(0.79-22)

ORDINANCE NO. (New Series)

AUG 21 1978

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0413(b) RELATING TO APPEALS OF THE CITY ENGINEER.

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

Section 1. That Chapter VI, Article 2, of the San Diego Municipal Code be, and it is hereby amended by amending Section 62.0413(b) to read as follows:

SEC. 62.0413(b)

In the event that anyone is dissatified with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities and Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance. At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and shall make findings that

- (1) the proposed work is not inconsistent with state or local laws;
- (2) the proposed work or deferment of the work is not detrimental to the public health, safety and general welfare;
- (3) the work will not constitute an unreasonable use of the land as indicated by the existing zoning or approved land use plan;
- (4) the work, if required, would cause no unreasonable burden upon the property or its owner.

The action of the committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.



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

PER:1co 7/21/78

Or.Dept.:Councilman Stirling

Chairman: PF&R Comm.

STRIKE OUT ORDINANCE -- 0. 79-22

Strike out type: Old Language Underlined: New Language

SEC. 62.0413(b)

with any decision of the City Engineer, an appeal as provided for herein may be directed to the Public Facilities and Recreation Committee of the City Council by filing a notice thereof with the City Clerk within fifteen (15) days following such action. Appeals shall be filed in writing with and on forms provided by the City Clerk. Such appeals shall state the nature and basis of the appeal. The City Clerk shall immediately transmit a copy of said notice to the Committee Consultant who shall place the matter on the Committee docket for a hearing within fifteen (15) days or at the next succeeding regular Committee meeting unless the applicant consents to a continuance.

At the hearing, the Committee shall hear testimony of the appellant or any other persons desiring to be heard. Upon the conclusion of the hearing, unless the Committee and the appellant mutually agree that additional time is needed for further consideration, the Committee shall, within seven (7) days, declare its findings based on the testimony and documents placed before it. The Committee may sustain, modify, reject or overrule the recommendations or the rulings of the City Engineer and may shall make such findings as-are not-incohsistent-with-State-or-local-laws, that

- (1) the proposed work is not inconsistent with state or local laws;
- work is not detrimental to the public health,
 safety and general welfare;
- (3) the work will not constitute an unreasonable use of the land as indicated by the existing zoning or approved land use plan;
- (4) the work, if required, would cause no unreasonable burden upon the property or its owner.

The action of the committee shall be final unless a hearing is set before the City Council pursuant to Section 22.0101, Rule 4.

Councilmen Bill Mitchell Maureen F. O'Connor Bill Lowery Leon L. Williams Fred Schnaubelf Tom Gade Larry Stirling Jess D. Haro Mayor Pete Wilson	Yeas de la	Nays	Excused	Absent	· -
UTHENTICATED BY:		PETE WILSON Mayor of The City of San Diego, California.			
				ABDELNOUR San Diego, Califo	
(Seal)	В			sher	5 , Depu
I HEREBY CERTIFY that the for	regoing ordinance	But was nor fina	lly passed unti	itwelve calenda	
I HEREBY CERTIFY that the for lapsed between the day of its introdu AUG 7 1978	regoing ordinance	was nor final	Ily passed unti passage, to w	itwelve calenda	
I HEREBY CERTIFY that the for lapsed between the day of its introdu AUG 7 1978	regoing ordinance uction and the day, and on ordinance was retreading of said or lected to the Cour	was nor final of its final addin full pri	Ily passed untipassage, to w AUG 2 or to its final full was dispentere was ava	Itwelve calendary, on 21 1978 Passage. Issed with by a vilable for the co	ote of

Ordinance 12420 Number

AUG 21 1978

San Diego, City of 12th Floor, City Admin. Bldg. 202 C St. San Diego, Ca 92101 Attn: Betty Goldberg RECEIVED CITY CLERK'S OFFICE

