(0-93-160) COR.COPY 08/06/93

ORDINANCE NUMBER 0-17950

(NEW SERIES)

ADOPTED ON AUG 02 1993

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.1001 AND 101.1002 RELATING TO MOBILE HOME PARK OVERLAY ZONE.

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

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.1001 and 101.1002 to read as follows:

SEC. 101.1001 MOBILE HOME PARK OVERLAY ZONE

A. PURPOSE AND INTENT

I. The purpose of the Mobile Home Park Overlay Zone is to provide adequate sites for mobile homes consistent with the City's goal of accommodating alternative housing types. In attaining this goal it is intended that the zone may be applied as a means of preserving existing mobile home parks and their supply of mobile home spaces and to reserve vacant sites designated for mobile home park development in community plans.

The Mobile Home Park Overlay Zone is intended to treat the development of mobile homes and mobile home parks as traditional housing. In this regard the zone utilizes the Planned Residential Development

legislation to regulate the planning and development of individual mobile homes as well as mobile home parks.

- 2. The Mobile Home Park Overlay Zone may be applied in any zone in which residential uses are permitted. The density of mobile home development shall be that provided by the underlying zone, the Progress Guide and General Plan for The City of San Diego or the adopted community plan, whichever provides for the lowest density.
- B. APPLICATION OF THE MOBILE HOME PARK OVERLAY ZONE

The Mobile Home Park Overlay Zone may be applied following hearings conducted pursuant to Chapter X, Article 1, Division 2 of the Municipal Code. However, anything to the contrary in this section or in section 101.1002 notwithstanding, this section and section 101.1002 shall not apply to the mobile home park located in Mission Bay generally known as De Anza Mobilehome Park. It is the intention of the City to deal with any discontinuance and relocation issues involved with De Anza Mobilehome Park by separate ordinance or resolution because of the unique conditions applicable to the De Anza Mobilehome Park.

C. DEFINITIONS

For purposes of this Division, the following terms are defined as:

1. The term "Mobile Home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or thirty (30) body feet or more in length, or,

when erected on site, is two hundred forty (240) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Mobile Home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. § 5401 et seq.).

. . .

2. The term "Mobile Home Park" means any development of land for use as a site for one or more Mobile Homes. A Mobile Home Park shall include single lot developments where Mobile Home lots are owned, rented, or leased; single lot developments with condominium or cooperative ownership; and multiple legal lots with condominium or cooperative ownership of common facilities and improvements.

D. and E. [No changes.]

SEC. 101.1002 DISCONTINUANCE OF A MOBILE HOME PARK

A. APPLICATION FOR DISCONTINUANCE

1. Before the City issues any permit, including a building permit, which permit would allow the use of

any land presently or hereafter used as a Mobile Home Park, to be used for any purpose other than a Mobile Home Park, or to be converted from Mobile Home spaces to any other uses, a Mobile Home Park owner, lessee or operator shall file an application to discontinue the use of the property for a Mobile Home Park or Mobile Home spaces with the Planning Department. The application shall conform to the provisions of Municipal Code section 101.0901(D). The applicant shall also submit to the Planning Department a proposed application for a relocation plan which shall be transmitted to the Housing Commission for action.

The provisions of this Section shall be applicable whether or not the Mobile Home Park is:

- a. subject to the Mobile Home Park Overlay Zone;
 - b. subject to a Conditional Use Permit;
- c. entitled to be used as a Mobile Home
 Park based on nonconforming rights; or,
- d. subject to a permit issued under present regulations.
- 2. The owner, lessee or operator of a Mobile

 Home park shall submit the applications no later than
 thirty (30) days after the date on which:
 - a. Fifteen percent (15%) of the Mobile Home spaces within the Mobile Home Park cease to be occupied by Mobile Homes; or,

- b. Fifteen percent (15%) of the Mobile Home spaces within the Mobile Home Park cease to be used for residential purposes if those Mobile Homes are owned by the Mobile Home Park owner, lessee or operator; or,
- c. The total of vacant Mobile Home spaces and Mobile Homes described in Section 101.1002(A)(2)(a) and (b) equals fifteen percent (15%).

The owner, lessee or operator of a Mobile Home

Park shall submit the application no later than thirty

(30) days after a notice of determination that the

Mobile Home Park is undergoing a change of use has been provided to the Mobile Home Park owner, lessee or operator by the Executive Director of the Housing

Commission.

