

ORDINANCE NUMBER O- 17516 (NEW SERIES)

ADOPTED ON AUG 7 1990

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 6, 1990, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING CHARTER SECTION 4, ONE PROPOSITION AMENDING CHARTER SECTION 12, ONE PROPOSITION AMENDING CHARTER SECTION 92, ONE PROPOSITION AMENDING CHARTER SECTION 141, ONE PROPOSITION AMENDING CHARTER SECTION 143.1, ONE PROPOSITION AMENDING THE CHARTER BY ADDING SECTION 221, ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE ADOPTING AN AMENDMENT TO THE CITY OF SAN DIEGO PROGRESS AND GENERAL PLAN PERTAINING TO TRAFFIC CONTROL AND GROWTH MANAGEMENT, AND ONE PROPOSITION RELATING TO AN ADVISORY VOTE FINANCING LIBRARY CONSTRUCTION AND MAINTENANCE COSTS; AND, CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 6, 1990.

WHEREAS, the City Council desires to submit to the qualified voters of The City of San Diego various propositions amending the San Diego City Charter; and

WHEREAS, the City Clerk has certified to the City Council that one (1) initiative petition relating to adopting an amendment to The City of San Diego Progress Guide and General Plan pertaining to traffic control and growth management has a sufficient number of signatures to qualify the initiative for the ballot pursuant to 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 to the qualified voters of The City of San Diego one proposition relating to an advisory vote on financing library construction and maintenance costs; and

WHEREAS, at a meeting held on AUG 7 1990, the City Council of The City of San Diego, California, adopted Resolution No. R- 276377 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 6, 1990, 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 6, 1990, 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 4 of the Charter of The City of San Diego to read as follows:

**SECTION 4. DISTRICTS ESTABLISHED.**

For the purpose of electing members of the Council the City shall be divided into eight districts as nearly equal in population as practicable. For the municipal primary and general election in 1965, the boundaries of the eight council districts shall be established by the City Council as such Council was elected at the municipal election in 1963. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any ordinance adopted by the Council establishing, changing or altering the boundaries of any council district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said ordinance.

**PROPOSITION \_\_\_\_\_**

Amends Section 12 of the Charter of The City of San Diego to read as follows:

**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 the election and until a 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 council term shall be two (2) years in order to retain staggered terms for Council members.

In the event a vacancy occurs for any reason in the office of a Council District, the Council shall have authority to fill such vacancy by appointment by the remaining Council members; provided, however, that if the Council fails to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, the Council shall immediately cause an election to be held to fill such vacancy solely in the district in which the vacancy occurred. Such election shall be conducted within ninety (90) days of the vacancy. In the event one candidate receives the majority of votes cast for all candidates for the particular vacant elective office, the candidate so receiving the majority of votes shall be deemed to be and declared by the Council to be elected to the vacant office. In the event no candidate receives a majority of votes cast, the two candidates receiving the highest number of votes for the particular vacant elective office at the election shall be the candidates, and only candidates, for

the vacant office and the names of only those two candidates shall be printed on the ballots to be used at the run-off election. Any person who fills the vacancy, whether by appointment or election in the District, shall hold office only until the next regular municipal election, at which time a person shall be elected under the provisions of Section 10 of this Charter to serve for the remainder, if any, of the unexpired term.

It is the duty of the 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.

Council members shall not be eligible during the term for which they were 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 they are constituted such a member by general law or by this Charter.

PROPOSITION \_\_\_\_\_

Amends Section 92 of the Charter of The City of San Diego to read as follows:

**SECTION 92. BORROWING MONEY ON SHORT TERM NOTES.**

Bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes and revenues, as authorized by the City Council by resolution and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year may be issued during each fiscal year and each such bond, note, or warrant shall specify that it is payable out of the taxes and revenues of the fiscal year in which issued, and shall not bear a higher rate of interest than the maximum rate established by Council Resolution within the legal limit, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five percent (25%) of the total appropriations of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the Constitution of the State of California.

**PROPOSITION \_\_\_\_\_**

Amends Section 141 of the Charter of The City of San Diego to read as follows:

**SECTION 141. CITY EMPLOYEES' RETIREMENT SYSTEM .**

The Council of the City is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for compensated public officers and employees, other than those policemen and firemen who were members of a pension system on June 30, 1946. No employee shall be retired before reaching the age of sixty-two years and before completing ten years of continuous service, except such employees may be given the option to retire at the age of fifty-five years after twenty years of continuous service with a proportionately reduced allowance. Policemen, firemen and full time lifeguards, however, who have had ten years of continuous service may be retired at the age of fifty-five years, except such policemen, firemen and full time lifeguards may be given the option to retire at the age of fifty years after twenty years of continuous service with a proportionately reduced allowance.

The Council may also in said ordinance provide:

(a) For the retirement with benefits of an employee who has become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary retirement from active service.

(b) Death benefits for dependents of employees who are killed in the line of duty or who die as a result of injuries suffered in the performance of duty.



(c) Retirement with benefits of an employee who, after ten years of service, has become disabled to the extent of not being capable of performing assigned duties, or who is separated from City service without fault or delinquency.

**PROPOSITION \_\_\_\_\_**

Amends Section 143.1 of the Charter of The City of San Diego  
to read as follows:

**SECTION 143.1. APPROVAL OF AMENDMENTS BY MEMBERS .**

No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted without the approval of a majority vote of the members of said system.

No ordinance amending the retirement system which affects the vested defined benefits of any retiree of such retirement system shall be adopted without the approval of a majority vote of the affected retirees of said retirement system.

**PROPOSITION**

Amends the Charter of The City of San diego by adding Section 221 to Article XIV, to read as follows:

**SECTION 221. SALE OF REAL PROPERTY.**

Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego. The foregoing shall not apply to the sale or exchange of real property to a governmental agency for bona fide governmental purposes which sale or exchange was duly authorized by ordinance of the Council, nor shall it apply to properties previously authorized for disposition by the electors of The City of San Diego.

PROPOSITION \_\_\_\_\_

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

- I. Title This measure shall be known as the "Traffic Control and Comprehensive Growth Management Initiative".
- II. Purpose and Intent
  - A. The people of the City of San Diego find and declare that:
    1. The quality of life in the City of San Diego is increasingly threatened by traffic congestion, air and water pollution, inadequate public facilities and other growth related problems.
    2. San Diego City needs a workable, forward-thinking plan to properly control future growth and help alleviate existing overcrowding problems.
    3. The purpose of this measure is to create the Traffic Control and Comprehensive Growth Management Plan which recognizes that while the problems stemming from rapid growth may vary from traffic to air pollution, they are interrelated and necessitate a comprehensive solution, which encourages the City of San Diego to work with adjacent jurisdictions to solve regional problems.
    4. The Plan outlines a comprehensive, long range program that will ensure that San Diego remains a safe, comfortable and convenient place to live now and into the next century.

5. The Plan will expedite completion of the Regional Transportation System that was designed by traffic experts to meet the transportation needs of our region. Designed to supplement the half-cent sales tax funding, this plan will build highways, arterials, and mass transit facilities. New funds authorized by this measure for transportation will be paid for by new development.
6. The Plan will further alleviate traffic congestion by requiring new development and large employers to prepare voluntary peak hour traffic reduction plans to encourage employees to use van pools and other alternative means of commuting.
7. The Plan will establish City-wide trash resource recovery and curb-side recycling programs to help conserve dwindling natural resources. Recycling is also a cost-effective alternative to landfilling of solid waste that saves taxpayers money.
8. The Plan will require detailed analyses of the projected impact of new development on air and water quality.
9. To protect San Diego's future water supplies, the Plan will require the City to prepare comprehensive water conservation and water reclamation plans.
10. To conserve important wildlife habitat, the Plan will provide for the creation and financing of Habitat Conservation Districts.

11. The Plan will require developers to construct parks, libraries, fire stations and other public facilities for new development concurrent with need or construction will be curtailed. Developers will also be required to reserve land or contribute fees to provide for child day care sites necessary to serve development.
12. The Plan will hold our City officials accountable for the implementation of this program by requiring an annual report to taxpayers detailing the progress the City has made complying with the components of the Traffic Control and Comprehensive Growth Management Plan.
13. Finally, the Plan places the cost of new development squarely on the shoulders of new development, not the taxpayer.

### III. TRAFFIC CONTROL AND COMPREHENSIVE GROWTH MANAGEMENT PLAN

A. This measure amends the Progress Guide and General Plan of the City of San Diego to incorporate the Traffic Control and Comprehensive Growth Management Plan which shall contain the following components:

1. Completion of the Regional Transportation System:
  - a. Comprehensive Transportation Impact Fee:  
Require new development to pay a benefit assessment fee for transportation facilities to accelerate completion of the Regional Transportation Plan, including trolley facilities and transportation facilities in established

neighborhoods. The City is encouraged to work with other cities and the County to establish similar benefit assessment fee programs to complement the City's efforts.

