

**CORRECTED COPY**

519

(O-93-167) COR.COPY  
09/13/93

ORDINANCE NUMBER O-17978 (NEW SERIES)

ADOPTED ON SEPTEMBER 13, 1993

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 ZONE.

WHEREAS, May 18, 1993, was declared "Regulatory Relief Day";  
and

WHEREAS, one purpose of Regulatory Relief Day was to  
streamline and consolidate, where appropriate, the City's land  
use and environmental procedures; and

WHEREAS, the Planning Department has reviewed San Diego  
Municipal Code section 101.0454 having to do with the Hillside  
Review (HR) Overlay Zone and has suggested several amendments to  
those code sections to streamline the regulatory process; NOW,  
THEREFORE,

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

Section 1. That Chapter 10, Article 1, Division 4, of the  
San Diego Municipal Code be and the same is hereby amended by  
amending Section 101.0454, to read as follows:

**SEC. 101.0454 H.R. (Hillside Review) Overlay Zone**

A. through C. [No changes.]

**D. DEVELOPMENT REGULATIONS**

Within a Hillside Review Overlay Zone no building,  
improvement or portion thereof shall be erected,  
constructed, converted, established, altered or

enlarged or used, or demolished, nor shall any lot or premises be excavated or graded, nor shall any erosion control structure, device or method be constructed or placed until a Hillside Review Permit or an exemption is obtained in accordance with the procedure set forth in this section, or a Conditional Use Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 5, or a Planned Development Permit is obtained in accordance with the procedure set forth in Chapter X, Article 1, Division 9; provided, however, that a Hillside Review Permit will not be required in those cases where said building, improvement or portion thereof does not in any way alter the ground coverage of an existing building or structure. The granting of a Hillside Review Permit does not relieve the applicant for such permit of the responsibility for obtaining other applicable permits from the City and other governmental agencies, including a Land Development Permit from The City of San Diego, if such permit is required by the Municipal Code.

E. HILLSIDE REVIEW PERMIT

1. An application for a Hillside Review Permit may be filed with the Planning Department in accordance with Section 111.0202. The application shall be accompanied by appropriate site plans, grading plans, sections and elevations. The plans, sections and elevations

required to be submitted with a request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in Section 101.0454(E) (5).

2. An application for a Hillside Review Permit for the construction, conversion, alteration, enlargement, use, demolition, grading or excavation of one single family residence may be exempted pursuant to Section 101.0454(E) (3), approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three." The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Section 111.0506. All other applications for Hillside Review Permits may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four." This decision may be appealed to the City Council in accordance with Section 111.0509.

3. The following types of development or improvements shall be exempt from the requirement to obtain a Hillside Review Permit, provided that there is no existing improvement benefitting from a previous variance, encroachment allowance, or other property development exception, and the developments or improvements meet all the following applicable criteria:

a. Development or improvements that do not encroach into the Hillside Review Overlay Zone.

b. Improvements that are in accordance with a previously approved discretionary permit, provided that such improvements are not located within a designated environmental mitigation area.

c. Minor improvements to existing structures, within the Hillside Review Overlay Zone, subject to all of the following criteria:

(1) Improvements clearing or grubbing less than one hundred square feet (100 sq. ft.) per acre, per lot.

(2) Improvements utilizing pilings or foundations totaling less than ten cubic yards (10 cu. yd.) excavation.

(3) One story structures supported by pilings or pillars having a total coverage within the Hillside Review Overlay Zone, provided that the aggregate of all approved encroachments shall not exceed five percent (5%) of the total floor area of the building or structure.

(4) Improvements to residential decks of less than five hundred square

feet (500 sq. ft.). The deck shall be attached to the building or structure. A deck may extend over the canyon slope but shall not exceed twelve feet (12') in elevation above natural grade at any point.

(5) Development or improvements that do not disturb "biologically sensitive lands" as defined by the Resource Protection Ordinance, Municipal Code section 101.0462(F)(2).

(6) The grading and excavation proposed in connection with the improvements shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability.

d. Repair or maintenance activities within improved or previously graded public rights-of-way.

4. The appropriate decisionmaker shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The appropriate decisionmaker shall not issue a Hillside Review Permit unless the available information supports the findings of fact set

forth in Section 101.0454(E)(5). In approving a Hillside Review Permit, the appropriate decisionmaker may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)(5) and to protect the environment in keeping with the provisions of the California Environmental Quality Act and San Diego Municipal Code Chapter VI, Article 9.

Prior to approving, conditionally approving or denying an application, the decisionmaker may solicit the recommendations and comments of other public agencies, City departments and interested groups. Where a tentative map or tentative parcel map is required, the decision in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

5. [No change in text of this subsection.]

6. The decisionmaker may approve a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information

supports the findings of fact set forth in Section 101.0454(E) (5).

7. In granting a Hillside Review Permit, the decisionmaker may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E) (5).

8. If the decisionmaker after considering the available information is unable to reach the findings of fact set forth in Section 101.0454(E) (5), the application shall be denied.


9. [No change in text of this subsection.]

10. [No change in text of 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

  
Allisyn L. Thomas  
Deputy City Attorney

ALT:lc:pev  
07/14/93  
09/13/93 COR.COPY  
Or.Dept:Plan.  
O-93-167  
Form=o+t

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRUCK-OUT~~  
NEW LANGUAGE: ~~REDLINED~~

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 ZONE.

**SEC. 101.0454 H.R. (Hillside Review) Overlay Zone**

A. through C. [No changes.]

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the City and other governmental agencies, including a Land Development Permit from The City of San Diego, if such permit is required by the Municipal Code.