Applications shall not be required if the unoccupied Mobile Home spaces or Mobile Homes are offered for rent or lease to tenants or Mobile Home owners and a sign offering such spaces or Mobile Homes for rent or lease is installed at the principal entrance to the Mobile Home Park and is visible from the adjacent public right of way. The sign shall be maintained so long as fifteen percent (15%) of the Mobile Home spaces or Mobile Homes in the Mobile Home Park remain unoccupied by Mobile Homes or tenants. If the vacancy rate for Mobile Home spaces or Mobile Homes remains at or above fifteen percent (15%) for sixty

(60) days, the application shall be filed within thirty
(30) days after the expiration of the sixty (60) day

- period.
 - 3. [No change in text of this subsection.]
 - 4. [No change in text of this subsection.]
 - 5. [No change in text of this subsection.]
 - 6. [No change in text of this subsection.]
 - 7. [No change in text of this subsection.]
 - 8. [No change in text of this subsection.]
 - 9. [No change in text of this subsection.]
- 10. The application shall be accompanied by a relocation plan which provides for the relocation of the tenants who will be displaced by the discontinuance of the use of the property for a Mobile Home Park or by the conversion of Mobile Home spaces to other uses. The relocation plan shall comply with standards and regulations for relocation plans developed by the Housing Commission.
- 11. The Planning Department shall not take action on the application to discontinue the use of property for a Mobile Home Park or Mobile Home spaces until a relocation plan has been approved by the Housing Commission.

B. DECISION OF THE PLANNING DEPARTMENT

1. If a relocation plan has been approved and if the Planning Department determines that the application for discontinuance is complete and conforms with all regulations, policies and guidelines, the Planning

Department shall accept the application for discontinuance.

2. The Hearing Officer may approve, conditionally approve, or deny the application in accordance with Process Three.

- 3. The Hearing Officer may, by resolution, grant the application for discontinuance if the Hearing Officer finds from the evidence presented that all of the following facts exist:
 - a. The discontinuance of use of the land for a Mobile Home Park or Mobile Home spaces will not deprive the community of a needed facility and will not adversely affect the Progress Guide and General Plan for The City of San Diego, any element thereof, or the adopted community plan; and,
 - b. The discontinuance of use of the land for a Mobile Home Park or Mobile Home spaces, because of conditions that have been applied to such discontinuance, will not be detrimental to the health, safety and general welfare of persons residing in the Mobile Home Park or residing or working in the area and will not adversely affect other property in the vicinity; and,
 - c. The use to which the applicant proposes to put the property will provide a greater public benefit than continued use of the property for a Mobile Home Park or Mobile Home spaces.

4. The Hearing Officer may not approve an application for discontinuance of a Mobile Home Park or Mobile Home spaces unless the application, in conjunction with the environmental review process, if applicable, was publicly noticed at least thirty (30) calendar days prior to the decision of the Hearing Officer in the official City newspaper and by mail to: all property owners within three hundred

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- (300) feet of the Mobile Home Park;
- all tenants of the Mobile Home Park;
- the affected community planning group or groups; and,
- d. other groups and organizations which have requested notification by written request to the Planning Director.
- The Hearing Officer may establish the date on which the resolution of discontinuance will become effective. Such date shall not be more than three (3) years from the date of the decision of the Hearing Officer, or such earlier date as the applicant has complied with the provisions of an approved relocation plan, and submitted evidence thereof to the Hearing Officer.
- In granting or denying an application for discontinuance of a Mobile Home Park or Mobile Home spaces, the Hearing Officer shall make a written finding in rendering the decision and in attaching

conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth in this section.

Compliance with the relocation plan shall be imposed as a condition of approval of the application for discontinuance.

- 7. The decision of the Hearing Officer may be appealed to the Planning Commission. An appeal may not be taken from the imposition of a condition which requires compliance with an approved relocation plan.
- An appeal from the decision of the Hearing Officer on an application for discontinuance of a Mobile Home Park or Mobile Home spaces may be filed in accordance with Section 111.0506 of the Municipal Code.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

Section 3. In areas of the City of San Diego other than the Coastal Zone, any project meeting either of the criteria set forth below, and submitted prior to August 2, 1993, the date of

adoption of this ordinance, shall be exempt from the provisions of this ordinance.

