

ORDINANCE NUMBER O- 18266 (NEW SERIES)

ADOPTED ON MAR 04 1996

AN ORDINANCE AMENDING THE SAN DIEGO MUNICIPAL CODE BY AMENDING CHAPTER II, ARTICLE 2, SECTIONS 22.0101, 22.0207 AND 22.2101, CHAPTER III, ARTICLE 3, SECTION 33.0502, CHAPTER IV, ARTICLE 3, SECTION 43.0312, 43.0314, CHAPTER VI, ARTICLE 3, SECTION 63.0201, CHAPTER VIII, ARTICLE 5, SECTION 85.06, CHAPTER IX, ARTICLE 1, SECTION 91.0204, CHAPTER X, ARTICLE 1, SECTION 101.0518 RELATING TO NAME CHANGES TO THE STANDING COMMITTEES OF THE CITY COUNCIL.

WHEREAS, the City Council approved Resolution No. R-285075 on December 6, 1994 to temporarily make name changes to the Standing Committees; and

WHEREAS, the Council now wishes to make permanent the names established for the temporary name changes to the Standing Committees; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 2, Sections 22.0101, 22.0207 and 22.2101 of the San Diego Municipal Code be and the same are hereby amended, to read as follows:

**SEC. 22.0101 PERMANENT RULES OF THE COUNCIL**

Rules 1 through 9 - no change.

Rule 10. Standing Committees Created

Four standing committees of the City Council are hereby created as follows:

1. Committee on Rules, Finance and

Intergovernmental Relations (herein referred to as "Rules Committee") (See Rule 18);

2. Committee on Land Use and Housing (See Rule 19);

3. Committee on Natural Resources and Culture (See Rule 20); and

4. Committee on Public Safety and Neighborhood Services (See Rule 21).

Rules 11 through 17.1 - no changes.

Rule 18. Committee on Rules, Finance and Intergovernmental Relations.

There is a Committee on Rules, Finance and Intergovernmental Relations (herein referred to as "Rules Committee") composed of five (5) voting members consisting of the Mayor, the Deputy Mayor, the three (3) chairpersons of the other standing committees. The Mayor shall be permanent chairperson and the Deputy Mayor shall be vice-chairperson of the Rules Committee. Three (3) of the five (5) members appointed to the Rules Committee shall constitute a quorum to do business but a lesser number may take action to adjourn a meeting.

Rule 19. Committee on Land Use and Housing

There is a Committee on Land Use and Housing composed of five (5) voting members consisting of five (5) Councilmembers appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to

annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Land Use and Housing as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Land Use and Housing as may be assigned pursuant to Rule 22.

The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

Rule 20. Committee on Natural Resources and Culture.

There is a Committee on Natural Resources and Culture composed of five (5) voting members consisting of five (5) Council members appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Natural Resources and Culture as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's

operations pertaining to Natural Resources and Culture as may be assigned pursuant to Rule 22.

The committee shall also have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

Rule 21. Committee on Public Safety and Neighborhood Services.

There is a Committee on Public Safety and Neighborhood Services composed of five (5) voting members consisting of five (5) Council members appointed in accordance with the provisions of Rule 13.

The committee shall have the responsibility, if requested by the Council, to ascertain facts and to annually make recommendations to the Budget Review Committee concerning that portion of the City's operating and capital budget pertaining to Public Safety and Neighborhood Services as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to ascertain facts and to make recommendations to the Council concerning that portion of the City's operations pertaining to Public Safety and Neighborhood Services as may be assigned pursuant to Rule 22.

The committee shall have the responsibility to hold hearings on matters referred to it and to act upon them as soon as practicable.

Rule 22. Assignment of Matters to Committee

Matters to be considered by the several standing committees shall be assigned by the Committee on Rules, Finance and Intergovernmental Relations in keeping with the general areas of responsibility and the workload of each committee.

Rules 23 through 34 - no changes.

**SEC. 22.0207 SPECIAL EVENTS**

Subsections (a) through (h) - no change.

(i) Action on Permit

No change in numbers 1. through 3.

4. Except when approval by the City Council is required, the denial of a permit application by the City Manager may be appealed within five (5) calendar days of such denial to the Committee on Public Safety and Neighborhood Services of the City Council by the filing of a petition with the City Clerk setting forth the grounds for appeal. The Committee shall hear a timely filed appeal as expeditiously as possible. The decision of the Committee to grant or deny the appeal shall constitute the exhaustion of the applicant's administrative remedy.

No change in number 5.

Subsection (j) - no change.

**SEC. 22.2101 COUNCIL ADMINISTRATION DIVISION**

Subsection (a) - no change.

(b) The division shall provide committee consultants from the committee consultant program to the standing committees of the Council other than the Committee on Rules, Finance and Intergovernmental Relations.

Section 2. That Chapter III, Article 3, Section 33.0502, of the San Diego Municipal Code be and the same is hereby amended, to read as follows:

**SEC. 33.0502 RIGHT OF APPEAL TO CITY COUNCIL**

The applicant, licensee, permittee and the Chief of Police shall have the right to appeal the hearing officer's decision pursuant to this Article to the Committee on Public Safety and Neighborhood Services of the City Council. When a permit or license authorized under the provisions of this Article is granted, denied, suspended or revoked by the hearing officer, that decision shall be the final administrative remedy unless an appeal to the Committee on Public Safety and Neighborhood Services is filed in writing with the City Clerk within ten (10) days of receipt of the hearing officer's written decision. When an appeal is filed with the City Clerk, it shall be placed on the Committee on Public Safety and Neighborhood Services agenda for the limited purpose of determining whether

the Committee will hear the appeal. The Committee will accept an appeal for hearing when any of the following situations are found to exist:

Subsections (1) through (4) - no change.

