE PERMIT PROCEDURES. This ordinance
deletes the requirement that Zoning Administrator
be filed in the office of the City Clerk. A complete copy of this
Ordinance is available for inspection in the Office of the City Clerk of
The City of San Diego, 12th Floor, City Administration Building, 202
C Street, San Diego, CA 92101. Introduced on May 19, 1980. Passed
and adopted by the Council of The City of San Diego on June 2, 1980.
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.
Publish June 16, 1980.

4" - \$ 26.68