

ORDINANCE NUMBER O- 20353 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 10 2014

AN ORDINANCE OF THE CITY OF SAN DIEGO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO, FOR THEIR APPROVAL OR REJECTION AT THE MUNICIPAL SPECIAL ELECTION, CONSOLIDATED WITH THE CALIFORNIA STATE PRIMARY ELECTION TO BE HELD ON JUNE 3, 2014, ORDINANCE NO. O-20312, AMENDING THE SAN DIEGO MUNICIPAL CODE RELATING TO THE BARRIO LOGAN COMMUNITY PLAN UPDATE; AND ORDINANCE NO. O-20313, CHANGING THE ZONING OF 999.61 ACRES LOCATED WITHIN THE BARRIO LOGAN COMMUNITY PLAN AREA.

WHEREAS, on September 17, 2013, the Council of the City of San Diego (Council) introduced ordinances to implement changes related to an update of the Barrio Logan Community Plan that included amendments to the City of San Diego's Municipal Code, Land Development Code, and a rezoning action, which ordinances are on file in the Office of the City Clerk as Ordinance Nos. O-20312 and O-20313; and

WHEREAS, on October 15, 2013, the Council adopted Ordinance Nos. O-20312 and O-20313; and

WHEREAS, on October 29, 2013, the Council President, acting with limited mayoral authority pursuant to San Diego City Charter section 265(i), returned Ordinance Nos. O-20312 and O-20313 (Ordinances) to the City Clerk unsigned, resulting in approval of the Ordinances pursuant to Charter sections 265(i) and 280; and

WHEREAS, pursuant to Charter sections 265(i) and 295, the Ordinances' date of final passage was October 29, 2013; and

WHEREAS, on November 27, 2013, an authorized representative of proponent, Port of San Diego Ship Repair Association, through the committee Protect Our Jobs Coalition,

submitted a referendary petition against the Ordinances to the City Clerk, and on that same day, the City Clerk accepted the referendary petition as filed, thereby suspending the Ordinances; and

WHEREAS, the City Clerk submitted the referendary petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, the Registrar of Voters conducted a legally required verification and found the petition to contain the valid signatures of more than five percent of the City's registered voters at the last general election, sufficient to qualify the measure for direct submission to the voters as required by Charter section 23; and

WHEREAS, on December 13, 2013, the City Clerk certified that the referendary petition was sufficient and qualified for submittal to the voters; and

WHEREAS, on December 17, 2013, in compliance with San Diego Municipal Code (Municipal Code) section 27.1125, the City Clerk presented the petition and a certification of the sufficiency of its signatures to the Council; and

WHEREAS, in compliance with Charter section 23 and Municipal Code sections 27.1131, the Council shall, within ten business days of the date of the Clerk's presentation, reconsider the legislative act; and

WHEREAS, Municipal Code sections 27.1131 and 27.1132 required the Council to reconsider the Ordinances and either: (1) grant the referendary petition to repeal the Ordinances, or (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, a special election for a referendum may be consolidated with the next Citywide Primary Election or Citywide General Election at which the matter can be placed on

the ballot, or a separate special election may be called for the purpose of voting on the matter;
and

WHEREAS, on December 17, 2013, the Council reconsidered the Ordinances in light of the referendary petition; and

WHEREAS, the Council decided not to repeal the legislative act, but to submit to the electorate, at a special election to be held at the same time as the next Citywide Primary Election in June 2014, the referendary petition against Ordinances No. O-20312 and No. O-20313; and

WHEREAS, by Ordinance No. O- 20345 , introduced and adopted on January 27, 2014, the Council has called a Municipal Special Election, to be consolidated with the California State Primary Election to be held June 3, 2014, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, pursuant to Charter section 295(b), the Council's resolution of intention related to matters to submit to City voters at a Municipal Special Election is not subject to veto, and thus the date of its passage by the Council has been deemed the date of its final passage; and

WHEREAS, in compliance with the Municipal Code, state law and the Council's resolution directing placement of the ordinances on the ballot, the City Attorney has prepared this ordinance to submit to the electorate, for approval or rejection, Ordinance No. O-20312 and Ordinance No. O-20313; NOW, THEREFORE,

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

Section 1. That one proposition is hereby submitted to the qualified voters at the Municipal Special Election to be held on June 3, 2014, and consolidated with the California State Primary Election to be held on the same date, with the proposition to read as follows:

PROPOSITION

(See Attachment 1 to this Ordinance for the text of the Proposition.)

END OF PROPOSITION

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 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

| | | |
|---|-----|--|
| PROPOSITION ____ . REFERENDUM OF ORDINANCES RELATED TO BARRIO LOGAN COMMUNITY PLAN UPDATE. Shall Ordinances O-20312 and O-20313, which amend the San Diego Municipal Code related to the Barrio Logan Community Plan Update, and affect the zoning of 999.61 acres located within the Barrio Logan Community Plan Area, be approved? | YES | |
| | NO | |

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the proposition.

Section 5. Passage of this proposition requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the City Council.

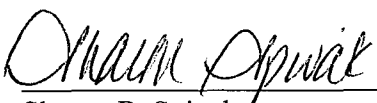
Section 7. Pursuant to San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may

seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.

Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. Pursuant to sections 295(b) and 295(d) of the Charter of the City of San Diego, this ordinance shall take effect on the date of passage by the City Council, which is deemed the date of its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
02/04/2014
Or.Dept:Council
Document No.: 711703

Passed by the Council of The City of San Diego on FEB 10 2014, by the following vote:

| Council Members | Yeas | Nays | Not Present | Recused |
|-----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Myrtle Cole | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage FEB 10 2014

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDNET
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on FEB 10 2014, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number 20353