

ORDINANCE NUMBER O-16155 (New Series)

Adopted on February 13, 1984

AN ORDINANCE 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 X, Article 1, Division 5, of the San Diego Municipal Code be, and the same is hereby amended by amending Section 101.0550 to read as follows:

SEC. 101.0550 SIDEWALK CAFES

A. - No change.

B. DEFINITION

A "sidewalk cafe" is an area adjacent to and directly in front of a street level eating or drinking establishment, and is located within the sidewalk area of the public right-of-way, and is defined by railings or fencing or a combination of railings or fencing and landscaping in planter boxes which separates the encroachment area from the remainder of the sidewalk, and is used exclusively for dining, drinking and circulation therein. A sidewalk cafe may provide either waiter or waitress service or self-service.

C. DEVELOPMENT CRITERIA

1. through 3. - No change.

4. Environmental Compatibility.

a. - No change.

b. Planters, Railings, or Fences.

All railings or fences placed around a sidewalk cafe shall be permanently fixed to the sidewalk to clearly define the area. No solid walls will be permitted. Landscaping can be either in planters or planted in the ground. In order to maximize visual access, the height of the railing or planter shall not exceed three feet.

c. - No change.

d. Minimum Distance Between Sidewalk Cafes and Adjacent Business Entrance.

No portion of a sidewalk cafe shall be located within eight feet of the entrance to a ground floor commercial use other than an entrance to a sidewalk cafe.

An exception to the minimum distance between sidewalk cafes and adjacent business entrances may be granted up to four feet after a review of existing conditions in that commercial area and on that particular street by both the Planning Department and Engineering and Development Department. The review will take into consideration the effect that the exception may have on adjoining businesses in terms of visibility and access.

e. Enclosure.

A clear, transparent, shatterproof glass or similar substitute may be used to enclose the

cafe to minimize windy or cold climatic conditions. The enclosure must meet the following requirements:

1. The transparent enclosure, including the railings or fencing, cannot be higher than five feet.

2. Awnings cannot be used as a cafe covering when an enclosure is also used.

3. The transparent enclosure must be removable or retractable.

D. ADMINISTRATION AND ENFORCEMENT

1. - No change.

2. Requirements for Application.

Application for a sidewalk cafe permit shall be made to the Planning Department according to the following procedures:

- a. - No change.

- b. A fee or deposit schedule shall be established by the Planning Director and shall be sufficient to provide full cost recovery to the City for the total costs of review, issuance and administration of the permit.

- c. - No change.

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 Public Facilities and Recreation Committee. 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.

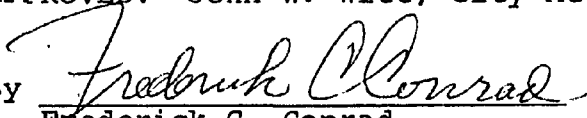
2. through 5. - No change.

H. and I. - No change.

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


Frederick C. Conrad
Chief Deputy City Attorney

FCC:ib:630
01/18/84
Rev.1 01/31/84
Rev.2 02/17/84
Or.Dept:Plan.
O-84-153
Form=o.none

Passed and adopted by the Council of The City of San Diego on FEB 13 1984
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<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 Struiksmma	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
 Mayor of The City of San Diego, California.

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

(Seal)

By *Barbara Berridge*, 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

JAN 31 1984

FEB 13 1984

~~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 *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-16155** Adopted **FEB 13 1984**

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SAN DIEGO, CALIF.

FEB 13 1984

FEB 13 1984

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
ATTN: MAYDELL L. PONTECORVO
202 C St., 12th Floor
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NO. O-16155

ORDINANCE NO. O-16155
(New Series)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 16155, RELATING TO SIDEWALK SALES.
The amendment to the Sidewalk Cafe ordinance amends the definition of a Sidewalk Cafe to limit such cafe to the area adjacent to and directly in front of a street level eating or drinking establishment. The amendment modifies the provisions of the ordinance relating to the environmental factors to be considered and requires that an environmental permit be obtained from the City Engineer. An appeal from the decision of the City Engineer is provided.
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 C Street, San Diego, CA 92101.
Introduced on JANUARY 31, 1984.
Passed and adopted by the Council of The City of San Diego on FEBRUARY 15, 1984.
AUTHENTICATED BY:
ROGER HEDGECOCK,
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.
Published Feb. 27, 1984. 60-2639

I, Carrie Gedeon, 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

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(New Series)

5" X 8.87 = 44.35

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:

February 27, 1984

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

Dated at San Diego, California this 27th day of Feb., 1984.

Carrie Gedeon
00421 (Signature)