CERTIFICATE OF PUBLICATION

RECEIVE CITY CLERK'S

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SAN DIEGO, CALIF.

CITY CLERK'S OFFICE CITY ADMIN. BLDG. 202 C ST. SAN DIEGO, CA 92101 a

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER X, ...

ORDINANCE NUMBER O-17738 (NEW SERIES) AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVIBION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0400, 103.0401, 103.0402, 103.0403, 103.0404, 103.0407, 103.0408, 103.0410, 103.0412, 103.0414, AND 103.0418 RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT. This ordinance amends the Municipal Code by designating the Centre City Development Corporation as the permitting authority for Gaslamp Quarter Planned District Ordinance special permits. A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, Second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101. INTRODUCED ON February 3, 1992 Passed and adopted by the Council of the City of San Diego on February 15, 1992. AUTHENTICATED BY:

AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By Suzanne Oliva, Deputy

I, Corey Donahue, 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 NUMBER 0-17738 (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:

MARCH 4

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

Dated at San Diego, California this 4TH day of MARCH, 19 92

(Signature)

43/8=58.08

(0-92-41) REV. 1

ORDINANCE NUMBER 0- 17738 (NEW SERIES)
ADOPTED ON FEB 181992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 3, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 103.0400, 103.0401, 103.0402, 103.0403, 103.0404, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412, 103.0414 AND 103.0416 ALL RELATING TO THE GASLAMP QUARTER PLANNED DISTRICT.

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

Section 1. That Chapter X, Article 3, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 103.0400, 103.0401, 103.0402, 103.0403, 103.0404, 103.0407, 103.0408, 103.0409, 103.0410, 103.0412, 103.0414 and 103.0416, to read as follows:

SEC. 103.0400 Purpose and Intent

The public health, safety, and general welfare require that property in the Gaslamp Quarter be revitalized and protected from further impairment in value. It is necessary to impose reasonable requirements and restrictions upon erection of new buildings and structures and the use, maintenance and alteration of existing and relocated buildings and structures. To assist in this endeavor, the distinctive architectural character that existed from 1880 to 1910 shall be retained and enhanced.
Businesses that can enhance this historic environment will be encouraged to locate in the Gaslamp Quarter and

ones that do not enhance this environment will be terminated or altered. The major segment of the modern City of San Diego began here and was the central business district of those early times. officially designated historical landmarks provide a basic architectural unity and visual distinction in the area, and historically significant architecture is found throughout the district. Six architectural elements in varying pattern and emphasis govern the overall structural form and design continuity. are: scale and proportion, fenestration, materials, color, texture, detail and decorative features. Gaslamp Quarter's historic quality is further enhanced by its central location, contrasting impressively with the contemporary buildings of the Centre City core The revitalization of the Gaslamp Quarter is in area. keeping with the objectives and proposals of the General Plan, and would complement the adjacent Horton Plaza Redevelopment Project and will assist in the implementation of the Gaslamp Quarter Redevelopment Project.

Pursuant to findings of the San Diego City Council on July 26, 1982, the Gaslamp Quarter Redevelopment Project Area was found to be blighted. Furthermore, the City Council determined that revitalization of the area was necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code section 33000 et seq.). These

findings were based upon the following conditions which characterize the project area:

1. through 5. - [No change.]

[No change in text of last paragraph in this section.]

SEC. 103.0401 Boundaries

The regulations as defined herein shall apply in the Gaslamp Quarter which is within the boundaries of the Centre City area in The City of San Diego, California, designated on that certain Map Drawing No. C-446.1, and described in the boundary description, filed in the office of the City Clerk under Document No. 756382.

SEC. 103.0402 Administration

A. EXECUTIVE VICE PRESIDENT

The Executive Vice President of Centre City

Development Corporation (hereafter known as "Executive

Vice President"), or a designated representative of the

Executive Vice President, as the designee of the City

Council, shall administer the Gaslamp Quarter Planned

District in accordance with the provisions of this

Division.

B. POWERS AND DUTIES

It is the duty of the Executive Vice President to administer the regulations and procedures contained within this Division in the manner prescribed herein for both public and private developments; to recommend to the Planning Commission and the Centre City

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Development Corporation Board of Directors (hereafter known as the "Board of Directors") any changes to the regulations, provided such changes are necessary for the proper execution of the adopted plan, and to adopt rules of procedure to supplement those contained within this Division. The Executive Vice President shall utilize architectural criteria and design standards adopted by the City Council and restrictions on use specified in these regulations in evaluating the appropriateness of any development for which a permit is applied under this Division. The Executive Vice President may approve, modify, or disapprove any applications for a permit, based upon the conditions of compliance or noncompliance with the adopted regulations and approved criteria and standards.

