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SANTA MONICA, CALIF.

The Residents' Initiative to Fight Traffic
January 16, 2008

To the Honorable Registrar of Voters of the City of Santa Monica: We, the undersigned, registered and qualified voters of the City of Santa Monica, hereby propose an initiative measure to amend the Santa Monica General Plan. We petition you to submit this measure to the City Council of the City of Santa Monica for adoption or submission of the measure to the voters of the City of Santa Monica at the earliest election for which it qualifies.

The measure provides as follows:

The Residents' Initiative to Fight Traffic

The people of the City of Santa Monica do hereby ordain as follows:

Section 1. Findings and Purpose.

A. Santa Monica is only 8 square miles, yet it is one of the most densely populated and traffic congested cities in Southern California. Excessive development and an explosion of new office and commercial buildings have brought in too much traffic and threaten to change the very nature of our beach community. For example:

- Between 1980 and 2007, our city witnessed an unprecedented expansion in commercial development, adding more than 9,000,000 square feet of new office, retail, and industrial space. This is the square footage equivalent of adding over 16 Santa Monica Place malls.
- This flood of development has negatively impacted our city, our neighborhoods, and Santa Monica residents by increasing traffic congestion, parking problems, pollution, and demands on our infrastructure.
- Commercial development typically generates at least three to four times the amount of traffic as residential.
- The vision of the 1984 General Plan to promote commercial growth has been met and exceeded by this unprecedented pace of development.
- Since 1995, growth in commercial space (office, retail, and industrial uses such as studio and post production facilities) has averaged 160,000 square feet per year, the square footage equivalent of adding one new Santa Monica Place mall to our city every three and a half years.
- Growth is expected to continue at this pace for the next 20 years, adding approximately 3,200,000 square feet of new commercial development, or the square footage equivalent of almost six new Santa Monica Place malls, to our already congested city.
- Continued unsustainable development at this level will have dire impacts on traffic and on Santa Monica residents' quality of life.

B. This measure will put residents back in control of our city by putting a reasonable, common sense limit on future non-residential development. Specifically:

- This measure will cut Santa Monica's projected commercial growth in half.
- This measure exempts residential, schools, and other uses vital to the well being of our community.
- By capping annual commercial development at a level that allows a reasonable rate of growth, this measure will ensure that our city has the time to develop the physical, economic, and social infrastructure to keep pace with development.
- This measure will give our city the opportunity to create a competitive selection process for potential commercial development, resulting in high-quality projects that best meet our community's goals and objectives.
- This measure will prevent the massive over-development of our neighborhoods and ensure that residents have a say in the future of our city.

Section 2. General Plan Amendments.

This initiative hereby amends Part 1.0 of the Land Use Element Objectives and Policies of the Santa Monica General Plan adopted October 23, 1984, as amended through January 16, 2008, to add the following new policies immediately following Policy 1.1.1 on page 84:

Policy 1.1.2. The total amount of commercial development approved citywide each calendar year shall be limited to 75,000 square feet of floor area as set forth below.

- A. For the purposes of this policy, "commercial development" means a building or portion of a building approved for any use other than residential, parking, schools, child or adult day care facilities, hospitals, rest homes, residential care facilities for the elderly, places of worship, government facilities, or neighborhood-serving goods, services, or retail uses that are located on the ground floor of an affordable housing development in which one hundred percent of the dwelling units are designated for affordable housing in a manner approved by the City.
- B. The annual limit on total commercial development approvals does not apply to approval of any project that, pursuant to State law does not require, or pursuant to the Santa Monica Municipal Code in effect January 16, 2008 would not have required, approval of either the Planning Commission or the City Council.
- C. In calculating the amount of commercial development subject to the annual limit:
 1. Floor area shall be calculated in accordance with the standards set forth in section 9.04.02.030.315 of the Santa Monica Municipal Code in effect on January 16, 2008 excluding from such calculations any

non-commercial development (e.g., parking and other uses excluded from the meaning of the term as defined in paragraph A, above) or commercial development otherwise not subject to the annual limit.

