

(O-86-14)

ORDINANCE NUMBER O- 16473 (NEW SERIES)

ADOPTED ON JUL 22 1985

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 5, 1985, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE AMENDING THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN, AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 5, 1985.

WHEREAS, the City Clerk has certified to the City Council that an initiative petition to amend the City of San Diego Progress Guide and General Plan has a sufficient number of signatures to qualify the initiative for the ballot pursuant to the provisions of Section 23 of the Charter of the City of San Diego and Chapter II, Article 7, Division 25 of the San Diego Municipal Code; and

WHEREAS, the Council desires to submit the aforementioned initiative to the qualified voters of the City of San Diego at a Special Municipal Election to be held in the City on November 5, 1985; and

WHEREAS, the City Council will call a General Municipal Election in the City to be held on November 5, 1985; NOW, THEREFORE,

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

Section 1. A Special Municipal Election is hereby called and ordered to be held in the City of San Diego, California, on November 5, 1985, and pursuant to the provisions of Section 23 of the Charter of The City of San Diego and the provisions of Chapter II, Article 7, Division 25 of the San Diego Municipal Code, the Council of The City of San Diego, being the legislative body thereof, hereby submits to the qualified voters of the City at such Special Municipal Election the following proposition:

PROPOSITION _____

Adds to the City of San Diego Progress Guide and General Plan an Amendment to read as follows:

Section 1. "No property shall be changed from the "future urbanizing" land use designation in the Progress Guide and General Plan to any other land use designation and the provisions restricting development in the future urbanizing area shall not be amended except by majority vote of the people voting on the change or amendment at a City wide election thereon."

Section 2. Definitions. "For purposes of this Initiative measure, the following words and phrases shall have the following meanings:

(a) "Progress Guide and General Plan shall mean the Progress Guide and General Plan of the City of San Diego, including text and maps, as the same existed on August 1, 1984".

(b) "Change in Designation" or "changed from 'Future Urbanizing'" shall mean the removal of any area of land from the future urbanizing designation".

(c) "Amendment" or "amended" as used in Section 1 shall mean any proposal to amend the text or maps of the Progress Guide and General Plan affecting the future urbanizing designation as the same existed in the Progress Guide and General Plan on August 1, 1984 or the land subject to said designation on August 1, 1984, except amendments which are neutral or make the designation more restrictive in terms of permitting development".

Section 3. Implementation. "The City Council, City Planning Commission, and City staff are hereby directed to take any and all actions necessary under this initiative measure, including but not limited to adoption and implementation on any amendments to the General Plan and

zoning ordinance or City Code, reasonably necessary to carry out the intent and purpose of this Initiative measure. Said actions shall be carried forthwith".

Section 4. Guidelines. "The City Council may adopt reasonable guidelines to implement this initiative measure following notice and public hearing, provided that any such guidelines shall be consistent with the intent and purpose of this measure".

Section 5. Exemptions for Certain Projects. "This measure shall not prevent completion of any project as to which a building permit has been issued pursuant to Section 91.02.03(a) of the San Diego Municipal Code prior to the effective date of this measure; provided, however, that the project shall cease to be exempt from the provisions of Section 91.02.0303(d) of the San Diego Municipal Code or if the said permit is suspended or revoked pursuant to Section 91.02.0303(e) of the San Diego Municipal Code".

Section 6. Amendment or Repeal. This measure may be amended or repealed only by a majority of the voters voting at an election thereon.

Section 7. Severability. "If any section, subsection, sentence, phrase, clause, or portion of this initiative is for any reason held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative and each section, subsection, sentence, clause, phrase, part of portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional".

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 4 of this ordinance.

Section 3. The polls for this Special Municipal Election shall be open at 7 a.m. (local time) on November 5, 1985, and remain open continuously until 8 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

Section 4. Since this election is being consolidated with the General Municipal Election, and since the City Clerk of The

City of San Diego is hereby authorized to canvass returns of this election, and since only one form of ballot is authorized, the method of voting upon these propositions shall be as provided in the Elections Code of the State of California; and, on the ballots to be used at this Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ____ . CITY OF SAN DIEGO INITIATIVE MEASURE. AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN.</p> <p>Shall the City of San Diego Progress Guide and General Plan be amended by adding restrictions requiring that land areas which are designated as "future urbanizing" not be redesignated without voter approval?</p>	YES	
	NO	

Section 5. An appropriate mark placed in the voting square after the word "YES," shall be counted in favor of the adoption of the proposition. An appropriate mark placed in the voting square after the word "NO," in the manner hereinbefore provided shall be counted against the adoption of the proposition.

