

County of
San Diego
California



Sample Ballot & Voter Information Pamphlet

GENERAL ELECTION

TUESDAY, NOVEMBER 8, 1988

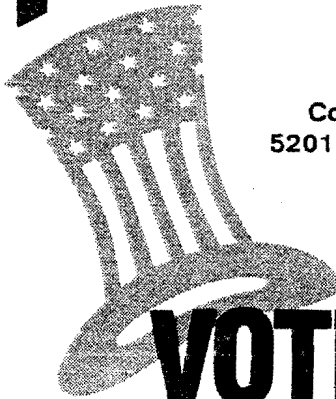
POLLS OPEN AT 7 A.M. AND CLOSE AT 8 P.M.

THE LOCATION OF YOUR POLLING PLACE
IS SHOWN ON THE BACK COVER
PLEASE TAKE THIS PAMPHLET WITH YOU TO THE POLLS

Information concerning the State Propositions will be mailed by the
Secretary of State in separate pamphlet(s).

Spanish translation is available upon request from the
Office of the Registrar of Voters.

La traducción al español de este folleto está disponible al
solicitarla a la oficina del Registrador de Votantes.



VOTE

Compiled and Distributed by:
Conny B. McCormack, Registrar of Voters
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418

GENERAL ELECTION - NOVEMBER 8, 1988 - SAN DIEGO COUNTY
OFFICIAL BALLOT

CITY OF SAN DIEGO

E CITY OF SAN DIEGO CHARTER AMENDMENTS. INITIATIVE MEASURE. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO. Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.

YES 237 → 0

NO 238 → 0

F AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 57.1.

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

YES 257 → 0

NO 258 → 0

GENERAL ELECTION - NOVEMBER 8, 1988 - SAN DIEGO COUNTY
OFFICIAL BALLOT

CITY OF SAN DIEGO (CONTINUED)

G AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY
AMENDING SECTION 43.

SECTION 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).

(d). **CITIZENS' REVIEW BOARD ON POLICE PRACTICES.**
Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

YES 272 → ○

NO 273 → ○

H AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND
GENERAL PLAN BY ADDING A GROWTH MANAGEMENT
ELEMENT.

Shall the City adopt a Growth Management Element which:

- a. Establishes a maximum limit for the next five years of
3,600 new residential units per year, and
3,990 previously approved residential units per year;
- b. Protects single-family neighborhoods by restricting new
development;
- c. Preserves environmentally sensitive lands, including
wetlands, floodplains, steep slopes, biologically sensitive lands and
significant prehistoric and historic sites;
- d. Requires that traffic generated by new development stay
within roadway capacity;
- e. Strengthens community plans by requiring periodic
comprehensive updates and limiting amendments between updates;
- f. Requires there be adequate public facilities and services at
the time of development; and
- g. Establishes regional goals for air quality, water, sewage
treatment, solid waste disposal and transportation?

YES 282 → ○

NO 283 → ○

GENERAL ELECTION - NOVEMBER 8, 1988 - SAN DIEGO COUNTY
OFFICIAL BALLOT

CITY OF SAN DIEGO (CONTINUED)

J INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN.

Until standards as designated in the initiative are met, shall the

City:

- a. Limit residential dwelling units as follows:
FY 1988-89: 7,000 to 9,000 dwelling units
FY 1989-90: 6,000 to 8,000 dwelling units
FY 1990-91: 5,000 to 7,000 dwelling units
FY 1991-92
and each subsequent
fiscal year through the
FY 2009-2010: 4,000 to 6,000 dwelling units;

b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative;

c. Develop and implement an allocation system for residential development as provided in the initiative;

d. Preserve sensitive environmental lands as provided in the initiative;

e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?

YES 296 → ○

NO 297 → ○

K ADVISORY VOTE ONLY

Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?

YES 299 → ○

NO 300 → ○

L AMENDS PEOPLE'S ORDINANCE NO. 10960 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE).

Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be permitted to allow the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?

YES 303 → ○

NO 304 → ○

CITY OF SAN DIEGO
Proposition E

(This proposition will appear on the ballot in the following form.)

E CITY OF SAN DIEGO CHARTER AMENDMENTS. INITIATIVE MEASURE. AMENDS SECTIONS 10, 12 AND 23 OF THE CHARTER OF THE CITY OF SAN DIEGO. Establishes that Council members shall be nominated, elected and recalled by district rather than nominated by district and elected citywide.

Amends Sections 10, 12 and 23 of the Charter of the City of San Diego to read as follows:

Section 10. ELECTIONS

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members other than the Mayor shall be nominated and elected by the electors of the district for which elective office they are a candidate.

The regular municipal primary election shall be held on the third Tuesday in September in each odd-numbered year, and the general municipal election shall be held on the first Tuesday after the first Monday in November of the same year, or, if either of these days falls on a legal holiday, then the election shall be held on the next succeeding day which is not a legal holiday; provided, however, that commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for these offices shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same day as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

~~At the municipal primary election there shall be chosen by the electors of each Council district two candidates for the office of any Councilman from a district whose term expires the succeeding December.~~

~~There shall be chosen by all of the electors of the City not more than twice the number of candidates necessary for any office of any other officer whose term expires the succeeding December.~~

~~In the event that any candidate other than council candidates for nomination to any office for which only one person is to be elected shall receive a majority of the votes cast for all the candidates for nomination to such office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be and declared by the Council to be elected to such office.~~

All elective officers of the City shall be nominated at the municipal primary election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, the two candidates receiving the highest number of votes for a particular elective office at said primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election.

At the general municipal election held for the purpose of electing Council members other than the Mayor the electors of the whole city each Council district shall select from among the candidates chosen at the primary election in each that district one candidate for the office of the Councilman member whose term expires the succeeding December, and At the general municipal election held for the purpose of

electing any other elective officer there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

Section 12. THE COUNCIL

The Council shall be composed of nine (9) Council members, including the Mayor, and shall be the legislative body of the City, each of the members of which, including the Mayor, shall have the right to vote upon all questions before it.

At the municipal primary and general election in 1979, a Mayor shall be chosen by the electors for a term of five (5) years. A Mayor shall thereafter be elected for a term of four (4) years in the manner prescribed by Section 10 of this Charter. The Mayor shall hold office for the term prescribed from and after 10 a.m. the first Monday after the first day of December next succeeding his election and until his successor is elected and qualified.

Council members, other than the Mayor, shall be elected at either the municipal primary or the general municipal election held in the odd-numbered years and, except as hereinafter provided, shall hold office for the term of four (4) years from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified. Upon any redistricting pursuant to the provisions of this Charter, incumbent Council members will continue to represent the district in which they reside, unless as a result of such redistricting more than one incumbent Council member resides within any one district, in which case the City Council may determine by lot which Council member shall represent each district. At the next municipal primary and general elections following a redistricting, Council members shall be elected from those districts not represented and from those districts represented by incumbent Council members whose terms expire as of the general election in said year. If as a result of any redistricting more than a simple majority of the City Council as redistricted shall be elected at either the municipal primary or general election next following any such redistricting, the City Council prior to any such election shall designate one or more new districts for which the initial councilmanic term shall be two (2) years in order to retain staggered terms for Council members.

Any vacancy occurring in the Council shall be filled from the District in which the vacancy occurs by appointment by the remaining Council members; but in the event that said remaining Council members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause an election to be held to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

It is the duty of Council members to attend all Council meetings. The Council shall vacate the seat of any Council member who is absent from eight (8) consecutive meetings or fifty percent (50%) of any scheduled meetings within a month unless the absence thereof is excused by resolution of the Council.

Council members, including the Mayor, shall devote full time to the duties of their office and not engage in any outside employment, trade, business or profession which interferes or conflicts with those duties.

No Council member shall be eligible during the term for which he was appointed or elected to hold any other office or employment with the City, except as Mayor or City Attorney and as a member of any Board, Commission or Committee thereof, of which he is constituted such a member by general law or by this Charter.

Section 23. INITIATIVE, REFERENDUM AND RECALL

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this Charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten percent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five percent of the registered voters of the City at the last general City election; that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen percent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

ARGUMENT IN FAVOR OF PROPOSITION E

GIVE NEIGHBORHOODS A VOICE AT CITY HALL - VOTE YES ON "E"

NEIGHBORHOODS ARE NOT REPRESENTED AT CITY HALL

The present system for electing city councilmembers denies communities the right to choose their own representatives. Candidates are nominated by district, but elected city-wide. Half the present councilmembers were rejected by voters in their own districts.

ELECTIONS HAVE BECOME HIGH-PRICED SPENDING SPREES

The present system of city-wide elections was adopted in 1931, when San Diego had only 125,000 residents. Today, with a population of over 1 million people, candidates must spend over \$400,000 to run a city-wide campaign. The old system may have worked when San Diego was one-eighth its present size, but we have clearly outgrown it now.

SPECIAL INTERESTS DOMINATE THE COUNCIL

Where do candidates get the \$400,000 it takes to run? Either they have to be very wealthy or they have to be supported by special interest groups. Developers are the biggest special interest group contributors. That's why the council remains pro-development despite voter opposition to growth.

ELECTION BY DISTRICT - IT'S THE AMERICAN WAY

The county Board of Supervisors, state legislature, and U.S. House of Representatives all elect representatives by district. Of the 10 largest U.S. cities, only one other - Detroit - elects its council by city-wide vote.

SEND A MESSAGE TO CITY HALL

Under district elections, councilmembers must listen to neighborhood concerns or neighborhood voters will replace them. That's why Proposition E is supported by voters throughout the city - Republicans, Democrats, inner-city and suburban residents.

WHO OPPOSES DISTRICT ELECTIONS?

Special interest groups, the mayor, and San Diego's daily newspaper chain oppose Proposition E because it threatens their influence over selection of councilmembers. When you see their arguments, ask yourself: What are their real motives for opposing more accountable city government?

VOTE YES ON PROPOSITION E

Sierra Club

Geoffrey D. Smith
San Diego Chair

Common Cause

Robert C. Fellmeth
Director, State of California

League of Women Voters

Alice B. McCauley
President

La Jolla Light Newspapers

Congressman Jim Bates

ARGUMENT AGAINST PROPOSITION E

SAVE YOUR VOTING RIGHTS VOTE NO ON DISTRICT-ONLY ELECTIONS -- PROPOSITION E

We now have the best of both worlds -- Nomination first by District -- then election City-wide. Each of the 8 districts selects two candidates. Voters from the entire City then decide. You get to vote on all Councilmembers.

Candidates must campaign among all the voters. Not just those in their district. This system has served us well since 1931. Why throw away 7 of your votes?

●DISTRICT-ONLY ELECTIONS MEANS YOU LOSE 7 VOTES!

Under District-only elections you would lose your vote in 7 districts and only get to vote in 1.

Let's face it, if a Councilmember doesn't need your vote, why should that Councilmember care about your problems?

●DISTRICT-ONLY ELECTIONS ALREADY DEFEATED FOUR TIMES

How many times must VOTERS SAY NO! District elections have already been defeated by the voters four times -- in 1969, 1973, 1980 and 1981. Why change a good system for a bad one? Why would we want a system used in ward politics cities such as Los Angeles, Chicago, and Philadelphia!

●DISTRICT-ONLY ELECTIONS FOSTER SELFISH INTEREST POLITICS

With District-only elections, selfish interest politics will result as individual districts compete against each other. What's good for the entire City is overlooked, as selfish politicians make backroom deals to divide the spoils among themselves.

●OUR CURRENT SYSTEM MEANS EACH COUNCILMEMBER NEEDS YOUR VOTE

Our current system requires that all City Councilmembers work together as a team. When decisions get made about landfills, major developments, parks and our sewer system, each Councilmember should be held accountable to all of the voters.

DISTRICT-ONLY ELECTIONS TAKE AWAY YOUR VOTE!

SAVE YOUR VOTE

VOTE NO ON PROPOSITION E

MAUREEN O'CONNOR
Mayor

BILL CLEATOR
Former Councilmember
Co-Chair, Citizens for Voters Rights

BARRY I. NEWMAN
President
San Diego Taxpayers Association

WILLIAM E. NELSON
Chairman, Greater San Diego
Chamber of Commerce

**CITY OF SAN DIEGO
Proposition F**

(This proposition will appear on the ballot in the following form.)

F AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY
ADDING SECTION 57.1:

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

The City Council voted 6-3 to place this measure on the ballot. Mayor O'Connor and Councilmembers **Wolfsheimer, Roberts, Pratt, McCarty** and **Filner** cast votes in favor. Councilmembers **McColl, Strukama** and **Henderson** voted in opposition.

