

ORDINANCE NUMBER O- 17127 (New Series)

ADOPTED ON AUG 09 1988

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 OF SAN DIEGO ON NOVEMBER 8, 1988, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTIONS 10, 12 AND 23, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING CHARTER SECTION 57.1, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTION 43, ONE PROPOSITION RELATING TO AMENDING THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN, ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE ADOPTING A GENERAL PLAN AMENDMENT TO IMPROVE AND PRESERVE RESIDENTS' QUALITY OF LIFE, ONE PROPOSITION RELATING TO AN ADVISORY VOTE ON MANDATORY STAGGERED-WORK HOURS PROGRAM, ONE PROPOSITION ADOPTING AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 10960 RELATING TO AN EXCEPTION TO LIMITING THE HEIGHT OF BUILDINGS AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 8, 1988.

WHEREAS, the City Clerk has certified to the City Council that two (2) initiative petitions on the above-referenced subjects have sufficient number of signatures to qualify the initiatives 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 City Council desires to submit the aforementioned two (2) initiatives, one proposition amending the Charter of The City of San Diego by adding Charter Section 57.1,

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one proposition amending the Charter of The City of San Diego by amending Charter Section 43, one proposition amending The City of San Diego Progress Guide and General Plan, one proposition as an advisory vote on a mandatory staggered-work hours program, one proposition amending People's Ordinance No. 10960 relating to limiting the height of buildings in The Coastal Zone; and

WHEREAS, at a meeting held on AUG 09 1988, the City Council of The City of San Diego, California, adopted Resolution No. R- 271715 requesting the Board of Supervisors of the County of San Diego to order the consolidation of the Special Municipal Election to be held on November 8, 1988, with the State General Election to be held on the same date; 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 8, 1988, and pursuant to the provisions of Section 223 of the Charter of The City of San Diego, Section 3 of Article XI of the Constitution of the State of California, the provisions of Sections 34450 and 34459 of the California Government Code dealing with Charter amendments and 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 propositions:

PROPOSITION _____

Amends Sections 10, 12 and 23 of the Charter of The City of San Diego to read as follows:

Section 10. **ELECTIONS**

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members other than the Mayor shall be nominated and elected by the electors of the district for which elective office they are a candidate.

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year or if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday, provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such majority of votes shall be deemed to be and

declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, the two candidates receiving the highest number of votes for a particular elective office at said primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election.

At the general municipal election held for the purpose of electing Council members other than the Mayor the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. THE COUNCIL

The Council shall be composed of nine (9) Council members, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Council members, other than the Mayor, shall be elected at either the municipal primary or the general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case the City Council may determine by lot which Council member shall represent each

district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for Council members.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Council members: but in the event that said remaining Council members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy: provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of Council members to attend all Council meetings. The Council shall vacate the seat of any Council member who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

No Council member shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 23. INITIATIVE, REFERENDUM AND RECALL

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this Charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the

people it shall require a petition signed by ten percent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five percent of the registered voters of the City at the last general election; that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen percent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

PROPOSITION _____

Amend the Charter of The City of San Diego by adding Section 57.1 to Article V, to read as follows:

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2)

years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission

personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

PROPOSITION _____

Amend the Charter of the City of San Diego by amending Section 43 of Article V, to read as follows:

SECTION 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).>

(d) CITIZENS' REVIEW BOARD ON POLICE PRACTICES.

Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a

completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

PROPOSITION _____

Amends The City of San Diego Progress Guide and General Plan to read as follows:

AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN

BY ADDING A GROWTH MANAGEMENT ELEMENT

SECTION 1. STATEMENT OF PURPOSE AND INTENT.

The purposes and intent of this Growth Management Element of the Progress Guide and General Plan ("Element") are to (a) solve problems associated with rapid development; (b) maintain a steady growth rate consistent with the City's ability to provide public facilities and services at adequate service levels for existing and new development; (c) require new development to meet standards and criteria for neighborhood preservation, balanced communities, and transportation management; and (d) protect and preserve environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands, and prehistoric and historic resources.

SECTION 2. OBJECTIVES.

A. Promote a stable rate of economic growth, a strong and diverse economy and job opportunities which enhance the well-being of area residents.

B. Limit new residential construction to the City's fair share of the region's housing needs.

C. Protect single-family neighborhoods from incompatible development.

D. Protect environmentally sensitive lands.

E. Strengthen community plans by including design criteria, and requirements for development phasing and public facilities financing; require review of community plans every five (5) years with limitations on amendments between reviews.

F. Establish balanced communities by providing a range of housing for all economic levels consistent with the Housing Element of the General Plan and creating employment opportunities for the economic welfare of each community.

G. Provide adequate public facilities and services at the time of need to serve new development.

H. Assure that new development contributes to the improvement of the quality of life.

I. Identify existing public facility deficiencies and establish financing techniques to achieve community plan and city-wide level of service standards.

J. Coordinate growth management policies in San Diego with the growth policies of all jurisdictions within the region, including Mexico.

K. Monitor growth and development annually to ensure compliance with this Element.

SECTION 3. FINDINGS.

A. San Diego's growth rate exceeds prior regional growth forecasts and threatens the health, safety and general welfare of the City's residents.

B. Continuation of this rapid growth rate over the next 20 years would cause deterioration of the City's physical, social, environmental and economic condition.

C. The growth rate established in this Element is consistent with the City's projected share of housing as determined by recent SANDAG forecasts and will ensure that the City provides its fair share of regional housing opportunities.

D. The City's housing programs and activities as set forth in the Housing Element will not be impaired by the adoption of this Element.

E. Fiscal resources available to the City are inadequate to correct deficiencies, accommodate new growth and continue operation, maintenance, and replacement of public facilities and services.

F. The City's environmental resources are being adversely impacted by rapid development.

G. Existing City regulations do not adequately protect environmentally sensitive lands.

H. The public health, safety and general welfare will be promoted by this Element.

SECTION 4. GROWTH MANAGEMENT.

A. Maximum Growth Rate and Priorities.

1. The City shall not issue building permits for residential development which would allow the construction of more than 37,950 dwelling units for the five (5) year period 1989-1994.

2. For purposes of this Section only, "residential development" means the construction of new dwelling units requiring issuance of a building permit pursuant to § 91.01 of the Municipal Code, but does not include:

a. Remodeling, additions, rehabilitation or other improvements to an existing structure which does not result in an increase in dwelling units.

b. Rebuilding or replacement of an existing structure which does not result in an increase in dwelling units.

c. Residential development in Redevelopment Areas adopted pursuant to the Community Redevelopment Law.

d. Low income housing units as defined and certified by the Housing Commission.

e. Dwelling units with valid Interim Development Ordinance (Ordinance Number 0-17015 (New Series) allocations granted prior to the effective date of this Element.

3. The City Council shall establish a system for allocating building permits for residential development consistent with applicable community plans as follows:

a. CATEGORY I - Non-Vested Residential Development: 3,600 dwelling units per year or 18,000 for the five (5) year period 1989-1994 for developments which have not received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category I residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in the Urbanized Area as designated by the Progress Guide and General Plan (General Plan).

(2) Single-family houses on any lot or parcel which qualifies as a lot as defined in Municipal Code § 101.0101.34 which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element.

(3) Residential development in which a minimum of 20% of the dwelling units are available for low income families as certified by the Housing Commission.

b. CATEGORY II - Vested Residential Development: 3,990 dwelling units per year or 19,950 for the five (5) year period 1989-1994 for development which have

received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category II residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in a project for which the vesting tentative map or development agreement was approved prior to July 21, 1987.

(2) Residential development in a project for which the vesting tentative map or development agreement is approved on or after July 21, 1987.

c. Any unused allocation shall be carried over to the following quarterly allocation period and may be applied to either Category I or II at the discretion of the City Council.

4. The maximum growth rate and priorities will be returned to the voters no sooner than three (3) years nor later than five (5) years from the effective date of this Element for retention, modification or termination.

B. Preservation of Neighborhood Character.

1. All residential neighborhoods shall be classified as Protected, Transitional, or Reinvestment within one (1) year of the effective date of this Element and such classifications shall be incorporated into the community plan. No demolition of a single-family house for other than

construction of another single-family house (or other uses permitted in the R-1 zone) shall occur until the Council approves the neighborhood classification and adopts necessary implementation measures, except for low income developments as approved by the San Diego Housing Authority.

2. In Protected Neighborhoods existing single-family uses shall be preserved and protected from incompatible development which adversely affects the single-family character of the neighborhood by the following requirements:

a. No single-family zoned area shall be rezoned to a multi-family or nonresidential zone until the community plan is amended.

b. All multi-family residentially-zoned areas shall be rezoned to single-family zones concurrently with amendment of the community plan.

3. In Transitional Neighborhoods there shall be an orderly transition from single-family to multi-family or nonresidential uses by requiring a special permit for all development other than single-family houses to ensure compatibility with the existing character of the neighborhood. A reduction in density may be required to bring the development into compliance with applicable design standards and guidelines.

4. In Reinvestment Neighborhoods development may be permitted in accordance with the applicable community plan and conforming zoning.

C. Integrity of Community Plans.

1. The City shall establish a five-year cycle for the review and if necessary a comprehensive updating of every community plan. Community plan amendments relating to changes of use or density shall be prohibited between comprehensive community plan updates, except where the Planning Commission determines: (a) a substantial and unforeseen change in community conditions has occurred since the effective date of this Element or the last comprehensive community plan update, or (b) an error was made in the community plan.

2. The following types of community plan amendments may additionally be considered between comprehensive community plan updates:

a. Changes in road or street classifications or alignments;

b. Changes to permit public facilities;

c. Changes to permit Redevelopment projects or amendments to Redevelopment Plans;

d. Addition of an urban design element, a development phasing element and a public facility financing element, provided such elements do not change land use or density designated in the community plan.

e. Changes requested by the community planning group or other established community-based organization if there is no community planning group.

3. Within two (2) years from the effective date of this Element, the City shall prepare or update urban design, development phasing and public facilities financing elements for each community plan and complete the community plan and zoning consistency program. The community plan shall control over conflicting zoning designations.

4. Upon adoption of a comprehensive community plan update or a community plan amendment, the City shall concurrently adopt consistent zoning regulations.

5. Until each community plan meets the requirements of this Element, a special permit shall be required for all multi-family and nonresidential development to ensure compatibility with the neighborhood.

D. Balanced Communities.

Each community plan shall include a balanced communities element which shall describe how the type, location, density and cost of housing and the type of nonresidential development permitted by the community plan achieves the following objectives:

1. Provide housing opportunities for all economic segments of the community;

2. Provide low and moderate income housing, affordable housing and housing for senior citizens;

3. Provide nearby employment opportunities for persons residing in the community plan area;

4. Provide commercial and community facilities in support of residential development.

E. Adequate Transportation.

1. Each community plan shall incorporate a transportation element which establishes a level of service "D" or better for arterials, major streets and collector streets; provided, however, that community plans with transportation elements with a lower level of service may be retained, and the Council may adopt lower levels of service for community plans in the future.

2. Traffic generated by a proposed development shall be analyzed independently of existing traffic, but in conjunction with existing and programmed transportation improvements. If the traffic generated by the development would utilize more than its proportionate share of the transportation system capacity at the specified level of service, the development shall provide (a) feasible road system improvements which do not adversely affect neighborhood character or function and are consistent with the community plan; (b) transportation demand management

measures; (c) transit improvements; or (d) a combination of the above. If such measures do not reduce traffic to the development's proportionate share of the transportation capacity, the development shall be denied or may be approved with reductions in intensity or changes in use sufficient to fully mitigate the identified impact on the specified service level standard.

3. Within one (1) year of the effective date of this Element, the City shall develop a Transportation Demand Management (TDM) program to implement strategies for reducing regional and City road and parking congestion including, but not limited to, ridesharing, vanpooling, flexible work hours and employer incentives for mass transit use. Industrial and office development at major employment centers, including but not limited to, Centre City, Mission Valley, University City, Otay Mesa, Sorrento Valley, Kearny Mesa and western Mira Mesa, shall implement TDM measures based upon SANDAG Regional Air Quality Strategies (RAQS) and such other strategies as developed in the program. The City, in conjunction with the Metropolitan Transit Development Board (MTDB), shall identify funding sources for increased transit promotion, availability and usage. Developments shall contribute to transit facility funding where appropriate.

F. Adequate Public Facilities.

1. Each community plan shall specify the level of service for public facilities. A public facilities financing element and a development phasing element shall be incorporated into each community plan to ensure that proposed developments provide public facilities by funding or actual construction. All development shall pay its pro rata share of regional, city-wide and community public facilities costs reasonably related to needs generated by the development.

2. All applications for discretionary approval shall include a detailed fiscal analysis which estimates (a) the revenue to be generated by the proposed development including but not limited to taxes, assessments, fees and charges; and (b) the anticipated operational, maintenance and replacement costs for providing and servicing all public facilities reasonably related to the needs generated by the development. If the fiscal analysis indicates that the operational, maintenance and replacement costs will exceed the anticipated revenues, the City shall balance the social, housing and environmental benefits to be derived from the development against the fiscal deficiencies estimated to be incurred. The development may be approved, denied, approved with reductions in intensity or change of use or phased and scheduled to assure that fiscal balance is achieved.

3. The public facility financing element of each community plan shall, within two (2) years after the effective date of this Element, identify existing facility deficiencies which are unfunded. The City shall identify all financing mechanisms available to provide the financial resources to correct existing facility deficiencies and ensure that service levels identified in the applicable community plan are attained.

4. The City shall prepare a public facilities plan and financial program for city-wide capital improvements which shall be submitted to the voters for approval no sooner than three (3) years nor less than five (5) years from the effective date of this Element.

G. Regional Standards.

The following regional facility and environmental goals are hereby established by the City. One year from the effective date of this Element, the Council shall review a report prepared on the City's progress towards achieving these goals and on the methodology adopted for incorporating these goals into applications for development approval. The City Council shall annually thereafter receive a report on the achievement of the goals in order to determine whether to retain or change the goals.

1. Air Quality - Meet air quality goals for ozone, nitrogen dioxide, carbon monoxide and other pollutants in accord with established federal and state requirements.

2. Water - Develop a plan with the County Water Authority which will identify an adequate water supply through the year 2010. The plan shall include water conservation strategies, water reclamation techniques including considerations of reuse and desalinization, identification of a water supply and water system reliability.

3. Sewage Treatment - Achieve and maintain compliance with the Clean Water Act as amended or ordered by a court of competent jurisdiction and implementing regulations and agreements by making modifications to the City's waste water treatment system.

4. Solid Waste Disposal - Ensure solid waste disposal capacity and recycling and waste reduction strategies within five (5) years to serve projected demand to the year 2010.

5. Transportation - Ensure that traffic generated by all new development, when added to existing traffic, given existing and programmed transportation improvements together with the Transportation Demand Management (TDM) Program, will not cause a substantial impact on transportation levels of service on regionally significant roads.

H. A Strong and Stable Economy.

The City shall:

1. Adopt an economic policy which promotes a stable rate of economic growth, a strong and diverse economy, allows for the ability of new and existing companies to grow and expand and creates job opportunities which enhance the well being of area residents.

2. Support programs which encourage full employment and increase in per capita income and the development of a commercial and industrial business infrastructure that facilitates the growth of new and existing business.

3. Encourage industries to train and employ residents and provide jobs for entry level and disadvantaged workers.

4. Encourage the development of nonpolluting and environmentally compatible industries.

5. Encourage the development of child care centers in major employment centers.

I. Regional Planning.

1. The City shall define standards and thresholds to identify developments which have a regional impact. Such developments shall be referred to SANDAG for review prior to City Planning Commission consideration of the proposed development.