SEC. 103.0403 Procedures for Special Permit Application and Review

A. SPECIAL PERMIT REQUIRED

After August 14, 1976, a special permit shall be required prior to application for any City permit or license within the Gaslamp Quarter Planned District.

No person shall commence work in the erection of any new building or structure, including those moved into the Planned District, the remodeling, alteration, addition or demolition of any existing building, grading or landscaping within the Planned District, or put any building or structure within the Planned

District to any use, without first obtaining a special permit in accordance with this Section.

In addition to this special permit, all applicable building code requirements must be met for any alteration, addition or repair of a building.

B. CONTENT

The application shall include the following:

- 1. and 2. [No change.]
- 3. An application for a special permit shall be obtained from the Executive Vice President. An application for a special permit will be accepted upon payment of a fee as required by Section 101.0204 of the San Diego Municipal Code.
- 4. Any other information deemed necessary by the Executive Vice President to judge compliance with the regulations contained herein and other applicable laws and regulations.

C. DETERMINATION

Upon submittal by the applicant of basic concept drawings and review of those basic concept drawings by the City Architect, the Executive Vice President may approve, modify or disapprove any application for a special permit. In approving the special permit, the Executive Vice President may impose reasonable conditions to ensure compliance with these regulations. The Executive Vice President shall not approve an application for a special permit except upon

determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the Uniform Building Code and Fire Code and the regulations contained herein, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the Executive Vice President shall include a statement that the Executive Vice President finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations contained herein. In the event the Executive Vice President does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in Section 103.0403 D following.

The Building Official of The City of San Diego may approve special permit applications of an emergency nature without prior approval of the Executive Vice President, if such actions are to rehabilitate any condition which renders a building unsafe or to demolish the structure for the same reasons. All such actions by the Building Official shall be immediately reported to the Executive Vice President.

D. NOTIFICATION

Within sixty (60) days after the submission of a complete application to the Executive Vice President, the Executive Vice President, shall as required above, send his or her decision in writing to the applicant and, if legally required, to the Building Official and City Engineer, except when the applicant requests or agrees to an extension of time regarding this notification.

E. ISSUANCES

Upon approval and issuance of the special permit by the Executive Vice President, the applicant will be directed to appropriate City of San Diego department(s) to obtain any additional City permits and licenses necessary for the applicant to complete his or her project. These additional permits and licenses shall conform to all of the other regulations and ordinances of the City.

F. CONDITIONS

Any special permit granted by the Executive Vice
President to use the property or for work to be
performed as provided for in Municipal Code
section 103.0403, shall be conditioned upon the
privileges granted being utilized within eighteen (18)
months after the date of issuances of the special
permit. Failure to commence the use or start work
within this 18-month period will automatically void the
special permit unless an extension of time has been

granted by the Executive Vice President as set forth in Section 103.0403 H below. Construction must actually be commenced within the stated period and must be diligently pursued to completion. If the Executive Vice President finds that the use has not commenced or there has been no construction substantial in character since the date of the issuance of the special permit, or that there has been during the course of development, a lapse of work for six (6) months, the special permit shall become void.

G. EXTENSION OF TIME TO A VALID SPECIAL PERMIT

The Executive Vice President may grant an extension of time up to three (3) years on the time limit contained in a currently valid special permit. To initiate a request for extension of time, the property owner or owners shall file a written application with the Executive Vice President in the office of the Centre City Development Corporation (hereafter known as "CCDC") prior to the expiration of the special permit. The Executive Vice President may grant the extension of time if he or she finds from the evidence submitted that there has been no material change of circumstances since the special permit was originally granted. San Diego Municipal Code section 91.0303(d) shall also apply for extension of building permits issued in conjunction with this special permit.

H. REVOCATION

The Executive Vice President may at any time revoke a special permit issued under this Section.

Prior to revocation, the holder of the special permit shall be given a hearing after ten (10) calendar days' notice. After such a hearing, the Executive Vice President may revoke a permit upon determining:

1. through 4. - [No change.]

SEC. 103.0404 Appeals to the Planning Commission

A. FILING

If the Executive Vice President denies or conditionally approves an application, the applicant may appeal from that decision to the Planning Commission within ten (10) calendar days after the decision is filed with the CCDC. The appeal shall be in writing and filed in duplicate with the CCDC upon forms provided by CCDC. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the Planning Commission.