Amend the Charter of The City of San Diego by adding Section 57.1 to Article V, to read as follows:

SECTION 57.1 POLICE REVIEW COMMISSION

A Police Review Commission is hereby established consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. The Mayor shall designate the presiding officer of the Commission. Members of the Commission shall serve without compensation for terms of four (4) years and shall not have been formerly employed in the Police Department or be employed by or hold any other office in the City; provided, however, that the initial term of two members shall be for three (3) years, another two for two (2) years, and another two for one (1) year so that no more than 3 terms shall expire in any one year. The Mayor, with the approval of the City Council, shall fill any vacancy occurring for any reason. The City Council may remove a member of the Commission for cause by vote of two-thirds (2/3) of the members of the Council. The Commission shall establish such rules and regulations as may be necessary to carry out the purposes for which the Commission is created.

The purpose of the Commission is to investigate, conduct hearings, and make findings concerning allegations of Police misconduct in a prompt, fair and impartial manner. Any allegation submitted for the consideration of the Commission shall be in writing and the truth thereof shall be attested to under penalty of perjury. Any such investigation or hearing shall be closed to the public and findings of the Commission shall be confidential and not available to the public except as otherwise provided by law. The Commission shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses. A determination shall be made by the Commission as to whether an allegation of Police misconduct was sustained or not sustained and such determination shall be forwarded to the Chief of Police and the City Manager. The Commission shall appoint an executive director and such investigators and other personnel as may be provided by the City Council. The executive director and Commission personnel shall be in the unclassified service notwithstanding any provisions in Section 117 to the contrary. Subject always to the requirement of confidentiality of its investigations, hearings and findings, the Commission shall periodically, but at least once a year, make a general report and hold a public hearing thereon to inform the public concerning its activities.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The San Diego City Council has authorized the placement on the ballot of two (2) propositions dealing with the subject of the review of police practices. Proposition F is a proposal to amend the San Diego City Charter by creating a "Police Review Commission" consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. Utilizing its own executive director and subpoena power, the Commission is charged with reviewing allegations of police misconduct and reporting its findings to the Chief of Police and City Manager. Proposition G is a proposal to amend the San Diego City Charter by creating a "Citizens' Review Board on Police Practices" created and established solely by the City Manager. Utilizing rules and regulations established by the City Manager, the Board will review complaints arising from the Police Department and may independently refer its investigations to the grand jury, district attorney or other authorized agency.

To facilitate the comparison of these two (2) proposals by the voters, the City Council directed the City Manager to provide the estimated financial impact of each proposal. The City Manager has supplied the City Attorney with the following estimates for each proposal.

1. PROPOSITION F: POLICE REVIEW COMMISSION.

Until the Board Members are appointed and establish their own rules and regulations, precise administrative costs are impossible to establish. However, a cost comparison utilizing the cities of San Francisco, Kansas City, Washington, D.C., Miami and Detroit, which utilize police review formats, ranges in costs from \$244,763 to \$2,021,000 for an annual average cost of \$988,858.

2. PROPOSITION G: CITIZENS' REVIEW BOARD ON POLICE PRACTICES.

Since this Board would be similar to the existing citizens' advisory panel on police practices, the estimated costs of this Board would be approximately \$48,000 per year.

JOHN W. WITT
City Attorney

ARGUMENT IN FAVOR OF PROPOSITION F

The fox is guarding the henhouse.

That's the method used today to investigate citizen complaints against the Police Department.

If you happen to file a complaint, it would be investigated by the police themselves and their findings would be turned over for review by a committee appointed by the Police Chief.

The San Diego Union calls this rubber stamp approach "toothless" and "ineffective" because the committee lacks the authority to conduct any independent investigation on its own.

Most cities don't allow the police to police themselves.

That's why the Charter Review Commission – after six weeks of study and public hearings – voted by a 2/3rds majority to put Proposition F on the ballot.

Proposition F calls for:

- * An independent panel of citizens appointed by our elected officials, the Mayor and City Council
- * With the authority to subpoena witnesses and conduct investigations of complaints independent of the Police Department's internal review.

The police union doesn't want anyone except police to review cops so they put an alternative measure on the ballot.

The union measure, Proposition G, is a political compromise which calls for the City Manager – the Police Chief's boss – to appoint a citizen review panel.

But Prop G's not the answer because it continues to permit the Police Department to direct the investigation of its own members.

You be the judge, not the police.

San Diegans deserve an independent panel with real authority.

Don't be misled by claims that Proposition F will cost taxpayers a million dollars or more each year.

The real facts are that under Proposition F, the citizens' committee will only review a limited number of the most serious complaints. The cost will be only a fraction of the opponents' exaggerated claims.

Stop the rubber stamp and vote YES ON F and NO ON G.

Proposition F – a real solution, not a compromise.

Maureen O'Connor
MAYOR

Wes Pratt
SAN DIEGO CITY COUNCILMEMBER
4TH DISTRICT

Kimball Moore
FORMER CITY MANAGER
CITY OF SAN DIEGO

Ed Butler
CHAIR, SAN DIEGO CHARTER
REVIEW COMMISSION

Hope S. Logan
CIVIL SERVICE COMMISSIONER

ARGUMENT AGAINST PROPOSITION F

Proposition F is modeled after the Police Review Board in Berkeley. It is a radical move that places politics in the middle of law enforcement in San Diego.

Proposition F will create a deep hole in the taxpayers' pocket. There are NO budget limitations! This measure COULD COST TAXPAYERS ONE MILLION DOLLARS OR MORE EVERY YEAR!

FOR \$1 MILLION YOU COULD PUT 25 MORE POLICE OFFICERS ON THE STREET fighting crime and ridding our community of drugs and violence.

Proposition F, is a blatant power grab which would reverse the City Charter creating a vehicle where political patronage jobs can be doled out by Commission appointees. They can hire unlimited staff, investigators and attorneys.

This new Police Review Commission will have powers which duplicate the Department of Justice, Attorney General, District Attorney, Grand Jury, Civil Service Commission, Internal Affairs and an existing civilian review panel.

A CONVICTED FELON COULD SERVE AS ONE OF THE 9-APPOINTED MEMBERS OF THE SO-CALLED POLICE REVIEW COMMISSION!

Even the Charter Review Commission was split on creating this monstrosity.

The City Manager and the District Attorney both oppose Proposition F.

The Police Review Commission will operate under the cloak of secrecy. It will make it harder for citizens to file complaints. It will NOT promote police community cooperation, the cornerstone of fair and effective law enforcement. It will foist on San Diego the nightmare experience of Berkeley.

We support Proposition G, the Citizens Review Board on Police Practices. Proposition G is not as extreme as Proposition F, and won't cost the taxpayers additional money.

Vote NO on wasted tax dollars
Vote NO on radical politics
Vote NO on patronage jobs
Vote NO on unlimited bureaucracy

Proposition F is foolhardy
Proposition G is a good compromise
Support our police officers and the communities they serve!

Vote NO on Proposition F!

REVEREND GEORGE WALKER SMITH

ED STRUIKSMA
San Diego City Councilman

RAYMOND L. HOUBLER, Chairman
Committee for Law & Justice

JEANETTE A. ROACHE, Member
Charter Review Commission

RONALD NEWMAN, President
San Diego Police Officers Association

**CITY OF SAN DIEGO
Proposition G**

(This proposition will appear on the ballot in the following form.)

G AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY AMENDING SECTION 43.

SECTION 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).

(d) CITIZENS' REVIEW BOARD ON POLICE PRACTICES.

Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

The City Council voted 5-4 to place this measure on the ballot. Councilmembers Roberts, McColl, Struiksma, Henderson and McCarty cast votes in favor. Mayor O'Connor and Councilmembers Wolfshelmer, Pratt and Filner voted in opposition.

Amends the Charter of the City of San Diego by adding Subsection (d) to Section 43 of Article V, to read as follows:

SEC. 43 ADVISORY BOARDS AND COMMITTEES

No changes in subsection (a), (b) and (c).

(d) CITIZENS' REVIEW BOARD ON POLICE PRACTICES. Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The San Diego City Council has authorized the placement on the ballot of two (2) propositions dealing with the subject of the review of police practices. Proposition F is a proposal to amend the San Diego City Charter by creating a "Police Review Commission" consisting of nine (9) members appointed by the Mayor and confirmed by the City Council. Utilizing its own executive director and subpoena power, the Commission is charged with reviewing allegations of police misconduct and reporting its findings to the Chief of Police and City Manager. Proposition G is a proposal to amend the San Diego City Charter by creating a "Citizens' Review Board on Police Practices" created and established solely by the City Manager. Utilizing rules and regulations established by the City Manager, the Board will review complaints arising from the Police Department and may independently refer its investigations to the grand jury, district attorney or other authorized agency.

To facilitate the comparison of these two (2) proposals by the voters, the City Council directed the City Manager to provide the estimated financial impact of each proposal. The City Manager has supplied the City Attorney with the following estimates for each proposal.

1. PROPOSITION F: POLICE REVIEW COMMISSION.

Until the Board Members are appointed and establish their own rules and regulations, precise administrative costs are impossible to establish. However, a cost comparison utilizing the cities of San Francisco, Kansas City, Washington, D.C., Miami and Detroit, which utilize police review formats, ranges in costs from \$244,763 to \$2,021,000 for an annual average cost of \$988,858.

2. PROPOSITION G: CITIZENS' REVIEW BOARD ON POLICE PRACTICES.

Since this Board would be similar to the existing citizens' advisory panel on police practices, the estimated costs of this Board would be approximately \$48,000 per year.

JOHN W. WITT
City Attorney

ARGUMENT IN FAVOR OF PROPOSITION G

PROPOSITION G WILL CREATE A CITIZENS' REVIEW BOARD ON POLICE PRACTICES THAT WILL PROVIDE SAN DIEGANS WITH ASSURANCES THAT COMPLAINTS AGAINST POLICE OFFICERS ARE HANDLED PROPERLY, AND THAT SUITABLE DISCIPLINE IS ADMINISTERED.

PROPOSITION G CREATES A CITIZENS' REVIEW BOARD ON POLICE PRACTICES, WHICH WILL EVALUATE COMPLAINTS AGAINST POLICE OFFICERS AS WELL AS THE ADMINISTRATION OF DISCIPLINE ARISING FROM THOSE COMPLAINTS.

PROPOSITION G:

WILL ASSURE THAT COMPLAINTS AGAINST POLICE OFFICERS ARE HANDLED IN A FAIR AND IMPARTIAL MANNER.

WILL TAKE THE POLITICS OUT OF POLICE REVIEW.

WILL PROVIDE ALL INFORMATION TO THE PUBLIC THAT IS LEGALLY AVAILABLE.

WILL CREATE A BOARD WITH CHECKS AND BALANCES ON THE USE OF ITS POWER.

WILL CREATE A BOARD THAT CAN INDEPENDENTLY REFER MATTERS TO THE GRAND JURY, THE DISTRICT ATTORNEY OR THE ATTORNEY GENERAL.

WILL PROTECT EVERYONE'S RIGHTS.

IS RESPONSIBLE GOVERNMENT.

PROPOSITION G:

WILL NOT DUPLICATE COSTS.

WILL NOT CREATE A BOARD STAFFED BY POLITICAL APPOINTEES.

WILL NOT CREATE A BOARD DESIGN BASED ON THE BERKELEY MODEL.

SAN DIEGO POLICE OFFICERS ARE CURRENTLY SUBJECT TO INVESTIGATION BY THE DISTRICT ATTORNEY, THE U.S. DEPARTMENT OF JUSTICE, THE GRAND JURY, THE ATTORNEY GENERAL, THE CIVIL SERVICE COMMISSION, THE INTERNAL AFFAIRS UNIT OF THE POLICE DEPARTMENT, THE HOMICIDE DIVISION, AND THE SHOOTING REVIEW BOARD.

PROPOSITION G WILL CREATE A CITIZENS' REVIEW BOARD ON POLICE PRACTICES THAT WILL ASSURE PUBLIC PARTICIPATION IN THE REVIEW PROCESS.

PROPOSITION G WILL CREATE A BOARD THAT WILL NOT COMPROMISE THE INTERESTS OF THE PUBLIC OR THE RIGHTS OF POLICE OFFICERS.

PROPOSITION G IS GOOD FOR SAN DIEGO.

PROPOSITION G GIVES SAN DIEGANS A STRONGER VOICE.