2. The City shall in conjunction with SANDAG initiate the formation of a Regional Blue Ribbon Committee which shall be charged with considering:

- a. Legislation to deal with regional problems.
- b. A regional plan for land use and public facilities.
- c. A regional transportation management plan.
- d. Provision of regional services and facilities, including but not limited to transportation, sewer, water, solid waste, and energy.
- e. Implementation of region-wide trash recycling and water reclamation.
- f. Regional land use controls.
- g. Regional planning including adjacent areas in Mexico.

J. **Amendment or Repeal.** This Section may be amended or repealed only by a majority vote of the voters voting in a City-wide election.

SECTION 5. ENVIRONMENTALLY SENSITIVE LANDS PROTECTION.

A. **Definitions.** For purposes of this Section, the following words and phrases shall have the following meanings. These definitions are to be construed to provide maximum protection to environmentally sensitive lands.

1. "Biologically Sensitive Lands": Land which supports unique native vegetation communities and/or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as defined below. Biologically sensitive land includes the area of native vegetation necessary to support a viable population of the rare, endangered or threatened species, and which is critical to maintaining a balanced natural ecosystem or wildlife corridor.

A species shall be presumed to be rare, endangered or threatened if it is listed in § 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, § 17.11 or 17.12. A species not included in any legislative listing may nevertheless be considered to be rare, endangered or threatened if the species can be shown to meet the criteria for inclusion in state or federal lists.

Unique native vegetation community refers to associations of plant species which are substantially depleted due to development. These associations should be outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations. In most cases unique vegetation communities contain rare, endangered or threatened species.

Additionally, these communities may contain species which are considered unusual or limited in that the species are: 1) only found in the San Diego region, or 2) a local representative of a species or association of species not otherwise found in the region.

2. "Clearing and Grubbing": The disturbance of vegetation by mechanical means, the removal of all or substantially all vegetation, the removal of roots, and/or the clearing or breaking up of the surface of the land by digging.

3. "Development": On land, in, or under water, the placement or erection of any solid material or structure including fill, discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; physical change in the density or intensity of use of land; construction, reconstruction, demolition, or alteration of the size of any structure, or clearing and grubbing.

"Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, aqueduct, telephone line, and electrical power transmission and distribution line.

4. "Environmentally Sensitive Lands": Wetlands, wetland buffer areas, floodplains, steep slope lands, biologically sensitive lands, or lands containing significant prehistoric and historic sites and resources, as defined in this Section.

5. "Feasible": Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (State CEQA Guidelines, 14 C.C.R. § 15364 (1988)). Whenever the term "feasible" is used, this determination must be supported by substantial evidence in the record, provided by the applicant.

6. "Floodplains": The relatively flat areas of low land adjoining, and including, the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood waters of the one hundred (100) year frequency flood.

7. "Mitigation": 1) Avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments (State CEQA Guidelines, 14 C.C.R. § 15370 (1988)).

8. "Native Vegetation": Vegetation composed of plants which originated, developed, or were produced naturally in the San Diego region and were not introduced

directly or indirectly by humans. Native vegetation includes, but is not limited to, marshes, grasslands, scrublands, woodlands, and forests.

9. "Significant Prehistoric and Historic Sites and Resources:" Locations of known prehistoric or historic resources that possess unique scientific, religious or ethnic value of local, regional, state or federal importance. The above shall be limited to prehistoric or historic districts, sites, buildings, structures, or objects included in the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places; known areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or permanent camps); and known locations of past or current traditional religious or ceremonial observances as defined by Public Resources Code § 5097.9 et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burial(s), pictographs, petroglyphs, solstice observation sites, and sacred shrines).

10. "Steep Slope Lands": All lands having a naturally formed gradient of twenty-five percent (25%) or greater, measured by twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance, based on five (5) foot contour intervals, with a

minimum elevation differential of 25 feet. Undeveloped land located adjacent to the 25% slope may also be included in the steep slope lands in order to promote the purpose and intent of this Section provided that such land is within 300 feet of the nearest point of the 25% slope. This definition does not include manufactured slopes, which are defined as slopes graded pursuant to a validly issued development permit, not including slopes graded for agricultural uses.

11. "Wetland": All lands which are transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface or where the land is covered by water. Lands having one or more of the following attributes are considered to be "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes; or
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

"Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, mudflats, vernal pools, streams and rivers and associated riparian habitat areas, and/or all designated wetlands as mapped on the U.S. Fish and Wildlife National Wetland Inventory Maps. This is not intended to

apply to temporary detention or retention basins required as part of a development.

12. "Wetland Buffer Area": Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

B. **Permitted Uses.** Subject to obtaining a Sensitive Lands Permit (SLP), and to the regulations and restrictions of the underlying zone, uses permitted in environmentally sensitive lands shall be limited as follows.

1. Wetlands. Uses in wetlands shall be limited to the following, provided that such uses do not harm the natural ecosystem:

a. Aquaculture, wetlands-related scientific research and wetlands-related educational uses.

b. Wetland restoration projects where the primary purpose is restoration of the habitat.

c. Essential public projects, including water reclamation treatment plants and related downstream facilities, provided that there is no feasible less environmentally damaging location or alternative and that mitigation measures are required to produce a net gain in functional wetlands.

d. Minor or temporary alterations of a wetland only when accompanied by mitigation measures insuring that all feasible efforts are made to restore the functional value of the wetland.

2. Wetland Buffer Areas. Uses in wetland buffer areas shall be limited to the following, provided that such uses are compatible with protecting wetlands, and do not harm the natural ecosystem.

a. All uses permitted in wetlands.

b. Passive recreational uses, access paths, and public viewpoints, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands.

c. Improvements necessary to protect adjacent wetlands.

3. Floodplains. Uses in floodplains shall be limited to the following, provided that grading and filling are the minimum possible to achieve the use, and harm to the environmental values of the floodplain area is minimized.

a. All uses permitted in wetlands and wetland buffer areas.

b. Uses permitted by the A-1 Zone, with density limited to one (1) unit per ten (10) acres, which may be clustered, provided wetlands and wetland buffer areas are not disturbed.

c. Uses and densities permitted by the underlying zone as in-fill development in urbanized floodplain areas, provided wetlands and wetland buffer areas are not disturbed. Urbanized floodplain areas, for purposes of this paragraph, means areas which, on the effective date

of this Element: 1) have been subdivided into parcels; and 2) are zoned for uses other than agricultural or open space; and 3) are substantially developed for such uses.

d. Low-intensity recreational uses, provided wetlands and wetland buffer areas are not disturbed.

e. Sand and gravel extraction subject to an approved conditional use permit and reclamation plan, provided wetlands and wetland buffer areas are not disturbed. Use of the floodplain area after reclamation shall be subject to all requirements of this Section.

f. The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(1) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(2) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(3) Public utility systems.

4. Steep Slope Lands. Development shall not be permitted in steep slope lands, except as follows.

a. Encroachment into steep slopes may be permitted to allow physical development in accordance with the underlying zone according to the following table:

<u>Percentage of Parcel in Steep Slopes</u>	<u>Maximum Encroachment Allowance as Percentage of Area in Steep Slopes</u>
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

b. In addition to the maximum encroachment limitations set forth above, the following uses may be permitted in the steep slope lands, in accordance with the underlying zone:

(1) Sand, gravel and rock extraction, provided that mitigation measures are required that maximize the use of native vegetation to revegetate and landscape cut or fill areas in order to substantially restore the original habitat value; and produce final graded slopes with contours and soils which reflect the original landform conditions. Use of the steep slope lands after reclamation shall be subject to all requirements of this Section.

(2) The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(i) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(ii) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(iii) Public utility systems.

5. Biologically Sensitive Lands. Development shall not be permitted in biologically sensitive lands, unless all feasible mitigation to protect and preserve the biologically sensitive lands is required as a condition of development approval. This paragraph is intended to supplement protection provided to biologically sensitive lands by existing state and federal law.

6. Significant Prehistoric and Historic Sites and Resources. Development shall not be permitted in significant prehistoric or historic sites or resources unless all feasible measures to protect and preserve the significant prehistoric or historic site or resource are required as a

condition of development approval. This paragraph is intended to supplement protection provided to significant prehistoric and historic sites and resources by existing local, state and federal law. The City shall establish procedures for designating historic sites, with time frames for determining whether eligible sites shall be so designated, and procedures for protecting such eligible sites during the designation process.

C. Requirements and Restrictions.

1. Mapping. As a matter of highest priority, all environmentally sensitive lands within the City shall be identified, inventoried, and mapped. These lands and resources shall be identified on an Environmentally Sensitive Lands Map which shall be a part of the General Plan, and which shall be used as the basis for the preparation of detailed maps which apply the Sensitive Lands Overlay Zone (SLOZ) on a parcel basis. Until these maps are adopted, development shall not occur unless the applicant demonstrates that environmentally sensitive lands do not exist on the subject property. If environmentally sensitive lands exist on the property, the applicant shall be required to comply with this Section.

2. Clustering. Clustering of density may be permitted on the portions of an applicant's property which are not environmentally sensitive. Any such clustering must

be consistent with the adopted community plan, and ensure that the neighborhood character is maintained and that environmentally sensitive lands are fully protected and buffered as required by this Section.

D. Sensitive Lands Permit Procedure.

1. Permit Required.

a. Except as set forth in paragraph D.2. below, development shall not occur upon environmentally sensitive lands unless the applicant first obtains a Sensitive Lands Permit (SLP). If any portion of a parcel contains environmentally sensitive lands, a SLP must be obtained prior to development of any portion of the parcel; the requirements of this Section shall be applied to such parcel to the extent necessary to protect the environmentally sensitive lands.

b. A Sensitive Lands Permit may only be issued if written findings of fact are made that the proposed development is in compliance with the provisions of this Section.

2. No Permit Required. The provisions of this Section shall not apply to the following:

a. Those phases or elements of a development which have obtained a vested right prior to the effective date of this Element.

b. Developments for which all final discretionary approvals have been granted prior to July 15, 1988.

c. The modification of a single-family house on one lot or the replacement of a single-family house with another single-family house on one lot, brush management for fire protection purposes, and any other improvements, alterations and landscaping on such lot.

d. The construction of a single-family house on an individually-owned single-family lot as defined in § 101.0101.34 of the Municipal Code, which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element, brush management for fire protection purposes, and any other improvements, alterations, and landscaping on such lot.

e. Building improvements, including paved areas, on other than single-family lots, which do not alter the ground coverage of an existing building or paved area by more than 10% and which do not increase the height of the building by more than 12 feet, or the height permitted in the underlying zone, whichever is less.

f. The reconstruction of a structure which has been destroyed by fire, acts of God, acts of public enemies or explosion, even if the use or structure is nonconforming and 100% of the use or structure has been destroyed.

g. Sand, gravel and rock and related asphalt operations, and salt manufacturing operations, which have received valid approvals to conduct such operations prior to the effective date of this Element and which continue to operate in compliance with the terms and conditions of those approvals, and redevelopment or reclamation of the area upon which the operations have occurred.

h. Development following termination of those sand, gravel, rock and asphalt operations, for which the City Council has, prior to the effective date of this Element, amended an adopted community plan to require preparation of specific plans for the affected properties upon which the sand, gravel, rock and asphalt operations are currently occurring.

i. Activities to detect and remove ordnance from areas where such explosive devices may exist.

j. Development pursuant to public park development plans, including but not limited to public recreational facilities, publicly-owned playing fields, and publicly-owned golf courses which have been the subject of public hearings before the City Council, and for which findings of fact have been made that no feasible less environmentally damaging alternative location or site design exists or can be devised, that the plan minimizes the disturbance of environmentally sensitive lands, and

incorporates mitigation measures where feasible to offset any disturbance.

k. Development of the 166 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

3. Expedited [Emergency] Permit. Whenever development is required by order of the City Manager or the Planning Director to protect the public health or safety, the Planning Director may issue an emergency Sensitive Lands Permit for the minimum amount of work necessary to protect the public health or safety. The emergency permit shall not relieve the permittee from compliance with all provisions of this Section.

4. Administrative Permit. The Planning Director may issue a Sensitive Lands Permit for developments which meet the following criteria. The decision of the Planning Director may be appealed to the City Council in accordance with the provisions of Municipal Code § 101.0240. The City shall adopt standards to ensure that these administrative permits are issued in accordance with the purpose and intent of this Section.

a. Development pursuant to a wetlands management plan in effect on the effective date of this Element or development pursuant to a wetlands management plan

that meets the intent of this Section and has been adopted by the City Council and approved by the appropriate resource agencies.

b. Development pursuant to a Habitat Conservation Plan that is prepared in conjunction with state and federal resource agencies, that meets the intent of this Section, and that has been adopted by the City Council and approved by the appropriate resource agencies.

c. Clearing or thinning of areas with native vegetation, on other than single-family lots, to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with existing City fire prevention procedures and that such areas retain their native root stock or are replanted with native vegetation having a low fuel content, and further that no reconfiguration of the natural landform is required. Following adoption by the City Council of a brush management program which provides substantially the same limitations and protections as this paragraph, and is consistent with the intent of this Section, this Section shall not apply to such clearing and thinning and no Sensitive Lands Permit shall be required.

d. Agricultural operations on land which has been legally cultivated within the previous five-year period, or agricultural operations which have obtained a valid

agricultural permit prior to the effective date of this Element, provided that such agricultural use does not substantially impair the environmentally sensitive lands.

e. Removal of silt in existing wetland areas where the silt removal is intended to enhance the habitat qualities of the wetland and where the activity meets the intent of this Section.

5. Discretionary Permit. Except as provided in paragraph D.2., 3. and 4., a Sensitive Lands Permit for development of the developable portion of a parcel, or for the uses permitted in environmentally sensitive lands by this Section, may only be issued after a noticed public hearing before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council.

E. Exclusions.

1. Procedures for Granting Exclusions.

a. Exclusions from the provisions of this Section may only be granted after a noticed public hearing before the City Council. Applications for exclusions shall be grouped by subregional location, and considered twice each calendar year for each subregion. The Planning Department shall prepare a comprehensive report concerning the cumulative impact of the exclusion applications by subregion. The report shall take into consideration existing and proposed development projects that affect the City's

environmentally sensitive lands. The report shall be made available to the public no later than thirty (30) days prior to the City Council hearings. Copies shall be made available throughout the City's library system and at other appropriate locations. The exclusion hearings before the City Council shall be noticed thirty (30) days prior to commencement.

At the exclusion hearings, the City Council shall review the report of the Planning Department, and shall consider the cumulative impact of all the exclusion applications within each subregion upon environmentally sensitive lands. Based on the evidence before it, the Council shall determine whether to grant or deny each application for an exclusion.

b. The intent of this Section is that exclusions only be granted in exceptional circumstances upon a solid consensus of the City Council. For this reason, a two-thirds (2/3) vote of the authorized membership of the City Council shall be required to grant an exclusion. Such a heightened majority will assure that the benefit presented by a development overrides the adverse impact of the development on the City's sensitive lands. For purposes of calculating the two-thirds (2/3) vote, all fractions of numbers shall be rounded up to the next highest number.

2. Exclusions for Claims of Unconstitutional Takings. Where an applicant provides substantial evidence

that the provisions of this Section as applied to the applicant's property would constitute a taking of private property in violation of the United States or California Constitutions, the City Council may grant an exclusion to provide for the minimum development necessary to constitute reasonable use under applicable state and federal law. All feasible mitigation measures shall be incorporated into the design of the development to preserve and protect the sensitive characteristics of the land.

