

**PROPOSED PROPOSITIONS TO
RATIFY ORDINANCES AND AN
AMENDMENT TO THE CITY CHARTER
TOGETHER WITH ARGUMENTS**

**To Be Submitted to the Qualified Voters
of The City of San Diego at the
SPECIAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY,
JUNE 2, 1964**

The following proposed propositions for the ratification and approval of ordinances authorizing the lease, sale or exchange of certain Pueblo Lands of The City of San Diego and the following proposed amendment to the Charter of The City of San Diego will be submitted to the qualified voters of The City of San Diego on Tuesday, June 2, 1964.

PHILLIP ACKER, City Clerk

PROPOSITION B

(THIS PROPOSITION WILL APPEAR ON THE BALLOT
IN THE FOLLOWING FORM)

PROPOSITION B. Shall Ordinance No. 8983 (New Series) of the Ordinances of The City of San Diego, entitled, "An Ordinance authorizing the lease or sale of portions of Pueblo Lots 1266, 1293, 1294, 1305, 1306, 1315, 1316, 1317, 1319, 1321, 1322, 1323, 1326, 1327, 1330, 1333, 1334, 1335 and 1361 of the Pueblo Lands of The City of San Diego, such leases and sales to be consistent with the University Community Master Plan," adopted by the Council of said City March 19, 1964, be ratified?	YES	
	NO	

Ordinance No. 8983 (New Series) reads as follows:

"ORDINANCE NO. 8983

(New Series)

AN ORDINANCE AUTHORIZING THE LEASE OR SALE OF PORTIONS OF PUEBLO LOTS 1266, 1293, 1294, 1305, 1306, 1315, 1316, 1317, 1319, 1321, 1322, 1323, 1326, 1327, 1330, 1333, 1334, 1335 AND 1361 OF THE PUEBLO LANDS OF THE CITY OF SAN DIEGO, SUCH LEASES AND SALES TO BE CONSISTENT WITH THE UNIVERSITY COMMUNITY MASTER PLAN.

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

Section 1. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell 3 acres, more or less, lying within Pueblo Lots 1315 and 1316 to the Scripps Memorial Hospital for public hospital and medical purposes. Such lease or sale shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 2. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell not more than 40 acres lying within Pueblo Lots 1316 and 1317 for institutional uses including, but without limitation, churches. All such leases and sales shall be consistent with and be in furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 3. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell not more than 198 acres lying within Pueblo Lots 1316, 1317, 1321, 1322, 1323 and 1326 for research and development purposes and such other uses necessarily incidental thereto. All such leases and sales shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 4. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell 12 acres, more or less, lying within Pueblo Lots 1293, 1294 and 1305 to The Atchison, Topeka & Santa Fe Railway Company for the purpose of accommodating the Company's relocated segment of the main line track in the Rose Canyon area. Any such lease or sale shall be consistent with the University Community Master Plan.

Section 5. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell 3 acres, more or less, lying within Pueblo Lot 1317 to the San Diego Gas & Electric Company for the development of a utility substation. Such lease or sale shall be consistent with and be in furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 6. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell easements for rights of way under, over, upon and across Pueblo Lots 1266, 1293, 1306, 1316, 1317, 1319, 1321, 1323, 1326, 1330, 1333, 1334 and 1335 to The Pacific Telephone and Telegraph Company, San Diego Gas & Electric Company and the San Diego Pipeline Company for public utility purposes. All such leases and sales shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 7. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell no more than 360 acres lying within Pueblo Lots 1326, 1327, 1330, 1333, 1334 and 1361. Such leases and sales shall be for, but not limited to, residential, neighborhood commercial, and school purposes, and suitable provision shall be made for the reservation of park sites and open space for public use. All such leases, sales and reservations shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 8. All leases or sales shall be made upon such other terms and conditions as may be deemed by the City Council to be in the best interest of the people of The City of San Diego.

Section 9. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at a special municipal election to be held in said City on the second day of June, 1964, at which such proposition of ratifying this ordinance shall be submitted.

Presented by T. W. FLETCHER.

APPROVED: By RAYMOND MOATS, JR.,
EDWARD T. BUTLER, City Attorney. Assistant City Attorney.