Section 6. The Special Municipal Election called for November 5, 1985 in the City of San Diego is hereby ordered consolidated with the General Municipal Election to be held on the same date. Within the City of San Diego the precincts, polling places and officers of the election for the Special Municipal Election shall be the same as those provided for in the General Municipal Election.

Section 7. The Registrar of Voters of the County of San Diego is hereby authorized to canvass the returns of the Special Municipal Election and these elections shall be held in all respects as if there were only one election, and within the City only one form of ballot shall be used. The City Clerk shall certify the results of the canvass of the returns of this Special Municipal Election to the Council of The City of San Diego which shall then declare the results of the election.

Section 8. The proposition submitted by this ordinance shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure as provided in Section 10219 of the Elections Code of the State of California.

Section 9. Except as otherwise provided in this ordinance, the Special Municipal Election shall be conducted as provided by law for other municipal elections of the City.

Section 10. The City Clerk shall cause this ordinance to be published once in the official newspaper. No other notice of the election need be given.

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on JUL 22 1985, being the day of its introduction and passage.

APPROVED: John W. Witt, City Attorney

By Stuart H. Swett
Stuart H. Swett
Chief Deputy City Attorney

SHS:js:930.56
7/18/85
Or.Dept:Clerk
O-86-14
Form=o.none

5404

Passed and adopted by the Council of The City of San Diego on JUL 22 1985,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikama	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7-vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUL 22 1985, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

CERTIFICATE OF PUBLICATION .

THE CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
202 "C" STREET - 12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA,
ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE
OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY
ON NOVEMBER 5, 1985,

ORDINANCE NUMBER O-16473
ADOPTED ON JULY 22, 1985
WHEREAS, the City of San Diego, California, is authorized by the provisions of Article 7, Division 2 of the City of San Diego Municipal Code to call a Special Municipal Election to be held in the City of San Diego, California, on November 5, 1985, for the purpose of submitting to the qualified voters of the City of San Diego, California, a Proposition relating to an initiative measure amending the City of San Diego General Plan and General Plan Ordinance and Special Municipal Election to be held in the City of San Diego, California, on November 5, 1985;
AND WHEREAS, the City Clerk has certified to the City Council that a sufficient number of signatures to qualify for the ballot pursuant to the provisions of Section 23 of the City of San Diego and Chapter II, Article 7, Division 2 of the City of San Diego Municipal Code; and
AND WHEREAS, the Council desires to submit the aforementioned initiative measure to the qualified voters of the City of San Diego at a Special Municipal Election to be held in the City of San Diego, California, on November 5, 1985; and
AND WHEREAS, the City Council has called a General Municipal Election to be held on November 5, 1985; NOW, THEREFORE, the Council of the City of San Diego, California, do hereby ordain, enact and pass the following:
SECTION 1. A Special Municipal Election is hereby called and to be held in the City of San Diego, California, on November 5, 1985, and pursuant to the provisions of Section 23 of the Charter of the City of San Diego and the provisions of Chapter II, Article 7, Division 2 of the San Diego Municipal Code, the Council of the City of San Diego, being the legislative body thereof, hereby submits to the qualified voters of the City at such Special Municipal Election the following Proposition:
PROPOSITION
To the City of San Diego Progress Guide and General Plan initiative measure as follows:
Section 1. The property shall be changed from the "Future Urban" land use designation in the Progress Guide and General Plan and any other land use designation and the provisions relating thereto in the future Urbanizing area shall not be amended by a majority vote of the people voting on the change or by a City wide election thereon.
Section 2. Definitions: For purpose of this initiative measure, the following words and phrases shall have the following meanings: "Progress Guide and General Plan" shall mean the Progress Guide and General Plan of the City of San Diego, including any amendments thereto entered on August 1, 1984; "Change in Designation" or "changed from 'Future Urban'" shall mean the removal of any area of land from the future Urbanizing area.
Section 3. "Amendment" or "amended" as used in Section 1 shall mean any change in the land use designation of the Progress Guide and General Plan of the City of San Diego, California, entered on August 1, 1984, which shall be subject to the provisions of Article 7, Division 2 of the City of San Diego Municipal Code.

I, Martha Duran, 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 O-16473
(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:

August 5, 1985

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

Dated at San Diego, California this 5th day of August, 1985.



(Signature)

17 1/4 x 2 x 9.76 = 336.72

01058

Implementation. "The City Council, City Planning Commission and City Staff are hereby directed to take any and all actions necessary to carry out this initiative measure, including but not limited to adoption and implementation of any amendments to the General Plan and zoning ordinance or City Code, reasonably necessary to carry out the intent and purpose of this initiative measure. Such actions shall be carried forthwith."