2. Projects subject to the annual limit that replace or remodel an existing building may receive credit for some or all of the floor area of the existing building based on the traffic generated by the new building in comparison to the original building. The floor area subject to the annual limit calculated pursuant to paragraph C.1, above, shall be reduced by an amount determined as follows:

- i. Using the most recently available trip generation methodology and data from the Institute of Traffic Engineers (ITE) or a comparable source used by jurisdictions of comparable size to Santa Monica, the City shall ascertain the number of vehicle trips per week (on a gross basis without adjustments to trip generation established by the ITE or other documentation) associated with (a) the building to be remodeled or replaced (based on the size, design, and primary use of the building for the last two years) and (b) the new building (based on the approved size, design, and all conditions of approval affecting use of the building). Each number shall be divided by the square footage of the building to which it applies to ascertain, for the purposes of this policy only, the projected trips per square foot for each building.
- ii. If the new building will generate the same or fewer trips per square foot than the original building, then the entire square footage of the original building shall be subtracted from the square footage of the new building for the purposes of calculating the floor area of the building that is subject to the annual limit. For example, if a 5,000 square foot building is replaced by a 7,500 square foot building and the new building would generate the same amount of traffic per square foot as the original building, then the floor area of the new building contributing to the annual limit would be reduced to 2,500 square feet.
- iii. If the new building will generate more trips per square foot than the original building, then a portion of the square footage of the original building shall be subtracted from the square footage of the new building for the purposes of calculating the floor area of the building that is subject to the annual limit. The portion to be subtracted shall be in proportion to the difference in the number of trips per square foot between the two buildings. For example, if a 5,000 square foot building

with one trip per square foot is replaced by a 7,500 square foot building with two trips per square foot, then half the square footage of the original building (2,500 square feet) would be subtracted from the square footage of the new building and the area of the new building contributing to the annual limit would be 5,000 square feet.

3. The annual limit for a given calendar year shall be adjusted upwards by the total square footage of projects approved after January 1, 2008 which have not been built and for which during the preceding calendar year the Planning Commission or City Council approval expired.
- D. The city may borrow commercial development allocations from up to four years in the future so that total commercial development approvals in a single year may exceed 75,000 square feet of floor area. In such cases, however, the average annual square footage approved over the following four years must be reduced below 75,000 square feet so that the average for the five-year period including the first year and the four following years may not exceed 75,000 square feet per year.
- E. Under no circumstances shall the average square footage of commercial development approved over any five-year period exceed 75,000 square feet per year. To ensure that the city benefits from this policy as quickly as possible and to offset the effects of commercial development approvals issued prior to the adoption of this policy, the initial five year period for calculating the average annual square footage shall begin January 1, 2008 such that the average square footage approved for the period January 1, 2008 through December 31, 2012 shall not exceed 75,000 square feet per year.

Policy 1.1.3. A cornerstone principle of this General Plan is ensuring that development is consistent with this General Plan and proceeds at a sustainable pace. In furtherance of this central goal, the People of Santa Monica, by initiative measure, have adopted Policy 1.1.2 and this Policy 1.1.3.

- A. The General Plan may be updated, amended, or reorganized, and individual goals and policies may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of State law, but Policies 1.1.2 and 1.1.3 may not be amended or repealed except by a vote of the people before December 31, 2023. After that date these policies may be amended by the City Council in accordance with applicable laws.
- B. Nothing in this Policy or Policy 1.1.2 precludes the City Council from seeking voter approval for commercial development in excess of the limit established in Policy 1.1.2.

Section 3. Implementation.

A. Upon the effective date of this initiative, the provisions of Section 2 of the initiative are hereby inserted into the Land Use Element Objectives and Policies of the Santa Monica General Plan as an amendment thereto, except that if the four amendments of the mandatory elements of the General Plan permitted by State law for any given calendar year already have been utilized in the year in which the initiative becomes effective, this General Plan amendment shall be the first amendment inserted into the Santa Monica General Plan on January 1 of the next year. When this General Plan amendment is inserted into the Santa Monica General Plan, any provisions of the Santa Monica Municipal Code that are inconsistent with this General Plan amendment shall not be enforced in a manner inconsistent with this General Plan amendment.

B. The date that the notice of intention to circulate this initiative measure was submitted to the elections official of the City of Santa Monica is referenced herein as the "submittal date." The Santa Monica General Plan in effect on the submittal date and the General Plan as amended by this initiative comprise an integrated, internally consistent and compatible statement of policies for the City of Santa Monica. In order to ensure that nothing in this initiative measure would prevent the Santa Monica General Plan from being an integrated, internally consistent and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Section 2 of this initiative measure, be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this initiative and other elements of the Santa Monica General Plan.

C. Policy 1.1.2 adopted by this initiative provides that for the purposes of calculating floor area subject to the annual limit on commercial development, floor area shall be calculated in accordance with the standards set forth in section 9.04.02.030.315 of the Santa Monica Municipal Code in effect on January 16, 2008. A copy of that section of the Code is included in this measure as Attachment A for informational purposes. This measure does not limit the ability of the City Council to amend the referenced section of the Municipal Code; provided, however, that the initiative does require the city to use the provisions of the Code as presented in the attachment in making the calculations required by the initiative.