Passed and adopted by the Council of The City of San Diego on March 19, 1964, by the following vote:

YEAS —Councilmen: Cobb, de Kirby, Scheidle, Hitch, Hom, Walsh, Mayor Curran.

NAYS—Councilmen: None.

ABSENT—Councilmen: None.

AUTHENTICATED BY:

FRANK E. CURRAN,
Mayor of The City of San Diego,
California.

(SEAL)

PHILLIP ACKER,
City Clerk of The City of
San Diego, California.

By RUTH KLAUER, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to-wit, on March 19, 1964, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration

of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

PHILLIP ACKER,
City Clerk of The City of
San Diego, California.

By RUTH KLAUER, Deputy."
(SEAL)

ARGUMENT FOR PROPOSITION B

The passage of this Proposition is essential for the furtherance of the economic advancement of the City of San Diego.

San Diego's new University Community Complex will become the center of research and higher educational activities. The University of California at San Diego campus is surrounded by such institutions as Scripps Hospital, the Salk Institute and General Atomics, and many more will be attracted to this area.

The City of San Diego has, at present, more land under municipal ownership than the acreage contained in the original Pueblo Land Grant. It is significant that San Diego's public land ownership has increased during the past ten years. For example, during that period of time, 2,600 acres of ratified Pueblo Lands have been sold for community development and 6,693 acres of privately owned land have been acquired for the development of City facilities.

In the University Community, there is a total of 1,566 acres of recreational land under public ownership in addition to the requirement for 212 acres for neighborhood and community parks.

This Proposition encompasses 616 acres of land to be ratified for lease or sale which will be utilized for the following purposes: 198 for the development of research facilities, 40 for institutional development, 46 for public purposes, 306 for medium residential and medium high residential development, 8 for the development of commercial community centers; and 18 for special use. All leases and sales shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted, or as hereafter amended following appropriate public hearings.

A YES vote will insure the orderly development of the University Community in accordance with the now adopted Master Plan.

The Mayor and City Council of San Diego urge a YES vote by all citizens.

Frank Curran, Mayor
Helen Cobb,
Councilman, District 1
Harry F. Scheidle,
Councilman, District 3
Tom Hom,
Councilman, District 5

Ivor de Kirby,
Councilman, District 2
Allen Hitch,
Councilman, District 4
Jack Walsh,
Councilman, District 6

ARGUMENT AGAINST PROPOSITION B

Voters firmly rejected similar Pueblo Land disposition plans in two recent elections.

Alarmist claims about losing potential business firms or curtailing the university's growth should be ignored. The university has the area it requested. No special deals favoring any firm should be made.

The University Master Community Plan is not inviolate. Any council can initiate changes.

The present master plan lists eighteen site descriptions. The city

council was requested, but refused, to delete from this proposition the word "sell" from those Pueblo Lots in the plan containing areas described as, "town", "community", "service", "professional" centers and "high density" housing. The word "sell" provides a loophole. These are high value areas and as such are very suitable for long term leasing similar to Harbor Department and Mission Bay developments. These areas, if leased rather than sold, would provide the highest continued future income to the city.

Section 7 of this proposition lists numerous Pueblo Lots with areas designated for one or more of the above commercial descriptions: Section 8 gives the council a blank check to decide how they want to dispose of these areas. They could be negotiated away in special deals for one dollar. There is no safeguard provided that sales must be made to the highest bidder.

Although there is no great objection to disposition of the small irregular parcels and special use areas in Sections 1, 4, 5 & 6, there are sufficient reasons in Sections 7 and 8 to warrant a NO vote on this proposition.

