

(0-83-68)

ORDINANCE NUMBER O- 15850 (New Series)

Adopted on NOV 8 1982

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0210 REGARDING LIMITATION ON TIME FOR ACTION ATTACKING ADMINISTRATIVE DETERMINATION.

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

Section 1. That Chapter X, Article 1, Division 2 of the San Diego Municipal Code be, and it is hereby amended by amending Section 101.0210 to read as follows:

SEC. 101.0210 LIMITATION ON TIME FOR ACTION ATTACKING ADMINISTRATIVE DETERMINATION

Any action or proceeding to attack, review, set aside, void or annul any decision to zone or rezone property, grant or deny a variance or any permit provided for by the provisions of Chapter X of this Code, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 90 days after the date such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

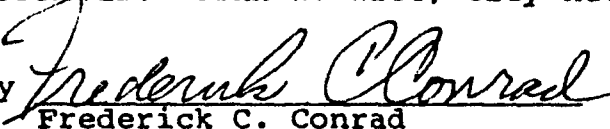
Proceedings to attack the decision to zone or rezone

property shall be by Writ of Mandate pursuant to California Code of Civil Procedure, Section 1085.

Proceedings to attack the grant or denial of a variance, or any administrative order or decision or permit, shall be by Writ of Mandate pursuant to California Code of Civil Procedure, Section 1094.5.

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:630
9/13/82
Or. Dept:Atty.
Form=none
o-83-68

NEW LANGUAGE - Underlined
OLD LANGUAGE - Crossed Out

SEC. 101.0210 LIMITATION ON TIME FOR ACTION ATTACKING
ADMINISTRATIVE DETERMINATION

Any action or proceeding to attack, review, set aside, void or annul any decision to zone or rezone property, grant or deny a variance or any permit provided for by the provisions of Chapter X of this Code ~~on a variance, Conditional Use Permit or Planned Residential Development pursuant to San Diego Municipal Code, Chapter X, Article 1, Divisions 5 and 9,~~ or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within ~~100~~ 90 days after the date such decision becomes final. Thereafter all persons are barred from any such action or proceeding or any defense ~~or~~ of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

Proceedings to attack the decision to zone or rezone property shall be by Writ of Mandate pursuant to California Code of Civil Procedure, Section 1085.

Proceedings to attack the grant or denial of a variance, or any administrative order or decision or permit, shall be by Writ of Mandate pursuant to California Code of Civil Procedure, Section 1094.5.

01303

○ - 15850

Passed and adopted by the Council of The City of San Diego on NOV 8 1982,
 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"/> |
| Ed Struiksmas | <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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Barbara Beridge, 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 26 1982, and on NOV 8 1982.

~~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 Barbara Beridge, Deputy.

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|---|---------------------------|
| Office of the City Clerk, San Diego, California | |
| Ordinance Number <u>O-15850</u> | Adopted <u>NOV 8 1982</u> |