D. The City of Santa Monica is hereby authorized and directed to amend the Santa Monica General Plan, all specific plans, the Santa Monica Zoning Ordinance, the Santa Monica Zoning Map, and other ordinances and policies affected by this initiative as soon as possible to ensure consistency between the policies adopted in this initiative and other elements of the Santa Monica General Plan, all specific plans, the Santa Monica Zoning Ordinance, the Santa Monica Zoning Map, and other city ordinances and policies.

E. Except as provided in Section 4 of this initiative or as otherwise required by State or Federal law, upon the date of insertion of the provisions of Section 2 of this initiative into the Santa Monica General Plan, all General Plan amendments, rezonings, specific plans, tentative subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or issued shall not be approved or issued unless consistent with the policies and provisions of this initiative.

Section 4. Exemptions for Certain Projects.

A. This initiative shall not apply to prohibit any development project or ongoing activity that has obtained, as of the effective date of this initiative, a vested right pursuant to State or local law.

B. This initiative shall not be interpreted to apply to any land or prohibit any use that, under State or Federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

C. This initiative shall not be interpreted or applied to preclude the approval of a development project that would cause the city to exceed the annual limit on commercial development specified in Policy 1.1.2 of the General Plan if each of the following conditions is satisfied: (i) the City Council, after considering all facts and applicable legislative and judicial authority in support of conforming to the annual cap, finds by at least a 6/7 vote following a public hearing that the application of Policy 1.1.2 would constitute an unconstitutional taking of the landowner's property and that the taking cannot be avoided by borrowing from future years as authorized by Policy 1.1.2; and (ii) in approving the commercial development, the City Council allows additional commercial development only to the extent necessary to avoid said unconstitutional taking of the landowner's property.

Section 5. Severability and Interpretation.

This initiative shall be interpreted so as to be consistent with all Federal and State laws, rules, and regulations. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion of this initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this initiative. The voters hereby declare that this initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this initiative that can be given effect without the invalid application. This initiative shall be broadly construed in order to achieve the purposes stated in this initiative.

Section 6. Amendment or Repeal.

Except as otherwise provided herein, this initiative may be amended or repealed only by the voters of the City of Santa Monica.

The circulators of the petition [] do [X] do not request that the measure be submitted immediately to a vote of the people at a special election.

Attachment A

Attachment A, attached for informational purposes, contains the true and accurate text of section 9.04.02.030.315 of the Santa Monica Municipal Code in effect on January 16, 2008. Section 9.04.02.030.315 is referenced in Sections 2 and 3 of this initiative.

9.04.02.030.315 Floor area.

The total gross horizontal areas of all floors of a building, including usable basements and all areas measured from the interior face of exterior walls, or a wall separating two buildings excluding:

- (a) Stairways and stairwells;
- (b) Elevators, elevator equipment rooms and elevator shafts;
- (c) Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking;
- (d) Unenclosed decks, balconies and platforms not used for commercial or restaurant activity;
- (e) Courtyards, arcades, atria, paseos, walkways and corridors open to the outdoors whether or not covered by a roof provided they are not used for commercial or restaurant activity;
- (f) The volume above interior courtyards, atria, paseos, walkways and corridors whether covered or not;
- (g) Subterranean and semi-subterranean parking structures used exclusively for parking and loading and unloading;
- (h) At-grade parking not covered by a building, structure or roof;
- (i) Loading docks open or covered by a roof or canopy, but otherwise unenclosed and used exclusively for loading and unloading;
- (j) Mechanical equipment rooms, electrical rooms, telephone rooms, and similar space, if located below grade;
- (k) Enclosures constructed pursuant to Section 9.04.14.050(k) for outdoor hoists in existence on the adoption of Ordinance Number 1452 (CCS).

Floor area shall include those areas occupied by the following:

(a) Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors;

(b) The floor area of interior courtyards, atria, paseos, walkways and corridors covered by a roof or skylight;

(c) Covered at-grade parking;

(d) Above grade parking.

Floor area devoted to covered at-grade parking shall be counted at two-thirds of the actual area if all of the following conditions are met:

(a) The floor devoted to parking does not exceed ten feet in height;

(b) There is at least one level of subterranean or semi-subterranean parking provided on the parcel;

(c) The at-grade and above grade parking levels are screened from view;

(d) There is no parking on the ground floor within forty feet of the front property line;

(e) The design of the parking levels is compatible with the design of the building as determined by the Architectural Review Board.