3. Exclusions for Developments Which Provide Extraordinary Public Benefits. Where an applicant provides substantial evidence that the development will provide extraordinary public benefits, the City Council may grant an exclusion if the following findings are made:

a. There are special circumstances or conditions applying to the land or building for which the exclusion is sought, which circumstances or conditions are peculiar to such land or building; and

b. The circumstances or conditions are such that the strict application of the provisions of this Section would result in severe hardship not caused by the applicant, and the exclusion granted by the City is the minimum that will prevent such hardship; and

c. Mitigation measures have been incorporated into the design of the development to preserve and protect the sensitive characteristics of the land; and

d. The development provides an extraordinary public benefit to the City, such as dedication of sensitive lands, above and beyond that provided as a requirement of a subdivision map, facilities benefit assessment, or similar existing obligation.

Where an exclusion is granted in a floodplain or wetland, the mitigation incorporated into a project must result in no net loss of in-kind habitat value within the affected floodplain or wetland.

Where an exclusion is granted on steep slope lands which contain predominantly native vegetation, then native vegetation shall be used to revegetate and landscape cut or fill areas, consistent with existing City fire prevention procedures.

F. Amendments.

The City Council may amend this Section only after a noticed public hearing and a three-fourths (3/4) vote. Any amendments must be consistent with the purpose and intent of this Section and shall not result in less protection of environmentally sensitive lands.

G. Violations.

Any person violating the provisions of this Section shall be required to restore the land affected to a condition comparable to that existing prior to the violation. Until such restoration is completed and approved by the City, the

violating person shall be prohibited from doing any development on the land affected.

SECTION 6. IMPLEMENTATION.

The City Council and all City agencies, boards and commissions, and City staff shall take any and all actions reasonably necessary to carry out the intent and purpose of this Element, including but not limited to, adoption and implementation of any amendments to the General Plan, Local Coastal Program, Community Plans, Municipal Code, Land Development Ordinance, Grading Ordinance, and adoption and promulgation of ordinances, guidelines, and standards to implement this Element. All adopted City plans, ordinances, and regulations shall remain in effect unless or until expressly repealed or amended by the City Council. In the event of a conflict between this Element and any adopted city plans, policies, ordinances, resolutions, regulations, guidelines or standards, this Element shall control to the extent it is more restrictive, or provides greater protection.

SECTION 7. ANNUAL REVIEW.

Each year, on or before October 1, the City shall prepare and the City Council shall consider, review and adopt at a public meeting, a report for the preceding calendar year. The report shall document the amount, type, location and intensity of development both city-wide and by community

plan area and shall certify that each provision of this Element has been complied with, setting forth the manner of such compliance.

A report on the economic impact of this Element shall be part of the annual review which shall include the effect on housing availability and affordability, employment, and other economic impacts on the City.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part or portion of this Element is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, whether such judgment concerns a pre-ballot or post-ballot challenge, such decision shall not affect the validity of the remaining portions of this Element. It is hereby declared that this Element and each section, subsection, sentence, clause, phrase, part or 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 9. DEFINITIONS.

Except as otherwise provided herein, the definitions section of Chapter X of the Municipal Code shall be applicable to this Element.

SECTION 10. CONFLICTING MEASURES.

If two or more measures relating to the same subject matter are adopted at the same election, the measure receiving the highest number of votes shall control.

SECTION 11. CONSISTENCY.

All discretionary approvals must be consistent with this Element.

SECTION 12. LEGAL CHALLENGES.

Any legal action brought to challenge any provision of this Element or to challenge the intent of this Element shall be vigorously defended by the City. Limitations and procedures for judicial review of actions taken pursuant to this Element shall be in accordance with Municipal Code 101.0210.

SECTION 13. ENFORCEMENT.

The City shall enforce the provisions of this Element and implementing ordinances in accordance with existing law.

SECTION 14. EFFECTIVE DATE.

This Element shall be effective January 1, 1989.

PROPOSITION _____

AMENDING THE SAN DIEGO GENERAL PLAN BY ADDING THE FOLLOWING SECTIONS RELATING TO IMPROVING AND PRESERVING RESIDENTS' QUALITY OF LIFE

Section 1 - Statement of Purposes and Intent.

The purposes and intent of this Measure are to:

- a. Preserve the citizens' quality of life and affirm their right to live in safe and healthful surroundings.
- b. Guarantee the rights of San Diego citizens to participate in decisions determining future growth and quality of life.
- c. Reduce traffic congestion and improve air quality.
- d. Achieve a growth rate which does not overburden the City's sewer, water and waste disposal facilities.
- e. Ensure that the City's future growth does not have a harmful effect on residents' quality of life, and is not harmful to the natural environment.
- f. Establish citywide quality of life standards; restore and maintain acceptable conditions by tying overall development levels to the attainment of those standards.
- g. Establish community quality of life criteria; restore and maintain acceptable conditions by evaluating specific development authorizations in light of those criteria.
- h. Provide a broad framework within which the City, through an allocation system, can further the goals of affordable housing, provision of public facilities, preservation of the environment and community character, and appropriate geographical distribution of development.
- i. Preserve and protect the City's wetlands, canyons, floodplains, and other environmentally sensitive lands.

j. Minimize future tax and utility rate increases which subsidize growth.

k. Ensure that appropriate planning is undertaken for the City's ultimate Sphere of Influence.

l. Limit the amount and rate of growth to acceptable levels.

m. Reduce costly urban sprawl.

n. The voters acknowledge that to a certain degree some of the factors that are causing a deteriorating quality of life in San Diego may be only partially within the City's control. Nonetheless, it is the purpose of this Measure to require the City to take any and all actions within its control to fully carry out and achieve the objectives of this Measure.

o. Preserve the vitality, charm, identity and character of the City's existing communities and neighborhoods.

p. Ensure that the City plans its commercial and industrial development to create a balance with housing development, and to avoid excessive demand for any one type of development.

q. Provide for a transition period of four years for gradually implementing the residential limitations, in order to reduce adverse short-term impacts which may result.

r. Provide for a baseline level of allowed residential development at a rate which is equal to or greater than the national increase.

Section 2 - Findings.

a. San Diego's quality of life is deteriorating as a result of rapid growth. Rapid growth is causing:

1. Increased traffic congestion;
2. Loss of open space and environmentally sensitive lands;
3. Higher taxes, fees and utility rates to subsidize growth;
4. Increased air, water, and noise pollution;
5. Crowding, congestion and increased crime;
6. The overburdening of public services, facilities, and infrastructure; and
7. A decline in the beauty and open feeling of San Diego and a consequent increase in human psychological stress.

b. San Diego has exceeded Federal Clean Air standards since 1978.

c. Traffic congestion has increased to unacceptable levels and is projected to worsen if rapid growth is unchecked.

d. Sewer systems are overburdened, do not meet federal standards, and are responsible for pollution of beaches, coastal waterways and wetlands.

e. Solid waste disposal sites are rapidly approaching capacity which threatens cost increases as sites become more remote.

f. Recycling will reduce the amount of solid waste and lessen the unhealthful effects associated with solid waste disposal. Recycling will also mitigate the increasing costs associated with more remote disposal sites.

g. According to SANDAG's projections, if current trends continue the population of the San Diego region is expected to reach 3.2 million by the year 2010, nearly a fifty percent increase from the present. More than 75,000 people were added to the region in 1986 alone. In 1986 the City grew at two and one-half times the national average. Such rapid growth and the projections for its continuance have caused, and will continue to cause, severe social and economic problems and diminished quality of life.

h. The rate of development has substantially exceeded levels consistent with orderly Community Plan buildout, has exceeded the City's ability to provide necessary community and regional public facilities and services, has exacerbated reductions in environmental quality and has not served the overall public interest.

i. The City will be able to meet the housing goals of its General Plan and state and federal law, including goals for the provision of affordable housing, housing for the

elderly, students, and the handicapped in a non-discriminatory manner under this Measure.

j. The City's General Plan calls for the wise management and utilization of the City's remaining land resources, and preservation of its unique landforms. The existing measures intended to achieve these goals have proven ineffective, and restrictions on the type and density of development are needed to meet the stated goals.

k. It is necessary to preserve, protect, and promote San Diego's environmental assets and amenities including its steep slopes, canyons, floodplains, wetlands, watercourses, and environmentally sensitive habitats as herein provided in order to preserve national ecosystems, plant and animal species and their habitat, and to preserve the psychological, aesthetic and visual benefits which these amenities provide.

l. Grading, grubbing and clearing have degraded sensitive environmental lands, caused soil erosion problems and increased downstream sedimentation, impaired wildlife corridors and altered the unique landform characteristics of the area.

m. Preservation of environmentally sensitive lands is an integral component of the quality of life for present and future generations.

n. Any future growth has the potential to worsen the above conditions, and the City has the right to halt all

development until the quality of life standards are met. However, to avoid abrupt changes it is appropriate to gradually phase in development limitations.

o. The existing City Plans and Policies dealing with growth have proven inadequate.

p. A comprehensive plan is needed to deal with rapid growth and the deteriorating quality of life.

q. The public health, safety, and general welfare will be promoted by the adoption of this Measure.

Section 3 - Citywide Quality of Life Standards.

The City shall do everything it can to meet the five Citywide Quality of Life Standards set forth below on an ongoing annual basis. Until these standards are met as herein provided the growth limitation provisions of Section 4 shall be in effect:

a. Air Quality. The ambient air quality reported by the San Diego Air Pollution Control District for the San Diego Air Basin shall meet federal and state Clean Air health standards for ozone, particulates, nitrogen dioxide, carbon monoxide, sulfur dioxide, lead, sulfates, and other federal and state criteria air pollutants.

b. Sewer System. The City shall have adequate trunkline, pumping facilities, and secondary treatment capacity to meet both normal and emergency demand and to avoid sewage spills affecting beaches and wetlands.

c. Water System. The City shall have adequate water supply, pipeline capacity, and storage capacity to meet normal and emergency situations. In addition, federal and state drinking water quality standards shall be met.

d. Solid Waste Disposal. The City shall have guaranteed access to sanitary landfill sites, or to other disposal facilities, within or without the City for all solid wastes, sewage sludge, hazardous wastes, and toxic wastes. In addition there shall be a citywide recycling program that recycles a minimum of 25% by weight, of the solid waste generated within the City, exclusive of demolition materials.

e. Traffic. There shall be no increase in the extent of heavy congestion on freeways within the City. In addition there shall be no increase in the extent of heavy congestion on arterials within the City.

For the purposes of this subparagraph, "heavy congestion" shall mean Level of Service E or F as defined by the Transportation Research Board in the 1985 Highway Capacity Manual, and measured as an average of AM and PM peak period mileage. "No increase in the extent" shall mean that the mileage with LOS E congestion, and the mileage with LOS F congestion, when expressed as a percentage of total mileage, shall each not exceed the congested mileage existing in 1985.

f. For purposes of subparagraphs "b," "c," and "d," above, "adequate" shall mean that the facilities are in place and operational by the end of the reported year.

g. If any standard specified above is determined to be invalid by a final court judgment, or is determined to be infeasible to measure or apply by the City or by final court judgment, then that standard shall be deemed not met.

Section 4 - Residential Limitations.

a. From and after the effective date and until the Quality of Life Standards of Section 3 are met the City shall not authorize any residential development unless at the time of authorization the City ensures that the number of building permits to be issued for residential development dwelling units in any year shall be limited as follows:

Fiscal year 1988-89:	7,000 to 9,000 dwelling units
Fiscal year 1989-90:	6,000 to 8,000 dwelling units
Fiscal year 1990-91:	5,000 to 7,000 dwelling units
Fiscal year 1991-92	
and each subsequent	
fiscal year through the	
fiscal year 2009-2010:	4,000 to 6,000 dwelling units

b. For each fiscal year the actual number of units authorized shall depend upon compliance with the Quality of

Life Standards set forth in Section 3. The City shall report the extent of Citywide compliance with the five standards of Section 3(a)-(e) in the annual document required by Section 13. For each standard which was met for the previous calendar year, the lower development limit of this Section 4 may be increased by up to 400 units for the next fiscal year up to the maximum upper limit specified.

c. If the number of units authorized for a given year is not completely used in that year, up to a maximum of fifty percent of the unused units may be carried forward to the next year. The number carried forward may not be included in calculations for subsequent years.

d. If all five standards are met for any two consecutive calendar years, the City may, at its option, replace the limits of Section 4(a) with a limit based on California's growth rate. For this option, dwelling units may be authorized for the next fiscal year and for so long as all such standards are maintained, up to a number that corresponds to the same average annual percentage that California's dwelling units increased over the previous two years.

e. If all five standards are met for five consecutive years the City may, at its option, eliminate or replace the limits of Section 4(a) with a limit or limits as the City may determine appropriate to ensure that the Quality of Life Standards of Section 3 will continue to be met.

Section 5 - Commercial and Industrial Plan.

The City shall develop and implement a plan for industrial and commercial development which meets, at minimum, the following criteria:

- a. Results in a balance between housing, industrial, and commercial stock;
- b. Furthers the attainment of the Quality of Life Standards set forth in Sections 3 and 6;
- c. The City Council may adopt other criteria consistent with the purposes, findings, intent and content of this Measure.

Section 6 - Allocation System Based on Community Quality of Life Criteria.

The City Council shall develop, adopt, and implement within 120 days of the effective date after notice and public hearing, an allocation system for issuing authorizations for residential development as provided by this Measure. Such an allocation system shall rank applications for residential development by assigning points, giving preference to those applications that best meet the following community quality of life criteria:

- a. Affordable Housing. The proposed residential development contributes to the City's stock of low or moderate income housing, housing for seniors, or housing for the handicapped. Priority in the allocation system shall be

given to projects meeting this criterion to the extent necessary to comply with federal, state or local laws regarding such housing.

b. Public Facilities. Public services, facilities, and infrastructure are available with sufficient capacity to handle existing and projected demands, including demands of previously approved projects and the demands of the applicant's project. Public services, facilities, and infrastructure shall be deemed available if they are existing or if they are funded and guaranteed to be available concurrent with need. Public services, facilities, and infrastructure shall include, but not be limited to:

- i. Community streets, and arterials;
- ii. Nearby freeways and transit systems;
- iii. School facilities;
- iv. Water, sewer, and solid waste capacity;
- v. Parks and recreational facilities;
- vi. Police, fire, and other emergency services;

and

- vii. Library facilities.

c. Environmental and Community Impact. The project will have a favorable, or neutral, impact on the environment and local community taking into account, at minimum:

- i. Preservation of Sensitive Environmental Lands, open space, and natural land forms;
- ii. Minimum grading and balanced cut and fill;
- iii. Avoidance of hazardous geologic areas;
- iv. Conservation of energy and water;
- v. Compatibility with the surrounding community and neighborhood character; and
- vi. The recommendations from the local community planning groups, neighborhood associations, and other local groups.

d. Additional Criteria. Such other criteria as the City Council may adopt consistent with the purposes, findings, intent and content of this Measure.

Section 7 - Preservation of Sensitive Environmental Lands.