Henry B. Cramer

PROPOSITION C
 (THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE
 FOLLOWING FORM)

PROPOSITION C. Shall Ordinance No. 8984 (New Series) of the Ordinances of The City of San Diego, entitled, "An Ordinance authorizing the lease or sale of portions of Pueblo Lots 1293, 1294 and 1295 of the Pueblo Lands of The City of San Diego, and also the exchange of other portions of said Pueblo Lots for land required for park, school and open space purposes, such leases or sales and exchanges to be consistent with the University Community Master Plan," adopted by the Council of said City March 19, 1964, be ratified?	YES	
	NO	

Ordinance No. 8984 (New Series) reads as follows:

"ORDINANCE NO. 8984
 (New Series)

AN ORDINANCE AUTHORIZING THE LEASE OR SALE OF PORTIONS OF PUEBLO LOTS 1293, 1294 AND 1295 OF THE PUEBLO LANDS OF THE CITY OF SAN DIEGO, AND ALSO THE EXCHANGE OF OTHER PORTIONS OF SAID PUEBLO LOTS FOR LAND REQUIRED FOR PARK, SCHOOL AND OPEN SPACE PURPOSES, SUCH LEASES OR SALES AND EXCHANGES TO BE CONSISTENT WITH THE UNIVERSITY COMMUNITY MASTER PLAN.

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

Section 1. That The City of San Diego be, and it is hereby authorized and empowered to lease or sell no more than 60 acres lying within Pueblo Lots 1293, 1294 and 1295. Suitable provisions shall be made for the reservation of park sites and open space for public use. All leases, sales and reservations shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or hereafter amended following appropriate public hearings.

Section 2. That The City of San Diego be, and it is hereby authorized and empowered to exchange no more than 280 acres lying within Pueblo Lots 1293, 1294 and 1295 for privately owned land within the University Community Master Plan area required for public park, school or open space purposes. Suitable provisions shall be made for the reservation of park sites and open space for public use. All exchanges shall be made on the basis of fair market value as established by an independent appraisal. All exchanges and reservations shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted or as hereafter amended following appropriate public hearings.

Section 3. Such leases, sales or exchanges shall be made upon such other terms and conditions as may be deemed by the City Council to be in the best interest of the people of The City of San Diego.

Section 4. This ordinance shall become effective only after it is affirmatively approved by a majority vote of the qualified electors of The City of San Diego voting at a special municipal election to be held in said City on the second day of June, 1964, at which such proposition of ratifying this ordinance shall be submitted.

Presented by T. W. FLETCHER.

APPROVED:

EDWARD T. BUTLER, City Attorney.

By RAYMOND MOATS, JR.,

Assistant City Attorney.

Passed and adopted by the Council of The City of San Diego on March 19, 1964, by the following vote:

YEAS—Councilmen: Cobb, de Kirby, Scheidle, Hitch, Hom, Walsh, Mayor Curran.

NAYS—Councilmen: None.

ABSENT—Councilmen: None.

(SEAL)

AUTHENTICATED BY:

FRANK E. CURRAN, Mayor of The City of San Diego, California.

PHILLIP ACKER, City Clerk of The City of San Diego, California.

By RUTH KLAUER, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to-wit, on March 19, 1964, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(SEAL)

PHILLIP ACKER, City Clerk of The City of San Diego, California.

By RUTH KLAUER, Deputy."

ARGUMENT FOR PROPOSITION C

The passage of this Proposition is essential for the furtherance of the economic advancement of the City of San Diego, and will allow for the orderly development of the area surrounding the University of California at San Diego campus.

A criterion for site selection on the part of the Regents of the University of California for locating the University campus within our community was the development of a Community Master Plan. In order to implement the development in accordance with the Master Plan, voter ratification to permit usage of these Pueblo Lots is necessary.

This Proposition encompasses 340 acres of land to be ratified for lease, sale or exchange which will be utilized for the following purposes: 25 to be reserved for park and school site purposes and 315 for low density single family dwelling units, of which 280 acres will be exchanged to permit the acquisition of needed school sites, park sites and open space from private land owners. All exchanges shall be made on the basis of fair market value as established by an independent fee appraisal, prior to increases in values which will follow final zoning and subdivision. All leases, sales, exchanges and reservations shall be consistent with and be in the furtherance of the University Community Master Plan as now adopted, or as hereafter amended following appropriate public hearings.

A YES vote will permit the acquisition of needed lands at proper locations for school sites, parks, open space and other public facilities.

The Mayor and City Council of San Diego urge a YES vote by all citizens.