- A. Any project for which plans have been submitted to the Building Inspection Department of The City of San Diego, which plans comply with the minimum requirements as established by the Building Inspection Department.
- B. Any project for which plans have been submitted for a discretionary permit (or permits) subject to Chapter X of the San Diego Municipal Code; provided, however, that all plans submitted to the Building Inspection Department shall be consistent with the approved discretionary permit or permits.

Section 4. Within the Coastal Zone, no permits for development inconsistent with the provisions of this ordinance shall be issued after the date on which this ordinance becomes effective within the Coastal Zone, as specified in Section 2 of this ordinance, unless an application for a Coastal Development Permit was made prior to August 2, 1993, the date of adoption of this ordinance.

APPROVED: JOHN W. WITT, City Attorney

Ву

Harold O. Valderhaug

Chief Deputy City Attorney

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RECEIVED CITY CLERK'S AFICE

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(0-93-160) COR.COPY 08/06/93

SEC. 101.1001 MOBILE HOME PARK OVERLAY ZONE

A. PURPOSE AND INTENT

I. The purpose of the Mobile Home Park Overlay Zone is to provide adequate sites for mobile homes consistent with the City's goal of accommodating alternative housing types. In attaining this goal it is intended that the zone may be applied as a means of preserving existing mobile home parks and their supply of mobile home spaces and to reserve vacant sites designated for mobile home park development in community plans.

. . .

The Mobile Home Park Overlay Zone is intended to treat the development of mobile homes and mobile home parks as traditional housing. In this regard the zone utilizes the Planned Residential Development legislation to regulate the planning and development of individual mobile homes as well as mobile home parks.

- 2. The Mobile Home Park Overlay Zone may be applied in any zone in which residential uses are permitted. The density of mobile home development shall be that provided by the underlying zone, the Progress Guide and General Plan for The City of San Diego or the adopted community plan, whichever is less provides for the lowest density.
- B. APPLICATION OF THE MOBILE HOME PARK OVERLAY ZONE

The Mobile Home Park Overlay Zone may be applied by the City Council, in accordance with "Process Five," in any zone in which residential uses are permitted following hearings conducted pursuant to Chapter X, Article 1, Division 2 of the Municipal Code. However, anything to the contrary in this section or in section 101.1002 notwithstanding, this section and section 101.1002 shall not apply to the mobilhome park located in Mission Bay generally known as De Anza Mobilehome Park. It is the intention of the City to deal with any discontinuance and relocation issues involved with De Anza Mobilehome Park by separate ordinance or resolution because of the unique conditions applicable to the De Anza Mobilehome Park.

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C. DEFINITIONS

For purposes of this Division, the following terms are defined as:

transportable in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundation system. Mobile Homes does not include a recreational vehicle, travel trailer, commercial coach, or factory build housing. which, in the traveling mode, is eight (8) body feet or more in width, or thirty (30) body feet or more in length, or, when erected on site, is two hundred forty (240) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected

to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Mobile Home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C. § 5401 et seq.).

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- 2. The term "Mobile Home Park" means any development of land for use as a site for one or more mMobile hHomes. A mMobile hHome pPark shall include single lot developments where mMobile hHome lots are owned, rented, or leased; single lot developments with condominium or cooperative ownership; and multiple legal lots with condominium or cooperative ownership of common facilities and improvements.
- D. and E. [No changes.]

SEC. 101.1002 DISCONTINUANCE OF A MOBILE HOME PARK

A. APPLICATION FOR DISCONTINUANCE

1. Prior to the issuance of Before the City issues any permit, including a building permit, which permit would allow the use of any land, except land within a dedicated public park, presently or hereafter utilized for used as a mMobile hHome pPark, to be used for any purpose other than a mMobile hHome pPark, or to

be converted from Mobile Home spaces to any other uses, a Mobile Home Park owner, lessee or operator shall file an application to discontinue the use of the property for a mMobile hHome pPark or Mobile Home spaces shall be filed with the Planning Department. The application shall conform to the provisions of Municipal Code Section 101.0900(D). The applicant shall also submit to the Planning Department an application for a relocation plan which shall be transmitted to the Housing Commission for action.

