

ORDINANCE NUMBER O- 18255 (NEW SERIES)

ADOPTED ON JAN 29 1996

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,  
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE  
BY AMENDING SECTION 101.0510 RELATING TO  
CONDITIONAL USE PERMITS

WHEREAS, it has been and remains the intent of the City Council that Conditional Use Permits for educational institutions other than elementary schools be appealable to the Planning Commission; and

WHEREAS, as part of Phase I of the Zoning Code Update, the appeal body for educational institutions other than elementary schools was inadvertently listed as the Board of Zoning Appeals; and

WHEREAS, the City Council desires to correct the Municipal Code reference to reflect intent that such Conditional Use Permits be appealable to the Planning Commission; NOW, THEREFORE,

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 Section 101.0510, to read as follows:

**SEC. 101.0510 Conditional Use Permit**

A. and B. [No changes to these subsections]

C. USES WHICH MAY BE CONSIDERED

1. "Hearing Officer" as Decisionmaker With Appeal to either the "Board of Zoning Appeals" or the Planning Commission.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(1), in any zone, including interim zones, may be approved, conditionally approved or denied by a "Hearing Officer" in accordance with "Process Three." The "Hearing Officer's" decision may be appealed to either the "Board of Zoning Appeals" or the Planning Commission in accordance with Section 111.0506.

a. through u. [No changes to these subsections]

2. "Hearing Officer" as Decisionmaker with appeal to the Planning Commission.

Unless otherwise specified in this Municipal Code, an application for a Conditional Use Permit for the uses listed in Section 101.0510(C)(2), in any zone, including interim zones, may be approved, conditionally approved, or denied, by a "Hearing Officer" in accordance with "Process Three." The "Hearing Officer's" decision may be appealed to the Planning Commission in accordance with Section 111.0506.

a. through i. [No changes to these subsections]

j. Educational institutions, other than child care facilities and elementary schools, except in the Future Urbanizing Area. Permanent buildings or fill shall not be permitted in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

3. through 6. [No changes to these subsections]

D. through M. [No changes to these subsections]

**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 *Prescilla Dugard*  
Prescilla Dugard  
Deputy City Attorney

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