Frank Curran, Mayor
Helen Cobb, Councilman, District 1
Harry F. Scheidle, Councilman,
District 3
Tom Hom, Councilman, District 5

Ivor de Kirby, Councilman,
District 2
Allen Hitch, Councilman, District 4
Jack Walsh, Councilman, District 6

ARGUMENT AGAINST PROPOSITION C

Voters should reject this proposition as it encourages land speculation and fails to protect the long range interests of the City.

Land values are expected to "skyrocket" upon completion of the new 101 Freeway, extension of Regents Road, and expansion of the University of California. The City should hold on to these valuable pueblo lands rather than turn them over to private promoters for a "windfall" due to development of the community.

In Section 1, no provision has been made for sales at public auction. A specific use for this acreage is not indicated.

Section 2 authorizes Council to exchange up to 280 acres. A "fair market value" exchange "today" may be very unequal "tomorrow" if projected road, highway, and other public developments benefit the land exchanged more than the land received by the City. The 1961 Grand Jury was highly critical of a similar City land exchange in nearby San Clemente Canyon.

There is no evidence that conveyance of these lands will promote growth of the University of California. Historically, this kind of "deal" has led to land speculation and retarded sound economic and community development.

To assure that citizens of San Diego reap the benefits of their remaining heritage in the pueblo lands, a NO vote is urged on this proposition.

Albert M. Olson
Licensed Real Estate Broker
Member of 1961 San Diego County
Grand Jury

PROPOSITION D

(THIS PROPOSITION WILL APPEAR ON THE BALLOT IN THE FOLLOWING FORM)

<p>PROPOSITION D. CITY OF SAN DIEGO CHARTER AMENDMENT. Repeals Section 42; adds Article XV to Charter.</p>	<p>YES</p>	
<p>Establishes local control of planning and zoning; appointment of members of Planning Commission by Mayor; confirmation and removal by City Council, same number of members as Council, including Mayor, only two members from any district; grants planning and zoning legislative powers to Commission, reserving like powers to Council should Commission fail to act on Council request, and right of appeal to Council from Commission decision; provides for repeal or amendment of Commission ordinances by majority vote of Council members within thirty days after adoption; requires grant by Commission of any requested variance, but not rezoning of property, unless established by evidence that such variance is injurious to public health, safety or welfare, or incompatible with existing development; places Planning Department under City Manager; provides for appeal to Commission of administrative decisions of any City department contrary to purpose and intent of this Article or ordinances; allows committees to hear variances, except use variances, and administrative appeals.</p>		<p>NO</p>

This proposition amends Section 11, Article III by adding a new second paragraph, repeals Section 42, Article V, and adds a new Article XV and Sections 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236 and 237 to the Charter of The City of San Diego. The portions to be deleted are printed in STRIKE-OUT TYPE and the portions to be added are underlined.

Section 11. LEGISLATIVE POWER. All legislative powers of the City shall be vested, subject to the terms of this Charter and of the Constitution of the State of California, in the Council, except such legislative powers as are reserved to the people by the Charter and the Constitution of the State.

The provisions of Article XV with respect to legislative powers and procedures of the City Council on the subject of Planning and Zoning are supplementary to the provisions of Article III and other provisions of this Charter on such powers and procedures. However, notwithstanding any provision contained in Article III, with respect to legislative powers of the City, the provisions of Article XV shall govern all legislative action and ordinances on the subject of Planning and Zoning initiated by the Planning Commission, and all such legislation shall be excepted from conflicting provisions of Article III or any other Charter provisions inconsistent with Article XV, except that the powers of the initiative and referendum are reserved to the people, as provided in Section 23 of Article III.

~~Section 42. CITY PLANNING COMMISSION. The City Planning Commission shall be organized as provided by the laws of the State and have such powers and perform such duties as are prescribed by such laws. The duties of the Commission shall also include advising upon public buildings, bridges, retaining walls, approaches, park and harbor structures, the improvement of Pueblo lands and such other improvements as the Council may by ordinance determine. The Commission shall consist of seven (7) members appointed by the Mayor, subject to the confirmation of the Council. The City Engineer, and the City Attorney, or their designated representatives, shall be members ex officio, but neither of said officers shall have a vote. The members of this Commission shall serve without compensation for terms of two years or until their successors are elected and appointed and qualified.~~

ARTICLE XV PLANNING AND ZONING

Section 225. INTENT AND PURPOSES. It is the intent of this Charter amendment to consolidate and coordinate all planning and zoning legislation, regulations and procedures into one comprehensive plan to be accomplished exclusively by the provisions of this Article and the ordinances and policies adopted to implement this Article. The purposes of this Article are:

- (a) To encourage the development and most beneficial use of land;
- (b) To attract new and diversified industrial and commercial enterprises to this area by providing simple and efficient planning and zoning administration;
- (c) To establish improved procedures for the expeditious processing of rezonings, subdivision maps and variances.

