

ORDINANCE NO. 0-15526
(New Series)

JUN 15 1981

AN ORDINANCE AMENDING CHAPTER X, ARTICLES 1 and 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0454F, 101.0900G, 101.0910K, 101.0920K, 101.1002D, 103.0302.5 AND 103.0606D, RELATING TO APPEALS FROM DECISIONS OF THE PLANNING COMMISSION; AND AMENDING CHAPTER II, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.0101, RULE 4, OF THE PERMANENT RULES OF THE CITY COUNCIL RELATING TO SPECIAL ORDER OF BUSINESS.

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

Section 1. Section 101.0454F of Chapter X, Article 1, Division 4, of the San Diego Municipal Code, relating to Hillside Review Overlay Districts be and the same is hereby amended to read as follows:

SEC. 101.0454 H.R. (HILLSIDE REVIEW) OVERLAY DISTRICT

F. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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 having 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. Section 101.0900G of Chapter X, Article 1, Division 9, of the San Diego Municipal Code, relating to Planned Residential Developments be and the same is hereby amended to read as follows:

SEC. 101.0900 PLANNED RESIDENTIAL DEVELOPMENTS

G. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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 having 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 3. Section 101.0910K of Chapter X, Article 1, Division 9, of the San Diego Municipal Code, relating to Planned Commercial Developments be and the same is hereby amended to read as follows:

SEC. 101.0910 PLANNED COMMERCIAL DEVELOPMENTS

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning

Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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.

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.

Section 4. Section 101.0920K of Chapter X, Article 1, Division 9, of the San Diego Municipal Code, relating to Planned Industrial Developments be and the same is hereby amended to read as follows:

SEC. 101.0920 PLANNED INDUSTRIAL DEVELOPMENTS

K. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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 having 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 5. Section 101.1002D of Chapter X, Article 1, Division 10, of the San Diego Municipal Code, relating to Discontinuance of a Mobile Home Park be and the same is hereby amended to read as follows:

SEC. 101.1002 DISCONTINUANCE OF A MOBILE HOME PARK

D. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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 discontinuance of the use of the land for a Mobile Home Park 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 having 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 accordance with Municipal Code Section 101.1002-C, Par.2.

Upon the hearing of the appeal, the City Council shall be governed by the provisions of Municipal Code Section 101.1002-C, Par.3. An affirmative vote of at least five (5) members of the City Council shall be necessary to reverse or modify the decision of the Planning Commission.

Section 6. Section 103.0302.5 of Chapter X, Article 3, Division 3, of the San Diego Municipal Code, relating to

the La Jolla Shores Planned District be and the same is hereby amended to read as follows:

SEC. 103.0302.5 APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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.

Section 7. Section 103.0606D of Chapter X, Article 3, Division 6, of the San Diego Municipal Code, relating to North City West Planned District be and the same is hereby amended to read as follows:

SEC. 103.0606 ADMINISTRATION

D. APPEAL FROM DECISION OF THE PLANNING COMMISSION

The decision of the Planning Commission shall be final on the 7th day following action by the Planning Commission unless a request to be heard on appeal is filed in the office of the City Clerk.

When a request to be heard on 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 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 and 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 7. That Section 22.0101 of the San Diego Municipal Code be amended by amending Rule 4 to read as follows:

Rule 4. Special Order of Business

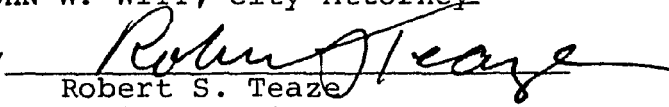
Requests to have an item placed on the docket under Special Order of Business may be initiated by any individual and must be submitted in writing to the Rules Committee. The Rules Committee shall review such requests so received and shall direct the City Clerk to list on the docket under Special Order of Business those items which it approves, by majority vote. The Rules Committee must place on the docket under Special Order of Business the written request of a Council member to have the full Council vote on the question of causing a resolution or ordinance which has been held in committee to be placed on the Adoption Agenda of the Council docket. In addition, a Council member shall have the same privilege to cause the full Council to vote on whether or not a committee decision on any application or appeal which has not been denied

by all of the five members of the committee should be set aside and the application or appeal reheard by the entire Council as being one involving such wide community and public interest as requiring the attention of the Council itself. Such privilege shall be exercised by a Council member within ten (10) days of the date of a committee's decision. A vote to hear the application or appeal by the Council shall void any prior committee decision. The application or appeal shall be considered de novo by the Council. A vote by the Council on a resolution or ordinance held in committee, or one relating to a decision of a committee on an application or appeal, shall not be subject to a motion to reconsider and the decision of the Council on an application or appeal shall be final forthwith. Any matter approved for rehearing or consideration by the entire Council shall be placed on the Adoption Agenda of the Council docket during the next succeeding week. Discussion during meetings of the City Council of items listed on the docket as Special Order of Business shall be within the discretion of the chairman. These items are not debatable.

Section 8. 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


Robert S. Teaze
Assistant City Attorney

RST:rc:920.10

4/16/81 REV. 4/28/81 6/4/81

Or. Dept.: Rules Committee

Passed and adopted by the Council of The City of San Diego on JUN 15 1981,
 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"/>
Susan Golding	<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"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Roward, 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

JUN 2 1981, and on JUN 15 1981.

~~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 Roward, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-15526</u>	Adopted <u>JUN 15 1981</u>

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RECEIVED
CITY CLERK

CERTIFICATE OF PUBLICATION

1981 JUL 14 AM 11:25
SAN DIEGO, CALIF.

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

IN THE MATTER OF

NO.

ORDINANCE NO. O-15526

ORDINANCE NO. O-15526
(New Series)

AN ORDINANCE AMENDING CHAPTER X, ARTICLES 1 AND 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0454F, 101.0900G, 101.0910K, 101.0920C, 101.1002D, 103.0302.5 AND 103.0608D, RELATING TO APPEALS FROM DECISIONS OF THE PLANNING COMMISSION; AND AMENDING CHAPTER II, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0101, RULE 4, OF THE PERMANENT RULES OF THE CITY COUNCIL RELATING TO SPECIAL ORDER OF BUSINESS.

Ordinance No. O-81-218 amends those sections of the San Diego Municipal Code relating to appeals from the decision of the Planning Commission on matters relating to Hillside Review Overlay Districts, Planned Residential Commercial and Industrial Zones, Discontinuance of a Mobile Park, and the La Jolla Shores and North City West Planned Districts by reducing from fifteen (15) to seven (7) days the time within which the appeal process may be commenced; and by deleting the requirement that the Mayor and Council approve the request to be heard on appeal before the City Clerk could place the matter on the Council docket; and by clarifying that the appellant's action is the filing of a request to be heard on appeal upon which the Council decides whether or not to hear the appeal.

The ordinance further amends Rule 4 of the Council Rules by limiting the ability of any Council member to cause an application or an appeal to be heard by the Council only when it has been denied by less than all of the five members of the committee.

A complete copy of the 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 June 2, 1981.
Passed and adopted by the Council of The City of San Diego on June 15, 1981.

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 June 29, 1981.

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. O-15526
(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 29, 1981

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

Dated at San Diego, California this 29th day of June, 1981

Camille Simpson

(Signature)

4" x 2 x 7.33 = \$58.64