In order to preserve and protect the City's sensitive environmental lands which are an essential component of San Diego's quality of life, including wetlands, steep slope lands, canyons, watercourses, floodplains, and environmentally sensitive habitats, the following regulations are hereby adopted:

a. Sensitive Environmental Lands to be Inventoried and Mapped. The City shall forthwith inventory and identify all sensitive environmental lands within the City and shall designate the same on a Sensitive

Environmental Lands Map which shall be incorporated into the Progress Guide and General Plan as provided in subparagraph (b) below. The City may utilize existing maps and inventories prepared by city, state, federal, or other agencies with such supplementation as necessary to comply with the terms hereof. At minimum, the following sensitive environmental lands shall be inventoried and mapped:

- i. Wetlands;
- ii. Canyons;
- iii. Steep slope lands;
- iv. Floodplains;
- v. Watercourses; and
- vi. Environmentally sensitive habitats.

b. Incorporation of Inventory and Maps into Progress Guide and General Plan; Local Coastal Program; Implementing Zoning. Following notice and public hearing by the Planning Commission and City Council, a final Inventory and Sensitive Environmental Lands Map shall be adopted by the Council as an amendment to the appropriate element or elements of the Progress Guide and General Plan and, within the Coastal Zone, as an amendment to the Local Coastal Program as specified in Section 9 hereof. Implementing zoning, in the form of an overlay zone or otherwise as determined by the City Council, shall be adopted consistent with the Sensitive Environmental Lands Inventory and Map

which will preserve such designated lands from the adverse impacts of development to the maximum extent permitted by law. At minimum, such implementing zoning shall meet the following criteria:

i. Wetlands. Wetlands shall not be subject to physical development. Diking, filling or dredging shall be prohibited except where the primary function is habitat restoration. Permitted uses shall be restricted to uses such as scientific research, educational uses, aquaculture, passive recreational uses or other similar uses provided they do not harm the natural ecosystem.

ii. Canyons and Steep Slope Lands. Canyons and steep slope land in the Urbanized Area as shown in the Progress Guide and General Plan shall not be subject to physical development and no grading, grubbing or clearing shall be permitted. Canyons and steep slope land outside the Urbanized Area shall be rezoned into the A-1-10 zone with a minimum lot size of ten acres except where the existing zoning is more restrictive in which case existing zoning shall remain. Clustering shall be encouraged on all canyons and steep slope land in order to minimize grading, land form alteration, and other adverse consequences of development. A maximum of 10% of a steep slope land in one ownership may be subject to physical development.

iii. Floodplains and Watercourses.

Floodplains and watercourses shall be rezoned into the A-1-10 or FW zone, as determined by the City. No uses shall be permitted which could jeopardize human safety, property, or environmental values. Except as authorized by the A-1-10 or FW zone the development of permanent structures shall not be permitted in a floodplain. The placing of fill in a floodplain, or grading of a floodplain, for the purpose of, or having the effect of, elevating the property above the designated floodplain for purposes other than environmental habitat restoration or development authorized by the A-1-10 or FW zone shall be prohibited.

iv. Environmentally Sensitive Habitats.

Development, grading, grubbing, clearing or any other activity or use damaging to an environmentally sensitive habitat area shall be prohibited unless measures necessary to protect and preserve the environmentally sensitive habitat area are guaranteed.

v. Variance; Finding. The limitations of this subparagraph 7(b) shall not be altered and no variance shall be granted unless, in addition to all other requirements, the City Council makes a written finding of fact supported by substantial evidence that development, filling, grading, grubbing or clearing must be permitted to avoid an unconstitutional taking of private property or to

facilitate a public works project. No such finding shall be made unless the City Council first pursues all available alternatives as addressed in an Environmental Impact Report or its equivalent, including but not limited to, a transfer of development rights program, cluster development, acquisition, relocation, or other preservation program. No road shall be approved or expanded unless a finding is made that the road is called for in an adopted Community Plan. In the event that no feasible alternative exists and the Council makes the specified finding, the development, public works project, filling, grading, grubbing or clearing permitted shall be the minimum necessary to avoid an unconstitutional taking of private property and shall involve minimal disruption of the Sensitive Environmental Land. In no event shall permitted uses exceed those authorized by the A-1-10 zone.

Section 8 - Planning to Minimize Adverse Impacts to the City's Sphere of Influence Area.

The City shall forthwith initiate a planning process leading to the development and adoption of a Plan for the ultimate development of the City's Sphere of Influence area. Until such Plan is adopted by the City, the City shall not, unless compelled by law to do so, initiate nor approve any annexations to the City. Upon adoption of the Plan required by this Section, the City may initiate and/or approve annexations consistent with law and with the Plan.

The City's plan for the Sphere of Influence area shall meet, at minimum, all of the following criteria:

a. All annexation areas shall be designated "Future Urbanizing" and subject to the provisions of this Measure and of the Managed Growth Initiative (Proposition A) upon annexation;

b. The Plan shall inventory and map Sensitive Environmental Lands within the Sphere of Influence area consistent with this Measure;

c. The process leading to adoption of the Plan and its implementation shall include residents and property owners in the Sphere of Influence area and shall include notice and public hearing; and

d. The Plan shall require that upon annexation new development in the Sphere of Influence area shall pay all costs of providing public services, facilities and infrastructure to such development.

Section 9 - Implementation.

The City Council and all City agencies, Boards, and Commissions, 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 Progress Guide and General Plan, Local Coastal Program, Community Plans, Zoning Ordinance, and/or City Code. The City shall incorporate the provisions of this Measure

into its Local Coastal Program and shall apply to the Coastal Commission for an amendment to the Local Coastal Program as needed. However, this Measure is expressly declared to be binding upon all lands in the City in the Coastal Zone, including Sphere of Influence lands, irrespective of whether or not the Coastal Commission approves such an amendment to the City's Local Coastal Program. This Measure shall be implemented forthwith as a matter of the highest priority to the City.

Section 10 - Guidelines.

The City Council may adopt reasonable guidelines to implement and interpret this Measure following public notice and public hearing, provided that any such guidelines shall be consistent with the purposes, intent, findings, and content of this Measure.

Section 11 - Exemptions for Certain Projects.

a. Vested Rights. This Measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date. For purposes of this Measure a "vested right" shall have been obtained only if each and all of the following criteria are met:

1. The proposed project has received a building permit or, where no building permit is required, its final discretionary approval;

2. Substantial expenditures or documented non-cancelable liabilities have been incurred in good faith reliance on the permit or final discretionary approval; and

3. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures or liabilities incurred and of construction performed and the question of whether or not such expenditures, liabilities and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City following application by the developer. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this Measure shall not be deemed to be in "good faith" and shall not qualify for a vested right. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

b. Vesting Tentative Maps or Other Approvals Giving Vested Rights. In addition to the foregoing, vesting tentative maps and other approvals giving vested rights receiving final approval prior to the effective date shall be exempt from this Measure, provided that the number of units authorized by such an approval shall be counted against the annual limits of Section 4 upon issuance of building permits. Such vesting approvals shall not be authorized by the City

after the effective date unless expressly conditioned to ensure compliance with this Measure.

c. Single Family Homes. In addition, the construction of one individual dwelling unit conforming to zoning on a preexisting vacant legal lot of record in separate ownership as of the date the Notice of Intent for this Measure was filed with the City Clerk shall be exempt from this Measure, provided that the number of units so exempted shall be counted against the annual limits of Section 4.

d. Existing Building Permits. In addition, outstanding building permits as of the effective date shall be exempt from this Measure.

Section 12 - Definitions.

For the purpose of this Measure, the following words and phrases shall have the following meanings:

a. "Aquaculture" shall mean a form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

b. "Authorized" as used in Section 4 hereof shall include, without limitation, approval or issuance by the City of any type of entitlement authorizing residential development, such as Planned Residential Development Permits, Conditional Use Permits, Parcel Maps, Tentative Subdivision Maps, Development Plans, Specific or Precise Plans, vesting tentative maps, building permits, and the like.

c. "Canyons" shall be defined by the City Council after a noticed public hearing. This definition shall meet the intent of this Measure to protect lands commonly understood to be "canyons" which may fall outside the definitions of "floodplains" and "steep slope lands."

d. "Clearing and Grubbing" shall mean the removal of any and all types of non-crop vegetation from the land, including the clearing and breaking up of the surface of the land through the use of motorized equipment.

e. "Effective Date" shall mean the date on which this Initiative Measure was adopted by the City Council or the date on which it was passed by the voters at the polls, whichever occurs first.

f. "Environmentally Sensitive Habitat" shall mean all land which supports unique, rare, endangered, or threatened species of animals or plants or which supports unique vegetation communities or substantially undisturbed native ecosystems. This definition shall include buffers and interconnections to other habitats sufficient to support the animal and plant species, and shall be broadly interpreted to give the maximum possible protection to the animal and plant communities.

g. "Fill" shall mean any material or substance which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions

resulting therefrom. "Fill" also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

h. "Floodplain" shall mean the areas adjoining and including the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the floodwaters of the one hundred (100) years frequency flood. "Floodplain" shall include, but not be limited to, those areas mapped by the Federal Emergency Management Agency (FEMA). For the purpose of this Measure floodplain includes both floodway and floodplain fringe.

i. "Local Coastal Program" shall mean the Local Coastal Program, including the Land Use Plan (LUP) and Implementing Ordinances, prepared by the City of San Diego pursuant to the California Coastal Act of 1976, Public Resources Code 30,000 et seq.

j. "Public Works" shall mean facilities and infrastructure needed for utilities and transportation, such as pipelines, electrical lines, sewage treatment plants, water reclamation plants, water supply projects, and roads.

k. "Residential Development" shall mean development of any type of dwelling unit or units suitable or designed for human habitation, including but not limited to,

single-family homes, mobile homes, manufactured housing, apartments, condominiums and the like, but not including hotels, motels, convalescent homes, hospitals, jails and other institutional habitations. "Residential Development" shall not include remodeling or reconstruction where no new dwelling unit is created.

l. "Sphere of Influence" shall mean the Sphere of Influence for the City of San Diego as adopted and amended from time to time by the Local Agency Formation Commission (LAFCO).

m. "Steep Slope Land" shall mean all lands zoned HR (Hillside Review) on the effective date and all lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) and a minimum rise of fifty (50) feet.

n. "Watercourse" shall mean those areas, such as tributaries, which are subject to inundation by the floodwaters of the 100 year frequency flood, but which fall outside the definition of floodplain.

o. "Wetland" shall be as defined in the U.S. Department of Interior, Fish and Wildlife Service publication, "Classification of Wetlands and Deepwater Habitats of the United States," December 1979.

"Wetland" includes in addition to the wetland itself a setback and buffer area of one hundred (100) feet or more sufficient to protect the environmental and habitat values of the wetland. "Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, vernal pools, streams and rivers.

Section 13 - Annual Report.

Each year the City Council shall adopt, after noticed public hearing, a report certifying that each provision of this Initiative has been complied with, and setting forth the manner of compliance.

Section 14 - Amendment or Repeal.

This Measure may be amended or repealed only by a majority of the voters voting in an election thereon. In the absence of amendment or repeal, this Measure shall expire by its own terms on July 1, 2010.

Section 15 - Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this Measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Measure. It is hereby declared that this Measure and each section, subsection, sentence, clause, phrase, part or 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.

PROPOSITION _____

(ADVISORY VOTE ONLY)

Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?

PROPOSITION _____

AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 10960 RELATING TO LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE

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

Section 1. That the provisions of the People's Ordinance, Ordinance No. 10960, adopted and ratified November 7, 1972, be and the same is hereby amended to read as follows:

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego. The words Coastal Zone, as used within this Ordinance, shall

mean that land and water area of the City of San Diego from the northern city limits south to the border of the Republic of Mexico, extending seaward to the outer limit of city jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north.

The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California, there shall be no exception to the provisions of this Ordinance.

Section 3. This ordinance shall take effect and be in force on the day from and after its passage.

Section 2. The propositions 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 8, 1988, 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 the 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 ____ . INITIATIVE MEASURE. CHARTER AMENDMENTS. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO.</p>	<p>Y E S</p>	
<p>Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.</p>	<p>N O</p>	

PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 57.1.

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

Y E S

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

N O

PROPOSITION ____ . AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 43.

SECTION 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).

(d) **CITIZENS' REVIEW BOARD ON POLICE PRACTICES.** Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

Y E S

N O

PROPOSITION ____ . AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN BY ADDING A GROWTH MANAGEMENT ELEMENT.

Shall the City adopt a Growth Management Element which:

a. Establishes a maximum limit for the next five years of
 3,600 new residential units per year, and
 3,990 previously approved residential units per year;

b. Protects single-family neighborhoods by restricting new development;

c. Preserves environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands and significant prehistoric and historic sites;

d. Requires that traffic generated by new development stay within roadway capacity;

e. Strengthens community plans by requiring periodic comprehensive updates and limiting amendments between updates;

f. Requires there be adequate public facilities and services at the time of development; and

g. Establishes regional standards for air quality, water, sewage treatment, solid waste disposal and transportation?

Y E S

N O

<p>PROPOSITION ____ . INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN.</p> <p>Until standards as designated in the initiative are met, shall the City:</p> <p>a. Limit residential dwelling units as follows:</p> <p>FY 1988-89: 7,000 to 9,000 dwelling units FY 1989-90: 6,000 to 8,000 dwelling units FY 1990-91: 5,000 to 7,000 dwelling units FY 1991-92 and each subsequent fiscal year through the FY 2009-2010: 4,000 to 6,000 dwelling units;</p>	<p>Y E S</p>	
<p>b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative;</p> <p>c. Develop and implement an allocation system for residential development as provided in the initiative;</p> <p>d. Preserve sensitive environmental lands as provided in the initiative;</p> <p>e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?</p>	<p>N O</p>	

<p>PROPOSITION ____ . (ADVISORY VOTE ONLY)</p> <p>Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?</p>	Y E S	
	N O	

<p>PROPOSITION ____ . AMENDS PEOPLE'S ORDINANCE NO. 10960 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE).</p> <p>Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be permitted to allow the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?</p>	Y E S	
	N O	

Section 5. An appropriate mark placed in the voting square after the word "YES," shall be counted in favor of the adoption of the propositions. 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 propositions.

Section 6. The Special Municipal Election called for November 8, 1988 in The City of San Diego is hereby ordered consolidated with the State General Election to be held on the same date. Within the City of San Diego precincts, polling places and officers of the election for the Special Municipal Election shall be the same as those provided for in the State General 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 propositions 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.

O. 17127

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 AUG 09 1988, being the day of its introduction and passage.

APPROVED: John W. Witt, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:js:930.63
08/05/88
08/08/88 REV. 1
08/10/88 REV. 2
Or.Dept:Clerk
O-89-22
Form:o.cals

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8900152

ORIGINATING DEPT. NO.: 035

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Date _____, 19____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ 372,866.00

Vendor COUNTY OF SAN DIEGO

Purpose Authorizing the expenditure of funds for special municipal elections

Date July 27, 19 88 By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			035	107	4222	003550				\$372,866.00
TOTAL AMOUNT										\$372,866.00

0-17127 AUG 09 1988

FUND OVERRIDE

AC-361 (REV 3-88)

Note: Contingent upon adoption of FY'89 Appropriation Ordinance. AC 8900152

AUG 09 1988

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **AUG 09 1988**, 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17127** Adopted **AUG 09 1988**

RECEIVED
CITY CLERK'S OFFICE
1988 JAN 25 AM 10:16
SAN DIEGO, CALIF.

1988 JAN 25

1988 JAN 25

1988 JAN 25

34211

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: MAYDELL L. PONTECORVO

RECEIVED
CITY CLERK'S OFFICE
1988 AUG 29 AM 10: 26
SAN DIEGO, CALIF. CA

IN THE MATTER OF
THE CITY OF SAN DIEGO, DALIFORNIA, ORDERING,
CALLING, PROVIDING FOR AND GIVING NOTICE OF A SPECIAL
MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN
DIEGO ON NOVEMBER 8, 1988, FOR THE PURPOSE OF SUBMITTING
TO THE QUALIFIED VOTERS...

