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(O-93-159)

ORDINANCE NUMBER O-17934 (NEW SERIES)

ADOPTED ON JUN 28 1993

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 71.0131 REGARDING THE NOTICING OF HEARINGS BEFORE THE TRANSPORTATION DEMAND MANAGEMENT ADMINISTRATOR; AND AMENDING SECTION 71.0150 REGARDING THE NOTICING OF HEARING BEFORE THE APPEALS BOARD.

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

Section 1. That Chapter VII, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 71.0131 to read as follows:

**SEC. 71.0131 Variance or Other Permits Granted by the Administrator**

A. [No change.]

B. Hearing Before the Administrator - Procedure

1. In all cases the Administrator shall set a date for public hearing and give notice of time, place and purpose of such hearing in the following manner:

a. By posting in a prominent place at the business location or locations to be affected by the proposed decision.

b. By posting a notice outside of the entrance to the Chambers of the City Council.

2. Upon the date of the hearing, the Administrator shall hear the application unless cause is found on that date to continue the matter. If a date and time certain for

the continued hearing is announced in the open meeting, no further notice need be given.

3. In addition to the methods set forth in Section 71.0131(B)(1), the TDM Administrator may use other methods found to be desirable in giving proper notice of the public hearing.

C. and D. [No changes.]

Section 2. That Chapter VII, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 71.0150 to read as follows:

**SEC. 71.0150 Appeal to the Appeals Board of an Administrator's Decision**

A. [No change.]

B. Appeal Procedure

1. and 2. [No changes.]

3. Upon the filing of an appeal, the Administrator shall set the matter for public hearing before the Appeals Board and shall give notice of time, date and purpose of such hearing in the following manner:

a. By posting in a prominent place at the business location or locations to be affected by the proposed decision.

b. By posting a notice outside of the entrance to the Chambers of the City Council.

4. The Administrator shall transmit to the Appeals Board a copy of the decision in the case along with findings, minutes of the hearing and all other

evidence, maps, papers and exhibits used by the Administrator in making the decision.

5. Upon the date set for the hearing, the Appeals Board shall hear the appeal unless, for cause, the Appeals Board shall on that date continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

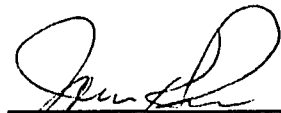
6. In addition to the methods set forth in Section 71.0150(B)(3), the TDM Administrator may use other methods found to be desirable in giving proper notice of the public hearing.

C. [No change.]

Section 3. That 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



John K. Riess  
Deputy City Attorney

JKR:pev  
05/05/93  
Or.Dept:E&D  
O-93-159  
Form=o.code

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRUCK OUT  
NEW LANGUAGE: SHADED

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 71.0131 REGARDING THE NOTICING OF HEARINGS BEFORE THE TRANSPORTATION DEMAND MANAGEMENT ADMINISTRATOR; AND AMENDING SECTION 71.0150 REGARDING THE NOTICING OF HEARING BEFORE THE APPEALS BOARD.

**SEC. 71.0131 Variance or Other Permits Granted by the Administrator**

A. [No change.]

B. Hearing Before the Administrator - Procedure

1. In all cases the Administrator shall set a date for public hearing and give notice of time, place and purpose of such hearing in accordance with the procedures set forth in San Diego Municipal Code section 101.0220 the following manner:

a. By posting in a prominent place at the business location or locations to be affected by the proposed decision.

b. By posting a notice outside of the entrance to the Chambers of the City Council.

2. Upon the date of the hearing, the Administrator shall hear the application unless cause is found on that date to continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

3. In addition to the methods set forth in Section 71.0131(B)(1), the TDM Administrator may use other methods found to be desirable in giving proper notice of the public hearing.

C. and D. [No changes.]

**SEC. 71.0150 Appeal to the Appeals Board of an Administrator's Decision**

A. [No change.]

B. Appeal Procedure

1. and 2. [No changes.]

3. Upon the filing of an appeal, the Administrator shall set the matter for public hearing before the ~~a Appeals b Board~~ and shall give notice of time, date and purpose of such hearing in accordance with ~~San Diego Municipal Code section 101.0220~~ the following manner:

a. By posting in a prominent place at the business location or locations to be affected by the proposed decision.

b. By posting a notice outside of the entrance to the Chambers of the City Council.

4. The Administrator shall transmit to the Appeals Board a copy of the decision in the case along with findings, minutes of the hearing and all other evidence, maps, papers and exhibits used by the Administrator in making the decision.

5. Upon the date set for the hearing, the Appeals Board shall hear the appeal unless, for cause, the Appeals Board shall on that date continue the matter. If a date and time certain for the continued hearing is announced in the open meeting, no further notice need be given.

6. In addition to the methods set forth in Section 71.0150(B)(3), the TDM Administrator may use other methods found to be desirable in giving proper notice of the public hearing.

C. [No change.]

JKR:pev  
05/05/93  
Or. Dept: E&D  
O-93-159  
Form=o.code

Passed and adopted by the Council of The City of San Diego on JUN 28 1993  
 by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
 Mayor of The City of San Diego, California.

(Seal)

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

By Blonda B. Barnes, 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

JUN 07 1993, and on JUN 28 1993

~~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 Blonda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17934</u>	Adopted <u>JUN 28 1993</u>

RECEIVED  
93 MAY 26 PM 3:45  
CITY CLERKS OFFICE  
SAN DIEGO, CA

MAY 26 1993

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RECEIVED  
93 MAY 26 PM 3:45  
CITY CLERKS OFFICE  
SAN DIEGO, CA

70M 05 1083 S 200

CERTIFICATE OF PUBLICATION RECEIVED  
CITY CLERK'S OFFICE

93 JUL 15 AM 10:16

SAN DIEGO, CALIF. *p*

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 VII, ARTICLE 1...

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

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This ordinance revises the noticing procedures for hearings before the Transportation Demand Management Administrator and the Transportation Demand Management Board to require posted notice only at the affected site or sites.  
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON JUN 07 1993  
Passed and adopted by the Council of the City of San Diego on JUN 28 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 RHONDA R. BARNES, Deputy  
Pub. July 12 278201

ORDINANCE NUMBER O-17934 (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:

JULY 12

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

Dated at San Diego, California this 12th day of JULY, 19 93.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

25/8 x 2 = \$66.56