PROPOSITION G CREATES A BOARD IN WHICH BOTH CITIZENS AND POLICE OFFICERS CAN HAVE FAITH.

PROPOSITION G IS THE APPROPRIATE RESPONSE.

PROPOSITION G IS THE RESPONSIBLE APPROACH.

ED MILLER
District Attorney

JOHN LOCKWOOD

REVEREND GEORGE WALKER SMITH

ED STRUIKSMA
San Diego City Councilmember

BRUCE HENDERSON
San Diego City Councilmember

ARGUMENT AGAINST PROPOSITION G

Proposition G is not the answer.

It's a political compromise, not a solution.

To simply allow the City Manager – instead of the Police Chief – to appoint a citizens' review panel does not solve the problem.

As the San Diego Union points out, the system is flawed if the review panel's "only mandate is to review whatever information the Police Department's internal affairs unit chooses to give it."

Proponents of Proposition G argue that the county Grand Jury can be called on if an independent investigation of a complaint is necessary.

Sadly, when the current review panel attempted to do exactly that in the tragic police shooting death of Tommy DuBose, the Grand Jury said it didn't have time.

Proposition G does not allow the full story to be told.

In just the past four years, it's cost nearly \$1,300,000 of our tax dollars to settle lawsuits and complaints involving police officers who might have been removed from the force if a fairer system of review were in place.

In one case, a San Diego police officer had 20 complaints filed against him – most for excessive force – before he was finally fired by the Police Department this year. His actions resulted in one death, several serious injuries and three lawsuits.

We're proud of our police force and the job they do.

But police officers, in choosing a career of community service, have to accept that they will be held to the highest standards of conduct. That is the responsibility that comes with carrying a gun.

San Diegans deserve more than Proposition G.

Virtually every other major city in the nation has a serious panel which reviews police practices.

That's why we urge you to vote No on G and Yes on F.

Proposition G – it's a poor political compromise, not solution.

Maureen O'Connor
MAYOR

Wes Pratt
SAN DIEGO CITY COUNCILMEMBER

Ed Butler
CHAIR, SAN DIEGO CHARTER
REVIEW COMMISSION

Kimball Moore
FORMER CITY MANAGER
CITY OF SAN DIEGO

Hope S. Logan
CIVIL SERVICE COMMISSIONER

CITY OF SAN DIEGO
Proposition H

(This proposition will appear on the ballot in the following form.)

H AMENDS THE CITY OF SAN DIEGO PROGRESS GUIDE AND GENERAL PLAN BY ADDING A GROWTH MANAGEMENT ELEMENT.

Shall the City adopt a Growth Management Element which:

- a. Establishes a maximum limit for the next five years of 3,600 new residential units per year, and 3,990 previously approved residential units per year;
- b. Protects single-family neighborhoods by restricting new development;
- c. Preserves environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands and significant prehistoric and historic sites;
- d. Requires that traffic generated by new development stay within roadway capacity;
- e. Strengthens community plans by requiring periodic comprehensive updates and limiting amendments between updates;
- f. Requires there be adequate public facilities and services at the time of development; and
- g. Establishes regional goals for air quality, water, sewage treatment, solid waste disposal and transportation?

The City Council voted 8-1 to place this measure on the ballot. Mayor O'Connor and Councilmembers Roberts, McCoil, Pratt, Struiksma, Henderson, McCarty and Filne cast votes in favor. Councilmember Wolfsheimer voted in opposition.

Amends The City of San Diego Progress Guide and General Plan to read as follows

**AMENDMENT TO THE PROGRESS GUIDE AND GENERAL PLAN
BY ADDING A GROWTH MANAGEMENT ELEMENT**

SECTION 1. STATEMENT OF PURPOSE AND INTENT.

The purposes and intent of this Growth Management Element of the Progress Guide and General Plan ("Element") are to (a) solve problems associated with rapid development; (b) maintain a steady growth rate consistent with the City's ability to provide public facilities and services at adequate service levels for existing and new development; (c) require new development to meet standards and criteria for neighborhood preservation, balanced communities, and transportation management; and (d) protect and preserve environmentally sensitive lands, including wetlands, floodplains, steep slopes, biologically sensitive lands, and prehistoric and historic resources.

SECTION 2. OBJECTIVES.

- A. Promote a stable rate of economic growth, a strong and diverse economy and job opportunities which enhance the well-being of area residents.
- B. Limit new residential construction to the City's fair share of the region's housing needs.
- C. Protect single-family neighborhoods from incompatible development.
- D. Protect environmentally sensitive lands.
- E. Strengthen community plans by including design criteria, and requirements for development phasing and public facilities financing; require review of community plans every five (5) years with limitations on amendments between reviews.

F. Establish balanced communities by providing a range of housing for all economic levels consistent with the Housing Element of the General Plan and creating employment opportunities for the economic welfare of each community.

G. Provide adequate public facilities and services at the time of need to serve new development.

H. Assure that new development contributes to the improvement of the quality of life.

I. Identify existing public facility deficiencies and establish financing techniques to achieve community plan and city-wide level of service standards.

J. Coordinate growth management policies in San Diego with the growth policies of all jurisdictions within the region, including Mexico.

K. Monitor growth and development annually to ensure compliance with this Element.

SECTION 3. FINDINGS.

A. San Diego's growth rate exceeds prior regional growth forecasts and threatens the health, safety and general welfare of the City's residents.

B. Continuation of this rapid growth rate over the next 20 years would cause deterioration of the City's physical, social, environmental and economic condition.

C. The growth rate established in this Element is consistent with the City's projected share of housing as determined by recent SANDAG forecasts and will ensure that the City provides its fair share of regional housing opportunities.

D. The City's housing programs and activities as set forth in the Housing Element will not be impaired by the adoption of this Element.

E. Fiscal resources available to the City are inadequate to correct deficiencies, accommodate new growth and continue operation, maintenance, and replacement of public facilities and services.

F. The City's environmental resources are being adversely impacted by rapid development.

G. Existing City regulations do not adequately protect environmentally sensitive lands.

H. The public health, safety and general welfare will be promoted by this Element.

SECTION 4. GROWTH MANAGEMENT.

A. Maximum Growth Rate and Priorities.

1. The City shall not issue building permits for residential development which would allow the construction of more than 37,950 dwelling units for the five (5) year period 1989-1994.

2. For purposes of this Section only, "residential development" means the construction of new dwelling units requiring issuance of a building permit pursuant to § 91.01 of the Municipal Code, but does not include:

a. Remodeling, additions, rehabilitation or other improvements to an existing structure which does not result in an increase in dwelling units.

b. Rebuilding or replacement of an existing structure which does not result in an increase in dwelling units.

c. Residential development in Redevelopment Areas adopted pursuant to the Community Redevelopment Law.

d. Low income housing units as defined and certified by the Housing Commission.

e. Dwelling units with valid Interim Development Ordinance (Ordinance Number 0-17015 (New Series) allocations granted prior to the effective date of this Element.

3. The City Council shall establish a system for allocating building permits for residential development consistent with applicable community plans as follows:

a. CATEGORY I - Non-Vested Residential Development: 3,600 dwelling units per year or 18,000 for the five (5) year period 1989-1994 for developments which have not received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category I residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in the Urbanized Area as designated by the Progress Guide and General Plan (General Plan).

(2) Single-family houses on any lot or parcel which qualifies as a lot as defined in Municipal Code § 101.0101.34 which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element.

(3) Residential development in which a minimum of 20% of the dwelling units are available for low income families as certified by the Housing Commission.

b. CATEGORY II - Vested Residential Development: 3,990 dwelling units per year or 19,950 for the five (5) year period 1989-1994 for development which have received a vesting tentative map and/or an approved development agreement prior to the effective date of this Element. Category II residential development shall be allocated based upon the following descending order of priorities:

(1) Residential development in a project for which the vesting tentative map or development agreement was approved prior to July 21, 1987.

(2) Residential development in a project for which the vesting tentative map or development agreement is approved on or after July 21, 1987.

c. Any unused allocation shall be carried over to the following quarterly allocation period and may be applied to either Category I or II at the discretion of the City Council.

4. The maximum growth rate and priorities will be returned to the voters no sooner than three (3) years nor later than five (5) years from the effective date of this Element for retention, modification or termination.

B. Preservation of Neighborhood Character.

1. All residential neighborhoods shall be classified as Protected, Transitional, or Reinvestment within one (1) year of the effective date of this Element and such classifications shall be incorporated into the community plan. No demolition of a single-family house for other than construction of another single-family house (or other uses permitted in the R-1 zone) shall occur until the Council approves the neighborhood classification and adopts necessary implementation measures, except for low income developments as approved by the San Diego Housing Authority.

2. In Protected Neighborhoods existing single-family uses shall be preserved and protected from incompatible development which adversely affects the single-family character of the neighborhood by the following requirements:

a. No single-family zoned area shall be rezoned to a multi-family or nonresidential zone until the community plan is amended.

b. All multi-family residentially-zoned areas shall be rezoned to single-family zones concurrently with amendment of the community plan.

3. In Transitional Neighborhoods there shall be an orderly transition from single-family to multi-family or nonresidential uses by requiring a special permit for all development other than single-family houses to ensure compatibility with the existing character of the neighborhood. A reduction in density may be required to bring the development into compliance with applicable design standards and guidelines.

4. In Reinvestment Neighborhoods development may be permitted in accordance with the applicable community plan and conforming zoning.

C. Integrity of Community Plans.

1. The City shall establish a five-year cycle for the review and if necessary a comprehensive updating of every community plan. Community plan amendments relating to changes of use or density shall be prohibited between comprehensive community plan updates, except where the Planning Commission determines: (a) a substantial and unforeseen change in community conditions has occurred since the effective date of this Element or the last comprehensive community plan update, or (b) an error was made in the community plan.

2. The following types of community plan amendments may additionally be considered between comprehensive community plan updates:

a. Changes in road or street classifications or alignments;
b. Changes to permit public facilities;
c. Changes to permit Redevelopment projects or amendments to Redevelopment Plans;

d. Addition of an urban design element, a development phasing element and a public facility financing element, provided such elements do not change land use or density designated in the community plan.

e. Changes requested by the community planning group or other established community-based organization if there is no community planning group.

3. Within two (2) years from the effective date of this Element, the City shall prepare or update urban design, development phasing and public facilities financing elements for each community plan and complete the community plan and zoning consistency program. The community plan shall control over conflicting zoning designations.

4. Upon adoption of a comprehensive community plan update or a community plan amendment, the City shall concurrently adopt consistent zoning regulations.

5. Until each community plan meets the requirements of this Element, a special permit shall be required for all multi-family and nonresidential development to ensure compatibility with the neighborhood.

D. Balanced Communities.

Each community plan shall include a balanced communities element which shall describe how the type, location, density and cost of housing and the type of nonresidential development permitted by the community plan achieves the following objectives:

1. Provide housing opportunities for all economic segments of the community;
2. Provide low and moderate income housing, affordable housing and housing for senior citizens;
3. Provide nearby employment opportunities for persons residing in the community plan area;
4. Provide commercial and community facilities in support of residential development.

E. Adequate Transportation.

1. Each community plan shall incorporate a transportation element which establishes a level of service "D" or better for arterials, major streets and collector streets; provided, however, that community plans with transportation elements with a lower level of service may be retained, and the Council may adopt lower levels of service for community plans in the future.

2. Traffic generated by a proposed development shall be analyzed independently of existing traffic, but in conjunction with existing and programmed transportation improvements. If the traffic generated by the development would utilize more than its proportionate share of the transportation system capacity at the specified level of service, the development shall provide (a) feasible road system improvements which do not adversely affect neighborhood character or function and are consistent with the community plan; (b) transportation demand management measures; (c) transit improvements; or (d) a combination of the above. If such measures do not reduce traffic to the development's proportionate share of the transportation capacity, the development shall be denied or may be approved with reductions in intensity or changes in use sufficient to fully mitigate the identified impact on the specified service level standard.

3. Within one (1) year of the effective date of this Element, the City shall develop a Transportation Demand Management (TDM) program to implement strategies for reducing regional and City road and parking congestion including, but not limited to, ridesharing, vanpooling, flexible work hours and employer incentives for mass transit use. Industrial and office development at major employment centers, including but not limited to, Centre City, Mission Valley, University City, Otay Mesa, Sorrento Valley, Kearny Mesa and western Mira Mesa, shall implement TDM measures based upon SANDAG Regional Air Quality Strategies (RAQS) and such other strategies as developed in the program. The City, in conjunction with the Metropolitan Transit Development Board (MTDB), shall identify funding sources for increased transit promotion, availability and usage. Developments shall contribute to transit facility funding where appropriate.

