(0-93-141)

ORDINANCE NUMBER O-

17923

(NEW SERIES)

ADOPTED ON

JUN 01 1993

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.0303 RELATING TO PERMITS ISSUANCE; AMENDING ARTICLE 3, DIVISION 1, SECTION 93.0112 RELATING TO STOP ORDERS; AMENDING ARTICLE 3, DIVISION 3, SECTION 93.0312 RELATING TO VALIDITY; AND AMENDING CHAPTER X, ARTICLE 3, DIVISION 4, SECTION 103.0403 RELATING TO PROCEDURES FOR SPECIAL PERMIT APPLICATION AND REVIEW.

WHEREAS, May 18, 1993, has been declared "Regulatory Relief Day"; and

WHEREAS, one purpose of Regulatory Relief Day is to streamline and consolidate, where appropriate, the City's land use and environmental regulatory procedures; and

WHEREAS, the Building Inspection Department has reviewed San Diego Municipal Code section 91.0303 having to do with permit issuance, and has suggested several amendments to this code section to streamline the regulatory process; and

WHEREAS, Municipal Code section 91.0303 is an administrative provision that was not adopted as part of the Uniform Building Code, 1991 Edition; and

WHEREAS, if section 91.0303 is amended, revisions to the corresponding text found in sections 93.0112, 93.0312 and 103.0403 are required; NOW, THEREFORE,

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

Section 1. That Chapter IX, Article 1, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0303, to read as follows:

SEC. 91.0303 PERMITS ISSUANCE

- (a) through (c) [No changes to these subsections]
- (d) Expiration. Every permit issued by the Building
 Official under the provisions of This Code shall expire by
 limitation and become null and void for any of the following
 reasons:
 - 1. The building or work authorized by a permit is not commenced within one hundred eighty (180) calendar days after the date the permit is issued; or
 - 2. The building or work authorized by a permit is suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days; or
 - 3. The entire foundation or an equivalent amount of work is not completed within three hundred sixty-five (365) calendar days after the date the permit is issued.

Work authorized by a permit shall be diligently performed to completion.

- (e) Extension of time.
- 1. The expiration of a permit that was issued under the provisions of This Code, may be extended once by the Building Official in accordance with the provisions of Sections 91.0303(e)(1)(a) or 91.0303(e)(1)(b). One additional extension may be granted by the Building Official in accordance with

Section 91.0303(e)(3).

- (a) If the work has not commenced, the following provisions shall apply:
 - (1) The applicant must file a written request for an extension with the Building Official prior to the expiration of the permit.
 - (2) The Building Official may extend the expiration of a permit if the Building Official finds that circumstances beyond the control of the applicant prevented the authorized work from commencing.
 - (3) The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date, to commence work and an additional three hundred sixty-five (365) calendar days, starting from the original permit expiration date, to complete the entire foundation or an equivalent amount of work on the permitted structure.
 - (4) The applicant shall revise the plans, specifications, and other data which define the work permitted, as necessary, to show compliance with This Code and all applicable ordinances, statutes, or regulations in effect at the time the extension is granted.

- (5) The applicant shall pay the increase in all applicable fees, costs, assessments, deposits, penalties or other charges together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required pursuant to Section 91.0304(b).
- (b) If the work has commenced, the following provisions shall apply:
 - (1) The applicant must file a written request for the extension with the Building Official prior to the expiration of the permit.
 - (2) The Building Official may extend the expiration of a permit if the Building Official finds that circumstances beyond the control of the applicant prevented the completion of the foundation or an equivalent amount of work or caused the work authorized by such permit to be suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days.
 - (3) The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date, to restart the work authorized by the permit, and an additional three hundred sixty-five (365) calendar days, starting from the original permit

expiration date, to complete the foundation or an equivalent amount of work.

