

October 6, 1988

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL
ORDINANCE AMENDING SECTION 101.0510
OF THE SAN DIEGO MUNICIPAL CODE -
OCTOBER 10, 1988 DOCKET, ITEM 211

On the October 10, 1988, docket as Item 211 is an ordinance proposing an amendment to Municipal Code section 101.0510. In order to cure a potential defect in the procedure regarding this proposed amendment we are suggesting the adoption of two emergency ordinances to assure that the CUP process can be continued without interruption.

On April 14, 1988, the City Council adopted Ordinance No. O-17080 (New Series) amending section 101.0510 relating to conditional use permits.

Because of the need to obtain Coastal Commission approval of various rezoning requirements to implement the Local Coastal Program after the adoption date of April 14, 1988, the effective date of Ordinance No. O-17080 (N.S.) was established as October 17, 1988. (See Section 2 of Ordinance No. O-17080 (N.S.).)

We are advised that on October 14, 1988, those conditions contained in Section 2 of Ordinance No. O-17080 (N.S.) will be favorably approved by the Coastal Commission and all conditions precedent to the approval date of October 17, 1988, will have been met.

However, it now appears that, by inadvertence, Ordinance No. O-17080 (N.S.) contains deletions of certain provisions of section 101.0510 which were not intended. In addition, it also does not recognize certain changes to section 101.0510.C.4.j. with respect to research, development and demonstration permits for hazardous waste treatment which were adopted by the City Council on September 6, 1988, and which became effective on October 6, 1988.

Thus, it is our recommendation that emergency ordinances which we have prepared for your consideration rectifying these procedural defects be introduced and adopted at this time and that the regular ordinance be introduced. A copy of those emergency ordinances and the regular ordinance are attached to this report as Enclosure Nos. 1, 2, and 3.

Respectfully submitted,
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City Attorney

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Enclosures

RC-88-53