

ORDINANCE NUMBER O- 20359 (NEW SERIES)

DATE OF FINAL PASSAGE APR 03 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING A REFERENDARY PETITION AGAINST ORDINANCE NO. 20333 AND RESOLUTION NO. 308648 RELATING TO SAN DIEGO MUNICIPAL CODE AMENDMENTS ASSOCIATED WITH HOUSING IMPACT FEES FOR NONRESIDENTIAL DEVELOPMENT WITHIN THE CITY OF SAN DIEGO, REPEALING ORDINANCE NO. 20333, AND RESCINDING RESOLUTION NO. 308648.

WHEREAS, on November 21, 2013, the Council of the City of San Diego (Council) introduced an ordinance amending the San Diego Municipal Code relating to housing impact fees for nonresidential development within the City, which ordinance is on file in the Office of the City Clerk as Ordinance No. 20333 (Ordinance); and

WHEREAS, on December 10, 2013, the Council adopted the Ordinance and adopted Resolution No. 308648 (Resolution), declaring various bases upon which the Council made its decision to adopt the Ordinance and providing direction relating to the Ordinance; and

WHEREAS, on December 24, 2013, the Council President, acting with limited mayoral authority pursuant to San Diego City Charter (Charter) section 265(i), returned the Ordinance and the Resolution to the City Clerk unsigned, resulting in approval of the Ordinance and Resolution pursuant to Charter sections 265(i) and 280; and

WHEREAS, pursuant to Charter sections 265(i) and 295, the date of final passage of the Ordinance and Resolution was December 24, 2013; and

WHEREAS, on January 22, 2014, an authorized representative of proponent, the San Diego Regional Chamber of Commerce, submitted a referendary petition against the Ordinance and Resolution to the City Clerk, and on that same day, the City Clerk accepted the referendary petition as filed, thereby suspending the Ordinance and Resolution; 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 over 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 February 18, 2014, the City Clerk certified that the referendary petition was sufficient and qualified for submittal to the voters; and

WHEREAS, on February 25, 2014, 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 City Council; and

WHEREAS, in compliance with Charter section 23 and Municipal Code section 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 require the Council to reconsider the Ordinance and Resolution and either (1) grant the referendary petition to repeal the Ordinance and rescind the Resolution, 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, on MAR 04 2014, the Council reconsidered the Ordinance and Resolution in light of the referendary petition; NOW, THEREFORE,

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

Section 1. That the referendary petition is granted.

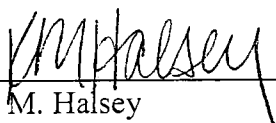
Section 2. That Ordinance No. 20333 is repealed.

Section 3. That Resolution No. 308648 is rescinded.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keely M. Halsey
Deputy City Attorney

KMH:als
02/20/14
02/26/14 Cor.Copy
Or.Dept:City Clerk
Doc. No. 731387_3

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 18 2014.

ELIZABETH S. MALAND
City Clerk

By Karen Greenhaw
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 4/2/14
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAR 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input 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 APR 03 2014.

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By Karen Anshu, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 4 2014

, and on

APR 03 2014

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 Karen Anshu, Deputy

Office of the City Clerk, San Diego, California

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