

RESOLUTION NUMBER R- 309756

DATE OF FINAL PASSAGE MAY 21 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING A REFERENDARY PETITION AGAINST RESOLUTION NO. R-309505, "A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING AMENDMENTS TO THE GENERAL PLAN, THE CARMEL VALLEY COMMUNITY PLAN, AND THE CARMEL VALLEY EMPLOYMENT CENTER DEVELOPMENT UNIT NUMBER TWO PRECISE PLAN FOR ONE PASEO - PROJECT NO. 193036," AND RESCINDING RESOLUTION NO. R-309505.

WHEREAS, February 23, 2015, is the date of final passage by the Council of the City of San Diego (Council), of a resolution titled, "A Resolution of the Council of the City of San Diego Adopting Amendments to the General Plan, the Carmel Valley Community Plan, and the Carmel Valley Employment Center Development Unit Number Two Precise Plan for One Paseo - Project No. 193036," which resolution is on file in the Office of the City Clerk as Resolution No. R-309505 (Resolution); and

WHEREAS, on March 25, 2015, Bradley W. Hertz, an authorized representative of proponent Kenneth W. Farinsky, submitted a referendary petition against the Resolution to the City Clerk, and on that same day, the City Clerk accepted the referendary petition as filed, thereby suspending the 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 at least 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 San Diego Charter (Charter) section 23; and

WHEREAS, on April 24, 2015, the City Clerk certified that the referendary petition was sufficient and qualified for submittal to the voters; and

WHEREAS, on May 11, 2015, 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 City 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 City Council to reconsider the Resolution and either: (1) grant the referendary petition to repeal the legislative act in question, 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 May 21, 2015, the Council reconsidered the Resolution in light of the referendary petition; and


WHEREAS, under Charter section 280(a)(2), the Resolution that is the subject of the referendary petition was not subject to veto by the Mayor when adopted, because the matter required the Council to act as a quasi-judicial body, where a public hearing was required by law implicating due process rights of individuals affected by the decision, and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the Council's subsequent reconsideration of the Resolution is not subject to veto; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the referendary petition is granted.

BE IT FURTHER RESOLVED, that Resolution No. R-309505 is rescinded.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
05/11/15
Or.Dept: City Clerk
Doc. No. 1013217

Passed by the Council of The City of San Diego on MAY 21 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 MAY 21 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

(Seal)

By Sty Brady, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309756