- b. Traffic Demand Management Program: Require new development and large employers to prepare plans to reduce the proportion of peak hour commuters who drive alone. Voluntary compliance with the plan by commuters shall be encouraged through incentives and public education.
2. Protecting Future Water Supplies: Require preparation of comprehensive water reclamation and conservation plans and require that new development use reclaimed water in common landscaped areas.
3. Curbside Trash Recycling Program: Establish City-wide trash recycling programs and require that new development provide trash storage areas for recyclable materials.
4. Air Quality Assurance Plans: As a condition of project approval require new development to provide a detailed analysis of the impacts of the proposed development on the ability of the region to meet Federal and State air quality standards.
5. Water Quality Assurance Plans: As a condition of project approval require new development to provide a detailed analysis of the impacts of the proposed development on the ability of the region to meet Federal and State water quality standards.

6. Child Care Site Program: Require new development to reserve land or contribute fees to provide for child day care sites necessary to serve the development.
  7. Public Facility Concurrent With Need: Require new development to directly construct community facilities necessary to serve proposed development concurrent with need or curtail development approvals.
  8. Facilities Adequacy and Fiscal Impact Analysis Report: Require new development to provide a detailed fiscal impact analysis contrasting the revenues generated by the proposed development and the anticipated costs for providing and servicing all public facility needs caused by the development.
  9. Sensitive Land and Habitat Conservation: Require the City to create habitat conservation plans and districts to acquire land which supports rare or endangered species of animals or plants.
  10. Housing Affordability: Require the City to review and modify existing ordinances, policies and procedures which have an effect on affordable housing.
  11. Annual Report: Require the City to prepare an annual public report detailing the extent to which the City has complied with the components of the Traffic Control and Comprehensive Growth Management Plan.
- B. Each of these components shall be enacted in accordance with the provisions contained in the remainder of this measure.
- IV. **Completion of the Regional Transportation System**
- A. **Comprehensive Transportation Impact Fee**



1. Thoroughfare and Bridge Construction Fee: The City of San Diego shall enact an ordinance requiring new development to pay a benefit assessment fee as a condition of the issuance of a building permit to defray the actual or estimated cost of constructing or accelerating the completion of transportation facilities of City-wide or regional significance as identified in Section IV.A.4., and consistent with the provisions of Section IV.A.5.b. Benefit assessment fee revenue shall be committed for the transportation facilities identified in Section IV.A.4. within five years of receipt.
2. Citizen's Technical Oversight Committee: The City of San Diego shall establish a Citizen's Technical Oversight Committee comprised of seven technical experts including one representative from each of the following: the public works contracting profession, the San Diego County Taxpayer's Association, the development industry, and community planning groups; and three additional persons representing the general public. The committee shall advise the San Diego City Council concerning the calculation, collection, and expenditure of benefit assessment fee revenues, including project priorities, program development and the annual reports and accountings required by the Taxpayer Accountability section. Reports of the Citizen's Technical Oversight Committee shall be

provided to the San Diego City Council and to the San Diego County Grand Jury.

3. Cooperative Arrangements: In order to promote regional cooperation in the timely completion of the Regional Transportation Plan, it is the intent of this measure that the City of San Diego consummate one or more cooperative arrangements with adjacent jurisdictions to partially or fully construct, expand or accelerate the completion of transportation facilities of City-wide or regional significance as identified in Section IV.A.4., through the joint imposition of benefit assessment fees or similar impact fees, consistent with the provisions of this measure.

4. Transportation Corridor Projects: The benefit assessment fees or similar impact fees paid by new development shall be used for the construction, expansion or acceleration of the projects described below and as depicted in Figure 1:

a. Priority East County Transportation Corridor Projects:

1. SR 52 (I-15 to SR 67)
2. SR 125 (I-8 to South Poway Arterial-8A)

b. Priority Mid-County Transportation Corridor Projects:

1. SR 56 (I-5 to SR-125)
2. Camino Ruiz (Del Dios Highway to SR 56)
3. South Poway Arterial-8A (I-15 to SR 125)
4. SR 125 (South Poway Arterial-8A to SR 52)

c. Priority South County Transportation Corridor Projects:

1. SR 125 (SR 54 to I-905)
2. SR 905 (I-805 to SR 125)
3. SR 905 (SR 125 to Border Crossing)

d. Priority Transit Corridor Projects: The City of San Diego shall cooperate with the San Diego County Transportation Commission, the Metropolitan Transit Development Board and the North County Transit Development Board to accelerate completion of transportation facilities of regional benefit, including trolley routes, commuter rail projects, and other facilities necessary to reduce congestion through traffic demand management programs. Priority in the expenditure of benefit assessment fees revenues shall be given to constructing, expanding or accelerating projects in the following corridors:

Miramar/Mira Mesa Corridor (University City to I-15)

The I-15 Corridor (Centre City to Escondido)  
South Bay Corridor (I-5 to SR 125)

Benefit assessment fees collected for the purpose of completing or accelerating transit facilities may be conveyed to the appropriate transit authority.

e. Facilities in Established Neighborhoods: The City of San Diego shall prepare a plan which identifies

regionally significant transportation facilities in urbanized communities which require construction, expansion or rehabilitation as a result of demands caused by new development. Annually the City Council shall allocate up to 10% of the annual benefits assessment fee revenues, as authorized in Section IV.A.1., for construction, expansion or rehabilitation of the facilities identified in the urbanized area plan.

5. Taxpayer Accountability: The collection and expenditure of fees by the City of San Diego shall adhere to the following requirements to ensure that public revenues are properly collected and spent:
  - a. Taxpayer Accountability Report: In order to promote efficient use of the fees collected to build the transportation facilities identified in this measure, the City of San Diego shall prepare an annual audit accounting for such funds. The audit shall be known as the Taxpayer Accountability Report. It shall include, but not be limited to, a project status report evaluating progress towards the timely completion of designated transportation facilities.
  - b. Spending Cap: The benefit assessment fee necessary to fund the Priority Transportation Corridor Projects and Priority Transit Corridor Projects shall not exceed \$200 per Average Daily Trip, adjusted annually according to the

Engineering News Record cost of construction index (Los Angeles - San Diego). This limitation applies to exactions imposed to finance the Priority Transportation Corridor Projects and Priority Transit Corridor Projects identified in this measure and does not apply to exactions for local-serving facilities or improvements which are imposed as a condition of development approvals. Developers are encouraged to directly construct Priority Transportation Corridor Projects in exchange for appropriate credits for the payments of benefits assessment fee obligations.

- c. Maintenance of Effort: It is the purpose of the Comprehensive Transportation Impact Fee Program to supplement existing local funds being used to implement the Regional Transportation Plan. The City of San Diego shall annually maintain as a minimum the same level of local discretionary funds expended for streets and road purposes as defined in the San Diego Transportation Improvement Program Ordinance and Expenditure Program. An annual independent audit shall be conducted to verify that the maintenance of effort requirements are met.
- d. Limitation of Administrative Costs: Revenues may be expended for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer

implementation of this measure; however, in no case, shall such expenditures exceed one percent of the annual revenue provided by this measure. An annual independent audit shall be conducted to ensure that revenues expended are necessary and responsible.

- e. Full State Share: It is the purpose of the Comprehensive Transportation Impact Fee Program to supplement funds currently or prospectively available from the federal government, or the State of California or agencies created or authorized by the state, and to maximize grant funding by using fee revenues to leverage grant programs. The fee revenues are designed to qualify as self help funds under SB 140. Except as necessary to satisfy debt obligations secured by benefit assessment fee revenues, such revenues shall not be allocated for any state highway projects until the City of San Diego has certified that the City is receiving, at a minimum, its fair share of highway funds from the state as defined in the San Diego Transportation Improvement Program Ordinance and Expenditure Program.

B. Congestion Reduction and Traffic Demand Management Program:

To reduce the proportion of commuters who drive alone during peak commuter hours, the City of San Diego shall enact a comprehensive peak period Traffic Demand Management (TDM) Program containing the following components:

1. Standards: The City shall establish Drive Alone Rate goal that the proportion of peak hour commuters per worksite who drive alone not exceed 55% of the total worksite commuters by the year 1996.
2. Participating Employer Plans: The City of San Diego shall enact an ordinance requiring large employers to establish TDM information centers, transportation coordinators, and orientation programs to encourage use of alternative means of transportation. Voluntary employee compliance shall be encouraged through incentives and public education. Participating employers shall file an annual report identifying efforts to achieve the TDM program standards.
3. Alternative Compliance: Participating employers may authorize a Transportation Management Association (TMA) to prepare and execute a TDM Plan within the TMA's geographical area, which will enable participating employers, on average, to meet the TDM program standards.
4. New Development: Applications for non-residential projects, which exceed 25,000 square feet, shall submit a plan to the City of San Diego which shall identify the techniques and strategies by which the proposed project can attain the Traffic Demand Management Program goals, within five years of occupancy.