F. Adequate Public Facilities.

1. Each community plan shall specify the level of service for public facilities. A public facilities financing element and a development phasing element shall be incorporated into each community plan to ensure that proposed developments provide public facilities by funding or actual construction. All development shall pay its pro rata share of regional, city-wide and community public facilities costs reasonably related to needs generated by the development.

2. All applications for discretionary approval shall include a detailed fiscal analysis which estimates (a) the revenue to be generated by the proposed development including but not limited to taxes, assessments, fees and charges; and (b) the anticipated operational, maintenance and replacement costs for providing and servicing all public facilities reasonably related to the needs generated by the development. If the fiscal analysis indicates that the operational, maintenance and replacement costs will exceed the anticipated revenues, the City shall balance the social, housing and environmental benefits to be derived from the development against the fiscal deficiencies estimated to be incurred. The development may be approved, denied, approved with reductions in intensity or change of use or phased and scheduled to assure that fiscal balance is achieved.

3. The public facility financing element of each community plan shall, within two (2) years after the effective date of this Element, identify existing facility deficiencies which are unfunded. The City shall identify all financing mechanisms available to provide the financial resources to correct existing facility deficiencies and ensure that service levels identified in the applicable community plan are attained.

4. The City shall prepare a public facilities plan and financial program for city-wide capital improvements which shall be submitted to the voters for approval no sooner than three (3) years nor less than five (5) years from the effective date of this Element.

G. Regional Standards.

The following regional facility and environmental goals are hereby established by the City. One year from the effective date of this Element, the Council shall review a report prepared on the City's progress towards achieving these goals and on the methodology adopted for incorporating these goals into applications for development approval. The City Council shall annually thereafter receive a report on the achievement of the goals in order to determine whether to retain or change the goals.

1. Air Quality - Meet air quality goals for ozone, nitrogen dioxide, carbon monoxide and other pollutants in accord with established federal and state requirements.

2. Water - Develop a plan with the County Water Authority which will identify an adequate water supply through the year 2010. The plan shall include water conservation strategies, water reclamation techniques including considerations of reuse and desalinization, identification of a water supply and water system reliability.

3. Sewage Treatment - Achieve and maintain compliance with the Clean Water Act as amended or ordered by a court of competent jurisdiction and implementing regulations and agreements by making modifications to the City's waste water treatment system.

4. Solid Waste Disposal - Ensure solid waste disposal capacity and recycling and waste reduction strategies within five (5) years to serve projected demand to the year 2010.

5. Transportation - Ensure that traffic generated by all new development, when added to existing traffic, given existing and programmed transportation improvements together with the Transportation Demand Management (TDM) Program, will not cause a substantial impact on transportation levels of service on regionally significant roads.

H. A Strong and Stable Economy.

The City shall:

1. Adopt an economic policy which promotes a stable rate of economic growth, a strong and diverse economy, allows for the ability of new and existing companies to grow and expand and creates job opportunities which enhance the well being of area residents.

2. Support programs which encourage full employment and increase in per capita income and the development of a commercial and industrial business infrastructure that facilitates the growth of new and existing business.

3. Encourage industries to train and employ residents and provide jobs for entry level and disadvantaged workers.

4. Encourage the development of nonpolluting and environmentally compatible industries.

5. Encourage the development of child care centers in major employment centers.

I. Regional Planning.

1. The City shall define standards and thresholds to identify developments which have a regional impact. Such developments shall be referred to SANDAG for review prior to City Planning Commission consideration of the proposed development.

2. The City shall in conjunction with SANDAG initiate the formation of a Regional Blue Ribbon Committee which shall be charged with considering:

a. Legislation to deal with regional problems.

b. A regional plan for land use and public facilities.

c. A regional transportation management plan.

d. Provision of regional services and facilities, including but not limited to transportation, sewer, water, solid waste, and energy.

e. Implementation of region-wide trash recycling and water reclamation.

f. Regional land use controls.

g. Regional planning including adjacent areas in Mexico.

J. Amendment or Repeal. This Section may be amended or repealed only by a majority vote of the voters voting in a City-wide election.

SECTION 5. ENVIRONMENTALLY SENSITIVE LANDS PROTECTION.

A. Definitions. For purposes of this Section, the following words and phrases shall have the following meanings. These definitions are to be construed to provide maximum protection to environmentally sensitive lands.

1. "Biologically Sensitive Lands": Land which supports unique native vegetation communities and/or the habitats of rare, endangered, or threatened species or subspecies of animals or plants as defined by the California Endangered Species Act, or the Federal Endangered Species Act, or as defined below. Biologically sensitive land includes the area of native vegetation necessary to support a viable population of the rare, endangered or threatened species, and which is critical to maintaining a balanced natural ecosystem or wildlife corridor.

A species shall be presumed to be rare, endangered or threatened if it is listed in § 670.2 or 670.5, Title 14, California Code of Regulations, or the Federal Endangered Species Act, Title 50, Code of Federal Regulations, § 17.11 or 17.12. A species not included in any legislative listing may nevertheless be considered to be rare, endangered or threatened if the species can be shown to meet the criteria for inclusion in state or federal lists.

Unique native vegetation community refers to associations of plant species which are substantially depleted due to development. These associations should be outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations. In most cases unique vegetation communities contain rare, endangered or threatened species. Additionally, these communities may contain species which are considered unusual or limited in that the species are: 1) only found in the San Diego region, or 2) a local representative of a species or association of species not otherwise found in the region.

2. "Clearing and Grubbing": The disturbance of vegetation by mechanical means, the removal of all or substantially all vegetation, the removal of roots, and/or the clearing or breaking up of the surface of the land by digging.

3. "Development": On land, in, or under water, the placement or erection of any solid material or structure including fill, discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; physical change in the density or intensity of use of land; construction, reconstruction, demolition, or alteration of the size of any structure, or clearing and grubbing. "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, aqueduct, telephone line, and electrical power transmission and distribution line.

4. "Environmentally Sensitive Lands": Wetlands, wetland buffer areas, floodplains, steep slope lands, biologically sensitive lands, or lands containing significant prehistoric and historic sites and resources, as defined in this Section.

5. "Feasible": Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors (State CEQA Guidelines, 14 C.C.R. § 15364 (1988)). Whenever the term "feasible" is used, this determination must be supported by substantial evidence in the record, provided by the applicant.

6. "Floodplains": The relatively flat areas of low land adjoining, and including, the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the flood waters of the one hundred (100) year frequency flood.

7. "Mitigation": 1) Avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments (State CEQA Guidelines, 14 C.C.R. § 15370 (1988)).

8. "Native Vegetation": Vegetation composed of plants which originated, developed, or were produced naturally in the San Diego region and were not introduced directly or indirectly by humans. Native vegetation includes, but is not limited to, marshes, grasslands, scrublands, woodlands, and forests.

9. "Significant Prehistoric and Historic Sites and Resources": Locations of known prehistoric or historic resources that possess unique scientific, religious or ethnic value of local, regional, state or federal importance. The above shall be limited to prehistoric or historic districts, sites, buildings, structures, or objects included in the State Landmark Register, or the City of San Diego Historical Sites Board List, or included in or eligible for inclusion in the National Register of Historic Places; known areas of past human occupation where important prehistoric or historic activities or events occurred (such as villages or permanent camps); and known locations of past or

current traditional religious or ceremonial observances as defined by Public Resources Code § 5097.9 et seq., and protected under Public Law 95-341, the American Indian Religious Freedom Act (such as burial(s), pictographs, petroglyphs, solstice observation sites, and sacred shrines).

10. "Steep Slope Lands": All lands having a naturally formed gradient of twenty-five percent (25%) or greater, measured by twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance, based on five (5) foot contour intervals, with a minimum elevation differential of 25 feet. Undeveloped land located adjacent to the 25% slope may also be included in the steep slope lands in order to promote the purpose and intent of this Section provided that such land is within 300 feet of the nearest point of the 25% slope. This definition does not include manufactured slopes, which are defined as slopes graded pursuant to a validly issued development permit, not including slopes graded for agricultural uses.

11. "Wetland": All lands which are transitional between terrestrial and aquatic systems, where the water table is usually at or near the surface or where the land is covered by water. Lands having one or more of the following attributes are considered to be "wetlands":

- a. At least periodically, the land supports predominantly hydrophytes;
- or
- b. The substrate is predominantly undrained hydric soil; or
 - c. The substrate is nonsoil and is saturated with water or covered by water at some time during the growing season of each year.

"Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, mudflats, vernal pools, streams and rivers and associated riparian habitat areas, and/or all designated wetlands as mapped on the U.S. Fish and Wildlife National Wetland Inventory Maps. This is not intended to apply to temporary detention or retention basins required as part of a development.

12. "Wetland Buffer Area": Lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland.

B. Permitted Uses. Subject to obtaining a Sensitive Lands Permit (SLP), and to the regulations and restrictions of the underlying zone, uses permitted in environmentally sensitive lands shall be limited as follows.

1. Wetlands. Uses in wetlands shall be limited to the following, provided that such uses do not harm the natural ecosystem:

- a. Aquaculture, wetlands-related scientific research and wetlands-related educational uses.
- b. Wetland restoration projects where the primary purpose is restoration of the habitat.
- c. Essential public projects, including water reclamation treatment plants and related downstream facilities, provided that there is no feasible less environmentally damaging location or alternative and that mitigation measures are required to produce a net gain in functional wetlands.
- d. Minor or temporary alterations of a wetland only when accompanied by mitigation measures insuring that all feasible efforts are made to restore the functional value of the wetland.

2. Wetland Buffer Areas. Uses in wetland buffer areas shall be limited to the following, provided that such uses are compatible with protecting wetlands, and do not harm the natural ecosystem.

- a. All uses permitted in wetlands.
- b. Passive recreational uses, access paths, and public viewpoints, provided that all necessary mitigation measures are incorporated to protect the adjacent wetlands.
- c. Improvements necessary to protect adjacent wetlands.

3. Floodplains. Uses in floodplains shall be limited to the following, provided that grading and filling are the minimum possible to achieve the use, and harm to the environmental values of the floodplain area is minimized.

- a. All uses permitted in wetlands and wetland buffer areas.
- b. Uses permitted by the A-1 Zone, with density limited to one (1) unit per ten (10) acres, which may be clustered, provided wetlands and wetland buffer areas are not disturbed.
- c. Uses and densities permitted by the underlying zone as in-fill development in urbanized floodplain areas, provided wetlands and wetland buffer areas are not disturbed. Urbanized floodplain areas, for purposes of this paragraph, means areas which, on the effective date of this Element: 1) have been subdivided into parcels; and 2) are zoned for uses other than agricultural or open space; and 3) are substantially developed for such uses.

d. Low-intensity recreational uses, provided wetlands and wetland buffer areas are not disturbed.

e. Sand and gravel extraction subject to an approved conditional use permit and reclamation plan, provided wetlands and wetland buffer areas are not disturbed. Use of the floodplain area after reclamation shall be subject to all requirements of this Section.

f. The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(1) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(2) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(3) Public utility systems.

4. Steep Slope Lands. Development shall not be permitted in steep slope lands, except as follows.

a. Encroachment into steep slopes may be permitted to allow physical development in accordance with the underlying zone according to the following table:

<u>Percentage of Parcel in Steep Slopes</u>	<u>Maximum Encroachment Allowance as Percentage of Area in Steep Slopes</u>
75% or less	10%
80%	12%
85%	14%
90%	16%
95%	18%
100%	20%

b. In addition to the maximum encroachment limitations set forth above, the following uses may be permitted in the steep slope lands, in accordance with the underlying zone:

(1) Sand, gravel and rock extraction, provided that mitigation measures are required that maximize the use of native vegetation to revegetate and landscape cut or fill areas in order to substantially restore the original habitat value; and produce final graded slopes with contours and soils which reflect the original landform conditions. Use of the steep slope lands after reclamation shall be subject to all requirements of this Section.

(2) The following uses, provided that findings of fact are made that no feasible less environmentally damaging alternative alignment exists, and that the uses are required to be compatible with the surrounding environment:

(i) All public arterial, major and collector streets identified in the circulation element of an adopted community plan or the General Plan.

(ii) Local public streets or private roads and driveways which are strictly necessary for access to the portions of a site which do not contain environmentally sensitive lands.

(iii) Public utility systems.