Section 226. LOCAL CONTROL. All planning and zoning laws and regulations for the City of San Diego shall be governed exclusively by this Article of the Charter and no provisions of the General Laws or the Government Code of this State on the subject of planning and zoning shall be applicable to the City of San Diego.

Section 227. CITY PLANNING COMMISSION ESTABLISHED.

(a) APPOINTMENT OF MEMBERS: The City Planning Commission shall be organized as provided by this Charter. All members shall be appointed by the Mayor, who shall make such appointments within thirty (30) days from the date the vacancy occurs, subject to the approval of the City Council, except that the Council, upon failing to approve two (2) successive appointments by the Mayor for the same seat, or upon the failure of the Mayor to fill such vacancy within thirty (30) days, shall appoint the member. No more than two (2) members of the Planning Commission at any time shall be from one (1) councilmanic district. There shall be the same number of members of the City Planning Commission as there are members of the City Council including the Mayor.

(b) PRESENT PLANNING COMMISSION: The members of the Planning Commission heretofore appointed, and who were members there-

sion, any interested person may file in the office of the City Clerk a written notice of appeal, and the City Clerk shall immediately set the matter for public hearing before the City Council. If an appeal is filed within the time specified, it automatically stays proceedings in the matter until a determination is made by the City Council. The City Council after a public hearing may, by the affirmative vote of not less than a majority of the total authorized voting members, repeal, alter, amend or modify the ordinance adopted or the resolution disapproved by the Planning Commission by an ordinance which shall become effective on the thirty-first (31st) day following adoption. In the event that the City Council should deny the appeal or fail to act upon the appeal within thirty (30) days from the date the ordinance of the Planning Commission is filed with the City Clerk, said ordinance shall become effective as if no appeal had been filed.

(d) ORIGINAL JURISDICTION OF THE CITY COUNCIL: Notwithstanding any other provisions of this Article, the City Council, by the affirmative vote of a majority of the total authorized voting members, may after a public hearing initiate and adopt an ordinance with respect to any of the matters included within the legislative functions of the Planning Commission, provided that the subject of the ordinance has first been referred to the Planning Commission and forty (40) days have elapsed without the Commission's adoption of an ordinance on the subject proposed by the Council.

Section 230. EMERGENCY MEASURES. Notwithstanding any other provisions of this Article, pending the study and adoption of permanent zoning restrictions in an area of land within the City or in the event that new territory may be annexed to the City or whenever the Commission by resolution duly adopted finds that a dire emergency exists in any area, the Commission, by vote of a majority of the total authorized members of the Commission, may, in the interest of protecting the public health, safety and welfare, adopt, without prior notice after a single public hearing, as an emergency measure, a temporary interim zoning ordinance, which shall be effective on the date of adoption and continue in effect until a permanent ordinance is duly adopted, except that no temporary interim ordinance shall be of any effect for a period in excess of one hundred eighty (180) days after adoption; provided, however, that after notice and public hearing, the Commission may extend such temporary interim ordinance for an additional one hundred eighty (180) days. Notice of the adoption of a temporary interim zoning ordinance shall be published in a newspaper of general circulation in the City of San Diego within ten (10) days after its adoption.

Section 231. ZONE VARIANCES.

(a) DUTY OF COMMISSION: The variance procedure as established herein may not be used to rezone property. The Planning Commission shall

grant any variance from the Zoning Provisions of the Municipal Code, Zoning Ordinances or Planning and Zoning Regulations, requested by any property owner, after a public hearing, unless it is established by a preponderance of evidence received at the hearing that the proposed use, or any proposed deviation would, if granted:

(1) Endanger the public health, or the public safety or be contrary to the public welfare; or

(2) Be incompatible with the existing development or permitted uses and, by reason thereof, injure adjacent properties or destroy the character of an area developed and used for residential purpose.