- (4) If the Building Official determines that an entire foundation or an equivalent amount of work has been completed under the permit, the applicant need not revise the plans, specifications or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance or regulation which became effective after the permit is issued, nor pay any additional or subsequent fees or charges.
- the entire foundation or equivalent amount of work has not been completed, the applicant shall pay the increases in all applicable fees, costs, assessments, deposits, penalties or other charges, together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. The applicant shall also comply with This Code and all new ordinances, statutes, or regulations in effect at the time the extension is granted.
- (2) Where the permit has expired no extension shall be granted. If the applicant desires to proceed with the project, the following provisions shall apply:
 - (a) The permittee shall obtain a new permit.

- (b) The permittee shall pay a full permit fee for the new permit and pay all other applicable fees in effect at the time the new permit is issued.
- (c) The permittee must comply with This Code and all ordinances, statutes, or regulations in effect at the time the new permit is issued.
- (3) If an extension has been previously approved in accordance with Section 91.0303(e)(1)(a) or 91.0303(e)(1)(b), the Building Official may extend the expiration of a permit one additional time if the Building Official finds that; there has not been a significant change in the regulations applicable to the site from when the permit was initially approved, the additional extension is in the public interest and circumstances beyond the control of the applicant prevented the authorized work from proceeding.
- (4) If an application for an extension of time has been filed in accordance with Section 91.0303, the permit shall be automatically extended until the Building Official has made a decision on the application.
- (f) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of This Code whenever the Building Official finds that the permit was issued in error either on the basis of incorrect information, or in violation of law.

The Building Official may suspend work under an issued

permit which is being performed in violation of the laws, ordinances, or conditions governing the permit or performance of work, or both.

Following a suspension or prior to revoking a permit, the Building Official shall offer the permittee a reasonable opportunity to show cause why the suspension should not be continued or modified or the permit be revoked.

Section 2. That Chapter IX, Article 3, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending section 93.0112, to read as follows:

SEC. 93.0112 STOP ORDERS

Whenever any work is being done contrary to the provisions of this Article, the Building Official may order work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed. The provisions of section 91.0303(f) govern the issuance of stop orders and the suspension or revocation of permits.

Section 3. That Chapter IX, Article 3, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending section 93.0312, to read as follows:

SEC. 93.0312 VALIDITY

- (a) [No changes to this subsection]
- (b) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued in error or on the basis of incorrect information supplied or

in violation of any ordinance or regulation or the provisions of this Article. The procedures of section 91.0303(f) shall be applicable to the suspension or revocation of a permit under these circumstances.

Section 4. That Chapter X, Article 3, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending section 103.0403, to read as follows:

SEC. 103.0403 PROCEDURES FOR SPECIAL PERMIT APPLICATION AND REVIEW

- A. through F. [No changes to these subsections]
- 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(e) shall also apply for extension of building permits issued in conjunction with this special permit.

H. [No changes to this subsection]

Section 5. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

Ву

Ann Y. Moore

Deputy City Attorney

AYM:ps 04/30/93 Or.Dept:Bldg.Insp. 0-93-141 Form=o+t

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STRIKEOUT ORDINANCE

SEC. 91.0303 PERMITS ISSUANCE

(a) through (c) [No changes to these subsections]

(d) - Expiration. Every permit issued by the Building Official under the provisions of This Code shall expire by limitation and become null and void if the building or work authorized by the permit is not commenced within one hundred eighty (180) calendar days from the date of permit issuance or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) calendar days at any time after the work is commenced. Work authorized by a permit shall be diligently performed to completion. If the Building Official determines that a permittee has failed to complete a substantial amount of work authorized by the permit within the time limits set forth in Section 91.0303, the permit shall expire by limitation and become null and void. If the Building Official determines that an entire foundation or an equivalent amount of work for the permitted structure is not completed within three hundred sixty (360) calendar days from the date of permit issuance, the permit shall expire by limitation and become null and void. The Building Official may extend the time period for completion of the foundation upon determining that circumstances beyond the control of the permittee have prevented the completion of the foundation, provided the permittee prior to the expiration of the permit had requested an

extension in Writing and set forth the circumstances.