E. HILLSIDE REVIEW PERMIT

1. An application for a Hillside Review Permit may be filed with the Planning Department in accordance with Section 111.0202. The application shall be accompanied by appropriate site plans, grading plans, sections and elevations. The plans, sections and elevations required to be submitted with a request for a Hillside Review Permit shall be only those required to inform the City as to the facts listed in Section 101.0454(E) ~~(4)~~ (5).

2. An application for a Hillside Review Permit for the construction, conversion, alteration, enlargement, use, demolition, grading or excavation of one single family residence may be exempted pursuant to Section 101.0454(E) (3), approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three." The decision of the "Hearing Officer" may be appealed to the Planning Commission in accordance with Section 111.0506. All other applications for Hillside Review Permits may be approved, conditionally approved or denied by the Planning Commission in accordance with "Process Four." This decision may be appealed to the City Council in accordance with Section 111.0509.

3. The following types of development or improvements shall be exempt from the requirement to obtain a Hillside Review Permit, provided that there is no existing

improvement benefitting from a previous variance, encroachment allowance, or other property development exception, and the developments or improvements meet all the following applicable criteria:

- a. Development or improvements that do not encroach into the Hillside Review Overlay Zone.
- b. Improvements that are in accordance with a previously approved discretionary permit, provided that such improvements are not located within a designated environmental mitigation area.
- c. Minor improvements to existing structures, within the Hillside Review Overlay Zone, subject to all of the following criteria:

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structure. A deck may extend over the canyon slope but shall not exceed twelve feet (12') in elevation above natural grade at any point.

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(6) The grading and excavation proposed in connection with the improvements shall not result in soil erosion, silting of lower slopes, slide damage, flooding, severe scarring or any other geological instability.

d. Repair or maintenance activities within improved or previously graded public rights-of-way.

~~3.~~ 4. The appropriate decisionmaker shall examine the Environmental Impact Report, plans, sections and elevations submitted with the application for a permit and determine whether or not a Hillside Review Permit should be issued. The appropriate decisionmaker shall not issue a Hillside Review Permit unless the available information supports the findings of fact set forth in Section 101.0454(E)~~(4)~~(5). In approving a Hillside Review Permit, the appropriate decisionmaker may impose such conditions, including modification of the property development, parking and other regulations of the underlying land use zone, as deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E)~~(4)~~(5) and to protect the environment in

keeping with the provisions of the California Environmental Quality Act and San Diego Municipal Code Chapter VI, Article 9 ~~of the Municipal Code.~~

Prior to approving, conditionally approving or denying an application, the decisionmaker may solicit the recommendations and comments of other public agencies, City departments and interested groups. Where a tentative map or tentative parcel map is required, the decision in regard to the Hillside Review Permit shall be made at the time action is taken on the map.

~~4-5.~~ [No change in text of this subsection.]

~~5-6.~~ The decisionmaker may approve a Hillside Review Permit if, after considering the information presented in the application and after reviewing the plans, sections and elevations submitted with the application and after considering the testimony presented at the hearing, concludes that the available information supports the findings of fact set forth in Section 101.0454(E) ~~(4)~~ (5).

~~6-7.~~ In granting a Hillside Review Permit, the decisionmaker may impose such conditions as may be deemed necessary and desirable to protect the public health, safety and general welfare in respect to the facts listed in Section 101.0454(E) ~~(4)~~ (5).

~~7-8.~~ If the decisionmaker after considering the available information is unable to reach the findings of fact set forth in Section 101.0454(E) ~~(4)~~ (5), the application shall be denied.

~~8-9~~. [No change in text of this subsection.]

~~9-10~~. [No change in text of this subsection.]

ALT:lc:pev  
07/14/93  
09/13/93 COR.COPY  
Or.Dept:Plan.  
SO-93-167  
Form=o+t

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

SEP 13 1993

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Blenda B. Barnes* 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

AUG 10 1993

SEP 13 1993

, 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.

(Seal)

By *Blenda B. Barnes* Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number *J-17978*

SEP 13 1993

Adopted

519

CORRECTED COPY

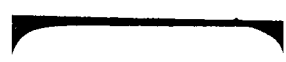
1993

EDWARD J. ...

WILLIAM ...

RECEIVED  
93 JUL 29 AM 11:40  
CITY CLERKS OFFICE  
SAN DIEGO, CA

1993



CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE

93 OCT -1 AM 10:36

SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
2ND FLOOR  
CITY ADMINISTRATION BUILDING  
202 C STREET  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION...

I, Corey Donahue, 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 NUMBER 0-17978 (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 ZONE.  
This ordinance amends Chapter X, Article 1, Division 4, of the San Diego Municipal Code pertaining to the Hillside Review Overlay Zone by allowing exemptions to Section 101.0454, provided that there is no existing improvement benefitting from a previous variance, encroachment allowance, discretionary permit, or other property development exception, and the development or improvement meets all applicable criteria.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101  
INTRODUCED ON AUGUST 10 1993  
Passed and Adopted by the Council of The City of San Diego on SEP 13 1993  
AUTHENTICATED BY: SUSAN GOLDING  
Mayor of the City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
By RHONDA R. BARNES, Deputy  
SEAL  
Pub. Sept. 28 278993

ORDINANCE NUMBER 0-17978 (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:

SEPT. 28

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

Dated at San Diego, California this 28th day of SEPT., 1993.

*Corey Donahue*  
(Signature)

2 1/2" x 2 = \$ 66.56