V. Water Reclamation and Conservation

A. Water Reclamation Program

1. The City of San Diego shall establish a water reclamation goal.
2. To attain this goal, the City of San Diego shall enact a Water Reclamation Facilities Master Plan which shall delineate the location and size of future facilities for conveyance, treatment, and use of reclaimed water, consistent with the plans and programs of the County Water Authority.
3. Mandatory Water Reclamation for New Development:  
Consistent with, and upon the adoption of the Water Reclamation Facilities Master Plan, the City of San Diego shall enact an ordinance requiring installation of reclaimed water delivery systems as a condition of approval of discretionary projects, where feasible. The water plan and ordinance shall require the use of reclaimed water to provide water service for common area landscaping and turf-related facilities, such as golf courses, parks, freeway landscaping, greenbelts, and cemeteries, and for artificial lakes and man-made decorative ponds where public contact is prohibited.

B. Water Conservation Program

1. The City of San Diego shall establish a per capita water conservation goal. To attain this goal, the City of San Diego shall enact a comprehensive Water Conservation Program which shall:
  - a. Require installation water saving fixtures and drought tolerant common area landscaping, as a condition of approval of discretionary projects.



- b. Require that City owned facilities be retrofitted with water saving fixtures, where cost effective.
- c. Provide incentives for property owners to retrofit ultra low flush toilets and water saving fixtures.

## VI. Curbside Recycling Program

- A. The City of San Diego shall establish a goal for the recovery of targeted recyclable materials as follows:
  1. Recover 35% of annual volume within three years of this measure's approval.
  2. Recover 50% of annual volume within seven years of this measure's approval.
- B. To attain this goal, the City of San Diego shall enact re-use and recycling programs with the following components:
  1. Curbside Recycling: At a minimum, 15% of households shall be served by curbside recycling within one year; 30% of households shall be served within three years; 75% of households shall be served within five years; and remaining households shall be served within ten years, to the extent feasible. Curbside recycling programs may be supplanted by alternative volume reduction strategies as long as the identified City goals are achieved.
  2. New Development: Within served areas, the City of San Diego shall require as a condition of the issuance of building permits that new residential and non-residential development provide storage areas necessary to provide for the economic collection of targeted recyclable materials, where feasible.

**VII. Air Quality Assurance Plans**

- A. The City of San Diego shall require that applications for discretionary projects include a detailed analysis identifying the impacts of the proposed development on the ability of the region to meet Federal and State air quality standards. The City of San Diego shall consider any adverse impacts of a decision to grant the requested approvals, and may require measures to mitigate identified adverse impacts.

**VIII. Water Quality Assurance Plans**

- A. The City of San Diego shall require that applications for discretionary projects include a detailed analysis identifying the impacts of the proposed development on the ability of the region to meet Federal and State water quality standards. The City of San Diego shall consider any adverse impacts of a decision to grant the requested approvals, and may require measures to mitigate identified adverse impacts.

**IX. Child Care Site Program**

- A. The City of San Diego shall require, as a condition of approval, that discretionary projects reserve land, pay fees in lieu thereof, or some combination of these, for the acquisition of sites for child day care centers, provided that:

1. The ordinance imposing such a requirement includes definite standards and express methodology for determining the required reservation and/or fees to be paid in lieu thereof, including procedures to allow for waivers upon the presentation of evidence that no need

will be created by the project, or that the projected demand for child day care sites attributable to the proposed development will be met through other means.

2. The reservation and/or fee requirement shall directly relate to need for child day care sites caused by the development subject to the requirement.
3. Priority consideration shall be given to the use of child care fees in lieu revenues for the acquisition of sites for child care centers adjacent to or as part of transit stations.
4. If after five years, the reservation or fees have not been used or are no longer needed to serve the residents of the development upon which the requirement has been imposed, the reserved property shall be released and the fees shall be reconveyed to the current property owner of record.

**X. Public Facility Concurrent With Need**

- A. Community facilities needed to support development including but not limited to parks, fire stations and libraries, shall be available concurrent with the impacts of such development. Where feasible, the City of San Diego shall require discretionary projects to directly construct required community facilities necessary to serve the residents of that development. If facilities needed by new residential and non-residential development are not provided concurrent with need, the City of San Diego shall curtail, phase or condition approvals of discretionary projects to ensure the timely provision of the such facilities.

B. Comprehensive Facility Financing Programs

1. Capital Improvement Plans: The City of San Diego shall prepare a comprehensive capital improvement plan which shall include the following components: identification of needed improvements; standards for levels of service for the capital improvements identified in the San Diego City Progress Guide and General Plan; cost estimates; timing of the construction of the project; proposed or anticipated funding sources; and classification of the improvement into one of the following categories: (a) community facilities necessary to serve existing residents, including an analysis of current deficiencies, and the means by which the deficiencies will be eliminated within a reasonable time period; or (b) community facilities necessary to serve new development.

a. Facility Financing Plans: The City of San Diego shall prepare facility financing plans for each community within its boundaries and shall update such plans at least every five years, including a fiscal impact analysis described in Section X.C. Initial plans shall be completed within the first five year cycle.

b. Facility Threshold/Phasing Plans: Facility plans shall contain facility thresholds which ensure that future development is phased in such a manner to provide required community facilities concurrent with need. Compliance with facility

thresholds shall be a condition of all discretionary projects. Public facility and service availability shall satisfy the requirements of this section if the public facilities are phased, or the development is phased, so that the necessary public facilities are available concurrent with the impacts of the development.

- c. Timely Construction of Community Facilities: Community facility financing and threshold plans shall emphasize direct construction of required community facilities by the developer. To facilitate timely construction of community facilities, the City of San Diego shall: (1) provide for reimbursement mechanisms; (2) enter into development agreements or (3) use Vesting Tentative Maps. Where direct construction of a community facility is not feasible, adequate financial guarantees may satisfy the requirements of this section. Such guarantees may include, but not be limited to, assessment financing, instruments of credit, sureties, or the payment of development impact fees reasonably related to the cost of providing capital improvements necessary to serve the proposed development.

- C. Facilities Adequacy and Fiscal Impact Analysis Report: The City of San Diego shall require applications for discretionary projects to include a detailed fiscal impact

analysis which estimates (a) the revenues 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 of San Diego may balance the social, economic, housing and environmental benefits to be derived from the development against the fiscal deficiencies estimated to be incurred. A fiscal impact analysis covering an entire community plan area shall satisfy the requirements of this section.

**XI. Sensitive Lands and Habitat Conservation Districts**

A. The City of San Diego shall prepare and adopt a comprehensive plan for the creation of Habitat Conservation Districts. It is the intent of this measure that the City of San Diego prepare habitat conservation plans and districts in cooperation with other governmental entities. The purpose of the habitat conservation plans and districts shall be to acquire land which supports rare or endangered species of animals or plants as defined in Section XIV. Habitat Conservation Districts shall acquire sensitive habitats through grant funding, assessment financing, or impact fees required as a condition of approval of discretionary projects.

**XII. Housing Affordability**

- A. The City of San Diego shall prepare a report reviewing existing ordinances, policies and procedures which effect housing affordability. It is the intent of this measure that the City of San Diego's existing ordinances, policies and procedures be amended to provide for the retention and rehabilitation of affordable housing stock and the construction of more affordable housing units where feasible.

**XIII. Annual Public Report**

- A. Each year the City of San Diego shall prepare and the City Council shall consider, review and adopt at a public meeting, a report for the preceeding year documenting the amount, type, location and intensity of development by community plan area and shall certify that each component of this measure has been complied with, setting forth the manner of such compliance. A report on the economic impact of this measure shall be part of the annual review and shall include the effect on housing affordability and availability, employment and other economic impacts on the City of San Diego and the region.

**XIV. Definitions**

- A. AVERAGE DAILY TRIP: Cumulative impact rate as defined by the City of San Diego Engineering and Development Department Trip Generation rate summary, revised February 2, 1987. ADTs shall not be allocated to, and benefit assessment fees shall not be paid by existing residences.