For good cause shown, the Building Official is-also authorized to extend a permit with reasonable terms—and conditions in cases not otherwise provided for in Section 91.0303(d), provided the permittee pays any differential for increased fees and plan-check costs.

Any permittee holding an unexpired permit may apply for one extension of the permit provided the requirements of Section 91.0303(d)(1) or (d)(2) are satisfied.

(1) Where work has not commenced and the permit has not expired, if the permittee requests a permit extension, the following provisions shall apply:

- (A) The Building Official may grant an extension of the permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented the permitted work from commencing.
- (B)—The permit extension shall provide an additional one hundred eighty (180) calendar days starting from the expiration date of the original permit.
- the permit expiration date.
 - (D) The permittee shall revise the plans,

 specifications, and other data which define the work

 permitted, as necessary, to show compliance with This Code

 and all applicable ordinances, statutes, or regulations in

 effect at the time the extension is granted.
 - (E) The permittee shall pay additional fees, if any, in an amount equal to the increases in all applicable fees,

that are in effect on the date the permit extension is granted. In addition, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay any newly created fee, cost, assessment, deposit, penalty or other charge that is applicable and in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required pursuant to Section 91.0304(b).

- (F) Only one (1) extension may be granted for any permit.
- (2) Where work has commenced and the permit has not expired, if the permittee requests a permit extension, the following provisions shall apply:
 - (A) The Building Official may grant an extension of the permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented the permitted work from continuing.
 - (B) The permit extension shall provide an additional one hundred eighty (180) calendar days starting from the original permit expiration date.
 - (C) The permittee must request the extension prior to the permit expiration date.
 - (D) Only one (1) extension may be granted for any permit.
 - (E) If the Building Official determines that an entire foundation or an equivalent amount of work has been completed under the permit, the permittee need not revise

the plans, specifications or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance or regulation which became effective subsequent to the date of permit issuance, nor pay any fees or charges.

- (F) If the Building Official determines that an entire foundation or equivalent amount of work has not been completed, then notwithstanding any other provision of law which provides to the contrary, the permittee shall pay a permit extension fee in an amount equal to the increases in all applicable fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted, together with any newly created fee, cost, assessment, deposit, penalty or other charge that is applicable and in effect on the date the permit extension is granted. The permittee shall also comply with This Code and all new ordinances, statutes, or regulations in effect at the time the extension is granted.
- (3) Where work has not commenced and the permit has expired, no extension shall be granted. If the permittee desires to proceed with the project, the following provisions shall apply:
 - (A) The permittee shall obtain a new permit.
 - (B) The permittee shall pay a full permit-fee for the new permit, and, notwithstanding any other provision of law which provides to the contrary, pay all other applicable fees in effect at the time the new permit is issued.
 - (C) The permittee must comply with This Code and all ordinances, statutes, or regulations in effect at the time

the new permit is issued.

- (4) Where work has commenced and the permit has expired, no extension shall be granted. If the permittee desires to continue with the project, the following provisions shall apply:
 - (A) The permittee shall obtain a new permit.
 - (B) The permittee must pay a permit fee for the new permit based upon a valuation of the work remaining to complete the project in an amount equal to the increases (if any) in all applicable fees, costs, assessments, deposits, penalties, or other charges that are in effect on the date the new permit is issued, and in addition, any newly created fees, costs, assessments, deposits, penalties, or other charges that are applicable and in effect on the date the new permit is issued.
 - (C) If the Building Official determines that the entire foundation or an equivalent amount of work has been completed under the original permit, the permittee need not revise the plans, specifications, or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance, statute, or regulation which became effective subsequent to the date of original permit issuance. If the amount of work completed under the original permit is less than the entire foundation or an equivalent amount of work for a structure, then notwithstanding any other provision of law which provides to the contrary, the permittee shall comply with This Code and all ordinances, statutes, or regulations in effect at the time the permit is issued.