NO.

0-17127

I, THOMAS D. KELLEHER, 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 0-17127

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:

AUG. 23

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

Dated at San Diego, California this 23 day of AUG., 1988



(Signature)

174" x 2 x 11.33 = \$3920.18

Page 1 of 23

ORDINANCE NUMBER O-17127 (New Series)

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 OF SAN DIEGO ON NOVEMBER 8, 1988, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTIONS 10, 12 AND 23, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING CHARTER SECTION 57.1, ONE PROPOSITION AMENDING THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING CHARTER SECTION 43, ONE PROPOSITION RELATING TO AMENDING THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN, ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE ADOPTING A GENERAL PLAN AMENDMENT TO IMPROVE AND PRESERVE RESIDENTS' QUALITY OF LIFE, ONE PROPOSITION RELATING TO AN ADVISORY VOTE ON MANDATORY STAGGERED-WORK HOURS PROGRAM, ONE PROPOSITION ADOPTING AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 10960 RELATING TO AN EXCEPTION TO LIMITING THE HEIGHT OF BUILDINGS AND CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 8, 1988.

WHEREAS, the City Clerk has certified to the City Council that two (2) initiative petitions on the above-referenced subjects have sufficient number of signatures to qualify the initiatives 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 City Council desires to submit the aforementioned two (2) initiatives, one proposition amending the Charter of The City of San Diego by adding Charter Section 57.1, one proposition amending the Charter of The City of San Diego by amending Charter Section 43, one proposition amending The City of San Diego Progress Guide and General Plan, one proposition as an advisory vote on a mandatory staggered-work hours program, one proposition amending People's Ordinance No. 10960 relating to limiting the height of buildings in The Coastal Zone; and

WHEREAS, at a meeting held on AUG 09 1988, the City Council of The City of San Diego, California, adopted Resolution No. R-271718 requesting the Board of Supervisors of the County of San Diego to order the consolidation of the special Municipal Election to be held on November 8, 1988, with the State General Election to be held on the same date; 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 8, 1988, and pursuant to the provisions of Section 223 of the Charter of The City of San Diego, Section 3 of Article XI of the Constitution of the State of California, the provisions of Sections 34450 and 34459 of the California Government Code dealing with Charter amendments and 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 propositions:

PROPOSITION -

Amends Section 10, 12 and 23 of the Charter of The City of San Diego to read as follows:

Section 10. ELECTIONS

Elective officers of the City shall be nominated and elected by all the electors of the City except that City Council members other than the Mayor shall be nominated and elected by the electors of the district for which elective office they are a candidate.

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year or if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday, provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, the two candidates receiving the highest number of votes for a particular elective office at said primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election.

At the general municipal election held for the purpose of electing Council members other than the Mayor the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. THE COUNCIL.

The Council shall be composed of nine (9) Council members, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Council members, other than the Mayor, shall be elected at either the municipal primary or the general election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case

the City Council may determine by lot which Council member shall represent each district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for Council members.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Council members; but in the event that said remaining Council members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of Council members to attend all Council meetings. The Council shall vacate the seat of any Council member who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

No Council member shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 23. INITIATIVE, REFERENDUM AND RECALL.

The right to recall municipal officers and powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office.

The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this Charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten percent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five percent of the registered voters of the City at the last general election; that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen percent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

PROPOSITION.

Amend the Charter of The City of San Diego by adding Section 67.1 to Article V, to read as follows:

SECTION 67.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

PROPOSITION.

Amend the Charter of the City of San Diego by amending Section 43 of Article V, to read as follows:

SECTION 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).

(d) CITIZEN'S REVIEW BOARD ON POLICE PRACTICES.

Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizen's review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

PROPOSITION.

Amends The City of San Diego Progress Guide and General Plan to read as follows:

AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN

BY ADDING A GROWTH MANAGEMENT ELEMENT

SECTION 1. STATEMENT OF PURPOSE AND INTENT.

The purposes and intent of this Growth Management Element of the Progress Guide and General Plan ("Element") are to (a) solve problems associated with rapid development; (b) maintain a steady growth rate consistent with the City's ability to provide public facilities and services at adequate service levels for existing and new development; (c) require new development to meet standards and criteria for neighborhood preservation, balanced communities, and transportation management; and (d) protect and preserve environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands, and prehistoric and historic resources.

SECTION 2. OBJECTIVES.

- A. Promote a stable rate of economic growth, a strong and diverse economy and job opportunities which enhance the well-being of area residents.
- B. Limit new residential construction to the City's fair share of the region's housing needs.
- C. Protect single-family neighborhoods from incompatible development.
- D. Protect environmentally sensitive lands.
- E. Strengthen community plans by including design criteria, and requirements for development phasing and public facilities financing; require review of community plans every five (5) years with limitations on amendments between reviews.
- F. Establish balanced communities by providing a range of housing for all economic levels consistent with the Housing Element of the General Plan and creating employment opportunities for the economic welfare of each community.
- G. Provide adequate public facilities and services at the time of need to serve new development.
- H. Assure that new development contributes to the improvement of the quality of life.
- I. Identify existing public facility deficiencies and establish financing techniques to achieve community plan and city-wide level of service standards.
- J. Coordinate growth management policies in San Diego with the growth policies of all jurisdictions within the region, including Mexico.
- K. Monitor growth and development annually to ensure compliance with this Element.

SECTION 3. FINDINGS.

- A. San Diego's growth rate exceeds prior regional growth forecasts and threatens the health, safety and general welfare of the City's residents.
- B. Continuation of this rapid growth rate over the next 20 years would cause deterioration of the City's physical, social, environmental and economic condition.
- C. The growth rate established in the Element is consistent with the City's projected share of housing as determined by recent SANDAG forecasts and will ensure that the City provides its fair share of regional housing opportunities.
- D. The City's housing programs and activities as set forth in the Housing Element will not be impaired by the adoption of this Element.
- E. Fiscal resources available to the City are inadequate to correct deficiencies, accommodate new growth and continue operation, maintenance, and replacement of public facilities and services.
- F. The City's environmental resources are being adversely impacted by rapid development.
- G. Existing City regulations do not adequately protect environmentally sensitive lands.
- H. The public health, safety and general welfare will be promoted by this Element.

SECTION 4. GROWTH MANAGEMENT.

- A. Maximum Growth Rate and Priorities.**
 - 1. The City shall not issue building permits for residential development which would allow the construction of more than 37,950 dwelling units for the five (5) year period 1989-1994.
 - 2. For purposes of this Section only, "residential development" means the construction of new dwelling units requiring issuance of a building permit pursuant to SEC. 91.01 of the Municipal Code, but does not include:
 - a. Remodeling, additions, rehabilitation or other improvements to an existing structure which does not result in an increase in dwelling units.
 - b. Rebuilding or replacement of an existing structure which does not result in an increase in dwelling units.
 - c. Residential development in Redevelopment Areas adopted pursuant to the Community Redevelopment Law.
 - d. Low income housing units as defined and certified by the Housing Commission.
 - e. Dwelling units with valid Interim Development Ordinance Ordinance Number O-17015 (New Series) allocations granted prior to the effective date of this Element.
 - 3. The City Council shall establish a system for allocating building permits for residential development consistent with applicable community plans as follows:

a. **CATEGORY I - Non-Vested Residential Development:** 3,000 dwelling units per year or 15,000 for the five (5) year period 1988-1994 for developments which have not received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category I residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in the Urbanized Area as designated by the Progress Guide and General Plan (General Plan).

(2) Single-family houses on any lot or parcel which qualifies as a lot as defined in Municipal Code SEC. 101.0101.34 which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element.

(3) Residential development in which a minimum of 20% of the dwelling units are available for low income families as certified by the Housing Commission.

b. **CATEGORY II - Vested Residential Development:** 3,950 dwelling units per year or 19,750 for the five (5) year period 1988-1994 for development which have received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category II residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in a project for which the vesting tentative map or development agreement was approved prior to July 21, 1987.

(2) Residential development in a project for which the vesting tentative map or development agreement is approved on or after July 21, 1987.

c. Any unused allocation shall be carried over to the following quarterly allocation period and may be applied to either Category I or II at the discretion of the City Council.

4. The maximum growth rate and priorities will be returned to the voters no sooner than three (3) years nor later than five (5) years from the effective date of this Element for retention, modification or termination.

B. Preservation of Neighborhood Character.

1. All residential neighborhoods shall be classified as Protected, Transitional, or Reinvestment within one (1) year of the effective date of this Element and such classifications shall be incorporated into the community plan. No demolition of a single-family house for other than construction of another single-family house (or other uses permitted in the R-1 zone) shall occur until the Council approves the neighborhood classification and adopts necessary implementation measures, except for low income developments as approved by the San Diego Housing Authority.

2. In Protected Neighborhoods existing single-family uses shall be preserved and protected from incompatible development which adversely affects the single-family character of the neighborhood by the following requirements:

a. No single-family zoned area shall be rezoned to a multi-family or nonresidential zone until the community plan is amended.

b. All multi-family residentially-zoned areas shall be rezoned to single-family zones concurrently with amendment of the community plan.

3. In Transitional Neighborhoods there shall be an orderly transition from single-family to multi-family or nonresidential uses by requiring a special permit for all development other than single-family houses to ensure compatibility with the existing character of the neighborhood. A reduction in density may be required to bring the development into compliance with applicable design standards and guidelines.

4. In Reinvestment Neighborhoods development may be permitted in accordance with the applicable community plan and conforming zoning.

C. Integrity of Community Plans.

1. The City shall establish a five-year cycle for the review and if necessary a comprehensive updating of every community plan. Community plan amendments relating to changes of use or density shall be prohibited between comprehensive community plan updates, except where the Planning Commission determines: (a) a substantial and unforeseen change in community conditions has occurred since the effective date of this Element or the last comprehensive community plan update, or (b) an error was made in the community plan.

2. The following types of community plan amendments may additionally be considered between comprehensive community plan updates:

a. Changes in road or street classifications or alignments;

b. Changes to permit public facilities;

c. Changes to permit Redevelopment projects or amendments to Redevelopment Plans;

d. Addition of an urban design element, a development phasing element and a public facility financing element, provided such elements do not change land use or density designated in the community plan.

e. Changes requested by the community planning group or other established community-based organization if there is no community planning group.

3. Within two (2) years from the effective date of this Element, the City shall prepare or update urban design, development phasing and public facilities financing elements for each community plan and complete the community plan and zoning consistency program. The community plan shall control over conflicting zoning designations.

4. Upon adoption of a comprehensive community plan update or a community plan amendment, the City shall concurrently adopt consistent zoning regulations.

5. Until each community plan meets the requirements of this Element, a special permit shall be required for all multi-family and nonresidential development to ensure compatibility with the neighborhood.

D. Balanced Communities.

Each community plan shall include a balanced communities element which shall describe how the type, location, density and cost of housing and the type of nonresidential development permitted by the community plan achieves the following objectives:

1. Provide housing opportunities for all economic segments of the community;

2. Provide low and moderate income housing, affordable housing and housing for senior citizens;

3. Provide nearby employment opportunities for persons residing in the community plan area;

4. Provide commercial and community facilities in support of residential development.

E. Adequate Transportation.

1. Each community plan shall incorporate a transportation element which establishes a level of service "D" or better for arterials, major streets and collector streets; provided, however, that community plans with transportation elements with a lower level of service may be retained, and Council may adopt lower levels of service for community plans in the future.

2. Traffic generated by a proposed development shall be analyzed independently of existing traffic, but in conjunction with existing and programmed transportation improvements. If the traffic generated by the development would utilize more than its proportionate share of the transportation system capacity at the specified level of service, the development shall provide (a) feasible road system improvements which do not adversely affect neighborhood character or function and are consistent with the community plan; (b) transportation demand management measures; (c) transit improvements; or (d) a combination of the above. If such measures do not reduce traffic to the development's proportionate share of the transportation capacity, the development shall be denied or may be approved with reductions in intensity or changes in use sufficient to fully mitigate the identified impact on the specified service level standard.

3. Within one (1) year of the effective date of this Element, the City shall develop a Transportation Demand Management (TDM) program to implement strategies for reducing regional and City road and parking congestion including, but not limited to, ridesharing, vanpooling, flexible work hours and employer incentives for mass transit use. Industrial and office development at major employment centers, including but not limited to, Centre City, Mission Valley, University City, Otay Mesa, Sorrento Valley, Kearney Mesa and western Mira Mesa, shall implement TDM measures based upon SANDAG Regional Air Quality Strategies (RAQS) and such other strategies as developed in the program. The City, in conjunction with the Metropolitan Transit Development Board (MTDB), shall identify funding sources for increased transit promotion, availability and usage. Developments shall contribute to transit facility funding where appropriate.

F. Adequate Public Facilities.

1. Each community plan shall specify the level of service for public facilities. A public facilities financing element and a development phasing element shall be incorporated into each community plan to ensure that proposed developments provide public facilities by funding or actual construction. All development shall pay its pro rata share of regional, city-wide and community public facilities costs reasonably related to needs generated by the development.

2. All applications for discretionary approval shall include a detailed fiscal analysis which estimates (a) the revenue to be generated by the proposed development including but not limited to taxes, assessments, fees and charges; and (b) the anticipated operational, maintenance and replacement costs for providing and servicing all public facilities reasonably related to the needs generated by the development. If the fiscal analysis indicates that the operational, maintenance and replacement costs will exceed the anticipated revenues, the City shall balance the social, housing and environmental benefits to be derived from the development against the fiscal deficiencies estimated to be incurred. The development may be approved, denied, approved with reductions in intensity or change of use or phased and scheduled to assure that fiscal balance is achieved.

3. The public facility financing element of each community plan shall, within two (2) years after the effective date of this Element, identify existing facility deficiencies which are unfunded. The City shall identify all financing mechanisms available to provide the financial resources to correct existing facility deficiencies and ensure that service levels identified in the applicable community plan are attained.

4. The City shall prepare a public facilities plan and financial program for city-wide capital improvements which shall be submitted to the voters for approval no sooner than three (3) years nor less than five (5) years from the effective date of this Element.

G. Regional Standards.

The following regional facility and environmental goals are hereby established by the City. One year from the effective date of this Element, the Council shall review a report prepared on the City's progress towards achieving these goals and on the methodology adopted for incorporating these goals into applications for development approval. The City Council shall annually thereafter receive a report on the achievement of the goals in order to determine whether to retain or change the goals.

1. Air Quality - Meet air quality goals for ozone, nitrogen dioxide, carbon monoxide and other pollutants in accord with established federal and state requirements.
2. Water - Develop a plan with the County Water Authority which will identify an adequate water supply through the year 2010. The plan shall include water conservation strategies, water reclamation techniques including considerations of reuse and desalination, identification of a water supply and water system reliability.
3. Sewage Treatment - Achieve and maintain compliance with the Clean Water Act as amended or ordered by a court of competent jurisdiction and implementing regulations and agreements by making modifications to the City's waste water treatment system.
4. Solid Waste Disposal - Ensure solid waste disposal capacity and recycling and waste reduction strategies within five (5) years to serve projected demand to the year 2010.
5. Transportation - Ensure that traffic generated by all new development, when added to existing traffic, given existing and programmed transportation improvements together with the Transportation Demand Management (TDM) Program, will not cause a substantial impact on transportation levels of service on regionally significant roads.