(b) NOTICE AND HEARING: A public hearing shall be held on all applications for zone variances.

(c) TIME LIMITATION—DATE OF HEARING: Unless the Commission establishes other procedures providing for an earlier hearing, any application for variance shall be heard at the first regular meeting of the Commission occurring more than fifteen (15) days following the filing of an application, and the City Manager shall cause notice to be given within five (5) days following the filing of an application.

(d) TIME LIMITATION—FINAL DECISION: All hearings on applications for variances shall be concluded and a decision rendered within forty-five (45) days following the filing of the application. Failure to render a decision within the time specified shall, unless the time be waived in writing by the applicant, be deemed a decision granting the application.

(e) WRITTEN FINDINGS: A decision denying a variance, or any part thereof, shall be in writing and contain a separate finding for each use and each deviation granted or denied, and each finding shall state the ultimate facts relied on in reaching a decision.

(f) MINOR ADJUSTMENTS: Nothing contained in this section shall prevent the establishment of procedures to permit minor adjustments and deviations by administrative process. Provisions for a Zoning Administrator and procedures for appeals of the Administrator's decision to the Planning Commission or any committee thereof, as provided herein, may be adopted by ordinance.

Section 232. ADMINISTRATION AND ENFORCEMENT.

(a) CITY MANAGER: It shall be the duty of the City Manager, as Chief Administrative Officer of the City, to administer and enforce the provisions of this Article and he shall:

(1) Supervise the City Planning Department and appoint or remove the Director thereof;

(2) Supervise the administration and enforcement of all planning and zoning ordinances now existing or as hereafter amended,

adopted and defined by the Planning Commission or City Council in accordance with this Article and the policies established by the Planning Commission.

(b) **APPEAL TO PLANNING COMMISSION:** The Planning Commission shall investigate and make a determination upon an appeal where it is alleged that any Department of the City has made any order, regulation, decision or requirement, in the enforcement or administration of the provisions of any planning or zoning ordinance which is contrary to this Article or contrary to any provision in any Planning or Zoning ordinance. Such appeal may be filed by any person aggrieved, and the Planning Commission shall hear and render a decision thereon within twenty (20) days following the filing of any appeal. The Commission shall submit its findings to the City Council for its action.

Section 233. COMMITTEES AND JUDICIAL REVIEW. The Commission may establish committees of three (3) or more members, who need not be members of the Commission, to hear and determine applications for variances other than those authorizing a use of property not permitted under the applicable ordinances, and appeals from actions of City Departments in administering and enforcing planning and zoning laws.

Section 234. INCIDENTAL POWERS. Upon request, all City officials shall furnish to the Planning Commission, within a reasonable time, such available information as is required for the work of the Commission. The Planning Commission shall have such incidental powers as may be necessary to enable it efficiently to perform its planning and zoning functions, as provided in this Article.

Section 235. LIMITATIONS ON LEGISLATIVE POWER. No planning or zoning ordinance shall contain any regulation, restriction or limitation which is not in fact reasonably necessary to protect the public health, the public safety or the public welfare or reasonably necessary to prevent uses so incompatible with existing development or permitted uses that injury to adjacent properties or the general neighborhood would result.

Section 236. PUBLIC HEARINGS.

(a) **CONDUCT OF HEARING:** All hearings required by this Article shall be open to the public and all interested persons shall be given an opportunity to be heard. Rules of procedure established for the orderly conduct of hearings shall be established by ordinance. When a hearing involves a question of fact such determination must be based on competent evidence. All evidence received at the hearing and all rulings, decisions and actions of the Commission or Council shall be reported by a certified shorthand reporter and shall be transcribed when directed by the Commission or Council, or at the request of any party or interested persons, upon his prepayment of the fee established by ordinance.

(b) NOTICE: A date for each public hearing shall be set and notice of the time, place and purpose of such hearing shall be given in the manner provided by ordinance.