- B. CHILD DAY CARE SITES: Sufficient land to provide up to 115 child care spaces per 1000 population, not to exceed 110 square feet of land per child care space.
- C. DISCRETIONARY PROJECTS: Any real estate development application which requires a tentative map, parcel map, reclassification, general plan amendment, development agreement, planned development permit or similar discretionary approval intended to comprehensively review a particular project or land use, applied for after the effective date of this measure, excluding single purpose permits designed to accomplish a narrow public purpose, such as a hillside or design review permit.
- D. DRIVE ALONE RATE: The percentage resulting from calculating the number of employees who are scheduled to report to the work site and who drive alone to the worksite during the peak period divided by the total number of employees who are scheduled to report to that worksite during the peak period, based upon fiscal year 1990 as the base year.
- E. LARGE EMPLOYERS: An employer with more than 50 employees who are scheduled to report to a work site during the peak period.
- F. PEAK PERIOD: Between 6:30 a.m. and 8:30 a.m. weekdays, adjusted annually and subregionally pursuant to schedules prepared and adopted by the San Diego Association of Governments.
- G. RARE OR ENDANGERED SPECIES OF ANIMALS OR PLANTS: Those species which are: listed under Title 14 of the California Administrative Code; listed under the Federal Endangered



Species Act; protected by a certified Habitat Conservation Plan; or the subject of an executed Memorandum of Understanding between the City of San Diego, the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

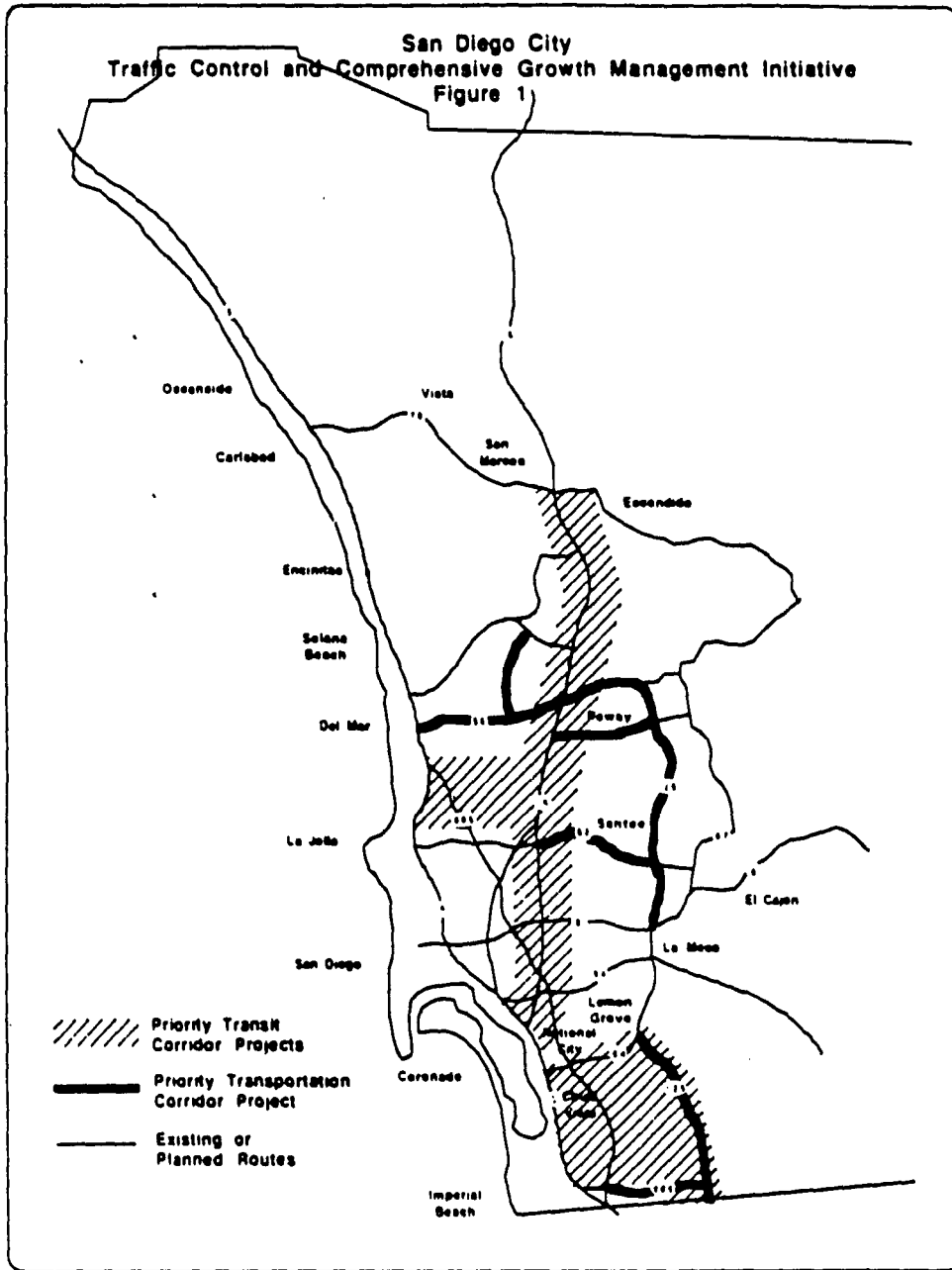
- H. SAN DIEGO TRANSPORTATION IMPROVEMENT PROGRAM ORDINANCE AND EXPENDITURE PROGRAM: Proposition A ballot measure, November 1987 San Diego County election.
- I. TRANSPORTATION FACILITIES: Right-of-way acquisition, environmental review, design and construction of highways, bridges, major thoroughfares, transit and inter-city commuter rail facilities, including attendant debt financing.
- XV. Modification The provisions of this measure may be modified by the San Diego City Council upon two-thirds vote of the Council, as long as the modification is consistent with the purpose of this measure or the modification is necessary to respond to changing circumstances.
- XVI. Conflicting Measures The provisions of this measure constitute a comprehensive program to: reduce traffic congestion by assuring that the Regional Transportation Plan is constructed in a timely manner through the establishment of benefit assessment funding program; assure that facilities necessary to new development are available at the time of need; provide that new development does not burden the existing taxpayer through the performance of required fiscal impact analysis; protect water supplies through the enactment of water conservation and reuse programs; and

assure water quality is protected and enhanced by requiring water quality assurance plans. An initiative entitled "The Planned Growth Initiative" has filed a notice of intention to circulate. The provisions of the "Traffic Control and Comprehensive Growth Management Initiative" are wholly inconsistent with and intended as an alternative to "The Planned Growth Initiative". In the event that both measures receive a majority vote, the measure obtaining the most votes shall prevail and the other measure shall be entirely void, regardless of the provisions in Section XVII., Severability.

**XVII. 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 judgement 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.

**XVIII. Implementation** The plans, policies, programs, procedures, and regulations necessary to implement the provisions of this measure shall be adopted within 180 days of its enactment by the voters.

San Diego City  
Traffic Control and Comprehensive Growth Management Initiative  
Figure 1)



PROPOSITION \_\_\_\_\_. (ADVISORY VOTE ONLY)

Shall the City Council develop a comprehensive plan to upgrade the City's public library system, which would include site selection, land acquisition, and construction of a new main library; modernization or replacement of all local branch libraries; and a cost effective means of financing these improvements as well as operating costs for the entire library system, no later than 1992?

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 seven o'clock A.M. (7:00 A.M.) (local time) on November 6, 1990, and remain open continuously until eight o'clock P.M. (8:00 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 State General 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 \_\_\_\_\_. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 4.

Strikes the term "registered voter" from Section 4 entitled "Districts Established."

Y E S

N O

PROPOSITION \_\_\_\_\_. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 12.

Provides for the election of a Council member within a district if the full Council fails to fill a vacancy by appointment within 30 days of the vacancy. If no candidate receives a majority of votes cast, a run-off election will be held to determine the winner between the two candidates receiving the highest number of votes.

Y E S

N O

<p>PROPOSITION _____. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 92.</p>	<p>Y E S</p>	
<p>Strengthens the City's market position regarding short term borrowing by the City's Treasurer.</p>	<p>N O</p>	



PROPOSITION _____. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 141.  Removes the requirement for mandatory retirement at age 65.	Y E S	
	N O	

PROPOSITION \_\_\_\_\_. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 143.1.

Provides that retired City employees shall vote on proposed ordinances that affect their retirement benefits.

Y E S

N O

<p>PROPOSITION _____. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING NEW SECTION 221.</p> <p>Requires voter approval of the sale or exchange of 80 acres or more of contiguous City owned land.</p>	<p>Y E S</p>	
	<p>N O</p>	

<p>PROPOSITION _____. AMENDS THE CITY OF SAN DIEGO          PROGRESS GUIDE AND GENERAL PLAN RELATING TO TRAFFIC          CONTROL AND GROWTH MANAGEMENT.</p>	<p>Y E S</p>	
<p>Shall the Traffic Control and Comprehensive          Growth Management Initiative be adopted?</p>	<p>N O</p>	

<p>PROPOSITION _____. (ADVISORY VOTE ONLY)</p> <p>Shall the City Council develop a comprehensive plan to upgrade the City's public library system, which would include site selection, land acquisition, and construction of a new main library; modernization or replacement of all local branch libraries; and a cost effective means of financing these improvements as well as operating costs for the entire library system, no later than 1992?</p>	<p>Y E S</p>	
	<p>N O</p>	

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 6, 1990, 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 the election need be given.

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on AUG 7 1990 being the day of its introduction and passage.

APPROVED: JOHN W. WITT, City Attorney

By Cristie C. McGuire  
Cristie C. McGuire  
Deputy City Attorney

CCM:mk  
August 8, 1990  
Or.Dept:Clerk  
O-91-33 REV. 1  
Form=o.none

15210

RECEIVED  
CITY CLERK'S OFFICE

90 AUG -9 PM 4:45

SAN DIEGO, CALIF.

Faint, illegible text in the lower-left quadrant of the page.

0091 5004



5478

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

AUG 7 1990

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *Ellen Board*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
AUG 7 1990, said ordinance being of the kind and character  
authorized for passage on its introduction by Section 16 of the Charter.