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The provisions of this Section shall be applicable whether or not the $m\underline{M}$ obile $h\underline{H}$ ome $p\underline{P}$ ark is:

- ± <u>a</u>. subject to the Mobile Home Park Overlay
 Zone__:
 - 2 b. subject to a Conditional Use Permit7:
- 3 c. is entitled to be used as a Mobile Home Park based on nonconforming rights r: or.
- 4 <u>d</u>. has secured <u>subject to</u> a permit <u>issued</u> under present regulations.
- 2. The owner, lessee or operator of a Mobile

 Home park shall submit the applications no later than
 thirty (30) days after the date on which:
 - a. Fifteen percent (15%) of the Mobile Home spaces within the Mobile Home Park cease to be occupied by Mobile Homes; or,
 - b. Fifteen percent (15%) of the Mobile Home
 spaces within the Mobile Home Park cease to be
 used for residential purposes if those Mobile

Homes are owned by the Mobile Home Park owner, lessee or operator; or,

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and Mobile Homes described in Section

101.1002(A)(2)(b) equals fifteen percent (15%).

The owner, lessee or operator of a Mobile Home

Park shall submit the applications no later than thirty

(30) days after a notice of determination that the

Mobile Home Park is undergoing a change of use has been provided to the Mobile Home Park owner, lessee or operator by the Executive Director of the Housing

Commission.

Applications shall not be required if the unoccupied Mobile Home spaces or Mobile Homes are offered for rent or lease to tenants or Mobile Home owners and a sign offering such spaces or Mobile Homes for rent or lease is installed at the principal entrance to the Mobile Home Park and is visible from the adjacent public right of way. The sign shall be maintained so long as fifteen percent (15%) of the Mobile Home spaces or Mobile Homes in the Mobile Home Park remain unoccupied by Mobile Homes or tenants. If the vacancy rate for Mobile Home spaces or Mobile Homes remains at or above fifteen percent (15%) for sixty (60) days, the applications shall be filed within thirty (30) days after the expiration of the sixty (60) day period.

2 3. [No change in text of this subsection.]
-PAGE 5 OF 11-

45. [No change in text of this subsection.]

 $\frac{3}{4}$. [No change in text of this subsection.]

. . . .

- 5 6. [No change in text of this subsection.]
- 6 7. [No change in text of this subsection.]
- 7 8. [No change in text of this subsection.]
- 8 9. [No change in text of this subsection.]

9 10. The application shall be accompanied by a relocation plan which shall make adequate provision provides for the relocation of the tenants who will be displaced by the discontinuance of the use of the property for a Mobile Home Park or by the conversion of Mobile Home spaces to other uses. The relocation plan shall comply with standards and regulations for relocation plans developed by the Housing Commission.

A relocation plan shall include, but not be limited to: consideration of public transportation; medical and dental services; shopping facilities; age of the mobile home Park, mobile homes and tenants; and the economic impact on the relocated tenants.

10. If the use of property fo a mobile home Park has been terminated prior to issuance of a permit to discontinue such use pursuant to this Section, no permit shall be required, and such property may be used pursuant to applicable provisions of the Municipal Code at any time following three years from the date of termination of use of the property for a mobile home park. The provisions of this paragraph shall be applicable only to mobile home Parks, the use of which

terminates after the effective date of the ordinance by which these provisions are added to the Municipal Code.

. . . .

11. The Planning Department shall not take action on the application to discontinue the use of property for a Mobile Home Park or Mobile Home spaces until a relocation plan has been approved.

B. DECISION OF THE PLANNING COMMISSION DEPARTMENT

- 1. The Planning Commission may approve, conditionally approve or deny the application for discontinuance in accordance with "Process Four." The decision of the Planning Commission may be appealed to the City Council in accordance with Section 111.0509.