1978 SEP 18 AM 10: 45

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

in	12420	
	IN THE MATTER OF	
	APPEALS OF THE CITY ENGINEER	`•

-	CHULTINALE	The second of		
58	N DDDGO M	IUNICEPAL O	DE SY AMED	THE LET AN
🛎	MININ BUT AS	TOMO TO A BOOK		
		1001016		1 m
- i	T OKUAINI	CD, by the Cat	med of The City	
ii.		· · · •		100
	CLASSIC L. A MARK CA	NEPHET VI. ACUSE	o S. of the San Di- rating Section 62	
t. Bod	It is hereby a	minded by ame	ثثة مطاخمك معاقد	
-			tota a webita a	
- 52	C. CE.0413(N)			
3 7 T	(h) to the own	بة محمدهم فعناه فم	بالنائث المكاملات المنافية	
٠	TOTAL STREET,			
. Cit	y Engineer, an	ACCRECATE SECURITION OF THE PERSON OF THE PE	nd ter territo me	يمكان استبدال خار
" P	and the same	ad Barrerian (and the second	
		4	Commence of the Principle	
	IL MARLES CHAPTER	in and rais (16)		10 de etc. 1000.
, ,	: such action. A	نط الأملان طعمتها	Med in serial	
	added by the			
1.0	A 100 C	A Committee and		المتأرك فللأما
	ns of the abook	H. THE CITY CHE		سطة في المستقول الت
-	sald nation to 11		بخد خرفيو ومعالسهم	I plane the market
	the Committee			
٠, 🖷	THE CHARACTER !	destat for a fe	raring within Site	ren till days er et:
45-	next mensed	ng regular Cum	و مطاعوها معداله	ومستقمته مقة مستد
_ ==	sents to a cont			and the second second
	At the beari	ac. 130 Campil	to the law	
. "	tent on som of he		T bearing of the	
			النجيبان ليلك	
- 461	ne nearing, uni	ura una Chiminit		
	مزه اعتمداداشاهم و	no is product for	ستنسب سنسن	
	aball middle		Andrew Services	The same described to the last
	HANDER, WINDOWS	mann (1) inches		High based on the
	dimenu and de	التفحملت والمستدي		
- 3		of the community of	mater it. The C	
	a. Marketty, Park			as or the rulings of
	City Engineer		melines their	ne or the reliep at
	City Engineer		melines their	ne or the relice of
	City Engineer		melines their	es or the radios of with state or book
	City Engineer (1) the pr	and shall make repeated work is	Andings that: not improvious	or the ratings of with state or lead
	City Engineer (i) the pr lews:	and shall make to proceed work is	Indian that: not inconsistent	es or the rulings of with state or local I the work in one
	City Engineer (i) the pr lews:	and shall make to proceed work is	Indian that: not inconsistent	es or the ratings of with state or taugh I the work is not
	City Engineer (1) the prices (2) the	and shall make trapeced work is proposed work is proposed work	Indings that: not inventished or determent of the select and see	or or the relings of with state or land I the work is set and wellings
	City Engineer (1) the pr laws: (2) the pr detrimental to (3) the w	and shall make to and shall make to repeated work in proposed work to the public heal park of the public heal public heal park of the public heal publ	Indiago that: not inconsistent or deferment of th, safety and ger	es or the ratings of with state or land I the work is not area withers; areastic was of the
	City Engineer (1) the pr laws: (2) the pr detrimental to (3) the w	and shall make to and shall make to repeated work in proposed work to the public heal park of the public heal public heal park of the public heal publ	Indiago that: not inconsistent or deferment of th, safety and ger	with state or beat the work to sea and wellers
	City Engineer (1) the plaws: (2) the plaws: (3) the plaws: (3) the wind as indig	and shall make trapeced work is proposed work is proposed work	Indiago that: not inconsistent or deferment of th, safety and ger	ne or the rulings of with state or lengt I the work to not and without security we of the approved lend was
	city Engineer (1) the p laws: (2) the p detrimental t (3) the w ind as indig	and shall make in repeated work in proposed work in probleman work of the public heal work will not an ated by the an	Radium that; not installment or determent of the safety and go exitate as sever uting anting or	or the rulings of with state or local the work is not account to the special land the special land the
	city Engineer (1) the p laws: (2) the p detrimental t (3) the w ind as indig	and shall make in repeated work in proposed work in probleman work of the public heal work will not an ated by the an	Radium that; not installment or determent of the safety and go exitate as sever uting anting or	or or the rulings of with state or lengt the work to not and welling markly use of the opposed land use
	City Engineer (1) the plaws: (2) the jude trimental to (3) the wind as indigularly like the branche tenne.	and shall make repeated work in public head work will not on stand by the extended by the exte	Indings their not inconsistent or deferment of th, selety and ger setting as corre- sting assing or red, would described	ard without smalls you of the sproved land was an arrangements.
	City Engineer (1) the plaws: (2) the jude trimental to (3) the wind as indigularly like the branche tenne.	and shall make repeated work in public head work will not on stand by the extended by the exte	Indings their not inconsistent or deferment of th, selety and ger setting as corre- sting assing or red, would described	ard without smalls you of the sproved land was an arrangements.