- (D) The permittee must obtain the new permit within five hundred forty (540) calendar days from the date of issuance of the original permit for the project if the provisions of Section 91.0303(d) (4) of This Code are to be utilized. If the permittee does not obtain the permit within the five hundred forty (540) calendar days, the permittee shall be required to proceed under the provisions of Section 91.0303(d) (3), as if no work had commenced.
- (d) Expiration. Every permit issued by the Building

 Official under the provisions of This Code shall expire by

 limitation and become null and void for any of the following reasons:
 - 1. The building or work authorized by a permit is not commenced within one hundred eighty (180) calendar days after the date the permit is issued; or
 - 2. The building or work authorized by a permit is suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days; or
 - 3. The entire foundation or an equivalent amount of work is not completed within three hundred sixty-five (365) calendar days after the date the permit is issued.

Work authorized by a permit shall be diligently performed to completion.

- (e) Extension of time.
- 1. The expiration of a permit that was issued under the provisions of This Code, may be extended once by the Building Official in accordance with the

provisions of Sections 91.0303(e)(1)(a) or 91.0303(e)(1)(b). One additional extension may be granted by the Building Official in accordance with Section 91.0303(e)(3).

- (a) If the work has not commenced, the following provisions shall apply:
 - (1) The applicant must file a written request for an extension with the Building Official prior to the expiration of the permit.
 - (2) The Building Official may extend the expiration of a permit if the Building
 Official finds that circumstances beyond the control of the applicant prevented the authorized work from commencing.
 - (3) The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date, to commence work and an additional three hundred sixty-five (365) calendar days, starting from the original permit expiration date, to complete the entire foundation or an equivalent amount of work on the permitted structure.
 - (4) The applicant shall revise the plans, specifications, and other data which define the work permitted, as necessary, to show compliance with This Code and all

applicable ordinances, statutes, or regulations in effect at the time the extension is granted.

- (5) The applicant shall pay the increase in all applicable fees, costs, assessments, deposits, penalties or other charges together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required pursuant to Section 91.0304(b).
- (b) If the work has commenced, the following provisions shall apply:
 - (1) The applicant must file a written request for the extension with the Building Official prior to the expiration of the permit.
 - expiration of a permit if the Building Official finds that circumstances beyond the control of the permittee prevented the completion of the foundation or an equivalent amount of work or caused the work authorized by such permit to be suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days.
 - (3) The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date,

to restart the work authorized by the permit, and an additional three hundred sixty-five (365) calendar days, starting from the original permit expiration date, to complete the foundation or an equivalent amount of work.

(4) If the Building Official determines that an entire foundation or an equivalent amount of work has been completed under the permit, the applicant need not revise the plans, specifications or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance or regulation which became effective after the permit is issued, nor pay any additional or subsequent fees or charges.

the entire foundation or equivalent amount of work has not been completed, the applicant shall pay the increases in all applicable fees, costs, assessments, deposits, penalties or other charges, together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. The applicant shall also comply with This Code and all new ordinances, statutes, or regulations in effect at the time the extension is granted.

(2) Where the permit has expired no extension
-PAGE 9 OF 12-

shall be granted. If the applicant desires to proceed with the project, the following provisions shall apply:

(a) The permittee shall obtain a new permit.

- (b) The permittee shall pay a full permit fee for the new permit and pay all other applicable fees in effect at the time the new permit is issued.
- (c) The permittee must comply with This Code and all ordinances, statutes, or regulations in effect at the time the new permit is issued.
- in accordance with Section 91.0303(e)(1)(a) or 91.0303(e)(1)(b), the Building Official may extend the expiration of a permit one additional time if the Building Official finds that; there has not been a significant change in the regulations applicable to the site from when the permit was initially approved, the additional extension is in the public interest and circumstances beyond the control of the applicant prevented the authorized work from proceeding.
- (4) If an application for an extension of time has been filed in accordance with Section 91.0303, the permit shall be automatically extended until the Building Official has made a decision on the application.
- (e) (f) Suspension or Revocation. The Building
 Official may, in writing, suspend or revoke a permit issued
 under the provisions of This Code whenever the Building

Official finds that the permit was issued in error either on the basis of incorrect information, or in violation of law.

