

LUVE INITIATIVE

An initiative measure amending the Land Use and Circulation Element of the General Plan, as well as amending the Municipal Code, to establish a majority vote requirement for defined major development projects and major modifications to the City's land use planning documents.

The proposed amendments read as follows:

Section I: TITLE

This initiative measure may be known and referred to as the "Land Use Voter Empowerment Initiative" or "LUVE Initiative."

Section II: FINDINGS AND PURPOSE

The People of the City of Santa Monica find as follows:

WHEREAS, the residents of Santa Monica love the beauty of the open skies and ocean breezes of their low-rise City and want to protect them for future generations;

WHEREAS, the residents of Santa Monica rely on the goals of the Land Use and Circulation Element (LUCE), adopted by our City Council in 2010, to "maintain our City's character" and "protect our neighborhoods;"

WHEREAS, the 2010 LUCE permitted the construction of taller and larger buildings with a three-tiered approach to development by exchanging so-called "community benefits" for increased height above the Tier 1 base height;

WHEREAS, the residents of Santa Monica currently have no say, other than public input at public hearings, as to what "community benefits" would justify the impacts of taller and larger buildings on our quality of life;

WHEREAS, the residents of Santa Monica have repeatedly expressed concern about City Hall policies that incentivize increased height in both commercial and residential developments throughout the city;

WHEREAS, elected officials continue to make campaign promises to protect our city from overdevelopment but, once elected, choose instead to approve taller and larger buildings;

WHEREAS, the voters of Santa Monica wish to have the final word on whether "community benefits" exchanged for increased height above the Tier 1 base will outweigh the impacts on our quality of life;

WHEREAS, the voters of Santa Monica wish to have the final word on major modifications to the City's land use planning documents;

WHEREAS, providing housing opportunities to a broad range of Santa Monica residents, including persons and families of low and moderate income, and including senior citizens, is an important objective for Santa Monica;

WHEREAS, nothing in this Initiative is intended to prevent the City from meeting its regional fair share of housing needs, nor to prevent the approval and construction of affordable or senior housing projects;

WHEREAS, the voters of Santa Monica have a long history of being informed and engaged while actively working to protect the city we love;

NOW THEREFORE, based upon the foregoing findings, the People find and declare that the Land Use and Circulation Element and the Zoning Ordinance be amended by this Initiative to provide an opportunity for the people of the City to vote upon major development projects and significant changes to land use planning documents that will directly affect the quality of life in the City of Santa Monica, as set forth herein.

Section III: AMENDMENT OF LAND USE AND CIRCULATION ELEMENT

A. Section 2.1 of the Land Use and Circulation Element of the General Plan of the City of Santa Monica is amended as follows (new text is shown by underline and deleted text is shown by ~~strikeout~~):

ACHIEVING COMMUNITY BENEFITS

The essence of the LUCE land use policy is to identify an allowable building height for each land use as a baseline. Proposed development that requests additional height above the base will be subject to discretionary review, possible voter approval as established by ordinance, and additional requirements consistent with the community's broader social and environmental goals. This approach is defined in three tiers; the base tier (ministerial up to the discretionary review thresholds established by the Zoning Ordinance) and two discretionary tiers. In most commercial areas of the City, including the major boulevards such as Wilshire Boulevard and portions of Lincoln and Santa Monica Boulevards, the maximum base height (Tier 1) for a project without providing community benefits is 32 feet (two stories). In these areas, a project with housing is eligible for a height bonus above the base height, allowing for an additional floor of housing, by providing the percentage of required affordable housing units on-site or within close proximity along the transit corridors. Thus the base height generally ranges from 32 to 36 feet.

To be above the base height, new development must provide community benefits for the City and the neighborhood. Under the LUCE, an applicant for a commercial or mixed-use project requesting additional height above the base, known as Tier 2, will need to provide community benefits that will be considered through a discretionary permit or Development Agreement. Heights identified as Tier 3 require additional community benefits. Projects seeking Tier 2 or Tier 3 approvals may also be subject to voter approval requirements, as established by ordinance.

Several land use designations have a lower base height (Tier 1), a lower maximum height for Tier 2 and no Tier 3. The exceptions are called out later in this chapter in the discussion of each land use designation.

The community identified the following five priority categories of Community Benefits.

1. Trip Reduction and Traffic Management

The LUCE specifies that all new development will be measured and evaluated with respect to its ability to reduce vehicle trips in Santa Monica which are a source of numerous environmental impacts, including air quality degradation, increased congestion, and exacerbation of global climate change. Projects above the base height will be required to provide Transportation Demand Management (TDM) trip reduction measures to reduce congestion and GHG emissions.