5. Biologically Sensitive Lands. Development shall not be permitted in biologically sensitive lands, unless all feasible mitigation to protect and preserve the biologically sensitive lands is required as a condition of development approval. This paragraph is intended to supplement protection provided to biologically sensitive lands by existing state and federal law.

6. Significant Prehistoric and Historic Sites and Resources. Development shall not be permitted in significant prehistoric or historic sites or resources unless all feasible measures to protect and preserve the significant prehistoric or historic site or resource are required as a condition of development approval. This paragraph is intended to supplement protection provided to significant prehistoric and historic sites and resources by existing local, state and federal law. The City shall establish procedures for designating historic sites, with time frames for determining whether eligible sites shall be so designated, and procedures for protecting such eligible sites during the designation process.

C. Requirements and Restrictions.

1. **Mapping.** As a matter of highest priority, all environmentally sensitive lands within the City shall be identified, inventoried, and mapped. These lands and resources shall be identified on an Environmentally Sensitive Lands Map which shall be a part of the General Plan, and which shall be used as the basis for the preparation of detailed maps which apply the Sensitive Lands Overlay Zone (SLOZ) on a parcel basis. Until these maps are adopted, development shall not occur unless the applicant demonstrates that environmentally sensitive lands do not exist on the subject property. If environmentally sensitive lands exist on the property, the applicant shall be required to comply with this Section.

2. **Clustering.** Clustering of density may be permitted on the portions of an applicant's property which are not environmentally sensitive. Any such clustering must be consistent with the adopted community plan, and ensure that the neighborhood character is maintained and that environmentally sensitive lands are fully protected and buffered as required by this Section.

D. Sensitive Lands Permit Procedure.

1. **Permit Required.**

a. Except as set forth in paragraph D.2. below, development shall not occur upon environmentally sensitive lands unless the applicant first obtains a Sensitive Lands Permit (SLP). If any portion of a parcel contains environmentally sensitive lands, a SLP must be obtained prior to development of any portion of the parcel; the requirements of this Section shall be applied to such parcel to the extent necessary to protect the environmentally sensitive lands.

b. A Sensitive Lands Permit may only be issued if written findings of fact are made that the proposed development is in compliance with the provisions of this Section.

2. **No Permit Required.** The provisions of this Section shall not apply to the following:

a. Those phases or elements of a development which have obtained a vested right prior to the effective date of this Element.

b. Developments for which all final discretionary approvals have been granted prior to July 15, 1988.

c. The modification of a single-family house on one lot or the replacement of a single-family house with another single-family house on one lot, brush management for fire protection purposes, and any other improvements, alterations and landscaping on such lot.

d. The construction of a single-family house on an individually-owned single-family lot as defined in § 101.0101.34 of the Municipal Code, which is not joined in ownership to any contiguous lot or parcel on the effective date of this Element, brush management for fire protection purposes, and any other improvements, alterations, and landscaping on such lot.

e. Building improvements, including paved areas, on other than single-family lots, which do not alter the ground coverage of an existing building or paved area by more than 10% and which do not increase the height of the building by more than 12 feet, or the height permitted in the underlying zone, whichever is less.

f. The reconstruction of a structure which has been destroyed by fire, acts of God, acts of public enemies or explosion, even if the use or structure is nonconforming and 100% of the use or structure has been destroyed.

g. Sand, gravel and rock and related asphalt operations, and salt manufacturing operations, which have received valid approvals to conduct such operations prior to the effective date of this Element and which continue to operate in compliance with the terms and conditions of those approvals, and redevelopment or reclamation of the area upon which the operations have occurred.

h. Development following termination of those sand, gravel, rock and asphalt operations, for which the City Council has, prior to the effective date of this Element, amended an adopted community plan to require preparation of specific plans for the affected properties upon which the sand, gravel, rock and asphalt operations are currently occurring.

i. Activities to detect and remove ordnance from areas where such explosive devices may exist.

j. Development pursuant to public park development plans, including but not limited to public recreational facilities, publicly-owned playing fields, and publicly-owned golf courses which have been the subject of public hearings before the City Council, and for which findings of fact have been made that no feasible less environmentally damaging alternative location or site design exists or can be devised, that the plan minimizes the disturbance of environmentally sensitive lands, and incorporates mitigation measures where feasible to offset any disturbance.

k. Development of the 166 acres of land known as Sorrento Hills that was the subject of the land exchange approved by the voters as Proposition D on November 4, 1986.

3. Expedited [Emergency] Permit. Whenever development is required by order of the City Manager or the Planning Director to protect the public health or safety, the Planning Director may issue an emergency Sensitive Lands Permit for the minimum amount of work necessary to protect the public health or safety. The emergency permit shall not relieve the permittee from compliance with all provisions of this Section.

4. Administrative Permit. The Planning Director may issue a Sensitive Lands Permit for developments which meet the following criteria. The decision of the Planning Director may be appealed to the City Council in accordance with the provisions of Municipal Code § 101.0240. The City shall adopt standards to ensure that these administrative permits are issued in accordance with the purpose and intent of this Section.

a. Development pursuant to a wetlands management plan in effect on the effective date of this Element or development pursuant to a wetlands management plan that meets the intent of this Section and has been adopted by the City Council and approved by the appropriate resource agencies.

b. Development pursuant to a Habitat Conservation Plan that is prepared in conjunction with state and federal resource agencies, that meets the intent of this Section, and that has been adopted by the City Council and approved by the appropriate resource agencies.

c. Clearing or thinning of areas with native vegetation, on other than single-family lots, to protect existing or proposed structures in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with existing City fire prevention procedures and that such areas retain their native root stock or are replanted with native vegetation having a low fuel content, and further that no reconfiguration of the natural landform is required. Following adoption by the City Council of a brush management program which provides substantially the same limitations and protections as this paragraph, and is consistent with the intent of this Section, this Section shall not apply to such clearing and thinning and no Sensitive Lands Permit shall be required.

d. Agricultural operations on land which has been legally cultivated within the previous five-year period, or agricultural operations which have obtained a valid agricultural permit prior to the effective date of this Element, provided that such agricultural use does not substantially impair the environmentally sensitive lands.

e. Removal of silt in existing wetland areas where the silt removal is intended to enhance the habitat qualities of the wetland and where the activity meets the intent of this Section.

5. Discretionary Permit. Except as provided in paragraph D.2., 3. and 4., a Sensitive Lands Permit for development of the developable portion of a parcel, or for the uses permitted in environmentally sensitive lands by this Section, may only be issued after a noticed public hearing before the Planning Commission. The decision of the Planning Commission may be appealed to the City Council.

E. Exclusions.

1. Procedures for Granting Exclusions.

a. Exclusions from the provisions of this Section may only be granted after a noticed public hearing before the City Council. Applications for exclusions shall be grouped by subregional location, and considered twice each calendar year for each subregion. The Planning Department shall prepare a comprehensive report concerning the cumulative impact of the exclusion applications by subregion. The report shall take into consideration existing and proposed development projects that affect the City's environmentally sensitive lands. The report shall be made available to the public no later than thirty (30) days prior to the City Council hearings. Copies shall be made available throughout the City's library system and at other appropriate locations. The exclusion hearings before the City Council shall be noticed thirty (30) days prior to commencement.

At the exclusion hearings, the City Council shall review the report of the Planning Department, and shall consider the cumulative impact of all the exclusion applications within each subregion upon environmentally sensitive lands. Based on the evidence before it, the Council shall determine whether to grant or deny each application for an exclusion.

b. The intent of this Section is that exclusions only be granted in exceptional circumstances upon a solid consensus of the City Council. For this reason, a two-thirds (2/3) vote of the authorized membership of the City Council shall be required to grant an exclusion. Such a heightened majority will assure that the benefit presented by a development overrides the adverse impact of the development on the City's sensitive lands. For purposes of calculating the two-thirds (2/3) vote, all fractions of numbers shall be rounded up to the next highest number.

2. Exclusions for Claims of Unconstitutional Takings. Where an applicant provides substantial evidence that the provisions of this Section as applied to the applicant's property would constitute a taking of private property in violation of the United States or California Constitutions, the City Council may grant an exclusion to provide for the minimum development necessary to constitute reasonable use under applicable state and federal law. All feasible mitigation measures shall be incorporated into the design of the development to preserve and protect the sensitive characteristics of the land.

3. Exclusions for Developments Which Provide Extraordinary Public Benefits. Where an applicant provides substantial evidence that the development will provide extraordinary public benefits, the City Council may grant an exclusion if the following findings are made:

a. There are special circumstances or conditions applying to the land or building for which the exclusion is sought, which circumstances or conditions are peculiar to such land or building; and

b. The circumstances or conditions are such that the strict application of the provisions of this Section would result in severe hardship not caused by the applicant, and the exclusion granted by the City is the minimum that will prevent such hardship; and

c. Mitigation measures have been incorporated into the design of the development to preserve and protect the sensitive characteristics of the land; and

d. The development provides an extraordinary public benefit to the City, such as dedication of sensitive lands, above and beyond that provided as a requirement of a subdivision map, facilities benefit assessment, or similar existing obligation.

Where an exclusion is granted in a floodplain or wetland, the mitigation incorporated into a project must result in no net loss of in-kind habitat value within the affected floodplain or wetland.

Where an exclusion is granted on steep slope lands which contain predominantly native vegetation, then native vegetation shall be used to revegetate and landscape cut or fill areas, consistent with existing City fire prevention procedures.

F. Amendments.

The City Council may amend this Section only after a noticed public hearing and a three-fourths (3/4) vote. Any amendments must be consistent with the purpose and intent of this Section and shall not result in less protection of environmentally sensitive lands.

G. Violations.

Any person violating the provisions of this Section shall be required to restore the land affected to a condition comparable to that existing prior to the violation. Until such restoration is completed and approved by the City, the violating person shall be prohibited from doing any development on the land affected.

SECTION 6. IMPLEMENTATION.

The City Council and all City agencies, boards and commissions, and City staff shall take any and all actions reasonably necessary to carry out the intent and purpose of this Element, including but not limited to, adoption and implementation of any amendments to the General Plan, Local Coastal Program, Community Plans, Municipal Code, Land Development Ordinance, Grading Ordinance, and adoption and promulgation of ordinances, guidelines, and standards to implement this Element. All adopted City plans, ordinances, and regulations shall remain in effect unless or until expressly repealed or amended by the City Council. In the event of a conflict between this Element and any adopted city plans, policies, ordinances, resolutions, regulations, guidelines or standards, this Element shall control to the extent it is more restrictive, or provides greater protection.

SECTION 7. ANNUAL REVIEW.

Each year, on or before October 1, the City shall prepare and the City Council shall consider, review and adopt at a public meeting, a report for the preceding calendar year. The report shall document the amount, type, location and intensity of development both city-wide and by community plan area and shall certify that each

provision of this Element has been complied with, setting forth the manner of such compliance.

A report on the economic impact of this Element shall be part of the annual review which shall include the effect on housing availability and affordability, employment, and other economic impacts on the City.

SECTION 8. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, part or portion of this Element is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, whether such judgment concerns a pre-ballot or post-ballot challenge, such decision shall not affect the validity of the remaining portions of this Element. It is hereby declared that this Element and each section, subsection, sentence, clause, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 9. DEFINITIONS.

Except as otherwise provided herein, the definitions section of Chapter X of the Municipal Code shall be applicable to this Element.

SECTION 10. CONFLICTING MEASURES.

If two or more measures relating to the same subject matter are adopted at the same election, the measure receiving the highest number of votes shall control.

SECTION 11. CONSISTENCY.

All discretionary approvals must be consistent with this Element.

SECTION 12. LEGAL CHALLENGES.

Any legal action brought to challenge any provision of this Element or to challenge the intent of this Element shall be vigorously defended by the City. Limitations and procedures for judicial review of actions taken pursuant to this Element shall be in accordance with Municipal Code 101.0210.

SECTION 13. ENFORCEMENT.

The City shall enforce the provisions of this Element and implementing ordinances in accordance with existing law.

SECTION 14. EFFECTIVE DATE.

This Element shall be effective January 1, 1989.

ARGUMENT IN FAVOR OF PROPOSITION H

Proposition H is the only comprehensive City growth control measure on the ballot.

