

RESOLUTION NUMBER R- 316087

DATE OF FINAL PASSAGE MAR 13 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RESCINDING ITS ACTION ON JANUARY 28, 2025, INTRODUCING ORDINANCE O-2025-67 AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0431 AND REQUESTING CITY STAFF TO RETURN WITH AN ACTION ITEM TO REMOVE THE CITY'S ACCESSORY DWELLING UNIT DENSITY BONUS PROGRAM.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. At its meeting on January 28, 2025, the Council considered Item 331 for the introduction of ordinance number O-2025-67 (Ordinance O-2025-67) amending Chapter 13, Article 1, Division 4 of the San Diego Municipal Code (Municipal Code) by amending section 131.0431 to remove Footnote 7 from Development Regulations Table for Residential Zones, Table 131-04D.

B. The Council voted unanimously (with one councilmember absent) to introduce Ordinance O-2025-67 and request City staff to return to Council within 60 days with an action item to remove the City's accessory dwelling unit (ADU) density bonus program so that the program is consistent with the state mandated ADU regulations for single-family zoned parcels.

C. On February 5, 2025, the City received a letter from the law firm of Hoffman & Forde (Letter) on behalf of its client alleging violations of the Ralph M. Brown Act (California Government Code sections 54950 et seq.) (Brown Act) occurred at the January 28, 2025 meeting during consideration and action on Item 331.

D. California Government Code section 54960.1 gives a legislative body the opportunity to cure or correct a challenged action within 30 days of receipt of the letter demanding a cure, and such action taken by the legislative body is not admissible as evidence of a violation of the Brown Act.

E. To minimize the risk associated with the Letter and avoid unnecessary litigation, the Council desires to cure the alleged Brown Act violations, if any, by rescinding its action on Item 331 on January 28, 2025.

F. Rescinding the Council's action on Item 331 means that the Council has not introduced Ordinance O-2025-67 and not requested City staff to return to City Council within 60 days with an action item to remove the City's ADU density bonus program so that the program is consistent with the state mandated ADU regulations for single-family zoned parcels.

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

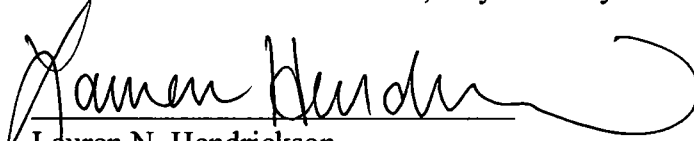
#### ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council rescinds its action taken on January 28, 2025, introducing Ordinance O-2025-67 amending Chapter 13, Article 1, Division 4 of the San Diego Municipal Code (Municipal Code) by amending section 131.0431 to remove Footnote 7 from Development Regulations Table for Residential Zones Table 131-04D and requesting City staff return to City Council within 60 days with an action item to remove the City's ADU density bonus program so that the program is consistent with the state mandated ADU regulations for single-family zoned parcels.

2. The Council acknowledges that rescinding its action means that the Council's action to introduce the ordinance and request to City staff relating the City's ADU density bonus program is without force or effect.

APPROVED: HEATHER FERBERT, City Attorney

By   
Lauren N. Hendrickson  
Deputy City Attorney


LNH:cm  
February 11, 2025  
Or.Dept: City Planning  
Doc. No. 3956633

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on MAR 04 2025.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 3/12/25  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 04 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2025.

**(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:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

City Clerk of The City of San Diego, California.

By *Hinda Green*, Deputy  
For *Connie Patterson*

Office of the City Clerk, San Diego, California

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