Section 237. EXISTING ORDINANCE: All zoning ordinances and resolutions existing on the date this Article is approved, and not inconsistent with any provision herein, shall continue in effect until repealed, amended or superseded by legislative enactments, duly adopted as provided in this Article.

ARGUMENT FOR PROPOSITION D

This City Council proposed measure will attract new and diverse industries to San Diego through improved planning and zoning methods. It requires that master plans be established to guide orderly development, and will make planning responsive to the people. This proposition deserves a YES vote because it:

1. Retains the present excellent Planning Commission;
2. Creates a single comprehensive structure governing planning and zoning functions. It places the Planning Staff under the City Manager, like other city departments, so that planning and zoning functions of all city departments can be coordinated for better planning and efficiency. This replaces the present patch-work regulations, confusion and the odd concept of city planning employees operating as an independent agency not subject to control by the City Manager or Council;
3. Requires a complete planning manual with procedural instructions and explanations in layman's language;
4. Provides for comprehensive master planning with variances only if no harm can result;
5. Establishes time limits for processing zoning matters and eliminates unnecessary duplicate hearings by Planning Commission and Council, so that citizens are assured of prompt YES or NO answers;
6. Prevents arbitrary and discriminatory action and assures all citizens of equal treatment. Zoning regulations and decisions must be based on facts established at a public hearing with a written record so that citizens can know what action was taken and why.

The City Council has taken commendable leadership in producing this thoughtfully drawn Charter Amendment to provide long needed changes in planning and zoning procedures.

In the interest of responsible government—responsive to the people of San Diego, this proposition deserves a YES vote.

A. J. Sutherland,
Member, Citizens Charter
Review Committee

Co-Chairmen—Committee For City

C. A. Stillwagen,
Past President, S. D. Taxpayers
Association
Ray Stauffer,
Past President, S. D. Convention
& Tourist Bureau

Robert M. Golden,
Past President,
Chamber of Commerce
Council Planning Amendment

Glenn A. Dowdy,
Executive Vice President,
Associated General Contractors
Gene French,
Member, Board of Education,
S. D. City Schools

ARGUMENT AGAINST PROPOSITION D

WHO IS BEHIND THIS AMENDMENT? It is the outgrowth of activities of a small group of developers and speculators seeking to influence San Diego's vital planning and zoning functions, and its support is heavily financed by them.

IS IT GOOD LEGISLATION? It was hastily drafted as a compromise, is confusing, contains excessive detail, and suffers from serious omissions. Corrections would require costly elections.

IS IT LEGAL? The amendment is of questionable legality and constitutionality. The City Attorney has ruled that the variance provision will "overturn established law."

WHO WOULD MAKE LAWS? Power to make laws would be given to appointees—thereby creating a shadow council. Elected representatives of the people would lose complete control of planning and zoning.

WOULD PROPERTY BE PROTECTED? Property values would be threatened and neighborhoods downgraded by elimination of planning and zoning safeguards. The basic effect of this proposal is to require easy granting of special privilege. Individual property owners would constantly have to guard against interests seeking variances and rezonings, and would no longer be guaranteed protection provided traditionally by city laws.

COULD DECISIONS BE APPEALED? Individual rights to appeal would be substantially restricted and complicated.

IS LOCAL CONTROL NEW? We now have local control of planning and zoning by the people through our local elected representatives.

WOULD THIS AMENDMENT "CUT RED TAPE AND BRING NEW INDUSTRY"? Due to questions of legality, confusing detail and untested procedures, red tape would be created. New industry would be less attracted to a city where comprehensive planning goals and concepts were constantly in jeopardy.

Proposition D poses a serious threat to sound representative government in San Diego. CITIZENS FOR GOOD GOVERNMENT is a coordinating council of many individuals and organizations urging defeat of Proposition D.

CITIZENS FOR GOOD GOVERNMENT
By: Walter Dewhurst, Chairman

EXECUTIVE COMMITTEE:

Charles Taylor,
Executive Director,
Building Contractors Assn.
Robert Platt,
President, San Diego Chapter
American Institute of Architects
Maurice Collins,
Secretary, San Diego
Building Trades Council
Mrs. Robert Larsen,
League of Women Voters
Mrs. Leslie Scott,
Citizen's Coordinate

Ross G. Tharp,
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