H. A Strong and Stable Economy.

The City shall:

1. Adopt an economic policy which promotes a stable rate of economic growth, a strong and diverse economy, allows for the ability of new and existing companies to grow and expand and creates job opportunities which enhance the well being of area residents.
2. Support programs which encourage full employment and increases in per capita income and the development of a commercial and industrial business infrastructure that facilitates the growth of new and existing business.
3. Encourage industries to train and employ residents and provide jobs for entry level and disadvantaged workers.
4. Encourage the development of nonpolluting and environmentally compatible industries.
5. Encourage the development of child care centers in major employment centers.

I. Regional Planning.

1. The City shall define standards and thresholds to identify developments which have a regional impact. Such developments shall be referred to SANDAG for review prior to City Planning Commission consideration of the proposed development.
2. The City shall in conjunction with SANDAG initiate the formation of a Regional Blue Ribbon Committee which shall be charged with considering:
 - a. Legislation to deal with regional problems.
 - b. A regional plan for land use and public facilities.
 - c. A regional transportation management plan.
 - d. Provision of regional services and facilities, including but not limited to transportation, sewer, water, solid waste, and energy.
 - e. Implementation of region-wide trash recycling and water reclamation.
 - f. Regional land use controls.
 - g. Regional planning including adjacent areas in Mexico.

J. Amendment or Repeal. This Section may be amended or repealed only by a majority vote of the voters voting in a City-wide election.

SECTION 5. ENVIRONMENTALLY SENSITIVE LANDS PROTECTION.

A. Definitions. For purposes of this Section, the following words and phrases shall have the following meanings. These definitions are to be construed to provide maximum protection to environmentally sensitive lands.

1. "Biologically Sensitive Lands": Land which supports unique native vegetation communities and/or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as defined below. Biologically sensitive land includes the area of native vegetation necessary to support a viable population of the rare, endangered or threatened species, and which is critical to maintaining a balanced natural ecosystem or wildlife corridor.

A species shall be presumed to be rare, endangered or threatened if it is listed in Section 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, Section 17.11 or 17.12. A species not included in any legislative listing may nevertheless be considered to be rare, endangered or threatened if the species can be shown to meet the criteria for inclusion in state or federal lists.

Unique native vegetation community refers to associations of plant species which are substantially depleted due to development. These associations should be outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations. In most cases unique vegetation communities contain rare, endangered or threatened species. Additionally, these communities may contain species which are considered unusual or limited in that the species are: 1) only found in the San Diego region, or 2) a local representative of a species or association of species not otherwise found in the region.

2. "Clearing and Grubbing": The disturbance of vegetation by mechanical means, the removal of all or substantially all vegetation, the removal of roots, and/or the clearing or breaking up of the surface of the land by digging.

3. "Development": On land, in, or under water, the placement or erection of any solid material or structure including fill, discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; physical change in the density or intensity of use of land; construction, reconstruction, demolition, or alteration of the size of any structure, or clearing and grubbing. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, aqueduct, telephone line, and electrical power transmission and distribution line.

4. "Environmentally Sensitive Lands": Wetlands, wetland buffer areas, floodplains, steep slope lands, biologically sensitive lands, or lands containing significant prehistoric and historic sites and resources, as defined in this Section.

5. "Feasible": Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (State CEQA Guidelines, 14 C.C.R. Section 15364 (1988)). Whenever the term "feasible" is used, this determination must be supported by substantial evidence in the record, provided by the applicant.

6. "Floodplains": The relatively flat areas of low land adjoining, and including, the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood waters of the one hundred (100) year frequency flood.

7. "Mitigation": 1) Avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments (State CEQA Guidelines, 14 C.C.R. Section 15370 (1988)).

8. "Native Vegetation": Vegetation composed of plants which originated, developed, or were produced naturally in the San Diego region and were not introduced directly or indirectly by humans. Native vegetation includes, but is not limited to, marshes, grasslands, scrublands, woodlands, and forests.

9. "Significant Prehistoric and Historic Sites and Resources": Locations of known prehistoric or historic resources that possess unique scientific, religious or ethnic value of local, regional, state or federal importance. The above shall be limited to prehistoric or historic districts, sites, buildings, structures, or objects included in the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places; known areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or permanent camps); and known locations of past or current traditional religious or ceremonial observances as defined by Public Resources Code Section 5097.9 et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burial(s), pictographs, petroglyphs, solstice observation sites, and sacred shrines).

10. "Steep Slope Lands": All lands having a naturally formed gradient of twenty-five percent (25%) or greater, measured by twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance, based on five (5) foot contour intervals, with a minimum elevation differential of 25 feet. Undeveloped land located adjacent to the 25% slope may also be included in the steep slope lands in order to promote the purpose and intent of this Section provided that such land is within 300 feet of the nearest point of the 25% slope. This definition does not include manufactured slopes, which are defined as slopes graded pursuant to a validly issued development permit, not including slopes graded for agricultural uses.

11. "Wetland": All lands which are transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface or where the land is covered by water. Lands having one or more of the following attributes are considered to be "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes; or
- b. The substrate is predominantly undrained hydric soil; or
- c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

"Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, mudflats, vernal pools, streams and rivers and associated riparian habitat areas, and/or all designated wetlands as mapped on the U.S. Fish and Wildlife National Wetland Inventory Maps. This is not intended to apply to temporary detention or retention basins required as part of a development.

12. "Wetland Buffer Area": Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

B. Permitted Uses. Subject to obtaining a Sensitive Lands Permit (SLP), and to the regulations and restrictions of the underlying zone, uses permitted in environmentally sensitive lands shall be limited as follows:

1. Wetlands. Uses in wetlands shall be limited to the following, provided that such uses do not harm the natural ecosystem:

- a. Aquaculture, wetlands-related scientific research and wetlands-related educational uses.
- b. Wetland restoration projects where the primary purpose is restoration of the habitat.
- c. Essential public projects, including water reclamation treatment plants and related downstream facilities, provided that there is no feasible less environmentally damaging location or alternative and that mitigation measures are required to produce a net gain in functional wetlands.
- d. Minor or temporary alterations of a wetland only when accompanied by mitigation measures insuring that all feasible efforts are made to restore the functional value of the wetland.

2. Wetland Buffer Areas. Uses in wetland buffer areas shall be limited to the following, provided that such uses are compatible with protecting wetlands, and do not harm the natural ecosystem.

- a. All uses permitted in wetlands.
- b. Passive recreational uses, access paths, and public viewpoints, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands.
- c. Improvements necessary to protect adjacent wetlands.

3. Floodplains. Uses in floodplains shall be limited to the following, provided that grading and filling are the minimum possible to achieve the use, and harm to the environmental values of the floodplain area is minimized.

- a. All uses permitted in wetlands and wetland buffer areas.
- b. Uses permitted by the A-1 Zone, with density limited to one (1) unit per ten (10) acres, which may be clustered, provided wetlands and wetland buffer areas are not disturbed.
- c. Uses and densities permitted by the underlying zone as in-fill development in urbanized floodplain areas, provided wetlands and wetland buffer areas are not disturbed. Urbanized floodplain areas, for purposes of this paragraph, means which, on the effective date of this Element: 1) have been subdivided into parcels; and 2) are zoned for uses other than agricultural or open space; and 3) are substantially developed for such uses.
- d. Low-intensity recreational uses, provided wetlands and wetland buffer areas are not disturbed.
- e. Sand and gravel extraction subject to an approved conditional use permit and reclamation plan, provided wetlands and wetland buffer areas are not disturbed. Use of the floodplain area after reclamation shall be subject to all requirements of this Section.
- f. The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(1) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(2) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(3) Public utility systems.

4. Steep Slope Lands. Development shall not be permitted in steep slope lands, except as follows:

a. Encroachment into steep slopes may be permitted to allow physical development in accordance with the underlying zone according to the following table:

Percentage of Parcel in Steep Slopes	Maximum Encroachment Allowance as Percentage of Area in Steep Slopes
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

b. In addition to the maximum encroachment limitations set forth above, the following uses may be permitted in the steep slope lands, in accordance with the underlying zone:

(1) Sand, gravel and rock extraction, provided that mitigation measures are required that maximize the use of native vegetation to revegetate and landscape cut or fill areas in order to substantially restore the original habitat value; and produce final graded slopes with contours and soils which reflect the original landform conditions. Use of the steep slope lands after reclamation shall be subject to all requirements of this Section.

(2) The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(i) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(ii) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(iii) Public utility systems.

5. Biologically Sensitive Lands. Development shall not be permitted in biologically sensitive lands, unless all feasible mitigation to protect and preserve the biologically sensitive lands is required as a condition of development approval. This paragraph is intended to supplement protection provided to biologically sensitive lands by existing state and federal law.

6. Significant Prehistoric and Historic Sites and Resources. Development shall not be permitted in significant prehistoric or historic sites or resources unless all feasible measures to protect and preserve the significant prehistoric or historic site or resource are required as a condition of development approval. This paragraph is intended to supplement protection provided to significant prehistoric and historic sites and resources by existing local, state and federal law. The City shall establish procedures for designating historic sites, with time frames for determining whether eligible sites shall be so designated, and procedures for protecting such eligible sites during the designation process.

C. Requirements and Restrictions.

1. Mapping. As a matter of highest priority, all environmentally sensitive lands within the City shall be identified, inventoried, and mapped. These lands and resources shall be identified on an Environmentally Sensitive Lands Map which shall be a part of the General Plan, and which shall be used as the basis for the preparation of detailed maps which apply the Sensitive Lands Overlay Zone (SLOZ) on a parcel basis. Until these maps are adopted, development shall not occur unless the applicant demonstrates that environmentally sensitive lands do not exist on the subject property. If environmentally sensitive lands exist on the property, the applicant shall be required to comply with this Section.

2. Clustering. Clustering of density may be permitted on the portions of an applicant's property which are not environmentally sensitive. Any such clustering must be consistent with the adopted community plan, and ensure that the neighborhood character is maintained and that environmentally sensitive lands are fully protected and buffered as required by this Section.

D. Sensitive Lands Permit Procedure.

1. Permit Required.

a. Except as set forth in paragraph D.2. below, development shall not occur upon environmentally sensitive lands unless the applicant first obtains a Sensitive Lands Permit (SLP). If any portion of a parcel contains environmentally sensitive lands, a SLP must be obtained prior to development of any portion of the parcel; the requirements of this Section shall be applied to such parcel to the extent necessary to protect the environmentally sensitive lands.

b. A Sensitive Lands Permit may only be issued if written findings of fact are made that the proposed development is in compliance with the provisions of this Section.

2. No Permit Required. The provisions of this Section shall not apply to the following:

a. Those phases or elements of a development which have obtained vested right prior to the effective date of this Element.

b. Developments for which all final discretionary approvals have been granted prior to July 15, 1988.

c. The modification of a single-family house on one lot or the replacement of a single-family house with another single-family house on one lot, brush management for fire protection purposes, and any other improvements, alterations and landscaping on such lot.

d. The construction of a single-family house on an individually-owned single-family lot as defined in SEC. 101.0101.34 of the Municipal Code, which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element, brush management for the fire protection purposes, and any other improvements, alterations, and landscaping on such lot.

e. Building improvements, including paved areas, on other than single-family lots, which do not alter the ground coverage of an existing building or paved area by more than 10% and which do not increase the height of the building by more than 12 feet, or the height permitted in the underlying zone, whichever is less.

f. The reconstruction of a structure which has been destroyed by fire, acts of God, acts of public enemies or explosion, even if the use or structure is nonconforming and 100% of the use or structure has been destroyed.

g. Sand, gravel and rock and related asphalt operations, and salt manufacturing operations, which have received valid approvals to conduct such operations prior to the effective date of this Element and which continue to operate in compliance with the terms and conditions of those approvals, and redevelopment or reclamation of the area upon which the operations have occurred.

h. Development following termination of those sand, gravel, rock and asphalt operations, for which the City Council has, prior to the effective date of this Element, amended an adopted community plan to require preparation of specific plans for the affected properties upon which the sand, gravel, rock and asphalt operations are currently occurring.

i. Activities to detect and remove ordnance from areas where such explosive devices may exist.

j. Development pursuant to public park development plans, including but not limited to public recreational facilities, publicly-owned playing fields, and publicly-owned golf courses which have been the subject of public hearings before the City Council, and for which findings of fact have been made that no feasible less environmentally damaging alternative location or site design exists or can be devised, that the plan minimizes the disturbance of environmentally sensitive lands, and incorporates mitigation measures where feasible to offset any disturbance.

k. Development of the 166 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

3. **Expedited (Emergency) Permit.** Whenever development is required by order of the City Manager or the Planning Director to protect the public health or safety, the Planning Director may issue an emergency Sensitive Lands Permit for the minimum amount of work necessary to protect the public health or safety. The emergency permit shall not relieve the permittee from compliance with all provisions of this Section.

4. **Administrative Permit.** The Planning Director may issue a Sensitive Lands Permit for developments which meet the following criteria. The decision of the Planning Director may be appealed to the City Council in accordance with the provisions of Municipal Code Section 101.0240. The City shall adopt standards to ensure that these administrative permits are issued in accordance with the purpose and intent of this Section.

a. Development pursuant to a wetlands management plan in effect on the effective date of this Element or development pursuant to a wetlands management plan that meets the intent of this Section and has been adopted by the City Council and approved by the appropriate resource agencies.

b. Development pursuant to a Habitat Conservation Plan that is prepared in conjunction with state and federal resource agencies, that meets the intent of this Section, and that has been adopted by the City Council and approved by the appropriate resource agencies.

c. Clearing or thinning of areas with native vegetation, on other than single-family lots, to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with existing City fire prevention procedures and that such areas retain their native root stock or are replanted with native vegetation having a low fuel content, and further that no reconfiguration of the natural landform is required. Following adoption by the City Council of a brush management program which provides substantially the same limitations and protections as this paragraph, and is consistent with the intent of this Section, this Section shall not apply to such clearing and thinning and no Sensitive Lands Permit shall be required.

d. Agricultural operations on land which has been legally cultivated within the previous five-year period, or agricultural operations which have obtained a valid agricultural permit prior to the effective date of this Element, provided that such agricultural use does not substantially impair the environmentally sensitive lands.

e. Removal of silt in existing wetland areas where the silt removal is intended to enhance the habitat qualities of the wetland and where the activity meets the intent of this Section.

5. **Discretionary Permit.** Except as provided in paragraph D.2.3. and 4., a Sensitive Lands Permit for development of the developable portion of a parcel, or for the uses permitted in environmentally sensitive lands by this Section, may only be issued after a noticed public hearing before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council.

E. Exclusions.

1. Procedures for Granting Exclusions.

a. Exclusions from the provisions of this Section may only be granted after a noticed public hearing before the City Council. Applications for exclusions shall be grouped by subregional location, and considered twice each calendar year for each subregion. The Planning Department shall prepare a comprehensive report concerning the cumulative impact of the exclusion applications by subregion. The report shall take into consideration existing and proposed development projects that affect the City's environmentally sensitive lands. The report shall be made available to the public no later than thirty (30) days prior to the City Council hearings. Copies shall be made available throughout the City's library system and at other appropriate locations. The exclusion hearings before the City Council shall be noticed thirty (30) days prior to commencement.

At the exclusion hearings, the City Council shall review the report of the Planning Department, and shall consider the cumulative impact of all the exclusion applications within each subregion upon environmentally sensitive lands. Based on the evidence before it, the Council shall determine whether to grant or deny each application for an exclusion.

b. The intent of this Section is that exclusions only be granted in exceptional circumstances upon a solid consensus of the City Council. For this reason, a two-thirds (2/3) vote of the authorized membership of the City Council shall be required to grant an exclusion. Such a heightened majority will assure that the benefit presented by a development overrides the adverse impact of the development on the City's sensitive lands. For purposes of calculating the two-thirds (2/3) vote, all fractions of numbers shall be rounded up to the next highest number.