B. PUBLIC HEARING

Upon the filing of the appeal, the CCDC shall set the matter for public hearing before the Planning Commission giving the same notice as provided in San Diego Municipal Code section 101.0206. The Executive Vice President shall transmit to the Planning Commission a copy of his or her decision and findings,

and all other evidence, maps, papers and exhibits upon — which the Executive Vice President made the decision.

C. DECISION OF THE PLANNING COMMISSION

Upon the hearing of an appeal, the Planning Commission may by resolution, affirm, reverse, or modify, in whole or in part, any determination of the Executive Vice President. The Planning Commission decision shall be final.

SEC. 103.0405 Conditional Use Permits

- A. Notwithstanding the provisions of Chapter X, Article 1, Division 5, Sections 101.0510, 101.0512, 101.0513, 101.0514, 101.0515, 101.0516, 101.0517, 101.0518, 101.0550, 101.0560 and 101.0580, the Executive Vice President shall be the decision maker for the purpose of granting Conditional Use Permits within the boundaries delineated in Municipal Code section 103.0401.
- B. The Executive Vice President shall grant Conditional Use Permits according to the same criteria required for the Conditional Use Permits listed in Section 103.0405(A). In all cases, the appeals procedures shall remain the same for the Conditional Use Permits listed in Section 103.0405(A).

SEC. 103.0407 General Design Regulations

[No change in text of first paragraph.]

- A. BUILDING HEIGHT REGULATIONS
- 1. BASIC BUILDING HEIGHT LIMIT (60 FOOT HEIGHT LIMIT) [No change.]

2. MAXIMUM BUILDING HEIGHT (75 FOOT HEIGHT LIMIT)

At the discretion of the Executive Vice

President, buildings in the Gaslamp Quarter may
achieve a maximum height of up to 75 feet with
review and comment by the Historical Site Board
and City Architect prior to action by the

Executive Vice President. Buildings exceeding 60
feet in height shall be in general accord with the
architectural and historic character reflected in
the Gaslamp Quarter for streetwall definition,
site relationships, horizontal and vertical
building form as well as architectural detail and
fabric.

- a. through g. [No change.]
- B. STREET WALL CRITERIA AND SITE RELATIONSHIPS
 - 1. SITE RELATIONSHIPS [No change.]
- 2. STREET WALL REQUIREMENTS. New infill buildings shall provide a continuous street wall plane and strong street edge definition at the property line. Street wall glazing should be deeply recessed, with detailed window frames permitted to protrude beyond the front face of the building. All windows except for the ground floor shall have a longer vertical dimension than horizontal dimension. Windows should be rhythmically spaced, matching the bay spacing below and sensitive to the general proportions of

windows in nearby buildings.

- a. through c. [No change.]
- d. Awnings and canopies may project over the sidewalk as follows:
 - (1) and (2) [No change.]
 - (3) One entry way canopy per building may be permitted to project a maximum of 8'-0" beyond the property line to establish the main entry, subject to approval by the Executive Vice President and consistent with all other codes and ordinances.
- e. and f. [No change.]
- C. HORIZONTAL BUILDING FORM CRITERIA [No change in text of first paragraph.]
 - 1. ARCHITECTURAL FORM. [No change.]
 - 2. FLOOR-TO-FLOOR HEIGHTS.
 - a. The exterior facades of new construction and infill buildings must respect the floor to floor heights typical of adjoining structures. A lesser floor height may be permitted subject to approval of the Executive Vice President to allow for mezzanines and design expression for other contemporary uses.
 - b. [No change.]

D. VERTICAL BUILDING PROPORTION CRITERIA

The historic development of the Gaslamp Quarter occurred on blocks subdivided into 25' x 100' lots. Individual buildings generally developed on small parcels assembled from these lots. Thus, a majority of the existing historic buildings in the district are either 25 or 50 feet wide. The result is a predominance of buildings incorporating narrow windows and vertical building proportions.

[No change in text of second paragraph.]

- 1. and 2. [No change.]
- E. ARCHITECTURAL FABRIC AND MATERIALS
 [No change in text of first paragraph.]
 - 1. through 4. [No change.]
- 5. Natural masonry colors and earth tones should dominate. Accent color schemes are encouraged subject to review by the Executive Vice President. Color samples should be provided by the applicant.
- F. ARCHITECTURAL DETAIL [No change.]
- G. CRITERIA FOR COURTYARDS, ARCADES AND ALLEY
 SPACES

A unique characteristic of the Gaslamp Quarter is the interior block open spaces that frequently occur where buildings are set back from the mid-block property line. Where totally surrounded by existing historic buildings, internal alley spaces should be encouraged to serve adjacent buildings. New courtyards

and arcades could be developed through buildings linking them to the street.