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

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not  
less than a majority of the members elected to the Council, and that there was available for the consideration  
of each member of the Council and the public prior to the day of its passage a written or printed copy of said  
ordinance.

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

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17516 Adopted AUG 7 1990

548

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

AUG 7 1990

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Roward*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on  
AUG 7 1990, said ordinance being of the kind and character  
authorized for passage on its introduction by Section 16 of the Charter.

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

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Roward*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance 0-17516 AUG 7 1990  
Number ..... Adopted.....

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE  
90 AUG 24 PM 3: 37  
SAN DIEGO, CALIF.

CITY CLERK'S OFFICE  
CITY ADM. BLDG., 2ND FLOOR  
SAN DIEGO, CA. 92101  
ATTN: ELLEN BOVARD

IN THE MATTER OF  
AN ARDINANCE OF THE CITY OF SAN DIEGO, CALIFORNIA,  
ORDERING, CALLING PROVIDING FOR AND GIVING NOTICE  
OF A SPECIAL MUNICIPAL ELECTION...

NO.

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 0-17516 (NEW SERIES)  
ADOPTED ON AUG 7 1990**  
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 6, 1990, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO ONE PROPOSITION AMENDING CHARTER SECTION 4, ONE PROPOSITION AMENDING CHARTER SECTION 12, ONE PROPOSITION AMENDING CHARTER SECTION 82, ONE PROPOSITION AMENDING CHARTER 141, ONE PROPOSITION AMENDING CHARTER SECTION 143.1, ONE PROPOSITION AMENDING THE CHARTER BY ADDING SECTION 221, ONE PROPOSITION RELATING TO AN INITIATIVE MEASURE ADOPTING

ORDINANCE NUMBER 0-17516 (NEW SERIES)  
ADOPTED ON AUG 7 1990

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. 21

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

Dated at San Diego, California this 21ST day of AUG, 19 90.

Thomas D. Kelleher  
(Signature)

Page 1 of 6 = ~~300-96~~ 1,981.32

**AN AMENDMENT TO THE CITY OF SAN DIEGO PROGRESS AND GENERAL PLAN PERTAINING TO TRAFFIC CONTROL AND GROWTH MANAGEMENT, AND ONE PROPOSITION RELATING TO AN ADVISORY VOTE FINANCING LIBRARY CONSTRUCTION AND MAINTENANCE COSTS; AND, CONSOLIDATING SAID SPECIAL MUNICIPAL ELECTION WITH THE STATE GENERAL ELECTION TO BE HELD IN SAID CITY ON NOVEMBER 6, 1990.**

WHEREAS, the City Council desires to submit to the qualified voters of The City of San Diego various propositions amending the San Diego City Charter; and

WHEREAS, the City Clerk has certified to the City Council that one (1) Initiative petition relating to adopting an amendment to The City of San Diego Progress Guide and General Plan pertaining to traffic control and growth management has a sufficient number of signatures to qualify the Initiative for the ballot pursuant to 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 to the qualified voters of The City of San Diego one proposition relating to an advisory vote on financing library construction and maintenance costs; and

WHEREAS, at a meeting held on AUG 7 1990, the City Council of The City of San Diego, California, adopted Resolution No. R-278377 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 6, 1990, 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 6, 1990, 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 4 of the Charter of The City of San Diego to read as follows:

**SECTION 4. DISTRICTS ESTABLISHED.**

For the purpose of electing members of the Council the City shall be divided into eight districts as nearly equal in population as practicable. For the municipal primary and general election in 1985, the boundaries of the eight council districts shall be established by the City Council as such Council was elected at the municipal election in 1983. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any ordinance adopted by the Council establishing, changing or altering the boundaries of any council district the ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said ordinance.

**PROPOSITION**

Amends Section 12 of the Charter of The City of San Diego to read as follows:

**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 the election and until a 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 council term shall be two (2) years in order to retain staggered terms for Council members.

In the event vacancy occurs for any reason in the office of a Council District, the Council shall have authority to fill such vacancy by appointment by the remaining Council members; provided, however, that if the Council fails to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, the Council shall immediately cause an election to be held to fill such vacancy solely in the district in which the vacancy occurred. Such election shall be conducted within ninety (90) days of the vacancy. In the event one candidate receives the majority of votes cast for all candidates for the particular vacant elective office, the candidate so receiving the majority of votes shall be deemed to be and declared by the Council to be elected to the vacant office. In the event no candidate receives a majority of votes cast, the two candidates receiving the highest number of votes for the particular vacant elective office at the election shall be the Candidates, and only candidates, for the vacant office and the names of only those two candidates shall be printed on the ballots to be used at the run-off election. Any person who fills the vacancy, whether by appointment or election in the District, shall hold office only until the next regular municipal election, at which time a person shall be elected under the provisions of Section 10 of the Charter to serve for the remainder, if any, of the unexpired term.

It is the duty of the 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.

Council members shall not be eligible during the term for which they were 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 they are constituted such a member by general law or by this Charter.

**PROPOSITION**

Amends Section 92 of the Charter of The City of San Diego to read as follows:

**SECTION 92. BORROWING MONEY ON SHORT TERM NOTES.**

Bonds or notes may be issued in anticipation of the collection of special assessments, and bonds, notes, or registered warrants on the treasury may be issued in anticipation of the collection of taxes and revenues, as authorized by the City Council by resolution and shall not be deemed the creation of debt within the meaning of Section 90 of this Article. Bonds, notes or registered warrants on the treasury issued in anticipation of the collection of the taxes of any fiscal year may be issued during each fiscal year and each such bond, note, or warrant shall specify that it is payable out of the taxes and revenues of the fiscal year in which issued, and shall not bear a higher rate of interest than the maximum rate established by Council Resolution within the legal limit, and the total amount of such bonds, notes or warrants, authorized and issued in any fiscal year shall not, in the aggregate, be more than twenty-five percent (25%) of the total appropriation of the City for such year. Nothing herein contained shall be construed to authorize the incurring of an obligation against the municipality in excess of that authorized to be incurred by the Constitution of the State of California.

**PROPOSITION**

Amends Section 141 of the Charter of The City of San Diego to read as follows:

**SECTION 141. CITY EMPLOYEES' RETIREMENT SYSTEM.**

The Council of the City is hereby authorized and empowered by ordinance to establish a retirement system and to provide for death benefits for compensated public officers and employees, other than those policemen and firemen who were members of a pension system on June 30, 1946. No employee shall be retired before reaching the age of sixty-two years and before completing ten years of continuous service, except such employees may be given the option to retire at the age of fifty-five years after twenty years of continuous service with a proportionately reduced allowance. Policemen, firemen and full time lifeguards, however, who have had ten years of continuous service may be retired at the age of fifty-five years, except such policemen, firemen and full time lifeguards may be given the option to retire at the age of fifty years after twenty years of continuous service with a proportionately reduced allowance.

The Council may also in said ordinance provide:

(a) For the retirement with benefits of an employee who has become physically or mentally disabled by reason of bodily injuries received in or by reason of sickness caused by the discharge of duty or as a result thereof to such an extent as to render necessary retirement from active service.

(b) Death benefits for dependents of employees who are killed in the line of duty or who die as a result of injuries suffered in the performance of duty.

(c) Retirement with benefits of an employee who, after ten years of service, has become disabled to the extent of not being capable of performing assigned duties, or who is separated from City service without fault or delinquency.

**PROPOSITION**

Amends Section 143.1 of the Charter of The City of San Diego to read as follows:

**SECTION 143.1 APPROVAL OF AMENDMENTS BY MEMBERS.**

No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted without the approval of a majority vote of the members of said system.

No ordinance amending the retirement system which affects the vested defined benefits of any retiree of such retirement system shall be adopted without the approval of a majority vote of the affected retirees of said retirement system.

**PROPOSITION** -----

Amends the Charter of The City of San Diego by adding Section 221 to Article XIV, to read as follows:

**SECTION 221. SALE OF REAL PROPERTY.**

Real property owned by The City of San Diego consisting of eighty (80) contiguous acres or more, whether or not in separate parcels, shall not be sold or exchanged unless such sale or exchange shall have first been authorized by ordinance of the Council and thereafter ratified by the electors of The City of San Diego. The foregoing shall not apply to the sale or exchange of real property to a governmental agency for bona fide governmental purposes which sale or exchange was duly authorized by ordinance of the Council, nor shall it apply to properties previously authorized for disposition by the electors of The City of San Diego.

**PROPOSITION** -----

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

**I. Title** This measure shall be known as the "Traffic Control and Comprehensive Growth Management Initiative".

**II. Purpose and Intent**

A. The people of the City of San Diego find and declare that:

1. The quality of life in the City of San Diego is increasingly threatened by traffic congestion, air and water pollution, inadequate public facilities and other growth related problems.

2. San Diego City needs a workable, forward-thinking plan to properly control future growth and help alleviate existing overcrowding problems.