 If a relocation plan has been approved and if the Planning Department determines that the application for discontinuance is complete and conforms with all regulations, policies and guidelines, the Planning Department shall accept the application for discontinuance.
- 2. The Hearing Officer may approve, conditionally approve, or deny the application in accordance with Process Three.
- 2 3. The Planning-Commission Hearing Officer may, by resolution, grant the application for discontinuance if it is found the Hearing Officer finds from the evidence presented that all of the following facts exists:
 - a. The discontinuance of use of the land for a mMobile hHome pPark or Mobile Home spaces will not deprive the community of a needed

facility and will not adversely affect the

Progress Guide and General Plan for The City of
San Diego, any element thereof, or the adopted

. . .

community plan-; and,

b. The discontinuance of use of the land for a mMobile hHome pPark or Mobile Home spaces, because of conditions that have been applied to such discontinuance, will not be detrimental to the health, safety and general welfare of persons residing in the mMobile hHome pPark or residing or working in the area and will not adversely affect other property in the vicinity; and,

- c. The use to which the applicant proposes to put the property will provide a greater public benefit than continued use of the property for a mMobile hHome pPark or Mobile Home spaces.
- 3. 4. In granting or denying an application for discontinuance of a mobile home park, the Planning Commission may impose those conditions which are necessary to protect the public health, safety and general welfare in accordance with the purpose and intent of the zoning regulations. A relocation plan shall be imposed as a condition of approval of the application for discontinuance.

The Planning Commisson may establish the date on which the resolution of discontinuance will become effective. Such date shall not be more than three years from the date of the decision of the Planning

Commission, or such earlier date as the applicant has complied with the provisions of an approved relocation plan, and submitted evidence thereof to the Planning Commission.

. . .

The Hearing Officer may not approve an application for discontinuance of a Mobile Home Park or Mobile Home spaces unless the application, in conjunction with the environmental review process, if applicable, was publicly noticed at least thirty (30) calendar days prior to the decision of the Hearing Officer in the official City newspaper and by mail to:

- a. all property owners within three hundred (300) feet of the mobile home Park;
- b. all tenants of the Mobile Home
 Park;
- c. the affected community planning group or groups; and,
- d. other groups and organizations which have requested notification by written request to the Planning Director.
- 4 5. In-granting, conditionally granting or denying an application for discontinuance of a mobile home park, the Planning Commission shall make written findings which specify the facts relied upon by the Planning Commission in rendering the decision and shall set forth the facts and circumstances in which the permit fulfills or fails to fulfill the requirements of Section 101.1002. The Hearing Officer may establish

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the date on which the resolution of discontinuance will become effective. Such date shall not be more than three (3) years from the date of the decision of the Hearing Officer, or such earlier date as the applicant has complied with the provisions of an approved relocation plan, and submitted evidence thereof to the Hearing Officer.

- be filed with the City Clerk, the Planning Department and the Building Inspection Department, and shall be mailed to the applicant, the tenants of the Mobile Home Park and to the community planning chairperson. In granting or denying an application for discontinuance of a Mobile Home Park or Mobile Home spaces, the Hearing Officer shall make a written finding in rendering the decision and in attaching conditions and safeguards, and shall fully set forth wherein the facts and circumstances fulfill or fail to fulfill the requirements set forth in this section. Compliance with the relocation plan shall be imposed as a condition of approval of the application for discontinuance.
- 7. The decision of the Hearing Officer may be appealed to the Planning Commission. An appeal may not be taken from the imposition of a condition which requires compliance with an approved relocation plan.

C. APPEAL FROM THE DECISION OF THE HEARING OFFICER

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An appeal from the decision of the Hearing Officer on an application for discontinuance of a Mobile Home Park or Mobile Home spaces may be filed in accordance with Section 111.0506 of the Municipal Code.



y the following vote:	of The City of S	an Diego on		AUG 0 2 1993	
Council Members	Yeas	Nays	Not Present	Ineligible	
Abbe Wolfsheimer					
Ron Roberts					
John Hartley					
George Stevens	₽ _				
Tom Behr	1	. \square			
Valerie Stallings					
Judy McCarty					
Juan Vargas					
Mayor Susan Golding					
AUTHENTICATED BY:		May	SUSAN GOI		
			CHARLES G. ABDELNOUR		
(Seal)		*******************	*****************************	San Diego, California.	
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CERTIFICATE OF PUBLICATION

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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 X, ARTICLE 1, DIVISION...

ORDINANCE NUMBER 0-17950

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 10, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101,1001 AND 101,1002 RELATING TO MOBILE HOME PARK OVERLAY ZONE

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 Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON July 6, 1993. Passed and Adopted by the Council of The City of San Diego on August 2, 1993.

AUTHENTICATED BY:

SUSAN GOLDING

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.
277238.

Pub. Aug. 13

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 0-17950

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:

AUGUST 13

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

Dated at San Diego, California this 13th day of AUGUST . 19 93

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