[No change in text of second paragraph.]

- 1. through 4. [No change.]
- H. and I. [No change.]

SEC. 103.0408 Permitted Uses

[No change in text of first paragraph.]

- A. through E. [No change.]
- F. Uses involving sale of alcoholic beverages in the entertainment district. If any proposed use includes the sale of alcoholic beverages, an applicant, in addition to the information required by Section 103.0403 B., shall include the information required by Section 103.0408 F.2. and such uses shall be governed by the additional requirements of this section.
 - 1. and 2. [No change.]
 - 3. Alcoholic Beverage Sale Permit Approval
 - a. Criteria for consumption of
 Alcoholic Beverages "on the premises of the
 sale": In addition to the criteria in
 Section 103.0403 D., the following criteria
 shall be used by the Executive Vice President
 in making his or her determination regarding
 the issuance of an Alcoholic Beverage Sale
 Permit for the sale of alcoholic beverages
 within the Gaslamp Quarter:
 - (1) through (4) [No change.]

- b. Criteria for consumption of alcoholic beverages "off the premises of sale": In addition to the criteria in Section 103.0403 C., the following criteria are used by the Executive Vice President in making his or her determination regarding the issuance of an Alcoholic Beverage Sale Permit for the sale of alcoholic beverages within the Gaslamp Quarter:
 - (1) through (10) [No change.]
- c. Decision. The Executive Vice

 President may grant an Alcoholic Beverage

 Sale Permit containing each of the above

 conditions for a use which includes the sale

 of alcoholic beverages within the Gaslamp

 Quarter. The Executive vive President may

 also grant, with Police Department comment,

 an Alcoholic Beverage Sale Permit with

 additional conditions as follows:
 - (1) through (2) [No change.]
 - (3) allowing uses as identified in Section 103.0408 F.1.a. relief from Section 103.0408 F.3.a.(3).

The Executive Vice President may grant such Permit, if, after considering the facts presented in the application and at the hearing, concludes that the criteria set forth above and in Section 103.0403 C. have

been met. In granting this Permit, the

Executive Vice President may impose

reasonable conditions to ensure compliance

with the provisions of this section.

- (4) [No change.]
- G. [No change.]
- H. Any other use which the Board of Directors may find to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this district. The adopted resolution embodying such findings shall be filed in the office of the City Clerk of The City of San Diego.

SEC. 103.0409 Off-Street Parking, Construction, Maintenance and Operation Regulations

No off-street surface parking shall be visible from the street frontage. Such parking shall be restricted to the rear 50% of any parcel along Fifth Avenue. Such parking shall be in conformance with standards adopted by the Board of Directors as set forth in a document entitled "Locational Criteria, Development Standards and Operations Standards -- Off-Street Parking Lots," on file in the office of the City Clerk as Document NO. 17738 and the Planning Department of The City of San Diego. Such parking shall also be in substantial conformance with the Architectural Controls as specified in Chapter X, Article 3, Division 4, of the San Diego Municipal Code.

Substantial conformance shall be determined by the Executive Vice President; said determination shall be subject to appeal in the manner set forth in San Diego Municipal Code section 103.0404.

SEC. 103.0410 Signs

Initial application for a sign permit shall be made to CCDC, along with all appropriate documentation required by Municipal Code sections 101.1101 through 101.1126 (the "San Diego Sign Ordinance") and Municipal Code section 103.0410, for review and comment to the Sign Code Administrator prior to the Sign Code Administrator issuing a sign permit pursuant to the provisions of Municipal Code sections 101.1101 through 101.1126 and Municipal Code Section 103.0410. This review and comment by the Executive Vice President shall take no longer than ten (10) calendar days from the date of receipt of the application.

- A. REGULATIONS [No change.]
- B. COMPLIANCE

[No change in text of first paragraph.]

Non-conforming signs or parts thereof, including sign supports, may be declared "Public Nuisances" and then shall be abated as prescribed by law.

SEC. 103.0412 Regulations for Historic and Architecturally Significant Structures

A. ALTERATIONS

Chapter X, Article 1, Division 3 of the Municipal Code, concerning alterations of non-conforming uses,

shall not apply to historic or architecturally significant buildings, structures, or sites as designated by the Historical Site Board.