3. The purpose of this measure is to create the Traffic Control and Comprehensive Growth Management Plan which recognizes that while the problems stemming from rapid growth may vary from traffic to air pollution, they are interrelated and necessitate a comprehensive solution, which encourages the City of San Diego to work with adjacent jurisdictions to solve regional problems.

4. The Plan outlines a comprehensive, long range program that will ensure that San Diego remains a safe, comfortable and convenient place to live now and into the next century.

5. The Plan will expedite completion of the Regional Transportation System that was designed by traffic experts to meet the transportation needs of our region. Designed to supplement the half-cent sales tax funding, this plan will build highways, arterials, and mass transit facilities. New funds authorized by this measure for transportation will be paid for by new development.

6. The Plan will further alleviate traffic congestion by requiring new development and large employers to prepare voluntary peak hour traffic reduction plans to encourage employees to use van pools and other alternative means of commuting.

7. The Plan will establish City-wide trash resource recovery and curb-side recycling programs to help conserve dwindling natural resources. Recycling is also a cost-effective alternative to landfilling of solid waste that saves taxpayers money.

8. The Plan will require detailed analyses of the projected impact of new development on air and water quality.

9. To protect San Diego's future water supplies, the Plan will require the City to prepare comprehensive water conservation and water reclamation plans.

10. To conserve important wildlife habitat, the Plan will provide for the creation and financing of Habitat Conservation Districts.

11. The Plan will require developers to construct parks, libraries, fire stations and other public facilities for new development concurrent with need or construction will be curtailed. Developers will also be required to reserve land or contribute fees to provide for child day care sites necessary to serve development.

12. The Plan will hold our City officials accountable for the implementation of this program by requiring an annual report to taxpayers detailing the progress the City has made complying with the components of the Traffic Control and Comprehensive Growth Management Plan.

13. Finally, the Plan places the cost of new development squarely on the shoulders of new development, not the taxpayer.

**III. TRAFFIC CONTROL AND COMPREHENSIVE GROWTH MANAGEMENT PLAN**

A. This measure amends the Progress Guide and General Plan of the City of San Diego to incorporate the Traffic Control and Comprehensive Growth Management Plan which shall contain the following components:

**1. Completion of the Regional Transportation System:**

a. **Comprehensive Transportation Impact Fee:** Require new development to pay a benefit assessment fee for transportation facilities to accelerate completion of the Regional Transportation Plan, including trolley facilities and transportation facilities in established neighborhoods. The City is encouraged to work with other cities and the County to establish similar benefit assessment fee programs to complement the City's efforts.

b. **Traffic Demand Management Program:** Require new development and large employers to prepare plans to reduce the proportion of peak hour commuters who drive alone. Voluntary compliance with the plan by commuters shall be encouraged through incentives and public education.

2. **Protecting Future Water Supplies:** Require preparation of comprehensive water reclamation and conservation plans and require that new development use reclaimed water in common landscaped areas.

3. **Curbside Trash Recycling Program:** Establish City-wide trash recycling programs and require that new development provide trash storage areas for recyclable materials.

4. **Air Quality Assurance Plans:** As a condition of project approval require new development to provide a detailed analysis of the impacts of the proposed development on the ability of the region to meet Federal and State air quality standards.

5. **Water Quality Assurance Plans:** As a condition of project approval require new development to provide a detailed analysis of the impacts of the proposed development on the ability of the region to meet Federal and State water quality standards.

6. **Child Care Site Program:** Require new development to reserve land or contribute fees to provide for child day care sites necessary to serve the development.

7. **Public Facility Concurrent With Need:** Require new development to directly construct community facilities necessary to serve proposed development concurrent with need or curtail development approvals.

8. **Facilities Adequacy and Fiscal Impact Analysis Report:** Require new development to provide a detailed fiscal impact analysis contrasting the revenues generated by the proposed development and the anticipated costs for providing and servicing all public facility needs caused by the development.

9. **Sensitive Land and Habitat Conservation:** Require the City to create habitat conservation plans and districts to acquire land which supports rare or endangered species of animals or plants.

10. **Housing Affordability:** Require the City to review and modify existing ordinances, policies and procedures which have an effect on affordable housing.

11. **Annual Report:** Require the City to prepare an annual public report detailing the extent to which the City has complied with the components of the Traffic Control and Comprehensive Growth Management Plan.

B. Each of these components shall be enacted in accordance with the provisions contained in the remainder of this measure.

**IV. Completion of the Regional Transportation System**

**A. Comprehensive Transportation Impact Fee**

1. **Thoroughfare and Bridge Construction Fee:** The City of San Diego shall enact an ordinance requiring new development to pay a benefit assessment fee as a condition of the issuance of a building permit to defray the actual or estimated cost of constructing or accelerating the completion of transportation facilities of City-wide or regional significance as identified in Section IV.A.4., and consistent with the provisions of Sections IV.A.5.b. Benefit assessment fee revenue shall be committed for transportation facilities identified in Section IV.A.4. within five years of receipt.

2. **Citizen's Technical Oversight Committee:** The City of San Diego shall establish a Citizen's Technical Oversight Committee comprised of seven technical experts including one representative from each of the following: the public works contracting profession, the San Diego County Taxpayer's Association, the development industry, and community planning groups; and three additional persons representing the general public. The committee shall advise the San Diego City Council concerning the calculation, collection, and expenditure of benefit assessment fee revenues, including project priorities, program development and the annual reports and accountings required by the Taxpayer Accountability section. Reports of the Citizen's Technical Oversight Committee shall be provided to the San Diego City Council and to the San Diego County Grand Jury.

3. **Cooperative Arrangements:** In order to promote regional cooperation in the timely completion of the Regional Transportation Plan, it is the intent of this measure that the City of San Diego consummate one or more cooperative arrangements with adjacent jurisdictions to partially or fully construct, expand or accelerate the completion of transportation facilities of City-wide or regional significance as identified in Section IV.A.4., through the joint imposition of benefit assessment fees or similar impact fees, consistent with the provisions of this measure.

4. **Transportation Corridor Projects:** The benefit assessment fees or similar impact fees paid by new development shall be used for the construction, expansion or acceleration of the projects described below and as depicted in Figure 1:

**a. Priority East County Transportation Corridor Projects:**

1. SR 52 (I-15 to SR 67)

2. SR 125 (I-8 to South Poway Arterial-8A)

**b. Priority Mid-County Transportation Corridor Projects:**

1. SR 56 (I-5 to SR-125)

2. Camino Ruiz (Del Dios Highway to SR 58)

3. South Poway Arterial-8A (I-15 to SR 125)

4. SR 125 (South Poway Arterial-8A to SR 52)

**c. Priority South County Transportation Corridor Projects:**

1. SR 125 (SR 54 to I-905)

2. SR 905 (I-805 to SR 125)

3. SR 905 (SR 125 to Border Crossing)

d. **Priority Transit Corridor Projects:** The City of San Diego shall cooperate with the San Diego County Transportation Commission, the Metropolitan Transit Development Board and the North County Transit Development Board to accelerate completion of transportation facilities of regional benefit, including trolley routes, commuter rail projects, and other facilities necessary to reduce congestion through traffic demand management programs. Priority in the expenditure of benefit assessment fees revenues shall be given to constructing, expanding or accelerating projects in the following corridors:

Miramar/Mira Mesa Corridor (University City to I-15)

The I-15 Corridor (Centre City to Escondido)

South Bay Corridor (I-5 to SR 125)

Benefit assessment fees collected for the purpose of completing or accelerating transit facilities may be conveyed to the appropriate transit authority.

e. **Facilities in Established Neighborhoods:** The City of San Diego shall prepare a plan which identifies regionally significant transportation facilities in urbanized communities which require construction, expansion or rehabilitation as a result of demands caused by new development. Annually the City Council shall allocate up to 10% of the annual benefits assessment fee revenues, as authorized in Section IV.A.1., for construction, expansion or rehabilitation of the facilities identified in the urbanized area plan.