The Building Official may suspend work under an issued permit which is being performed in violation of the laws, ordinances, or conditions governing the permit or performance of work, or both.

Following a suspension or prior to revoking a permit, the Building Official shall offer the permittee a reasonable opportunity to show cause why the suspension should not be continued or modified or the permit be revoked.

SEC. 93.0112 STOP ORDERS

Whenever any work is being done contrary to the provisions of this Article, the Building Official may order work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed. The provisions of section 91.0303(gf) govern the issuance of stop orders and the suspension or revocation of permits.

SEC. 93.0312 VALIDITY

- (a) [No changes to this subsection]
- (b) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or the provisions of this Article. The procedures of section 91.0303(gf) shall be applicable to the suspension or

P-17923

revocation of a permit under these circumstances.

SEC. 103.0403 PROCEDURES FOR SPECIAL PERMIT APPLICATION AND REVIEW

- A. through F. [No changes to these subsections]
- 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(de) shall also apply for extension of building permits issued in conjunction with this special permit.

H. [No changes to this subsection]

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Passed and adopted by the Council by the following vote:	l of The City of San Diego on		JUN 0 1 1993		
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Council Members	Yeas	Nays	Not Present	Ineligible	
Abbe Wolfsheimer		. 🔲			
Ron Roberts					
John Hartley					
George Stevens	4				
Tom Behr	4				
Valerie Stallings					
Judy McCarty			U		
Juan Vargas	9				
Mayor Susan Golding					
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AUTHENTICATED BY:		SUSAN GOLDING Mayor of The City of San Diego, California.			
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I HEREBY CERTIFY that the	e foregoing ordi	nance was no	t finally passed un	til twelve calendar days	
had elapsed between the day of its i	nu oducuon and	ule day of its	imai passage, to wi	t, Oii	
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I FURTHER GERTIFY that so	aid-ordinance wa	s read in full p	orior to its final pas	sage:	
I FURTHER CERTIFY that the less than a majority of the member of the Copy of said ordinance.	ers elected to the	he Council, a	nd that there was	s available for the con-	
			CHARLES GAB	DELNOUR an Diego, California.	
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	<u>.</u>	Office of the City Clerk, San Diego, California			
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	Ordinance Number	0-17	Adopted	JUN 01 1993	

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CERTIFICATE OF PUBLICATION

RECEIVED CITY CLERK'S CTRICE 23 JUN 16 AM 9: 45 SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK 2ND FLOOR CITY ADMINISTRATION BUILDING 202 C STREET SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1...

ORDINANCE NUMBER 0-17923 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 3, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.0303 RELATING TO PERMITS ISSUANCE; AMENDING ARTICLE 3, DIVISION 1, SECTION 93.0112 RELATING TO STOP ORDERS; AMENDING ARTICLE 3, DIVISION 3, SECTION 93.012 RELATING TO VALIDITY; AND AMENDING CHAPTER X; ARTICLE 3, DIVISION 4, RELATING TO PROCEDURES FOR SPECIAL PERMIT APPLICATION AND REVIEW.

This ordinance armends the San Diego Municipal Code by amending Chapter IX, Article 1, Division 3, section 91.0303 relating to the expiration of permits, and armends the corresponding text found within sections 93.0112, 93.0312 and 103.0403,

The full text of this ordinance is on file in the office of the City Clerk and available for public inspection.

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 MAY 18 1993

Passed and adopted by the Council of the City of San Diego on JUN 01.1993:

AUTHENTICATED BY:
SUSAN GOLDING
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 0-17923 (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:

JUNE 15

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

Dated at San Diego, California this 15th day of JUNE . 19 93.

(Signature)