	City Engineer (1) the plaws: (2) the jude trimental to (3) the wind as indigularly like the branche tenne.	and shall make repeated work in public head work will not on stand by the extended by the exte	Indings their not inconsistent or deferment of th, selety and ger setting as corre- sting assing or red, would described	ard without smalls you of the sproved land was an arrangements.
	City Engineer (1) the plaws: (2) the jude trimental to (3) the wind as indigularly like the branche tenne.	and shall make repeated work in public head work will not on stand by the extended by the exte	Indings their not inconsistent or deferment of th, selety and ger setting as corre- sting assing or red, would described	ard without smalls you of the sprought had to:
	city Engineer (1) the p laws; (2) the j detrimental to isnd as indig plan; (4) the burden upon The action of ove the City Co	and shall make i reposed work in proposed work in the public head orarly vill not on stad by the an work, if requir the property or the committee	Indings their not insendedness or deferment of the select and ga- neticele an entre- sting anning or and, would com- te owner, shall be fined uni- offerties IX-6000	and welfare, smalth, will of the approval land was no continuousless as a baseling to but
	(i) City Engineer (ii) the p laws: (ii) the p detrimental t (iii) the w land as indig plant (iii) the burden upon The action of ore the City Cition 2. This or	to are over you to a construction of the public head over to the public head over the construction of the property of the construction over the construction of the construction o	Indings their not inconsistent or deferment of th, selety and ger setting as corre- sting assing or red, would described	and welfare, smalth, will of the approval land was no continuousless as a baseling to but
	(i) City Engineer (ii) the p laws: (ii) the p detrimental t (iii) the w land as indig plant (iii) the burden upon The action of ore the City Cition 2. This or	to are over you to a construction of the public head over to the public head over the construction of the property of the construction over the construction of the construction o	Indings their not insendedness or deferment of the select and ga- neticele an entre- sting anning or and, would com- te owner, shall be fined uni- offerties IX-6000	and welfare, smalth, will of the approval land was no continuousless as a baseling to but
	of ty Engineer (1) the plaws; (2) the justice (2) the justice (3) the winder again; (4) the burden upon The ection of fore the City Cotten 2. This prom and after the city areas are city and after the city areas are city and after the city areas are city and areas are city and areas areas areas are city and areas are city are city and areas are city and areas are city and areas are city are city and areas are city are city and areas areas areas are city and areas are city are city	and shall make in reposed work in prepased work in the public head over will not en sted by the est work, if require the preparty or in the consultane until pursuant to disease.	Indings their not insendedness or deferment of the select and ga- neticele an entre- sting anning or and, would com- te owner, shall be fined uni- offerties IX-6000	and welfare, smalth, will of the approval land was no continuousless as a baseling to but
the ball	construction of the property of the cattern of the City of the property of the	and shall make in repeased work in proposed work in o the public heal work. If requir the proposty or ! the committee until pursuant shall pursuant with proposition my lapacage. gost 7.1976.	Indiagn that: not freezablest or deforment of the relaty and gra- netitate on unre- netitate on unre- netitation of country, whall be fined uni- o feeting SE-5500, no offeet and be i	and anothers the second and another the second anoth
the ball do	in resulty, repaired (1) City Engineer (1) the parties of the part	and shall make in repeased work in proposed work in o the public heal work. If requir the proposty or ! the committee until pursuant shall pursuant with proposition my lapacage. gost 7.1976.	Indings their not insendedness or deferment of the select and ga- neticele an entre- sting anning or and, would com- te owner, shall be fined uni- offerties IX-6000	and anothers the second and another the second anoth
the ball do	in resulty, repaired (1) City Engineer (1) the parties of the part	and shall make in repeased work in proposed work in o the public heal work. If requir the proposty or ! the committee until pursuant shall pursuant with proposition my lapacage. gost 7.1976.	Indiagn that: not freezablest or deforment of the relaty and gra- netitate on unre- netitate on unre- netitation of country, whall be fined uni- o feeting SE-5500, no offeet and be i	and anothers the second and another the second anoth
the Second	(1) the property (2) the property (3) the property (4) the writing plant; (4) the extremental to the City Core the City Cortish 2. This ery promoned aftereduced on Amenda and adopted.	and shall make in repeated work in proposed work in proposed work in the state of t	Indiagn that: not freezablest or deforment of the relaty and gra- netitate on unre- netitate on unre- netitation of country, whall be fined uni- o feeting SE-5500, no offeet and be i	and anothers the second and another the second anoth