(5) The hearing officer's decision is in conflict with adopted Council policy or the Municipal Code.

The Committee on Public Safety and Neighborhood Services shall rely upon the record of the proceedings before the hearing officer and the written appeal. No oral presentations shall be made to the Committee on Public Safety and Neighborhood Services by proponents or opponents of the appeal. 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 three (3) members of the Committee vote in favor of hearing the appeal, the Consultant to the Committee on Public Safety and Neighborhood Services shall set the appeal for hearing before the Committee on Public Safety and Neighborhood Services. A majority vote of the Committee is required to overturn the decision of the hearing officer. The decision of the Committee to grant or deny the appeal shall be the final administrative remedy unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 3. That Chapter IV, Article 3, Sections 43.0312, and 43.0314 of the San Diego Municipal Code be and the same are

hereby amended, to read as follows:

**SEC. 43.0312 ENFORCEMENT REMEDIES**

Subsection (a) - no change.

(b) Notwithstanding the provisions of Section 43.0312(a) above, any person alleged to have violated this Division shall have a right to a public hearing on that alleged violation before the Committee on Land Use and Housing ("Committee") prior to the filing of any civil action by the Enforcement Official. If the Enforcement Official pursues any administrative remedy against any person alleged to have violated this Division, such person shall have the right of final administrative appeal to the Committee, and this right shall be deemed to be in addition to any other right of appeal provided in San Diego Municipal Code Chapter I, Article 2, Divisions 3 through 10. If the alleged violator requests such a hearing, the Committee shall render a decision on the Enforcement Officer's recommendation to pursue civil action, or in an administrative case, render a final administrative decision. Notice shall be given to affected persons not less than ten days prior to any hearing by the Committee pursuant to this subsection.

Subsection (c) - no change.

**SEC. 43.0314 REPORTING AND REVIEW OF ENFORCEMENT**

One year after the effective date of this Division, the City Manager shall promptly report to the



Committee on Land Use and Housing on the status of the enforcement of this Division and the pattern of discharges to the Stormwater Conveyance System.

Section 4. That Chapter VI, Article 3, Section 63.0201, of the San Diego Municipal Code be and the same is hereby amended, to read as follows:

**SEC. 63.0201 SOARING OR GLIDING REGULATED**

Subsections (a) through (h) - no change.

(i) The City Manager shall either affirm or overrule the hearing officer's decision; however, the effect of the City Manager's decision shall be stayed until the time for filing an appeal to the Committee on Natural Resources and Culture has expired or while an appeal is pending.

Subsections (j) through (l) - no change.

Section 5. That Chapter VIII, Article 5, Section 85.06, of the San Diego Municipal Code be and the same is hereby amended, to read as follows:

**SEC. 85.06 VARIATION OF STATE SPEED LIMIT**

Subsections (a) through (c) - no change.

(d) Any Councilmember may file a request with the City Clerk for a review of the determination of a speed limit set pursuant to subsection (a) or (b) of this section.

The City Clerk shall immediately transmit a copy of said request to the Committee Consultant who shall thereupon

set a time and place for the hearing and shall so notify the requesting Councilmember. The hearing shall be held within thirty (30) days after the request is filed. At the hearing, the Councilmember may present evidence in support of his contentions. Any interested persons may be allowed to participate in the hearing and present evidence. After the conclusion of the hearing the Committee on Land Use and Housing of the City Council may, based upon the engineering and traffic survey, sustain or modify in whole or in part the Manager's determination. If the committee modifies in whole or in part, the City Manager's determination, it shall make findings as to the appropriate speed limit and the reasonableness thereof based upon the engineering and traffic survey. The decision of the Committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Section 6. That Chapter IX, Article 1, Section 91.0204, of the San Diego Municipal Code be and the same is hereby amended, to read as follows:

**SEC. 91.0204 BOARD OF APPEALS**

Subsection (a) - no change.

Subsection (b) (1) - no change.

(2) The alternate materials or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of This Code in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

Findings by the Board regarding hardship in connection with application of requirements for accessibility to the physically handicapped in Part 2, of Title 24, California Code of Regulations, may be appealed to the Committee on Public Safety and Neighborhood Services of the City Council. Appeals must be submitted in writing to the Consultant of the Committee on Public Safety and Neighborhood Services of the City Council within ten (10) calendar days after the date of the Board's action.

Under circumstances specified therein, Section 18960 of the California Health and Safety Code provides for appeals to the State Historical Building Code Board for matters related to Part 8, of Title 24, California Code of Regulations. The Building Official is hereby authorized to recover from the appellant all costs, fees and expenditures incurred by the City, or which may be incurred, for any matter appealed to the State Historical Building Code Board.

Subsection (c) - no change.

Section 7. That Chapter X, Article 1, Section 101.0518, of the San Diego Municipal Code be and the same is hereby amended, to read as follows:

**SEC. 101.0518    CONDITIONAL USE PERMIT FOR LIVING UNIT  
                  ORDINANCE**

No change in subsections A. through G.

H.    ADMINISTRATION

No change in numbers 1. through 4.

5. Enforcement

No change in subsections a. through f.

g. Review Procedures

No change in subsection (1).

(2) The Planning Department shall report to the City Council's Committee on Land Use and Housing on an semi-annual basis with a record of all living unit projects submitted for permit approval in the preceding six months.

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

Stuart H. Swett  
Stuart H. Swett  
Senior Chief Deputy

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