

ORDINANCE NUMBER O- 15947 (New Series)

Adopted on APR 25 1983

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0413 RELATING TO CITY COUNCIL CONSIDERATION OF APPEALS FROM DECISIONS OF THE PLANNING COMMISSION OR CITY ENGINEER AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0550 RELATING TO SIDEWALK CAFES.

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

Section 1. That Chapter VI, Article 2, Division 4 of the San Diego Municipal Code be and it is hereby amended by amending Section 62.0413 to read as follows:

SEC. 62.0413 CITY COUNCIL CONSIDERATION OF APPEALS FROM DECISIONS OF THE PLANNING COMMISSION OR CITY ENGINEER

(a) No change.

(b) In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for herein may be directed to the Committee of the City Council having jurisdiction over such matters at the time of the appeal 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.

Last paragraph - No change.

Section 2. That Chapter X, Article 1, Division 5 of the San Diego Municipal Code be and it is hereby amended by amending Section 101.0550 to read as follows:

SEC. 101.0550 SIDEWALK CAFES

A., B., C., D., E. and F. - No change.

G. OTHER APPLICABLE REGULATIONS

1. Encroachment Permit.

An Encroachment Permit shall be required for a sidewalk cafe according to the provisions of Municipal Code, SEC. 62.0301 et seq. and shall be applied for and processed concurrently with the application to the Planning Director for a Sidewalk Cafe Permit. An appeal from the decision of the City Engineer will be made to the Committee of the City Council having jurisdiction over such matters at the time of the appeal. Such appeal shall be governed by the provisions of Municipal Code SEC. 62.0413(b).

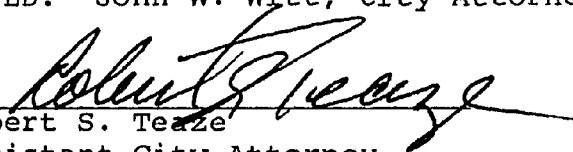
If an appeal is filed within the time specified,
it shall automatically stay proceedings in the matter.

2., 3., 4., 5., H. and I. - No change.

Section 3. 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


Robert S. Teaze
Assistant City Attorney

RST:rc:011.2
3/31/83
Or.Dept:Rules
Form=r.none

NEW LANGUAGE--Underlined
OLD LANGUAGE--Crossed Out

O-83-207

SEC. 62.0413 CITY COUNCIL CONSIDERATION OF APPEALS
FROM DECISIONS OF THE PLANNING COMMISSION
OR CITY ENGINEER

(a) No change.

(b) In the event that anyone is dissatisfied with any decision of the City Engineer, an appeal as provided for ~~Public-Facilities-&-Recreation-Committee-~~ herein may be directed to the Committee of the City Council of-the-City-Council having jurisdiction over such matters at the time of the appeal 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.

Last paragraph - No change.

0- 15947

00368

SEC. 101.0550 SIDEWALK CAFES

A., B., C., D., E. and F. - No change.

G. OTHER APPLICABLE REGULATIONS

1. Encroachment Permit.

An Encroachment Permit shall be required for a sidewalk cafe according to the provisions of Municipal Code, SEC. 62.0301 et seq. and shall be applied for and processed concurrently with the application to the Planning Director for a Sidewalk Cafe Permit. An appeal from the decision of the City Engineer will be ~~Public-Facilities-and-Recreation-Committee-~~ made to the Committee of the City Council having jurisdiction over such matters at the time of the appeal. Such appeal shall be governed by the provisions of Municipal Code SEC. 62.0413(b).

If an appeal is filed within the time specified, it shall automatically stay proceedings in the matter.

2., 3., 4., 5., H. and I. - No change.

APR 25 1983

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

Councilmen	Yeas	Nays	Not Present	Ineligible	
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Gloria McCall	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ed Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT

AUTHENTICATED BY:

B.I.L. CLEATOR
Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Maxwell R. Portenow, 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

APR 11 1983

APR 25 1983

_____, 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 Maxwell R. Portenow, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0 - 15947 Adopted APR 25 1983

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 'C' St. Twelfth Floor
San Diego, CA 92101
ATTN: PONTECORVO

RECEIVED
CITY CLERK'S OFFICE
1983 MAY 19 AM 11:41
SAN DIEGO, CALIF.

IN THE MATTER OF

NO.

ORDINANCE NO. O-15947

**ORDINANCE NO. O-15947
(New Series)**

AN ORDINANCE AMENDING CHAPTER VI, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 62.0413 RELATING TO CITY COUNCIL CONSIDERATION OF APPEALS FROM DECISIONS OF THE PLANNING COMMISSION OR CITY ENGINEER; AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0650 RELATING TO SIDEWALK CAFES.

This Ordinance changes the assignment of appeals from a decision of the City Engineer and those from the Planning Director with respect to sidewalk cafe permits from the Public Facilities and Recreation Committee to the committee of the Council having jurisdiction.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 G Street, San Diego, CA 92101.

Introduced on APRIL 11, 1983.

Passed and adopted by the Council of The City of San Diego on APRIL 25, 1983.

AUTHENTICATED BY:
BILL CLEATOR Deputy Mayor of
The City of San Diego, California.
CHARLES G. ABDELNOUR, City Clerk of
The City of San Diego, California.

(SEAL)
By MAYDELL L. PONTECORVO, Deputy.
Publish May 9, 1983

80-6041

I, Charlene Land, 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. O-15947
(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:

May 9, 1983

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

Dated at San Diego, California this 9th day of May, 1983.

Charlene Land

(Signature)

00371

5 1/4" x 2 x 8 1/2"

46.57