These measures – which are intended to encourage walking, biking and transit use in the City while deemphasizing use of the automobile – could include:

- Bicycle Facilities
- Dedicated Shuttles
- Car-sharing
- Transit Passes
- Parking “Cash-out”
- Shared Parking
- Pricing Parking Separately from Housing Units

2. Affordable and Workforce Housing

The LUCE outlines requirements for housing that is affordable to lower-income residents. Projects that include a significant amount of such housing achieve the highest level of community benefit. The Plan also incentivizes workforce housing to provide additional units for employees who are increasingly priced out of our community. To continue to foster diversity, it is important to create the conditions which allow employees to live in the City. This reduces commuting, which contributes to air pollution, traffic congestion, and global climate change. Workforce housing is an emerging sustainable policy for the City. Being able to live near employment and transit significantly reduces vehicle miles traveled. Thus, this housing should be located near transit and near existing job centers (e.g., hospitals, Santa Monica College, school district offices, and entertainment industry centers). Businesses are encouraged to provide workforce housing for which priority is given to employees. Residential or mixed-use projects that provide affordable and workforce housing will be eligible for height over the base of 32–35 feet in recognition of the environmental and social benefits of such housing.

3. Community Physical Improvements

In certain parts of the City, the community benefits could address necessary or desired physical improvements such as:

- Reconnecting the street grid with Green Streets
- Quality pedestrian, biking, and Green Connections
- Community gathering and green open spaces
- Recreational open space
- Neighborhood-serving retail and services

4. Social and Cultural Facilities

In addition to the traffic mitigation and housing, the LUCE also specifies a range of community benefits that may be applied to residential or nonresidential projects. Incentives may be achieved by incorporating some of the following community benefits into the project:

- Support for arts and cultural facilities and uses such as providing public art and/or gallery space within the building
- The creation of child care, senior, or youth facilities as part of the project

5. Historic Preservation

A community benefit could also include the preservation of historic structures, and/or adaptive reuse of cultural buildings as part of or near to the project, or participation in a Transfer of Development Rights program. (See chapter 3.2 Community Benefits for further information on the desired list of community benefits.)

B. Section 2.1, Goal LU10 of the Land Use and Circulation Element of the General Plan of the City of Santa Monica is amended as follows (new text is shown by underline and deleted text is shown by ~~strikeout~~):

IMPROVING THE QUALITY OF LIFE

GOAL LU10: Community Benefits- Require new development to contribute directly to the community’s core social, physical and transportation goals through mechanisms such as community benefits.

POLICIES

LU10.1 Maximum Allowable Base Height. Establish a maximum allowable building height and density for each commercial land use designation as a baseline, which is ministerial up to the discretionary thresholds established by the Zoning Ordinance.

LU10.2  Benefits Tied to Community Values. Require new development that requests height above the base to provide measurable benefits to foster complete neighborhoods and support the goals of the LUCE, including reducing vehicle trips and GHG emissions, maintaining diversity, and promoting affordable and workforce housing.

LU10.3  Affordable and Workforce Housing. Focus on additional affordable and workforce housing with an emphasis on employment centers close to transit facilities.

LU10.4 Discretionary Review. Require a discretionary review process with community input for projects above the base height except for 100 percent affordable housing projects. Inclusion of community benefits and specific findings will be required for conditional approval above the base height and density. A vote of the people of the City shall be required for certain projects above the base height, as shall be established by ordinance.

C. Section 3.2 of the Land Use and Circulation Element of the General Plan of the City of Santa Monica is amended as follows (new text is shown by underline and deleted text is shown by ~~strikeout~~):

Community Benefits

Traditional planning has long required development to meet minimum community standards. Developers of private property are key participants in shaping the City’s form, characteristics and amenities, and through this development they can contribute to a shared community vision. The LUCE articulates and clarifies the community’s future vision and expectations. What is innovative about the LUCE is the requirement that when a developer seeks to develop property at a height greater than the City’s ministerial standard, the developer must include in the project certain preferred uses or beneficial project design features, or meet other development standards that serve the community’s core needs – those standards that contribute directly to the community’s fundamental social, cultural, physical, transportation and environmental goals.

This approach provides the City and the community with the ability to shape how projects contribute to the City as a whole, ensuring that new buildings will be rich additions to the urban fabric, creating special places in the City that enhance its unique character and quality of life. This regulatory approach also strives to ensure that local services are located within walking distance of both existing and new uses so as to create complete neighborhoods that increase livability, reduce greenhouse gas (GHG) emissions and relieve congestion.