5. **Taxpayer Accountability:** The collection and expenditure of fees by the City of San Diego shall adhere to the following requirements to ensure that public revenues are properly collected and spent:

a. **Taxpayer Accountability Report:** In order to promote efficient use of the fees collected to build the transportation facilities identified in this measure, the City of San Diego shall prepare an annual audit accounting for such funds. The audit shall be known as the Taxpayer Accountability Report. It shall include, but not be limited to, a project status report evaluating progress towards the timely completion of designated transportation facilities.

b. **Spending Cap:** The benefit assessment fee necessary to fund the Priority Transportation Corridor Projects and Priority Transit Corridor Projects shall not exceed \$200 per Average Daily Trip, adjusted annually according to the Engineering News Record cost of construction index (Los Angeles - San Diego). This limitation applies to exactions imposed to finance the Priority Transportation Corridor Projects and Priority Transit Corridor Projects identified in this measure and does not apply to exactions for local-serving facilities or improvements which are imposed as a condition of development approvals. Developers are encouraged to directly construct Priority Transportation Corridor Projects in exchange for appropriate credits for the payments of benefits assessment fee obligations.

c. **Maintenance of Effort:** It is the purpose of the Comprehensive Transportation Impact Fee Program to supplement existing local funds being used to implement the Regional Transportation Plan. The City of San Diego shall annually maintain as a minimum the same level of local discretionary funds expended for streets and road purposes as defined in the San Diego Transportation Improvement Program Ordinance and Expenditure Program. An annual independent audit shall be conducted to verify that the maintenance of effort requirements are met.

d. **Limitation of Administrative Costs:** Revenues may be expended for salaries, wages, benefits, overhead, auditing and those services including contractual services necessary to administer implementation of this measure; however, in no case, shall such expenditures exceed one percent of the annual revenue provided by this measure. An annual independent audit shall be conducted to ensure that revenues expended are necessary and responsible.

e. **Full State Share:** It is the purpose of the Comprehensive Transportation Impact Fee Program to supplement funds currently or prospectively available from the federal government, or the State of California or agencies created or authorized by the state, and to maximize grant funding by using fee revenues to leverage grant programs. The fee revenues are designed to qualify as self help funds under SB 140. Except as necessary to satisfy debt obligations secured by benefit assessment fee revenues, such revenues shall not be allocated for any state highway projects until the City of San Diego has certified that the City is receiving, at a minimum, its fair

share of highway funds from the state as defined in the San Diego Transportation Improvement Program Ordinance and Expenditure Program.

f. **Congestion Reduction and Traffic Demand Management Program:** To reduce the proportion of commuters who drive alone during peak commuter hours, the City of San Diego shall enact a comprehensive peak period Traffic Demand Management (TDM) Program containing the following components:

1. **Standards:** The City shall establish Drive Alone Rate goal that the proportion of peak hour commuters per worksite who drive alone not exceed 55% of the total worksite commuters by the year 1996.

2. **Participating Employer Plans:** The City of San Diego shall enact an ordinance requiring large employers to establish TDM information centers, transportation coordinators, and orientation programs to encourage use of alternative means of transportation. Voluntary employee compliance shall be encouraged through incentives and public education. Participating employers shall file an annual report identifying efforts to achieve the TDM program standards.

3. **Alternative Compliance:** Participating employers may authorize a Transportation Management Association (TMA) to prepare and execute a TDM Plan within the TMA's geographical area, which will enable participating employers, on average, to meet the TDM program standards.

4. **New Development:** Applications for non-residential projects, which exceed 25,000 square feet, shall submit a plan to the City of San Diego which shall identify the techniques and strategies by which the proposed project can attain the Traffic Demand Management Program goals, within five years of occupancy.

#### V. Water Reclamation and Conservation

##### A. Water Reclamation Program

1. The City of San Diego shall establish a water reclamation goal.

2. To attain this goal, the City of San Diego shall enact a Water Reclamation Facilities Master Plan which shall delineate the location and size of future facilities for conveyance, treatment, and use of reclaimed water, consistent with the plans and programs of the County Water Authority.

3. **Mandatory Water Reclamation for New Development:** Consistent with, and upon the adoption of the Water Reclamation Facilities Master Plan, the City of San Diego shall enact an ordinance requiring installation of reclaimed water delivery systems as a condition of approval of discretionary projects, where feasible. The water plan and ordinance shall require the use of reclaimed water to provide service for common area landscaping and turf-related facilities, such as golf courses, parks, freeway landscaping, greenbelts, and cemeteries, and for artificial lakes and man-made decorative ponds where public contact is prohibited.

##### B. Water Conservation Program

1. The City of San Diego shall establish a per capita water conservation goal. To attain this goal, the City of San Diego shall enact a comprehensive Water Conservation Program which shall:

a. Require installation water saving fixtures and drought tolerant common area landscaping, as a condition of approval of discretionary projects.

b. Require that City owned facilities be retrofitted with water saving fixtures, where cost effective.

c. Provide incentives for property owners to retrofit ultra low flush toilets and water saving fixtures.

##### VI. Curbside Recycling Program

A. The City of San Diego shall establish a goal for the recovery of targeted recyclable materials as follows:

1. Recover 35% of annual volume within three years of this measure's approval.

2. Recover 50% of annual volume within seven years of this measure's approval.

B. To attain this goal, the City of San Diego shall enact reuse and recycling programs with the following components:

1. **Curbside Recycling:** At a minimum, 15% of households shall be served by curbside recycling within one year; 30% of households shall be served within three years; 75% of households shall be served within five years; and remaining households shall be served within ten years, to the extent feasible. Curbside recycling programs may be supplanted by alternative volume reduction strategies as long as the identified City goals are achieved.

2. **New Development:** Within served areas, the City of San Diego shall require as a condition of the issuance of building permits that new residential and non-residential development provide storage areas necessary to provide for the economic collection of targeted recyclable materials, where feasible.

#### VII. Air Quality Assurance Plans

A. The City of San Diego shall require that applications for discretionary projects include a detailed analysis identifying the impacts of the proposed development on the ability of the region to meet Federal and State air quality standards. The City of San Diego shall consider any adverse impacts of a decision to grant the requested approvals, and may require measures to mitigate identified adverse impacts.

#### VIII. Water Quality Assurance Plans

A. The City of San Diego shall require that applications for discretionary projects include a detailed analysis identifying the impacts of the proposed development on the ability of the region to meet Federal and State water quality standards. The City of San Diego shall consider any adverse impacts of a decision to grant the requested approvals, and may require measures to mitigate identified adverse impacts.

#### IX. Child Care Site Program

A. The City of San Diego shall require, as a condition of approval, that discretionary projects reserve land, pay fees in lieu thereof, or some combination of these, for the acquisition of sites for child day care centers, provided that:

1. The ordinance imposing such a requirement includes definite standards and express methodology for determining the required reservation and/or fees to be paid in lieu thereof, including procedures to allow for waivers upon the presentation of evidence that no need will be created by the project, or that the projected demand for child day care sites attributable to the proposed development will be met through other means.

2. The reservation and/or fee requirement shall directly relate to need for child day care sites caused by the development subject to the requirement.

3. Priority consideration shall be given to the use of child care fees in lieu revenues for the acquisition of sites for child care centers adjacent to or as part of transit stations.

4. If after five years, the reservation or fees have not been used or are no longer needed to serve the residents of the development upon which the requirement has been imposed, the reserved property shall be released and the fees shall be reconveyed to the current property owner of record.

#### X. Public Facility Concurrent With Need

A. Community facilities needed to support development including but not limited to parks, fire stations and libraries, shall be available concurrent with the impacts of such development. Where feasible, the City of San Diego shall require discretionary projects to directly construct required community facilities necessary to serve the residents of that development. If facilities needed by new residential and non-residential development are not provided concurrent with need, the City of San Diego shall curtail, phase or condition approvals of discretionary projects to ensure the timely provision of the such facilities.

#### B. Comprehensive Facility Financing Programs

1. **Capital Improvement Plans:** The City of San Diego shall prepare a comprehensive capital improvement plan which shall include the following components: identification of needed improvements; standards for levels of service for the capital improvements identified in the San Diego City Progress Guide and General Plan; cost estimates; timing of the construction of the project; proposed or anticipated funding sources; and classification of the improvement into one of the following categories: (a) community facilities necessary to serve existing residents, including an analysis of current deficiencies, and the means by which the deficiencies will be eliminated within a reasonable time period; or (b) community facilities necessary to serve new development.

a. **Facility Financing Plans:** The City of San Diego shall prepare facility financing plans for each community within its boundaries and shall update such plans at least every five years, including a fiscal impact analysis described in Section X.C. Initial plans shall be completed within the first five year cycle.

b. **Facility Threshold/Phasing Plans:** Facility plans shall contain facility thresholds which ensure that future development is phased in such a manner to provide required community facilities concurrent with need. Compliance with facility thresholds shall be a condition of all discretionary projects. Public facility and service availability shall satisfy the requirements of this section if the public facilities are phased, or the development is phased, so that the necessary public facilities are available concurrent with the impacts of the development.

c. **Timely Construction of Community Facilities:** Community facility financing and threshold plans shall emphasize direct construction of required community facilities by the developer. To facilitate timely construction of community facilities, the City of San Diego shall: (1) provide for reimbursement mechanisms; (2) enter into development agreements or (3) use Vesting Tentative Maps. Where direct construction of a community facility is not feasible, adequate financial guarantees may satisfy the requirements of this section. Such guarantees may include, but not be limited to, assessment financing, instruments of credit, sureties, or the payment of development impact fees reasonably related to the cost of providing capital improvements necessary to serve the proposed development.

C. **Facilities Adequacy and Fiscal Impact Analysis Report:** The City of San Diego shall require applications for discretionary projects to include a detailed fiscal impact analysis which estimates (a) the revenues 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 of San Diego may balance the social, economic, housing and environmental benefits to be derived from the development against the fiscal deficiencies estimated to be incurred. A fiscal impact analysis covering an entire community plan area shall satisfy the requirements of this section.