2. **Exclusions for Claims of Unconstitutional Takings.** Where an applicant provides substantial evidence that the provisions of this Section as applied to the applicant's property would constitute a taking of private property in violation of the United States or California Constitutions, the City Council may grant an exclusion to provide for the minimum development necessary to constitute reasonable use under applicable state and federal law. All feasible mitigation measures shall be incorporated into the design of the development to preserve and protect the sensitive characteristics of the land.

3. Exclusions for Developments Which Provide Extraordinary Public Benefits. Where an applicant provides substantial evidence that the development will provide extraordinary public benefits, the City Council may grant an exclusion if the following findings are made:

a. There are special circumstances or conditions applying to the land or building for which the exclusion is sought, which circumstances or conditions are peculiar to such land or building; and

b. The circumstances or conditions are such that the strict application of the provisions of this Section would result in severe hardship not caused by the applicant, and the exclusion granted by the City is the minimum that will prevent such hardship; and

c. Mitigation measures have been incorporated into the design of the development to preserve and protect the sensitive characteristics of the land; and

d. The development provides an extraordinary public benefit to the City, such as dedication of sensitive lands, above and beyond that provided as a requirement of a subdivision map, facilities benefit assessment, or similar existing obligation.

Where an exclusion is granted in a floodplain or wetland, the mitigation incorporated into a project must result in no net loss of in-kind habitat value within the affected floodplain or wetland.

Where an exclusion is granted on steep slope lands which contain predominantly native vegetation, then native vegetation shall be used to revegetate and landscape cut or fill areas, consistent with existing City fire prevention procedures.

F. Amendments.

The City Council may amend this Section only after a noticed public hearing and a three-fourths (3/4) vote. Any amendments must be consistent with the purpose and intent of this Section and shall not result in less protection of environmentally sensitive lands.

G. Violations.

Any person violating the provisions of this Section shall be required to restore the land affected to a condition comparable to that existing prior to the violation. Until such restoration is completed and approved by the City, the violating person shall be prohibited from doing any development on the land affected.

SECTION 6. IMPLEMENTATION.

The City Council and all City agencies, boards and commissions, and City staff shall take any and all actions reasonably necessary to carry out the intent and purpose of this Element, including but not limited to, adoption and implementation of any amendments to the General Plan, Local Coastal Program, Community Plans, Municipal Code, Land Development Ordinance, Grading Ordinance, and adoption and promulgation of ordinances, guidelines, and standards to implement this Element. All adopted City plans, ordinances, and regulations shall remain in effect unless or until expressly repealed or amended by the City Council. In the event of a conflict between this Element and any adopted city plans, policies, ordinances, resolutions, regulations, guidelines or standards, this Element shall control to the extent it is more restrictive, or provides greater protection.

SECTION 7. ANNUAL REVIEW.

Each year, on or before October 1, the City shall prepare and the City Council shall consider, review and adopt at a public meeting, a report for the preceding calendar year. The report shall document the amount, type, location and intensity of development both city-wide and by community plan area and shall certify that each provision of this Element has been complied with, setting forth the manner of such compliance.

A report on the economic impact of this Element shall be part of the annual review which shall include the effect on housing availability and affordability, employment, and other economic impacts on the City.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part or portion of this Element is for any reason held to be invalid or unconstitutional by a final judgement of any court of competent jurisdiction, whether such judgement concerns a pre-ballot or post-ballot challenge, such decision shall not affect the validity of the remaining portions of this Element. It is hereby declared that this Element and each section, subsection, sentence, clause, phrase, part or 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 9. DEFINITIONS.

Except as otherwise provided herein, the definitions section of Chapter X of the Municipal Code shall be applicable to this Element.

SECTION 10. CONFLICTING MEASURES.

If two or more measures relating to the same subject matter are adopted at the same election, the measure receiving the highest number of votes shall control.

SECTION 11. CONSISTENCY.

All discretionary approvals must be consistent with this Element.

SECTION 12. LEGAL CHALLENGES.

Any legal action brought to challenge any provision of this Element or to challenge the intent of this Element shall be vigorously defended by the City. Limitations and procedures for judicial review of actions taken pursuant to this Element shall be in accordance with Municipal Code SEC. 101.0210.

SECTION 13. ENFORCEMENT.

The City shall enforce the provisions of this Element and implementing ordinances in accordance with existing law.

SECTION 14. EFFECTIVE DATE.

This Element shall be effective January 1, 1989.

PROPOSITION.

AMENDING THE SAN DIEGO GENERAL PLAN BY ADDING THE FOLLOWING SECTIONS RELATING TO IMPROVING AND PRESERVING RESIDENTS' QUALITY OF LIFE

Section 1 - Statement of Purposes and Intent.

The purposes and intent of this Measure are to:

- a. Preserve the citizens' quality of life and affirm their right to live in safe and healthful surroundings.
- b. Guarantee the rights of San Diego citizens to participate in decisions determining future growth and quality of life.
- c. Reduce traffic congestion and improve air quality.
- d. Achieve a growth rate which does not overburden the City's sewer, water and waste disposal facilities.
- e. Ensure that the City's future growth does not have a harmful effect on residents' quality of life, and is not harmful to the natural environment.
- f. Establish citywide quality of life standards; restore and maintain acceptable conditions by tying overall development levels to the attainment of those standards.
- g. Establish community quality of life criteria; restore and maintain acceptable conditions by evaluating specific development authorizations in light of those criteria.
- h. Provide a broad framework within which the City, through an allocation system, can further the goals of affordable housing, provision of public facilities, preservation of the environment and community character, and appropriate geographical distribution of development.
- i. Preserve and protect the City's wetlands, canyons, floodplains, and other environmentally sensitive lands.
- j. Minimize future tax and utility rate increases which subsidize growth.
- k. Ensure that appropriate planning is undertaken for the City's ultimate Sphere of Influence.
- l. Limit the amount and rate of growth to acceptable levels.
- m. Reduce costly urban sprawl.
- n. The voters acknowledge that to a certain degree some of the factors that are causing a deteriorating quality of life in San Diego may be only partially within the City's control. Nonetheless, it is the purpose of this Measure to require the City to take any and all actions within its control to fully carry out and achieve the objectives of this Measure.
- o. Preserve the vitality, charm, identity and character of the City's existing communities and neighborhoods.
- p. Ensure that the City plans its commercial and industrial development to create a balance with housing development, and to avoid excessive demand for any one type of development.
- q. Provide for a transition period of four years for gradually implementing the residential limitations, in order to reduce adverse short-term impacts which may result.
- r. Provide for a baseline level of allowed residential development at a rate which is equal to or greater than the national increase.

Section 2 - Findings.

- a. San Diego's quality of life is deteriorating as a result of rapid growth. Rapid growth is causing:
 1. Increased traffic congestion;
 2. Loss of open space and environmentally sensitive lands;
 3. Higher taxes, fees and utility rates to subsidize growth;
 4. Increased air, water, and noise pollution;
 5. Crowding, congestion and increased crime;
 6. The overburdening of public services, facilities, and infrastructure; and

7. A decline in the beauty and open feeling of San Diego and a consequent increase in human psychological stress.

b. San Diego has exceeded Federal Clean Air standards since 1976.

c. Traffic congestion has increased to unacceptable levels and is projected to worsen if rapid growth is unchecked.

d. Sewer systems are overburdened, do not meet federal standards, and are responsible for pollution of beaches, coastal waterways and wetlands.

e. Solid waste disposal sites are rapidly approaching capacity which threatens cost increases as sites become more remote.

f. Recycling will reduce the amount of solid waste and lessen the unhealthful effects associated with solid waste disposal. Recycling will also mitigate the increasing costs associated with more remote disposal sites.

g. According to SANDAG's projections, if current trends continue the population of the San Diego region is expected to reach 3.2 million by the year 2010, nearly a fifty percent increase from the present. More than 75,000 people were added to the region in 1986 alone. In 1986 the City grew at two and one-half times the national average. Such rapid growth and the projections for its continuance have caused, and will continue to cause, severe social and economic problems and diminished quality of life.

h. The rate of development has substantially exceeded levels consistent with orderly Community Plan buildout, has exceeded the City's ability to provide necessary community and regional public facilities and services, has exacerbated reductions in environmental quality and has not served the overall public interest.

i. The City will be able to meet the housing goals of its General Plan and state and federal law, including goals for the provision of affordable housing, housing for the elderly, students, and the handicapped in a non-discriminatory manner under this Measure.

j. The City's General Plan calls for the wise management and utilization of the City's remaining land resources, and preservation of its unique landforms. The existing measures intended to achieve these goals have proven ineffective, and restrictions on the type and density of development are needed to meet the stated goals.

k. It is necessary to preserve, protect, and promote San Diego's environmental assets and amenities including its steep slopes, canyons, floodplains, wetlands, watercourses, and environmentally sensitive habitats as herein provided in order to preserve national ecosystems, plant and animal species and their habitat, and to preserve the psychological, aesthetic and visual benefits which these amenities provide.

l. Grading, grubbing and clearing have degraded sensitive environmental lands, caused soil erosion problems and increased downstream sedimentation, impaired wildlife corridors and altered the unique landform characteristics of the area.

m. Preservation of environmentally sensitive lands is an integral component of the quality of life for present and future generations.

n. Any future growth has the potential to worsen the above conditions, and the City has the right to halt all development until the quality of life standards are met. However, to avoid abrupt changes it is appropriate to gradually phase in development limitations.

o. The existing City Plans and Policies dealing with growth have proven inadequate.

p. A comprehensive plan is needed to deal with rapid growth and the deteriorating quality of life.

q. The public health, safety, and general welfare will be promoted by the adoption of this Measure.

Section 3-Citywide Quality of Life Standards.

The City shall do everything it can to meet the five Citywide Quality of Life Standards set forth below on an ongoing annual basis. Until these standards are met as herein provided the growth limitation provisions of Section 4 shall be in effect:

a. **Air Quality.** The ambient air quality reported by the San Diego Air Pollution Control District for the San Diego Air Basin shall meet federal and state Clean Air health standards for ozone, particulates, nitrogen dioxide, carbon monoxide, sulfur dioxide, lead, sulfates, and other federal and state criteria air pollutants.

b. **Sewer System.** The City shall have adequate trunkline, pumping facilities, and secondary treatment capacity to meet both normal and emergency demand and to avoid sewage spills affecting beaches and wetlands.

c. **Water System.** The City shall have adequate water supply, pipeline capacity, and storage capacity to meet normal and emergency situations. In addition, federal and state drinking water quality standards shall be met.

d. **Solid Waste Disposal.** The City shall have guaranteed access to sanitary landfill sites, or to other disposal facilities, within or without the City for all solid wastes, sewage sludge, hazardous wastes, and toxic wastes. In addition there shall be a citywide recycling program that recycles a minimum of 25% by weight, of the solid waste generated within the City, exclusive of demolition materials.

e. **Traffic.** There shall be no increase in the extent of heavy congestion on freeways within the City. In addition there shall be no increase in the extent of heavy congestion on arterials within the City.

For the purposes of this subparagraph, "heavy congestion" shall mean Level of Service E or F as defined by the Transportation Research Board in the 1965 Highway Capacity Manual, and measured as an average of AM and PM peak period mileage. "No increase in the extent" shall mean that the mileage with LOS E congestion, and the mileage with LOS F congestion, when expressed as a percentage of total mileage, shall each not exceed the congested mileage existing in 1985.

f. For purposes of subparagraph "b," "c," and "d," above, "adequate" shall mean that the facilities are in place and operational by the end of the reported year.

g. If any standard specified above is determined to be invalid by a final court judgment, or is determined to be infeasible to measure or apply by the City or by final court judgment, then that standard shall be deemed not met.

Section 4-Residential Limitations.

a. From and after the effective date and until the Quality of Life Standards of Section 3 are met the City shall not authorize any residential development unless at the time of authorization the City ensures that number of building permits to be issued for residential development dwelling units in any year shall be limited as follows:

Fiscal year 1988-89:	7,000 to 9,000 dwelling units
Fiscal year 1989-90:	6,000 to 8,000 dwelling units
Fiscal year 1990-91:	5,000 to 7,000 dwelling units

Fiscal year 1991-92

and each subsequent

fiscal year through the

fiscal year 2009-2010:

4,000 to 6,000 dwelling units

b. For each fiscal year the actual number of units authorized shall depend upon compliance with the Quality of Life Standards set forth in Section 3. The City shall report the extent of Citywide compliance with the five standards of Section 3(a)-(e) in the annual document required by Section 13. For each standard which was met for the previous calendar year, the lower development limit of this Section 4 may be increased by up to 400 units for the next fiscal year up to the maximum upper limit specified.

c. If the number of units authorized for a given year is not completely used in that year, up to a maximum of fifty percent of the unused units may be carried forward to the next year. The number carried forward may not be included in calculations for subsequent years.

d. If all five standards are met for any two consecutive calendar years, the City may, at its option, replace the limits of Sections 4(a) with a limit based on California's growth rate. For this option, dwelling units may be authorized for the next fiscal year and for so long as all such standards are maintained, up to a number that corresponds to the same average annual percentage that California's dwelling units increased over the previous two years.

e. If all five standards are met for five consecutive years the City may, at its option, eliminate or replace the limits of Section 4(a) with a limit or limits as the City may determine appropriate to ensure that the Quality of Life Standards of Section 3 will continue to be met.

Section 5-Commercial and Industrial Plan.

The City shall develop and implement a plan for industrial and commercial development which meets, at minimum, the following criteria:

a. Results in a balance between housing, industrial, and commercial stock;

b. Furthers the attainment of the Quality of Life Standards set forth in Section 3 and 8;

c. The City Council may adopt other criteria consistent with the purposes, findings, intent and content of this measure.

Section 6-Allocation System Based on Community Quality of Life Criteria.

The City Council shall develop, adopt, and implement within 120 days of the effective date after notice and public hearing, an allocation system for issuing authorizations for residential development as provided by this Measure. Such an allocation system shall rank applications for residential development by assigning points, giving preference to those applications that best meet the following community quality of life criteria:

a. **Affordable Housing.** The proposed residential development contributes to the City's stock of low or moderate income housing, housing for seniors, or housing for the handicapped. Priority in the allocation system shall be given to projects meeting this criterion to the extent necessary to comply with federal, state or local laws regarding such housing.

in safe and neat surroundings.

b. Guarantee the rights of San Diego citizens to participate in decisions determining future growth and quality of life.

c. Reduce traffic congestion and improve air quality.

d. Achieve a growth rate which does not overburden the City's sewer, water and waste disposal facilities.

e. Ensure that the City's future growth does not have a harmful effect on residents' quality of life, and is not harmful to the natural environment.

f. Establish citywide quality of life standards; restore and maintain acceptable conditions by tying overall development levels to the attainment of those standards.

g. Establish community quality of life criteria; restore and maintain acceptable conditions by evaluating specific development authorizations in light of those criteria.

h. Provide a broad framework within which the City, through an allocation system, can further the goals of affordable housing, provision of public facilities, preservation of the environment and community character, and appropriate geographical distribution of development.

i. Preserve and protect the City's wetlands, canyons, floodplains, and other environmentally sensitive lands.

j. Minimize future tax and utility rate increases which subsidize growth.

k. Ensure that appropriate planning is undertaken for the City's ultimate Sphere of Influence.

l. Limit the amount and rate of growth to acceptable levels.

m. Reduce costly urban sprawl.

n. The voters acknowledge that to a certain degree some of the factors that are causing a deteriorating quality of life in San Diego may be only partially within the City's control. Nonetheless, it is the purpose of this Measure to require the City to take any and all actions within its control to fully carry out and achieve the objectives of this Measure.

o. Preserve the vitality, charm, identity and character of the City's existing communities and neighborhoods.

p. Ensure that the City plans its commercial and industrial development to create a balance with housing development, and to avoid excessive demand for any one type of development.

q. Provide for a transition period of four years for gradually implementing the residential limitations, in order to reduce adverse short-term impacts which may result.

r. Provide for a baseline level of allowed residential development at a rate which is equal to or greater than the national increase.