the South de	in wealty, rejection (1) the picture (2) the picture (3) the will be builted as indigular to action (4) the builden upon The action (2) This or y from send and after send and angel and angel and angel.	and shall make in repeated work in prepared work in the public head work. If require the prepared work, if require the prepared work in respect to the prepared work in prepared to the prepared to by the Council ED BY:	Indiagn that: not freezablest or deforment of the relaty and gra- netitate on unre- netitate on unre- netitation of country, whall be fined uni- o feeting SE-5500, no offeet and be i	and anothers the second and another the second anoth
the the second s	(1) the planes (2) the planes (2) the planes (2) the planes (3) the planes (4) the burden upon (4) the ection of ore the City Cottien 2. This ery proon and alto planes (4) the produced on Angeld and alto planes (4) the produced on Angeld	and shall make in repeated work in prepased work in prepased work in control will not en stand by the action with a preparty or it the preparty or it the preparty or it the preparty or it is passenge, pass 7, 1978. But by the Council ED BY:	indings that: set freezestent or deferment of th, select and ge- methods in three seleg mening or very sele in final unit to execut to final unit to effect and in i i of The City of Se	and anothers the second and another the second anoth
the the second s	(1) the planes (2) the planes (2) the planes (2) the planes (3) the planes (4) the burden upon (4) the ection of ore the City Cottien 2. This ery proon and alto planes (4) the produced on Angeld and alto planes (4) the produced on Angeld	and shall make in repeated work in prepased work in prepased work in control will not en stand by the action with a preparty or it the preparty or it the preparty or it the preparty or it is passenge, pass 7, 1978. But by the Council ED BY:	indings that: set freezestent or deferment of th, select and ge- methods in three seleg mening or very sele in final unit to execut to final unit to effect and in i i of The City of Se	and anothers the second and another the second anoth
the the second s	construction of the process of the p	and shall make in repeated work in prepased work in the public head work. If require the preparity or the preparity of the pr	indiagn that; not forestablest or deformant or the control of the	and anothers the second and another the second anoth
	conty Engineer (1) the p laws: (2) the p detrineertal to (3) the w land as indig plant: (4) the burden upon to The action of ore the City Co ctich 2. This er y from and all prefuced on An and and actoput H. TTE WILSON page of The City All Law H. A.	and shall make in repeated work in prepased work in prepased work in received by the action of the property or it is passage, past 7, 1978, and by the Council ED SY: of San Diago, C. STELL OF SAN DI	indings that: set freezestent or deferment of th, select and ge- methods in three seleg mening or very sele in final unit to execut to final unit to effect and in i i of The City of Se	and anothers the second and another the second anoth
	City Engineer (1) the p laws; (2) the y laws; (3) the w land as indig plan; (4) the burden upon i The action of Ore the City Co ction 2. This or y from and afte reduced on An and and adopte THENTICATI TE WILSON AND THE CITY AN	and shall make in repeated work in the public head work in the public head work. If require the property or the property of th	indiagn that; not forestablest or deformant or the control of the	and anothers the second and another the second anoth
	City Engineer (1) the p laws; (2) the y laws; (3) the w land as indig plan; (4) the burden upon i The action of Ore the City Co ction 2. This or y from and afte reduced on An and and adopte THENTICATI TE WILSON AND THE CITY AN	and shall make i repeased work is proposed work in o the public head work. If require the proposty or it the committee shall pursuant to dispass shall say great 7, 1976, and by the Council CD BY:	red foresettest or deforment or the red years get the red years get the red years or deforment get the red years or deforment get to owner, the fine and be to offer and be to	and anothers the second and another the second anoth
	conty Engineer (1) the p laws: (2) the p detrineertal to (3) the w land as indig plant: (4) the burden upon to The action of ore the City Co ctich 2. This er y from and all prefuced on An and and actoput H. TTE WILSON page of The City All Law H. A.	and shall make in repeated work in presented work in presented work in the public head by the act will not on the present yet. The present is the present the present the present in the p	red foresettest or deforment or the red years get the red years get the red years or deforment get the red years or deforment get to owner, the fine and be to offer and be to	and anothers the second and another the second anoth

I EVE C. LASH , 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 NO. 12429

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:

September 4, 1978

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

Dated at San Diego, California this .. 7.th .. day of ... Septa... 19.78.

(Signature)

12420

9 1/2 = 57.67