### XI. Sensitive Lands and Habitat Conservation Districts

A. The City of San Diego shall prepare and adopt a comprehensive plan for the creation of Habitat Conservation Districts. It is the intent of this measure that the City of San Diego prepare habitat conservation plans and districts in cooperation with other governmental entities. The purpose of the habitat conservation plans and districts shall be to acquire land which supports rare or endangered species of animals or plants as defined in Section XIV. Habitat Conservation Districts shall acquire sensitive habitats through grant funding, assessment financing, or impact fees required as a condition of approval of discretionary projects.

### XII. Housing Affordability

A. The City of San Diego shall prepare a report reviewing existing ordinances, policies and procedures which effect housing affordability. It is the intent of this measure that the City of San Diego's existing ordinances, policies and procedures be amended to provide for the retention and rehabilitation of affordable housing stock and the construction of more affordable housing units where feasible.

### XIII. Annual Public Report

A. Each year the City of San Diego shall prepare and the City Council shall consider, review and adopt at a public meeting, a report for the preceding year documenting the amount, type, location and intensity of development by community plan area and shall certify that each component of this measure has been complied with, setting forth the manner of such compliance. A report on the economic impact of this measure shall be part of the annual review and shall include the effect on housing affordability and availability, employment and other economic impacts on the City of San Diego and the region.

### XIV. Definitions

A. AVERAGE DAILY TRIP: Cumulative impact rate as defined by the City of San Diego Engineering and Development Department Trip Generation rate summary, revised February 2, 1987. ADTs shall not be allocated to, and benefit assessment fees shall not be paid by existing residences.

B. CHILD DAY CARE SITES: Sufficient land to provide up to 115 child care spaces per 1000 population, not to exceed 110 square feet of land per child care space.

C. DISCRETIONARY PROJECTS: Any real estate development ap-

*Continued from previous Page*

plication which requires a tentative map, parcel map, reclassification, general plan amendment, development agreement, planned development permit or similar discretionary approval intended to comprehensively review a particular project or land use, applied for after the effective date of this measure, excluding single purpose permits designed to accomplish a narrow public purpose, such as a hillside or design review permit.

D. DRIVE ALONE RATE: The percentage resulting from calculating the number of employees who are scheduled to report to the work site and who drive alone to the worksite during the peak period divided by the total number of employees who are scheduled to report to that worksite during the peak period, based upon fiscal year 1990 as the base year.

E. LARGE EMPLOYERS: An employer with more than 50 employees who are scheduled to report to a work site during the peak period.

F. PEAK PERIOD: Between 6:30 a.m. and 8:30 a.m. weekdays, adjusted annually and subregionally pursuant to schedules prepared and adopted by the San Diego Association of Governments.

G. RARE OR ENDANGERED SPECIES OF ANIMALS OR PLANTS: Those species which are: listed under Title 14 of the California Administrative Code; listed under the Federal Endangered Species Act; protected by a certified Habitat Conservation Plan; or the subject of an executed Memorandum of Understanding between the City of San Diego, the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

H. SAN DIEGO TRANSPORTATION IMPROVEMENT PROGRAM ORDINANCE AND EXPENDITURE PROGRAM: proposition A ballot measure, November 1987 San Diego County election.

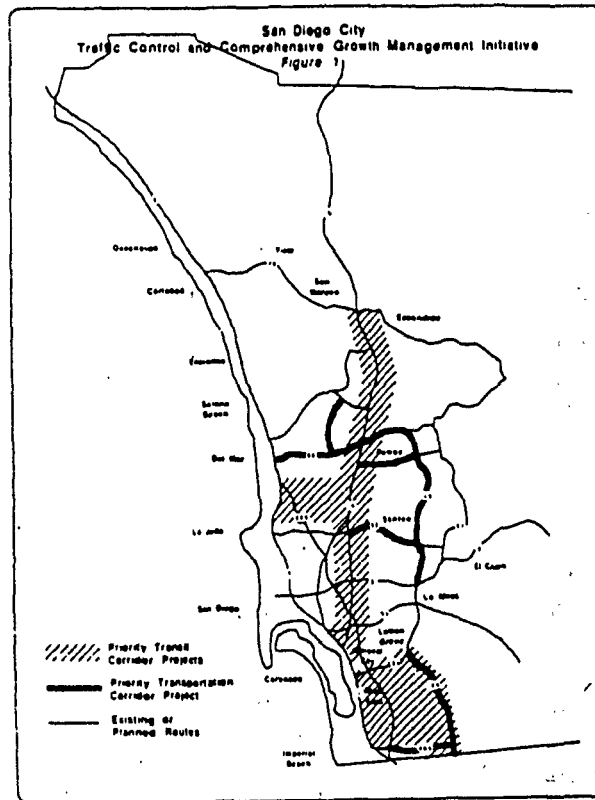
I. TRANSPORTATION FACILITIES: Right-of-way acquisition, environmental review, design and construction of highways, bridges, major thoroughfares, transit and inter-city commuter rail facilities, including attendant debt financing.

XV. Modification The provisions of this measure may be modified by the San Diego City Council upon two-thirds vote of the Council, as long as the modification is consistent with the purpose of this measure or the modification is necessary to respond to changing circumstances.

XVI. Conflicting Measures The provisions of this measure constitute a comprehensive program to: reduce traffic congestion by assuring that the Regional Transportation Plan is constructed in a timely manner through the establishment of benefit assessment funding program; assure that facilities necessary to new development are available at the time of need; provide that new development does not burden the existing taxpayer through the performance of required fiscal impact analysis; protect water supplies through the enactment of water conservation and reuse programs; and assure water quality is protected and enhanced by requiring water quality assurance plans. An Initiative entitled "The Planned Growth Initiative" has filed a notice of intention to circulate. The provisions of the "Traffic Control and Comprehensive Growth Management Initiative" are wholly inconsistent with and intended as an alternative to "The Planned Growth Initiative". In the event that both measures receive a majority vote, the measure obtaining the most votes shall prevail and the other measure shall be entirely void, regardless of the provisions in Section XVII. Severability.

XVII. 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 judgement 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.

XVIII. Implementation The plans, policies, programs, procedures, and regulations necessary to implement the provisions of this measure shall be adopted within 180 days of its enactment by the voters.



### PROPOSITION (ADVISORY VOTE ONLY)

Shall the City Council develop a comprehensive plan to upgrade the City's public library system, which would include site selection, land acquisition, and construction of a new main library; modernization or replacement of all local branch libraries; and a cost effective means of financing these improvements as well as operating costs for the entire library system, no later than 1992?

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

Section 3. The polls for this Special Municipal Election shall be open at seven o'clock A.M. (7:00 A.M.) (local time) on November 6, 1990, and remain open continuously until eight o'clock P.M. (8:00 P.M.) (local time) on the same day at which time the polls shall be closed, except as provided in Section 14301 of the Election Code of the State of California.

Section 4. Since this election is being consolidated with the State General 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:

<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 4.</b>  Strikes the term "registered voter" from Section 4 entitled "Districts Established."	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 12.</b>  Provides for the election of a Council member within a district if the full Council fails to fill a vacancy by appointment within 30 days of the vacancy. If no candidate receives a majority of votes cast, a run-off election will be held to determine the winner between the two candidates receiving the highest number of votes.	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 92.</b>  Strengthens the City's market position regarding short term borrowing by the City's Treasurer.	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 141.</b>  Removes the requirement for mandatory retirement at age 65.	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 143.1.</b>  Provides that retired City employees shall vote on proposed ordinances that affect their retirement benefits.	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING NEW SECTION 221.</b>  Requires voter approval of the sale or exchange of 80 acres or more of contiguous City owned land.	YES	
	NO	
<b>PROPOSITION ----- AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN RELATING TO TRAFFIC CONTROL AND GROWTH MANAGEMENT.</b>  Shall the Traffic Control and Comprehensive Growth Management Initiative be adopted?	YES	
	NO	

<b>PROPOSITION ----- (ADVISORY VOTE ONLY)</b>  Shall the City Council develop a comprehensive plan to upgrade the City's public library system which would include site selection, land acquisition, and construction of a new main library; modernization or replacement of all local branch libraries; and a cost effective means of financing these improvements as well as operating costs for the entire library system, no later than 1992?	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 6, 1990, 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 Election Code of the State of California.

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

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

Section 11. Pursuant to Section 17 of the Charter, this ordinance relating to elections shall take effect on AUG 7 1990, being the day of its introduction and passage.

Passed and adopted by the Council of The City of San Diego on August 7, 1990, by the following vote:  
 YEAS: Roberts, Hartley, McCarty, Filner, O'Connor.  
 NAYS: None.  
 NOT PRESENT: Wolsheimer, Pratt, Bernhardt, Henderson.  
 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.  
 By ELLEN BOVARD, Deputy.  
 (SEAL)

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on August 7, 1990, said ordinance being of the kind and character authorized for passage on its introduction by Section 18 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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.  
 By ELLEN BOVARD, Deputy.  
 (SEAL)

Publish August 21 194572

page 6 of 6