

ORDINANCE NUMBER O- 20862 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 25 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A FEE INCREASE FOR APPEAL
HEARINGS HELD BY THE CITY COUNCIL.

WHEREAS, pursuant to the Land Development Code portion of the City of San Diego's Municipal Code, various administrative appeals are heard by the City Council, such as matters decided by the Planning Commission in accordance with Process Four and environmental determinations made by decision makers other than the City Council; and

WHEREAS, the City Council approved an appeal fee of \$100 in 2000 pursuant to Ordinance O-18822, which exempted the recognized Community Planning Groups from paying the appeal fee and refunded the appeal fees to the appellants opposed to the item if their appeal was upheld; and

WHEREAS, these appeal fee have not been revised in 17 years; and

WHEREAS, a recent review of the cost associated with the General Fund staff time involved just for staffing an appeal hearing at the City Council was determined to average \$1000, as set forth in the Memorandum to the Smart Growth and Land Use Committee Members dated May 12, 2017, on file in the Office of the City Clerk as document OO- 20862; and

WHEREAS, the City of San Diego has various policies favoring the recovery of the reasonable costs of services, as set forth in Administrative Regulation 95.25 and Council Policy 100-05; and

WHEREAS, the City is concurrently considering the adoption of an amendment to the Land Development Code portion of the City of San Diego's Municipal Code that will allow for

the withdrawal of these appeals, with the result being that no appeal hearing will be held if all appeals are withdrawn; and

WHEREAS, the City desires to continue to exempt the Community Planning Groups from these appeal fees, in light of their formal recognition by and service to the City; NOW, THEREFORE,

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

Section 1. That:

a. Appeal fees for appeals to the City Council of decisions made in accordance with CIP-Process Two and Process Four and of environmental determinations are increased from \$100 to \$1000.

b. Appeal fees for appeals to the Planning Commission of decisions made in accordance with Processes Two and Three remain at \$100.

c. Recognized Community Planning Groups may continue to file appeals of decisions made in accordance with CIP-Process Two, Process Two, Process Three, Process Four, or of environmental determinations without payment of a fee.

d. If an appellant withdraws his or her appeal prior to the public hearing, the City Treasurer shall refund the appeal fee.

e. If multiple appellants withdraw their appeals prior to the public hearing, the City Treasurer shall refund the appeal fees to each appellant who withdraws his or her appeal.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force when Ordinance No. O- 20863, amending the San Diego Municipal Code regarding administrative appeals, takes effect.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/12/2017
Or.Dept: DSD
Doc. No.: 1511934

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 24 2017.

ELIZABETH S. MALAND
City Clerk

By Linda Bruin
Deputy City Clerk

Approved: 10/25/17
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

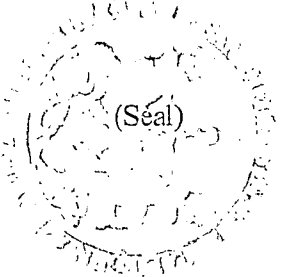
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 24 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 25 2017

AUTHENTICATED BY:



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

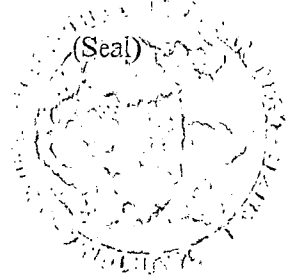
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, 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

JUL 24 2017, and on OCT 25 2017

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.



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

By Linda Bruen, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20862