Proposition H:

- Slows San Diego's runaway rate of new growth to only 3,600 residential units per year, and allows only 3,990 already approved units to be built each year.
- Stops single-family neighborhood destruction by prohibiting apartment buildings in protected neighborhoods.
- Forces action to relieve traffic congestion. Stops new development from causing more congestion.
- Limits construction on sensitive lands -- hillsides, floodplains, wetlands, and important historical sites.
- Directs the City to work with other agencies to solve regional problems.
- Requires a facilities plan for every community within two years. Forces all new development to provide or pay for public facilities when they are built.
- Sets achievable environmental goals for air quality, water supplies, sewage treatment, waste disposal, and traffic.
- Requires economic policies to protect existing jobs, and train and employ local residents in nonpolluting industries.
- Limits community plans amendments. Requires that all communities provide for a balance of housing, employment, shopping and support facilities.
- Protects your rights as a homeowner, and guarantees that you can remodel and expand your home.

Proposition H also guarantees you the right to vote again in three to five years. We will be able to correct mistakes, instead of having to live with them for 20 years!

Only **Proposition H** controls growth and protects the environment without harming the economy.

**IT'S NOT ENOUGH TO JUST SAY "NO" TO DEVELOPMENT
WE HAVE TO FIX THE PROBLEMS WE ALREADY HAVE
PROPOSITION H PROVIDES SOLUTIONS**

REMEMBER:

Proposition H:

- Is a comprehensive program with controls and solutions.
- Protects neighborhoods and the environment.
- Protects the economy.
- Guarantees you the right to vote again.
- Protects our Quality of Life and our Standard of Living.

VOTE YES ON H -- IT'S FAIR FOR EVERYONE!

Mayor Maureen O'Connor

Councilman Ron Roberts
Chairman,
Citizens' Advisory Committee
on Growth and Development

ARGUMENT AGAINST PROPOSITION H

The Killer Initiative

Why is Proposition H on the ballot? Simply to kill the Citizens' Initiative, Proposition J.

Too Little - Too Late

Proposition H, the politicians' measure, is not a serious attempt to control growth. A genuinely concerned City Council would have enacted honest growth controls long ago. Politicians' poor planning created this crisis, and the politicians' weak plan won't help solve it.

Giving Up On Traffic

Proposition H ignores the concerns of San Diegans fed up with Los Angeles-style traffic. The council has reserved the right to declare any level of traffic congestion acceptable, even if cars barely move.

Neighborhood Character

Proposition H claims to protect single family neighborhoods from new multifamily construction. Unfortunately, there are no definitions for these neighborhoods. When the council finally defines them, all a developer needs is a "special permit" to build high density projects.

Developer Loopholes

Proposition H is riddled with exclusions, exemptions and loopholes. The Council can vote to exempt any project from sensitive lands protection. In fact, they can amend any provision at anytime without voter approval.

Limits That Don't Control Growth

Does the politicians' plan limit or slow growth? No, their "cap" is simply the forecasted, uncontrolled number of units developers expect to build.

Instead of tying the rate of growth to measurable standards which affect your quality of life, the politicians decided to use flexible "goals". They can change these whenever they are not met.

"Trust Us" They Say

Are you willing to trust the politicians who have gotten us into this mess? Every election they say they'll control growth; every election they take massive contributions from developers; every year they reward their supporters by allowing excessive development.

The politicians' measure is weak, full of loopholes, and won't solve our growth problems.

PROPOSITION H IS A HOAX

VOTE NO ON PROPOSITION H

Linda B. Martin
Co-Chair

Citizens for Limited Growth

Geoffrey Smith
Chapter Chairman
The Sierra Club

David Kretzer
Chairman
San Diegans for Managed Growth

Jackie Main
President, Kensington-Talmadge
Democratic Club

Kathleen Zaworski-Burke
President, Homeowners of
Penasquitos Association

CITY OF SAN DIEGO
Proposition J

(This proposition will appear on the ballot in the following form.)

J INITIATIVE MEASURE. AMENDS THE SAN DIEGO GENERAL PLAN.

Until standards as designated in the initiative are met, shall the

City:

- a. Limit residential dwelling units as follows:
FY 1988-89: 7,000 to 9,000 dwelling units
FY 1989-90: 6,000 to 8,000 dwelling units
FY 1990-91: 5,000 to 7,000 dwelling units
FY 1991-92
and each subsequent
fiscal year through the
FY 2009-2010: 4,000 to 6,000 dwelling units;
- b. Develop and implement a plan for industrial and commercial development consistent with the criteria in the initiative;
- c. Develop and implement an allocation system for residential development as provided in the initiative;
- d. Preserve sensitive environmental lands as provided in the initiative;
- e. Adopt a plan for the ultimate development of the City's sphere of influence as provided in the initiative?

The people of the City of San Diego do ordain as follows:

AMENDING THE SAN DIEGO GENERAL PLAN BY ADDING THE FOLLOWING SECTIONS RELATING TO IMPROVING AND PRESERVING RESIDENTS' QUALITY OF LIFE.

Section 1 - Statement of Purposes and Intent.

The purposes and intent of this Measure are to:

- a. Preserve the citizens' quality of life and affirm their right to live in safe and healthful surroundings.
- b. Guarantee the rights of San Diego citizens to participate in decisions determining future growth and quality of life.
- c. Reduce traffic congestion and improve air quality.
- d. Achieve a growth rate which does not overburden the City's sewer, water and waste disposal facilities.
- e. Ensure that the City's future growth does not have a harmful effect on residents' quality of life, and is not harmful to the natural environment.
- f. Establish citywide quality of life standards; restore and maintain acceptable conditions by tying overall development levels to the attainment of those standards.
- g. Establish community quality of life criteria; restore and maintain acceptable conditions by evaluating specific development authorizations in light of those criteria.
- h. Provide a broad framework within which the City, through an allocation system, can further the goals of affordable housing, provision of public facilities, preservation of the environment and community character, and appropriate geographical distribution of development.
- i. Preserve and protect the City's wetlands, canyons, floodplains, and other environmentally sensitive lands.

- j. Minimize future tax and utility rate increases which subsidize growth.
- k. Ensure that appropriate planning is undertaken for the City's ultimate Sphere of Influence.
- l. Limit the amount and rate of growth to acceptable levels.
- m. Reduce costly urban sprawl.
- n. The voters acknowledge that to a certain degree some of the factors that are causing a deteriorating quality of life in San Diego may be only partially within the City's control. Nonetheless, it is the purpose of this Measure to require the City to take any and all actions within its control to fully carry out and achieve the objectives of this Measure.
- o. Preserve the vitality, charm, identity and character of the City's existing communities and neighborhoods.
- p. Ensure that the City plans its commercial and industrial development to create a balance with housing development, and to avoid excessive demand for any one type of development.
- q. Provide for a transition period of four years for gradually implementing the residential limitations, in order to reduce adverse short-term impacts which may result.
- r. Provide for a baseline level of allowed residential development at a rate which is equal to or greater than the national increase.

Section 2 - Findings.

- a. San Diego's quality of life is deteriorating as a result of rapid growth. Rapid growth is causing:
 - 1. Increased traffic congestion;
 - 2. Loss of open space and environmentally sensitive lands;
 - 3. Higher taxes, fees, and utility rates to subsidize growth;
 - 4. Increased air, water, and noise pollution;
 - 5. Crowding, congestion and increased crime;
 - 6. The overburdening of public services, facilities, and infrastructure; and
 - 7. A decline in the beauty and open feeling of San Diego and a consequent increase in human psychological stress.
- b. San Diego has exceeded Federal Clean Air standards since 1978.
- c. Traffic congestion has increased to unacceptable levels and is projected to worsen if rapid growth is unchecked.
- d. Sewer systems are overburdened, do not meet federal standards, and are responsible for pollution of beaches, coastal waterways and wetlands.
- e. Solid waste disposal sites are rapidly approaching capacity which threatens cost increases as sites become more remote.
- f. Recycling will reduce the amount of solid waste and lessen the unhealthful effects associated with solid waste disposal. Recycling will also mitigate the increasing costs associated with more remote disposal sites.
- g. According to SANDAG's projections, if current trends continue the population of the San Diego region is expected to reach 3.2 million by the year 2010, nearly a fifty percent increase from the present. More than 75,000 people were added to the region in 1986 alone. In 1986 the City grew at two and one-half times the national average. Such rapid growth and the projections for its continuance have caused, and will continue to cause, severe social and economic problems and diminished quality of life.
- h. The rate of development has substantially exceeded levels consistent with orderly Community Plan buildout, has exceeded the City's ability to provide necessary community and regional public facilities and services, has exacerbated reductions in environmental quality and has not served the overall public interest.
- i. The City will be able to meet the housing goals of its General Plan and state and federal law, including goals for the provision of affordable housing, housing for the elderly, students, and the handicapped in a non-discriminatory manner under this Measure.
- j. The City's General Plan calls for the wise management and utilization of the City's remaining land resources, and preservation of its unique landforms. The existing measures intended to achieve these goals have proven ineffective, and restrictions on the type and density of development are needed to meet the stated goals.

k. It is necessary to preserve, protect, and promote San Diego's environmental assets and amenities including its steep slopes, canyons, floodplains, wetlands, watercourses, and environmentally sensitive habitats as herein provided in order to preserve natural ecosystems, plant and animal species and their habitat, and to preserve the psychological, aesthetic and visual benefits which these amenities provide.

l. Grading, grubbing and clearing have degraded sensitive environmental lands, caused soil erosion problems and increased downstream sedimentation, impaired wildlife corridors and altered the unique landform characteristics of the area.

m. Preservation of environmentally sensitive lands is an integral component of the quality of life for present and future generations.

n. Any future growth has the potential to worsen the above conditions, and the City has the right to halt all development until the quality of life standards are met. However, to avoid abrupt changes it is appropriate to gradually phase in development limitations.

o. The existing City Plans and Policies dealing with growth have proven inadequate.

p. A comprehensive plan is needed to deal with rapid growth and the deteriorating quality of life.

q. The public health, safety, and general welfare will be promoted by the adoption of this Measure.

Section 3 - Citywide Quality of Life Standards.

The City shall do everything it can to meet the five Citywide Quality of Life Standards set forth below on an ongoing annual basis. Until these standards are met as herein provided the growth limitation provisions of Section 4 shall be in effect:

a. **Air Quality.** The ambient air quality reported by the San Diego Air Pollution Control District for the San Diego Air Basin shall meet federal and state Clean Air health standards for ozone, particulates, nitrogen dioxide, carbon monoxide, sulfur dioxide, lead, sulfates, and other federal and state criteria air pollutants.

b. **Sewer System.** The City shall have adequate trunkline, pumping facilities, and secondary treatment capacity to meet both normal and emergency demand and to avoid sewage spills affecting beaches and wetlands.

c. **Water System.** The City shall have adequate water supply, pipeline capacity, and storage capacity to meet normal and emergency situations. In addition, federal and state drinking water quality standards shall be met.

d. **Solid Waste Disposal.** The City shall have guaranteed access to sanitary landfill sites, or to other disposal facilities, within or without the City for all solid wastes, sewage sludge, hazardous wastes, and toxic wastes. In addition there shall be a citywide recycling program that recycles a minimum of 25% by weight, of the solid waste generated within the City, exclusive of demolition materials.

e. **Traffic.** There shall be no increase in the extent of heavy congestion on freeways within the City. In addition there shall be no increase in the extent of heavy congestion on arterials within the City.

For the purposes of this subparagraph, "heavy congestion" shall mean Level of Service E or F as defined by the Transportation Research Board in the 1985 Highway Capacity Manual, and measured as an average of AM and PM peak period mileage. "No increase in the extent" shall mean that the mileage with LOS E congestion, and the mileage with LOS F congestion, when expressed as a percentage of total mileage, shall each not exceed the congested mileage existing in 1985.

f. For purposes of subparagraphs "b," "c," and "d," above, "adequate" shall mean that the facilities are in place and operational by the end of the reported year.

g. If any standard specified above is determined to be invalid by a final court judgment, or is determined to be infeasible to measure or apply by the City or by final court judgment, then that standard shall be deemed not met.