B. EXCEPTIONS

The Executive Vice President shall have the power to grant an exception to any regulation within Division 4 of this Article including permitted uses, when such an exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site. This shall not apply where building code or fire code requirements are involved. An exception shall be subject to the following conditions:

- 1. [No change.]
- 2. The proposed exception shall be referred to CCDC and the Historical Site Board for a report and recommendation;
- 3. The Executive Vice President in granting an exception shall make a finding that the exception is necessary to permit the preservation or restoration of a historic or architecturally significant building, structure or site; that strict application of the provisions contained in Chapter X, Article 3, Division 4, of the San Diego Municipal Code, would result in economic or other practical difficulties in during the preservation or restoration of a historic or architecturally significant building, structure or site, and that

the granting of an exception will not be injurious to the community or detrimental to the public welfare; and

4. In making a decision, the Executive Vice President shall make a written finding which shall specify facts relied upon in rendering his or her decision. A copy of this written finding, together with all evidence presented to the Executive Vice President, including plans required elsewhere in Division 4 of this Article, shall be filed along with the Executive Vice President's decision in the office of the City Clerk and the Department of Building Inspection of The City of San Diego, and CCDC. The written finding and decision shall be mailed to the applicant and shall be subject to appeal as provided in San Diego Municipal Code section 103.0404.

SEC. 103.0414 Removal of Damaged Historic Structures

In the event any building or structure of architectural or historic value or interest shall be damaged by earthquake, fire, or act of God to such an extent that in the opinion of the Executive Vice President and the Building Official it cannot reasonably be repaired and restored, the same may be removed upon issuance of a permit for its removal.

SEC. 103.0416 Minimum Maintenance of Structure and Facilities

A. PURPOSE AND INTENT

[No change in text of this subsection.]

B. ENFORCEMENT

[No change in text of this subsection.]

C. RIGHT OF ENTRY

Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Planning Director of The City of San Diego has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises physically blighted as defined in the adopted Gaslamp Quarter Redevelopment Plan and Section 103.0416 C. and upon presentation of proper credentials, the Planning Director may, with the consent of the occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Director by this Division.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to promptly permit entry therein by the Planning Director for the purpose of inspection and examination pursuant to this Division.

In order to enforce this Division, the Planning Director shall investigate all buildings on a regular basis.

D. MINIMUM MAINTENANCE STANDARDS

All buildings or structures shall be maintained in accordance with the following standards in order to provide for the preservation of the buildings or structures and to arrest and correct conditions of deterioration in the absence of which the buildings or structures will become blighted and will contribute significantly to the spread of blight throughout the Gaslamp District:

- 1. and 2. [No change.]
- E. DETERMINATION OF VIOLATION OF MAINTENANCE REQUIREMENTS

Failure to maintain a building or structure in the manner provided by Section 103.0416 D. shall constitute a violation of this Division and such building or structure is hereby declared to be a blighted building or structure.

- 1. Commencement of Proceedings. Whenever the Planning Director has inspected or caused to be inspected any building, structure, premises, land or portion thereof, and determines that it is a blighted building used or maintained in violation of this Division, he or she shall commence proceedings to cause the correction of each violation.
 - 2. [No change.]
 - a. [No change.]

b. A statement that the Planning
Director has found the building to be in
violation of this Division with a brief and
concise description of the condition found to
be in violation.

c. through e. [No change.]

F. ABATEMENT

[No change in text of this subsection.]

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

Allisyn L. Thomas Deputy City Attorney

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by the following vote:	The City of S	an Diego on	FEB 18	1992
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer				
Ron Roberts				
John Hartley	U			
George Stevens	U			
Tom Behr	P			
Valerie Stallings				
Judy McCarty				
Bob Filner	9			
Mayor Maureen O'Connor	4			
·				
AUTHENTICATED BY:			MAUREEN O'	
			or of The City of San	
(Seal)			CHARLES GAB	DELNOUR n Diego, California.
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		By 2	aune_	On, Deputy.
had elapsed between the day of its introduction and		inance was not finally passed until twelve calendar days the day of its final passage, to wit, on FEB 181992		
TFURTHER CERTIFY that said				sage.
I FURTHER CERTIFY that the less than a majority of the members	elected to			
sideration of each member of the Coucopy of said ordinance. (Seal)	incil and the	public prior to	the day of its pass	

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