Section 4. Guidelines. "The City Council may adopt reasonable guidelines to implement this initiative measure following notice and public hearing, provided that any such guidelines shall be consistent with the intent and purpose of this measure."

Section 5. Exemptions for Certain Projects. "This measure shall not prevent completion of any project as to which a building permit has been issued pursuant to Section 91.02.03(a) of the San Diego Municipal Code prior to the effective date of this measure; provided, however, that the project shall cease to be exempt from the provisions of Section 91.02.03(d) of the San Diego Municipal Code if the said permit is suspended or revoked pursuant to Section 91.02.03(e) of the San Diego Municipal Code."

Section 6. Amendment or Repeal. This measure may be amended or repealed only by a majority of the voters voting at an election thereon.

Section 7. Severability. "If any section, subsection, sentence, clause, or portion of this initiative is for any reason held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative and each section, subsection, sentence, clause, or part or portion thereof would have been adopted or passed notwithstanding the fact that any one or more sections, subsections, clauses, phrases, parts or portions be declared invalid or unconstitutional."

Section 8. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Article IV of this ordinance.

Section 9. The polls for this Special Municipal Election shall be held on November 5, 1985, from 7 a.m. (local time) to 7 p.m. (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Elections Code of the State of California.

Section 10. Since this election is being consolidated with the General Municipal Election, and since the City Clerk of The City of San Diego is hereby authorized to canvass returns of this election, and since the form of ballot is authorized, the method of canvassing returns shall be as provided in the Elections Code of the State of California, and, on the ballots to be used at this Municipal Election, in addition to any other matters required thereon, there shall be printed substantially the following:

<p>PROPOSITION — CITY OF SAN DIEGO INITIATIVE MEASURE AMENDING THE PROGRESSIVE GUIDE AND GENERAL PLAN</p>	<p>YES</p>	<input type="checkbox"/>
<p>of the City of San Diego is hereby amended by adding to the Progressive Guide and General Plan the following: that the City of San Diego shall not be required to provide for the future upgrading of the Progressive Guide and General Plan.</p>	<p>NO</p>	<input type="checkbox"/>

Section 11. An appropriate mark placed in the voting square after the word "YES" shall be counted in favor of the adoption of the proposition. An appropriate mark placed in the voting square after the word "NO" in the manner hereinbefore provided shall be counted as a vote against the adoption of the proposition.

Section 12. The Special Municipal Election called for November 5, 1985, in the City of San Diego is hereby ordered consolidated with the General Municipal Election to be held on the same date. Within the City of San Diego the precincts, polling places and officers of the Special Municipal Election shall be the same as provided for in the General Municipal Election.

Section 13. The Registrar of Voters of the County of San Diego is authorized to canvass the returns of the Special Municipal Election, and these elections shall be held in all respects as if there were only one election, and within the City only one form of ballot shall be used. The City Clerk shall certify the results of the canvass of the returns of this Special Municipal Election to the Council of The City of San Diego which shall then declare the results of the election.

Section 14. The proposition submitted by this ordinance shall be printed on the ballot by a letter printed on the left margin of the ballot containing the description of the measure as provided in Section 14219 of the Elections Code of the State of California.

Section 15. Except as otherwise provided in this ordinance, the Special Municipal Election shall be conducted as provided by law for the general municipal elections of the City.

Section 16. The City Clerk shall cause this ordinance to be published once in the official newspaper. No other notice of this ordinance shall be given.

Section 17. Pursuant to Section 17 of the Charter, this ordinance shall take effect on JULY 22, 1985, being the day of its adoption and passage.

Passed and adopted by the Council of The City of San Diego on July 22, 1985, by the following vote:

AYES: Michael, Cleator, McCool, Jones, Stephens, Brown, and Hedgcock
 NAYS: None
 NOT PRESENT: None, District 7 - vacant.

CERTIFICATED BY:
 ROBERT HEDGECOCK,
 Mayor of The City of San Diego, California.
 CHARLES G. ABDELNOUR,
 City Clerk of The City of San Diego, California.
 BRENDA L. BOVARD,
 Deputy City Clerk.

I HEREBY CERTIFY that the foregoing ordinance was passed by the Council of The City of San Diego on July 22, 1985, and that the reading of said ordinance in public session was approved with a vote of not less than a majority of the members of the Council, and that there was available for the inspection of each member of the Council and the public prior to its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR,
 City Clerk of The City of San Diego, California.
 BRENDA L. BOVARD,
 Deputy City Clerk.

Page: 1 of 2
 Date: August 5, 1985