Section 4 - Residential Limitations.

a. From and after the effective date and until the Quality of Life Standards of Section 3 are met the City shall not authorize any residential development unless at the

time of authorization the City ensures that the number of building permits to be issued for residential development dwelling units in any year shall be limited as follows:

Fiscal year 1988-89:	7,000 to 9,000 dwelling units
Fiscal year 1989-90:	6,000 to 8,000 dwelling units
Fiscal year 1990-91:	5,000 to 7,000 dwelling units
Fiscal year 1991-92	
and each subsequent	
fiscal year through the	
fiscal year 2009-2010:	4,000 to 6,000 dwelling units

b. For each fiscal year the actual number of units authorized shall depend upon compliance with the Quality of Life Standards set forth in Section 3. The City shall report the extent of Citywide compliance with the five standards of Section 3(a)-(e) in the annual document required by Section 13. For each standard which was met for the previous calendar year, the lower development limit of this Section 4 may be increased by up to 400 units for the next fiscal year up to the maximum upper limit specified.

c. If the number of units authorized for a given year is not completely used in that year, up to a maximum of fifty percent of the unused units may be carried forward to the next year. The number carried forward may not be included in calculations for subsequent years.

d. If all five standards are met for any two consecutive calendar years, the City may, at its option, replace the limits of Section 4(a) with a limit based on California's growth rate. For this option, dwelling units may be authorized for the next fiscal year and for so long as all such standards are maintained, up to a number that corresponds to the same average annual percentage that California's dwelling units increased over the previous two years.

e. If all five standards are met for five consecutive years the City may, at its option, eliminate or replace the limits of Section 4(a) with a limit or limits as the City may determine appropriate to ensure that the Quality of Life Standards of Section 3 will continue to be met.

Section 5 - Commercial and Industrial Plan.

The City shall develop and implement a plan for industrial and commercial development which meets, at minimum, the following criteria:

- a. Results in a balance between housing, industrial, and commercial stock;
- b. Furthers the attainment of the Quality of Life Standards set forth in Sections 3 and 6;
- c. The City Council may adopt other criteria consistent with the purposes, findings, intent and content of this Measure.

Section 6 - Allocation System Based on Community Quality of Life Criteria.

The City Council shall develop, adopt, and implement within 120 days of the effective date after notice and public hearing, an allocation system for issuing authorizations for residential development as provided by this Measure. Such an allocation system shall rank applications for residential development by assigning points, giving preference to those applications that best meet the following community quality of life criteria:

a. **Affordable Housing.** The proposed residential development contributes to the City's stock of low or moderate income housing, housing for seniors, or housing for the handicapped. Priority in the allocation system shall be given to projects meeting this criterion to the extent necessary to comply with federal, state or local laws regarding such housing.

b. **Public Facilities.** Public services, facilities, and infrastructure are available with sufficient capacity to handle existing and projected demands, including demands of previously approved projects and the demands of the applicant's project. Public services, facilities, and infrastructure shall be deemed available if they are existing or if they are funded and guaranteed to be available concurrent with need. Public services, facilities, and infrastructure shall include, but not be limited to:

- i. Community streets, and arterials;
- ii. Nearby freeways and transit systems;
- iii. School facilities;
- iv. Water, sewer, and solid waste capacity;

- v. Parks and recreational facilities;
 - vi. Police, fire, and other emergency services; and
 - vii. Library facilities.
- c. **Environmental and Community Impact.** The project will have a favorable, or neutral, impact on the environment and local community taking into account, at minimum:
- i. Preservation of Sensitive Environmental Lands, open space, and natural land forms;
 - ii. Minimum grading and balanced cut and fill;
 - iii. Avoidance of hazardous geologic areas;
 - iv. Conservation of energy and water;
 - v. Compatibility with the surrounding community and neighborhood character; and
 - vi. The recommendations from the local community planning groups, neighborhood associations, and other local groups.
- d. **Additional Criteria.** Such other criteria as the City Council may adopt consistent with the purposes, findings, intent and content of this Measure.

Section 7 - Preservation of Sensitive Environmental Lands.

In order to preserve and protect the City's sensitive environmental lands which are an essential component of San Diego's quality of life, including wetlands, steep slope lands, canyons, watercourses, floodplains, and environmentally sensitive habitats, the following regulations are hereby adopted:

a. **Sensitive Environmental Lands to be Inventoried and Mapped.** The City shall forthwith inventory and identify all sensitive environmental lands within the City and shall designate the same on a Sensitive Environmental Lands Map which shall be incorporated into the Progress Guide and General Plan as provided in subparagraph (b) below. The City may utilize existing maps and inventories prepared by city, state, federal, or other agencies with such supplementation as necessary to comply with the terms hereof. At minimum, the following sensitive environmental lands shall be inventoried and mapped:

- i. Wetlands;
- ii. Canyons;
- iii. Steep slope lands;
- iv. Floodplains;
- v. Watercourses; and
- vi. Environmentally sensitive habitats.

b. **Incorporation of Inventory and Maps into Progress Guide and General Plan; Local Coastal Program; Implementing Zoning.** Following notice and public hearing by the Planning Commission and City Council, a final inventory and Sensitive Environmental Lands Map shall be adopted by the Council as an amendment to the appropriate element or elements of the Progress Guide and General Plan and, within the Coastal Zone, as an amendment to the Local Coastal Program as specified in Section 9 hereof. Implementing zoning, in the form of an overlay zone or otherwise as determined by the City Council, shall be adopted consistent with the Sensitive Environmental Lands Inventory and Map which will preserve such designated lands from the adverse impacts of development to the maximum extent permitted by law. At minimum, such implementing zoning shall meet the following criteria:

i. **Wetlands.** Wetlands shall not be subject to physical development. Diking, filling or dredging shall be prohibited except where the primary function is habitat restoration. Permitted uses shall be restricted to uses such as scientific research, educational uses, aquaculture, passive recreational uses or other similar uses provided they do not harm the natural ecosystem.

ii. **Canyons and Steep Slope Lands.** Canyons and steep slope land in the Urbanized Area as shown in the Progress Guide and General Plan shall not be subject to physical development and no grading, grubbing or clearing shall be permitted. Canyons and steep slope land outside the Urbanized Area shall be rezoned into the A-1-10 zone with a minimum lot size of ten acres except where the existing zoning is more restrictive in which case existing zoning shall remain. Clustering shall be encouraged on all canyons and steep slope land in order to minimize grading, land form alteration, and other adverse consequences of development. A maximum of 10% of a steep slope land in one ownership may be subject to physical development.

iii. Floodplains and Watercourses. Floodplains and watercourses shall be rezoned into the A-1-10 or FW zone, as determined by the City. No uses shall be permitted which could jeopardize human safety, property, or environmental values. Except as authorized by the A-1-10 or FW zone the development of permanent structures shall not be permitted in a floodplain. The placing of fill in a floodplain, or grading of a floodplain, for the purpose of, or having the effect of, elevating the property above the designated floodplain for purposes other than environmental habitat restoration or development authorized by the A-1-10 or FW zone shall be prohibited.

iv. Environmentally Sensitive Habitats. Development, grading, grubbing, clearing or any other activity or use damaging to an environmentally sensitive habitat area shall be prohibited unless measures necessary to protect and preserve the environmentally sensitive habitat area are guaranteed.

v. Variance Finding. The limitations of this subparagraph 7(b) shall not be altered and no variance shall be granted unless, in addition to all other requirements, the City Council makes a written finding of fact supported by substantial evidence that development, filling, grading, grubbing or clearing must be permitted to avoid an unconstitutional taking of private property or to facilitate a public works project. No such finding shall be made unless the City Council first pursues all available alternatives as addressed in an Environmental Impact Report or its equivalent, including but not limited to, a transfer of development rights program, cluster development, acquisition, relocation, or other preservation program. No road shall be approved or expanded unless a finding is made that the road is called for in an adopted Community Plan. In the event that no feasible alternative exists and the Council makes the specified finding, the development, public works project, filling, grading, grubbing or clearing permitted shall be the minimum necessary to avoid an unconstitutional taking of private property and shall involve minimal disruption of the Sensitive Environmental Land. In no event shall permitted uses exceed those authorized by the A-1-10 zone.

Section 8 - Planning to Minimize Adverse Impacts to the City's Sphere of Influence Area.

The City shall forthwith initiate a planning process leading to the development and adoption of a Plan for the ultimate development of the City's Sphere of Influence area. Until such Plan is adopted by the City, the City shall not, unless compelled by law to do so, initiate nor approve any annexations to the City. Upon adoption of the Plan required by this Section, the City may initiate and/or approve annexations consistent with law and with the Plan.

The City's plan for the Sphere of Influence area shall meet, at minimum, all of the following criteria:

a. All annexation areas shall be designated "Future Urbanizing" and subject to the provisions of this Measure and of the Managed Growth Initiative (Proposition A) upon annexation;

b. The Plan shall inventory and map Sensitive Environmental Lands within the Sphere of Influence area consistent with this Measure;

c. The process leading to adoption of the Plan and its implementation shall include residents and property owners in the Sphere of Influence area and shall include notice and public hearing; and

d. The Plan shall require that upon annexation new development in the Sphere of Influence area shall pay all costs of providing public services, facilities and infrastructure to such development.

Section 9 - Implementation.

The City Council and all City agencies, Boards and Commissions, are hereby directed to take any and all actions necessary to carry out this Initiative Measure, including but not limited to, adoption and implementation of any amendments to the Progress Guide and General Plan, Local Coastal Program, Community Plans, Zoning Ordinance, and/or City Code. The City shall incorporate the provisions of this Measure into its Local Coastal Program and shall apply to the Coastal Commission for an amendment to the Local Coastal Program as needed. However, this Measure is expressly declared to be binding upon all lands in the City in the Coastal Zone, including Sphere of Influence lands, irrespective of whether or not the Coastal Commission approves such an amendment to the City's Local Coastal Program. This Measure shall be implemented forthwith as a matter of the highest priority to the City.

Section 10 - Guidelines.

The City Council may adopt reasonable guidelines to implement and interpret this Measure following public notice and public hearing, provided that any such guidelines shall be consistent with the purposes, intent, findings, and content of this Measure.

Section 11 - Exemptions for Certain Projects.

a. Vested Rights. This Measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date. For purposes of this Measure a "vested right" shall have been obtained only if each and all of the following criteria are met:

1. The proposed project has received a building permit or, where no building permit is required, its final discretionary approval;

2. Substantial expenditures or documented non-cancelable liabilities have been incurred in good faith reliance on the permit or final discretionary approval; and

3. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures or liabilities incurred and of construction performed and the question of whether or not such expenditures, liabilities and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City following application by the developer. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this Measure shall not be deemed to be in "good faith" and shall not qualify for a vested right. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

b. Vesting Tentative Maps or Other Approvals Giving Vested Rights. In addition to the foregoing, vesting tentative maps and other approvals giving vested rights receiving final approval prior to the effective date shall be exempt from this Measure, provided that the number of units authorized by such an approval shall be counted against the annual limits of Section 4 upon issuance of building permits. Such vesting approvals shall not be authorized by the City after the effective date unless expressly conditioned to ensure compliance with this Measure.

c. Single Family Homes. In addition, the construction of one individual dwelling unit conforming to zoning on a preexisting vacant legal lot of record in separate ownership as of the date the Notice of Intent for this Measure was filed with the City Clerk shall be exempt from this Measure, provided that the number of units so exempted shall be counted against the annual limits of Section 4.

d. Existing Building Permits. In addition, outstanding building permits as of the effective date shall be exempt from this Measure.

Section 12 - Definitions.