Section 2 - Findings.

a. San Diego's quality of life is deteriorating as a result of rapid growth. Rapid growth is causing:

1. Increased traffic congestion;

2. Loss of open space and environmentally sensitive lands;

3. Higher taxes, fees and utility rates to subsidize growth;

4. Increased air, water, and noise pollution;

5. Crowding, congestion and increased crime;

6. The overburdening of public services, facilities, and infrastructure; and

7. A decline in the beauty and open feeling of San Diego and a consequent increase in human psychological stress.

b. San Diego has exceeded Federal Clean Air standards since 1978.

c. Traffic congestion has increased to unacceptable levels and is projected to worsen if rapid growth is unchecked.

d. Sewer systems are overburdened, do not meet federal standards, and are responsible for pollution of beaches, coastal waterways and wetlands.

e. Solid waste disposal sites are rapidly approaching capacity which threatens cost increases as sites become more remote.

f. Recycling will reduce the amount of solid waste and lessen the inhealthful effects associated with solid waste disposal. Recycling will also mitigate the increasing costs associated with more remote disposal sites.

g. According to SANDAG's projections, if current trends continue the population of the San Diego region is expected to reach 3.2 million by the year 2010, nearly a fifty percent increase from the present. More than 75,000 people were added to the region in 1988 alone. In 1988 the City grew at two and one-half times the national average. Such rapid growth and the projections for its continuance have caused, and will continue to cause, severe social and economic problems and diminished quality of life.

h. The rate of development has substantially exceeded levels consistent with orderly Community Plan buildout, has exceeded the City's ability to provide necessary community and regional public facilities and services, has exacerbated reductions in environmental quality and has not served the overall public interest.

i. The City will be able to meet the housing goals of its General Plan and state and federal law, including goals for the provision of affordable housing, housing for the elderly, students, and the handicapped in a non-discriminatory manner under this Measure.

j. The City's General Plan calls for the wise management and utilization of the City's remaining land resources, and preservation of its unique landforms. The existing measures intended to achieve these goals have proven ineffective, and restrictions on the type and density of development are needed to meet the stated goals.

k. It is necessary to preserve, protect, and promote San Diego's environmental assets and amenities including its steep slopes, canyons, floodplains, wetlands, watercourses, and environmentally sensitive habitats as herein provided in order to preserve national ecosystems, plant and animal species and their habitat, and to

iv. **Environmentally Sensitive Habitats.** Development, grading, grubbing, clearing or any other activity of use damaging to an environmentally sensitive habitat area shall be prohibited unless measures necessary to protect and preserve the environmentally sensitive habitat area are guaranteed.

v. **Variance; Finding.** The limitations of this subparagraph 7(b) shall not be altered and no variance shall be granted unless, in addition to all other requirements, the City Council makes a written finding of fact supported by substantial evidence that development, filling, grading, grubbing or clearing must be permitted to avoid an unconstitutional taking of private property or to facilitate a public works project. No such finding shall be made unless the City Council first pursues all available alternatives as addressed in an Environmental Impact Report or its equivalent, including but not limited to, a transfer of development rights program, cluster development, acquisition, relocation, or other preservation program. No road shall be approved or expanded unless a finding is made that the road is called for in an adopted Community Plan. In the event that no feasible alternative exists and the Council makes the specified finding, the development, public works project, filling, grading, grubbing or clearing permitted shall be the minimum necessary to avoid an unconstitutional taking of private property and shall involve minimal disruption of the Sensitive Environmental Land. In no event shall permitted uses exceed those authorized by the A-1-10 zone.

Section 8-Planning to Minimize Adverse Impacts to the City's Sphere of Influence Area.

The City shall forthwith initiate a planning process leading to the development and adoption of a Plan for the ultimate development of the City's Sphere of Influence area. Until such Plan is adopted by the City, the City shall not, unless compelled by law to do so, initiate nor approve any annexations to the City. Upon adoption of the Plan required by this Section, the City may initiate and/or approve annexations consistent with law and with the Plan.

The City's plan for the Sphere of Influence area shall meet, at minimum, all of the following criteria:

a. All annexation areas shall be designated "Future Urbanizing" and subject to the provisions of this Measure and of the Managed Growth Initiative (Proposition A) upon annexation;

b. The Plan shall inventory and map Sensitive Environmental

Lands within the Sphere of Influence area consistent with this Measure;

c. The process leading to adoption of the Plan and its implementation shall include residents and property owners in the Sphere of Influence area and shall include notice and public hearing; and

d. The Plan shall require that upon annexation new development in the Sphere of Influence area shall pay all costs of providing public services, facilities and infrastructure to such development.

Section 9-Implementation.

The City Council and all City agencies, Boards, and Commissions, 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 Progress Guide and General Plan, Local Coastal Program, Community Plans, zoning Ordinance, and/or City Code. The City shall incorporate the provisions of this Measure into its Local Coastal Program and shall apply to the Coastal Commission for an amendment to the Local Coastal Program as needed. However, this Measure is expressly declared to be binding upon all lands in the City in the Coastal Zone, including Sphere of Influence lands, irrespective of whether or not the Coastal Commission approves such an amendment to the City's Local Coastal Program. This Measure shall be implemented forthwith as a matter of the highest priority to the City.

Section 10-Guidelines.

The City Council may adopt reasonable guidelines to implement and interpret this Measure following public notice and public hearing, provided that any such guidelines shall be consistent with the purposes, intent, findings and content of this Measure.

Section 11-Exemptions for Certain Projects.

A. **Vested Rights.** This Measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date. For purposes of this Measure a "vested right" shall have been obtained only if each and all of the following criteria are met:

1. The proposed project has received a building permit or, where no building permit is required, its final discretionary approval;

2. Substantial expenditures or documented noncancelable liabilities have been incurred in good faith reliance on the permit or final discretionary approval; and

3. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures or liabilities incurred and of construction performed and the question of whether or not such expenditures, liabilities and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City following application by the developer. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this Measure shall not be deemed to be in "good faith" and shall not qualify for a vested right. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

b. Vesting Tentative Maps or Other Approvals Giving Vested Rights. In addition to the foregoing, vesting tentative maps and other approvals giving vested rights receiving final approval prior to the effective date shall be exempt from this Measure, provided that the number of units authorized by such an approval shall be counted against the annual limits of Section 4 upon issuance of building permits. Such vesting approvals shall not be authorized by the City after the effective date unless expressly conditioned to ensure compliance with the Measure.

c. Single Family Homes. In addition, the construction of one individual dwelling unit conforming to zoning on a preexisting vacant legal lot of record in separate ownership as of the date the Notice of Intent for this Measure was filed with the City Clerk shall be exempt from this Measure, provided that the number of units so exempted shall be counted against the annual limits of Section 4.

d. Existing Building Permits. In addition, outstanding building permits as of the effective date shall be exempt from this Measure.

Section 12. Definitions.
For the purpose of this Measure, the following words and phrases shall have the following meanings:

a. "Aquaculture" shall mean a form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

b. "Authorized" as used in Section 4 hereof shall include, without limitation, approval or issuance by the City of any type of entitlement authorizing residential development, such as Planned Residential Development Permits, Conditional Use Permits, Parcel Maps, Tentative Subdivision Maps, Development Plans, Specific or Precise Plans, vesting tentative maps, building permits, and the like.

c. "Canyons" shall be defined by the City Council after a noticed public hearing. This definition shall meet the intent of this Measure to protect lands commonly understood to be "canyons" which may fall outside the definitions of "floodplains" and "steep slope lands."

d. "Clearing and Grubbing" shall mean the removal of any and all types of non-crop vegetation from the land, including the clearing and breaking up of the surface of the land through the use of motorized equipment.

e. "Effective Date" shall mean the date on which this Initiative Measure was adopted by the City Council or the date on which it was passed by the voters at the polls, whichever occurs first.

f. "Environmentally Sensitive Habitat" shall mean all land which supports unique, rare, endangered, or threatened species of animals or plants or which supports unique vegetation communities or substantially undisturbed native ecosystems. This definition shall include buffers and interconnections to other habitats sufficient to support the animal and plant species, and shall be broadly interpreted to give the maximum possible protection to the animal and plant communities.

g. "Fill" shall mean any materials or substance which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions resulting therefrom. "Fill" also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

h. "Floodplain" shall mean the areas adjoining and including the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the floodwaters of the one hundred (100) years frequency flood. "Floodplain" shall include, but not be limited to, those areas mapped by the Federal Emergency Management Agency (FEMA). For the purpose of this Measure floodplain includes both floodway and floodplain fringes.

i. "Local Coastal Program" shall mean the Local Coastal Program, including the Land Use Plan (LUP) and Implementing Ordinances, prepared by the City of San Diego pursuant to the California Coastal Act of 1976, Public Resources Code 30,000 et seq.

j. "Public Works" shall mean facilities and infrastructure needed for utilities and transportation, such as pipelines, electrical lines, sewage treatment plants, water reclamation plants, water supply projects, and roads.

k. "Residential Development" shall mean development of any type of dwelling unit or units suitable or designed for human habitation, including by not limited to, single-family homes, mobile homes, manufactured housing, apartments, condominiums and like, but not including hotels, motels, convalescent homes, hospitals, jails and other institutional habitations. "Residential Development" shall not include remodeling or reconstruction where no new dwelling unit is created.

l. "Sphere of influence" shall mean the Sphere of Influence for the City of San Diego as adopted and amended from time to time by the Local Agency Formation Commission (LAFCO).

m. "Steep Slope Land" shall mean all lands zoned HR (Hillside Review) on the effective date and all lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet from vertical distance for each one hundred (100) feet of horizontal distance) and a minimum rise of fifty (50) feet.

n. "Watercourse" shall mean those areas, such as tributaries, which are subject to inundation by the floodwaters of the 100 year frequency flood, but which fall outside the definition of floodplain.

o. "Wetland" shall be as defined in the U.S. Department of Interior, Fish and Wildlife Service publication, "Classification of Wetlands and Deepwater Habitats of the United States," December 1979.

"Wetland" includes in addition to the wetland itself a setback and buffer area of one hundred (100) feet or more sufficient to protect the environmental and habitat values of the wetland. "Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, vernal pools, streams and rivers.

Section 13-Annual Report.
 Each year the City Council shall adopt, after noticed public hearing, a report certifying that each provision of this initiative has been complied with, and setting forth the manner of compliance.

Section 14-Amendment or Repeal.
 This Measure may be amended or repealed only by a majority of the voters voting in an election thereon. In the absence of amendment or repeal, this Measure shall expire by its own terms on July 1, 2010.

Section 15-Severability.
 If any section, subsection, sentence, clause, phrase, part or portion of this Measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Measure. It is hereby declared that this Measure and each section, subsection, sentence, clause, phrase, part or 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.

PROPOSITION
(ADVISORY VOTE ONLY)
 Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?

PROPOSITION
AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 10960 RELATING TO LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE
BE IT ORDAINED, by the People of The City of San Diego, as follows:

Section 1. That the provisions of the People's Ordinance, Ordinance No. 10960, adopted and ratified November 7, 1972, be and the same is hereby amended to read as follows:

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with the height in excess of thirty feet within the Coastal Zone of the City of San Diego. The words Coastal Zone, as used within this Ordinance, shall mean that land and water area of the City of San Diego from the northern city limits south to the border of the Republic of Mexico, extending seaward to the outer limit of city jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north.

The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Street in San Diego, California, there shall be no exception to the provisions of this Ordinance.

Section 3. This ordinance shall take effect and be in force on the day from and after its passage.

Section 2. The propositions 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 8, 1988, 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 the 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:

PROPOSITION— INITIATIVE MEASURE. CHARTER AMENDMENTS. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO. Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.	YES	
	NO	

<p>PROPOSITION — AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 57.1.</p> <p>SECTION 57.1 POLICE REVIEW COMMISSION</p> <p>A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the commission is created.</p> <p>The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.</p>	<p>YES</p>	
	<p>NO</p>	
<p>PROPOSITION — AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 43.</p> <p>SECTION 43 ADVISORY BOARDS AND COMMITTEES</p> <p>No changes in subsection (a), (b) and (c).</p> <p>(d) CITIZENS' REVIEW BOARD ON POLICE PRACTICES. Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' reports shall not disclose any information required to be kept confidential by law.</p>	<p>YES</p>	
	<p>NO</p>	

<p>PROPOSITION —. AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN BY ADDING A GROWTH MANAGEMENT ELEMENT.</p> <p>Shall the City adopt a Growth Management Element which:</p> <p>a. Establishes a maximum limit for the next five years of 3,600 new residential units per year and 3,990 previously approved residential units per year;</p> <p>b. Protects single-family neighborhoods by restricting new development;</p> <p>c. Preserves environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands and significant prehistoric and historic sites;</p> <p>d. Requires the traffic generated by new development stay within roadway capacity;</p> <p>e. Strengthens community plans by requiring periodic comprehensive updates and limiting amendments between updates;</p> <p>f. Requires there be adequate public facilities and services at the time of development; and</p> <p>g. Establishes regional standards for air quality, water, sewage treatment, solid waste disposal and transportation?</p>	YES	
	NO	

<p>PROPOSITION —. INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN.</p> <p>Until standards as designated in the initiative are met, shall the City:</p> <p>a. Limit residential dwelling units as follows: FY 1988-89: 7,000 to 9,000 dwelling units FY 1989-90: 8,000 to 8,999 dwelling units FY 1990-91: 5,000 to 7,000 dwelling units FY 1991-92 and each subsequent fiscal year through the FY 2009-2010: 4,000 to 6,000 dwelling units;</p> <p>b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative;</p> <p>c. Develop and implement an allocation system for residential development as provided in the initiative;</p> <p>d. Preserve sensitive environmental lands as provided in the initiative;</p> <p>e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?</p>	YES	
	NO	

<p>PROPOSITION —. (ADVISORY VOTE ONLY)</p> <p>Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?</p>	YES	
	NO	

<p>PROPOSITION —. AMENDS PEOPLE'S ORDINANCE NO. 10860 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE).</p> <p>Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be permitted to allow the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?</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 propositions. 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 propositions.

Section 6. The Special Municipal Election called for November 8, 1988 in The City of San Diego is hereby ordered consolidated with the State General Election to be held on the same date. Within the City of San Diego precincts, polling places and officers of the election for the Special Municipal Election shall be the same as those provided for in the State General 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 propositions 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 election need be given.

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on AUG. 9, 1988, being the day of its introduction and passage.

Passed and adopted by the Council of The City of San Diego on AUG. 09, 1988, by the following vote:

YEAS: Roberts, McCall, Pratt, Struksma, Henderson, McCarty, Fliner, Mayor O'Connor.

NAYS: Wolfshelmer.

NOT PRESENT: None.

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

(Seal)

By MAYDELL L. PONTECORVO, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on AUG. 09, 1988, 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 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.

(Seal)

By MAYDELL L. PONTECORVO, Deputy.

Published August 23, 1988

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