For the purpose of this Measure, the following words and phrases shall have the following meanings:

a. "Aquaculture" shall mean a form of agriculture devoted to the controlled growing and harvesting of fish, shellfish, and plants in marine, brackish, and fresh water.

b. "Authorized" as used in Section 4 hereof shall include, without limitation, approval or issuance by the City of any type of entitlement authorizing residential development, such as Planned Residential Development Permits, Conditional Use Permits, Parcel Maps, Tentative Subdivision Maps, Development Plans, Specific or Precise Plans, vesting tentative maps, building permits, and the like.

c. "Canyons" shall be defined by the City Council after a noticed public hearing. This definition shall meet the intent of this Measure to protect lands commonly understood to be "canyons" which may fall outside the definitions of "floodplains" and "steep slope lands."

d. "Clearing and Grubbing" shall mean the removal of any and all types of non-crop vegetation from the land, including the clearing and breaking up of the surface of the land through the use of motorized equipment.

e. "Effective Date" shall mean the date on which this Initiative Measure was adopted by the City Council or the date on which it was passed by the voters at the polls, whichever occurs first.

f. "Environmentally Sensitive Habitat" shall mean all land which supports unique, rare, endangered, or threatened species of animals or plants or which supports unique vegetation communities or substantially undisturbed native ecosystems. This definition shall include buffers and interconnections to other habitats sufficient to support the animal and plant species, and shall be broadly interpreted to give the maximum possible protection to the animal and plant communities.

g. "Fill" shall mean any material or substance which is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and the conditions resulting therefrom. "Fill" also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill materials include but are not limited to earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

h. "Floodplain" shall mean the areas adjoining and including the channel of a river, stream, water course, bay or other body of water which is subject to inundation by the floodwaters of the one hundred (100) years frequency flood. "Floodplain" shall include, but not be limited to, those areas mapped by the Federal Emergency Management Agency (FEMA). For the purpose of this Measure floodplain includes both floodway and floodplain fringe.

i. "Local Coastal Program" shall mean the Local Coastal Program, including the Land Use Plan (LUP) and Implementing Ordinances, prepared by the City of San Diego pursuant to the California Coastal Act of 1976, Public Resources Code 30,000 et seq.

j. "Public Works" shall mean facilities and infrastructure needed for utilities and transportation, such as pipelines, electrical lines, sewage treatment plants, water reclamation plants, water supply projects, and roads.

k. "Residential Development" shall mean development of any type of dwelling unit or units suitable or designed for human habitation, including, but not limited to, single-family homes, mobile homes, manufactured housing, apartments, condominiums and the like, but not including hotels, motels, convalescent homes, hospitals, jails and other institutional habitations. "Residential Development" shall not include remodeling or reconstruction where no new dwelling unit is created.

l. "Sphere of Influence" shall mean the Sphere of Influence for the City of San Diego as adopted and amended from time to time by the Local Agency Formation Commission (LAFCO).

m. "Steep Slope Land" shall mean all lands zoned HR (Hillside Review) on the effective date and all lands having a slope with a natural gradient of twenty-five percent (25%) or greater, (twenty-five (25) feet of vertical distance for each one hundred (100) feet of horizontal distance) and a minimum rise of fifty (50) feet.

n. "Watercourse" shall mean those areas, such as tributaries, which are subject to inundation by the floodwaters of the 100 year frequency flood, but which fall outside the definition of floodplain.

o. "Wetland" shall be as defined in the U.S. Department of Interior, Fish and Wildlife Service publication, "Classification of Wetlands and Deepwater Habitats of the United States," December 1979.

"Wetland" includes in addition to the wetland itself a setback and buffer area of one hundred (100) feet or more sufficient to protect the environmental and habitat values of the wetland. "Wetland" shall include, but not be limited to, lagoons, marshes, estuaries, vernal pools, streams and rivers.

Section 13 - Annual Report.

Each year the City Council shall adopt, after noticed public hearing, a report certifying that each provision of this Initiative has been complied with, and setting forth the manner of compliance.

Section 14 - Amendment or Repeal.

This Measure may be amended or repealed only by a majority of the voters voting in an election thereon. In the absence of amendment or repeal, this measure shall expire by its own terms on July 1, 2010.

Section 15 - Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this Measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Measure. It is hereby declared that this Measure and each section, subsection, sentence, clause, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

ARGUMENT IN FAVOR OF PROPOSITION J

THE CITIZENS' INITIATIVE

PROPOSITION J, the Quality of Life Initiative, was placed on the ballot by petitions from over 85,000 San Diego citizens.

PROPOSITION J calls for a moderate rate of growth (above the national average) until the city meets minimum quality of life standards. The standards are based on federal and state regulations. They require: (1) air which is safe to breathe, (2) traffic which moves, (3) sufficient water to drink, (4) a sewage system which works, and (5) a place to dispose of our trash.

Uncontrolled growth has resulted in:

- congested traffic,
- increased crime,
- overcrowded schools,
- the second worst air pollution in the nation,
- untreated raw sewage spoiling our beaches and bays,
- bulldozers flattening our hilltops and filling in our canyons.

NOW IS THE TIME TO CONTROL RUNAWAY GROWTH

- Yes on J will prevent Los Angeles-style traffic in San Diego.
- Yes on J will protect canyons, hillsides and wetlands.
- Yes on J will give priority to low and moderate income housing.
- Yes on J will require that community facilities be in place when needed.
- Yes on J will preserve community and neighborhood character.

SAVE SAN DIEGO--VOTE YES on J.

Don't be fooled by the developers' and politicians' Proposition H. Unlike H, PROPOSITION J is not filled with loopholes, exemptions, and developer giveaways. Send a message to city council--stop trading our future for developer profits.

Don't believe self-serving developer arguments intended to scare you. Other California cities with growth controls have vigorous economies, with plenty of housing and jobs.

PROPOSITION J IS THE REAL GROWTH CONTROL MEASURE.

Support PROPOSITION J to:

- Preserve our Quality of Life
- Protect our Sensitive Lands
- Maintain a strong, vigorous and stable economy.

Just say no to Uncontrolled Growth

VOTE YES ON PROPOSITION J

Thomas G. Mullaney
Co-Chair
Citizens for Limited Growth

Abbe Wolfshelmer
City Councilwoman
San Diego

Rev. George Stevens
Special Assistant to
Congressman Jim Bates

Geoffrey Smith
Chapter Chairman
The Sierra Club

David Kreitzer
Chairman
San Diegans for Managed Growth

ARGUMENT AGAINST PROPOSITION J

VOTE NO ON PROPOSITION J

Growth is a problem. Proposition J is NOT the solution.

UNLESS YOU HAVE A COMPREHENSIVE PLAN TO SOLVE GROWTH, LIMITING HOUSING JUST MAKES GROWTH PROBLEMS WORSE!

- PROPOSITION J WILL MAKE TRAFFIC WORSE, NOT BETTER!

A University of California study says housing caps will force more people to live further away from where they work. That adds to commuting time. More commuting time means more traffic.

- PROPOSITION J WILL CAUSE RENTS AND HOUSING PRICES TO SOAR!

Most people come here because of jobs. These people need a place to live. Limiting housing will force rents and housing prices to skyrocket.

- PROPOSITION J IS TOO EXTREME AND WILL RESTRICT THE ECONOMY!

Read the fine print. The people who drafted the initiative put in Section 5 which dramatically reduces office, commercial and industrial activity. These caps are not short-term. They will be law for the next 22 years. Who knows what San Diego will need in the year 2010.

THEY SAY THEY DON'T WANT TO AFFECT YOUR JOB. ARE YOU WILLING TO TAKE THE RISK?

- PROPOSITION J ISN'T A COMPREHENSIVE PLAN!

PROPOSITION J WON'T FORCE BUILDERS TO INSTALL PUBLIC FACILITIES LIKE ROADS, SCHOOLS AND PARKS WHEN THEY ARE NEEDED.

- PROPOSITION J DOESN'T PROVIDE FOR REGIONAL PLANNING!

- It doesn't preserve historical and archaeological sites.
- It doesn't prevent changes to community plans.
- It doesn't exempt your existing home from needless regulation.
- It doesn't protect single family neighborhoods from new apartment complexes and overcrowded rentals.

PROPOSITION J IS NOT A COMPREHENSIVE SOLUTION TO GROWTH PROBLEMS:

But Proposition J will:

BE TOO EXTREME
INCREASE RENTS AND HOUSING PRICES
RESTRICT THE ECONOMY
MAKE TRAFFIC WORSE
VOTE NO ON PROPOSITION J
IT'S NOT THE RIGHT ANSWER

GIL ONTAI, Member Mira Mesa Community Planning Group	HARRY MATHIS Community Planning Group Leader
HERB L. CAWTHORNE President and Chief Executive Officer The Urban League of San Diego	LEE GRISSOM President, Greater San Diego Chamber of Commerce
BARRY I. NEWMAN President, San Diego Taxpayers Association	

CITY OF SAN DIEGO
Proposition K

(This proposition will appear on the ballot in the following form.)

K **ADVISORY VOTE ONLY**
Should the City of San Diego begin a mandatory staggered-work hours program, requiring all businesses with twenty-five (25) or more workers to offer employees variable work schedules in order to reduce peak-hour traffic on City roads and freeways?

ARGUMENT IN FAVOR OF PROPOSITION K

Would you like to take a bite out of traffic congestion?

You can - without a tax increase or losing the privacy of your own vehicle -- by voting for Staggered Work Hours and Proposition K.

What Are Staggered Hours?

Your employer offers you a choice of variable work hour plans. Parents might choose to drop off kids at school and then drive to work at 9 a.m. Early birds may prefer to leave for their job at 7 a.m.

Car poolers and bus and trolley riders can better coordinate their hours.

It works by free choice, and it breaks up rush hour traffic by a natural process.

Staggered Hours Are Successful.

The world press waited for world-class traffic jams at the 1984 Olympics in L.A. It never happened because Peter Ueberroth and City officials designed a brilliant staggered hours, traffic management plan.

Little Cost to Taxpayers.

A San Diego staggered hours program can largely be run by business, without need for a large City administration.

Where Will It Help?

Staggered hours will help in just those areas most heavily congested by commuter traffic. Examples:

- I-5 from Del Mar to 805
- I-15 from Bernardo Blvd. to Miramar
- Clairemont Mesa Blvd.
- Route 94 and you-name-it
- I-8 from Mission Valley to SDSU
- Downtown freeway ramps
- Garnet and Mission Bay Drive

You can help cut minutes from your daily commute by voting for Prop. K.

Paralysis by Analysis.

Is Staggered Work Hours the total solution? No. Is it foolproof? No.

Is it a start? **YES.** The traffic mess has been studied to death, resulting in paralysis-by-Analysis.

You can take action today by voting Yes.

KO traffic by saying "OK on K."

COUNCILMAN BRUCE HENDERSON

ARGUMENT AGAINST PROPOSITION K

No argument against this proposition was filed in the office of the City Clerk.

**CITY OF SAN DIEGO
Proposition L**

(This proposition will appear on the ballot in the following form.)

L AMENDS PEOPLE'S ORDINANCE NO. 10960 (LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE).

Shall an exception to the thirty (30) foot height limit for buildings in the Coastal Zone be permitted to allow the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California?

AN ORDINANCE AMENDING PEOPLE'S ORDINANCE NO. 10960 RELATING TO LIMITING THE HEIGHT OF BUILDINGS IN THE COASTAL ZONE

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

Section 1. That the provisions of the People's Ordinance, Ordinance No. 10960, adopted and ratified November 7, 1972, be and the same is hereby amended to read as follows:

Section 1. Notwithstanding any section to the contrary, no building or addition to a building shall be constructed with a height in excess of thirty feet within the Coastal Zone of the City of San Diego. The words Coastal Zone, as used within this Ordinance, shall mean that land and water area of the City of San Diego from the northern city limits south to the border of the Republic of Mexico, extending seaward to the outer limit of city jurisdiction and extending inland to the location of Interstate 5 on January 1, 1971. This limitation shall not apply to that land area of the Coastal Zone bounded by National City on the south, San Diego Bay on the west and Laurel Street or the southwesterly projection of Laurel Street on the north.

The base of measurement of the height shall be in accordance with the Uniform Building Code of 1970.

Section 2. Other than the restoration of the chimney and rooftop cupola as part of the historic restoration of the 1915 Agar/Mission Brewery building located at Washington and Hancock Streets in San Diego, California, there shall be no exception to the provisions of this Ordinance.

Section 3. This ordinance shall take effect and be in force on the day from and after its passage.

ARGUMENT IN FAVOR OF PROPOSITION L

Local, state and federal officials concerned with the rehabilitation of historic buildings support the approval of this Proposition in order to permit the authentic restoration of this San Diego Landmark, built in 1912.

Because Proposition D in 1972 limited building height west of Interstate 5 to 30', your yes vote on Proposition L is required to override Proposition D for a specific purpose only.

A "Yes" vote on Proposition L will allow two authentic elements of San Diego's historic Mission Brewery Company to be restored to their original stature.

1. The Mission Brewery's brick chimney would be re-constructed for historic architectural purposes only. It will absolutely not be for functional use.
2. The Brewery's tower roof "cupola", an original decorative structure and base for a weather vane, would be restored in keeping with the building's early architecture.

No other properties are impacted by this measure and the 30 foot height limit for the Coastal Zone remains in force for all other properties and the remainder of the new office complex adjacent planned to compliment the rehabilitation of the Brewing Company to offices and retail.

In addition, there is no cost to taxpayers and the development will contribute substantial tax dollars to the City's Treasury.

Your "Yes" vote will help maintain the historical integrity of this area.

Please vote "Yes".

BRUCE HENDERSON
Councilmember

MICHAEL McLAUGHLIN, President
Mission Hills Business Association

CHRIS GEDROSE, Chairman
Uptown Planners

LEWIS H. DOWDY, Member
Midway Planning Committee

MICHAEL J. FOOTE, President
Foote Development Company

ARGUMENT AGAINST PROPOSITION L

No argument against this proposition was filed in the office of the City Clerk.