THE COMMUNITY IDENTIFIES CORE VALUES FOR COMMUNITY BENEFITS

The community’s vision of desired community benefits has evolved through an extensive participation process. Through the LUCE’s three-year community outreach process, a continuing and interactive dialogue identified the core values of the community. Participants responded to the question of “what makes a livable city?” For Santa Monicans, it is preservation of the vibrant, beach town atmosphere, the enhancement of the sense of community, the conservation of unique and diverse neighborhoods, and the ability to enjoy walkable streets, easy access to transit, green streets and open space, and a range of housing choices for all income levels. The community identified the overarching principle of maintaining the City’s unique attributes while enhancing and enriching neighborhood livability, including housing that is affordable to people of all income levels, ages and cultural backgrounds.

COMMUNITY BENEFITS

The LUCE addresses the following questions about development projects:

- Does this project contribute to the community?
- Does the project protect and enhance the neighborhood?
- Is the project in the right location to reduce automobile dependence?
- Does the project contribute to the City’s overall traffic reduction and management strategy?
- Does the project adversely impact or enhance the current or future open space and community gathering spaces?
- Does the project contribute to the City’s long-term sustainability?

Five Priority Categories of Community Benefits:

The community identified the following five priority categories of community benefits:

1. New Affordable and Workforce Housing

For all projects in which a developer seeks to develop a project that is greater in height than the base height of 32 feet, affordable housing or a contribution to the affordable housing fund shall be required. The objective is to incentivize housing along the City's commercial corridors where there is transit, local-serving retail and an enhanced pedestrian environment, facilitating a complete neighborhood for a range of socioeconomic levels. While affordable housing is identified as a primary community benefit, the provision of a significantly higher percentage of workforce housing units is also a community benefit.

A project developer who chooses to provide affordable housing as part of the base project in accordance with the percentage requirements specified in the City's Affordable Housing Production Program will be entitled to receive a height bonus of 3 feet for a total height of 35 feet.

2. GHG Emissions and Future Congestion Reduction Requirement

A developer who seeks to develop projects above the base height shall also be required to provide additional Transportation Demand Management (TDM) trip reduction measures to address congestion and GHG emission reduction. TDM incentive programs could include: bicycle facilities, shower facilities, dedicated shuttles, flex cars, transit passes, parking cash-out programs, car-sharing programs, on-site transportation information, and shared parking programs.

3. Community Physical Improvements

In certain parts of the City, the community benefits could address necessary or desired physical improvements such as: reconnecting the street grid; quality pedestrian, biking and green connections; and additional ground level open space, trees and wider sidewalks. It could also include improvements, such as gathering places, recreation open space and the provision of neighborhood-serving retail and services.

4. Social, Cultural and Educational Facilities

This category of benefits could include space for preferred uses such as child care, senior care, youth and teen services and educational uses. The community also endorsed incentives for the provision of artist workspaces and additional cultural venues celebrating Santa Monica's arts and cultural heritage.

5. Historic Preservation

This category of benefits could include adaptive reuse, sensitive restoration and treatment, compatible new construction, and participation in a Transfer of Development Rights (TDR) program.

There are numerous factors in assessing the type and extent of community benefit that must be provided. Benefits that merely meet or go slightly beyond standard requirements for all projects, such as TDM or Green Building requirements, would not qualify as community benefits. Benefits that are for the immediate neighborhood should also be considered in addition to those that apply citywide.

HOW THE LUCE ACHIEVES COMMUNITY BENEFITS

In addition to articulating the community's long-term vision, the LUCE establishes the broad goals and policies that set the framework for community benefits. In each land use designation, the Plan sets a base height and allowable development intensity which permits quality lower-scale, generally ministerial development. Using the citywide vision for urban form, the Plan then sets a maximum height and intensity, even with provision of community benefits, along with sensitive transitions to homes and neighborhoods. The specific standards and procedures for providing community benefits will be incorporated into the revised Zoning Ordinance using the LUCE concepts.

The LUCE land use policy establishes a baseline building height for nonresidential land use designations. Any proposed development that seeks to build above the base height in these nonresidential areas of the City, except for 100 percent affordable housing projects, will be subject to a public review process, which may include a vote of the people of the City, and additional requirements consistent with the community's broader social and

environmental goals. These additional requirements shall consist of the provision of preferred uses, the incorporation of beneficial project design features, and/or compliance with additional development standards. These design features and development standards may be traditional aesthetic zoning requirements or, in many instances, be reasonably related to the amelioration of increased burdens placed on the City due to the increased height. In most commercial areas of the City, including the major boulevards such as Wilshire Boulevard and portions of Lincoln and Santa Monica Boulevards, the maximum height for a project without providing community benefits is 32 feet or two stories (the base height can go to three stories if a percentage of affordable housing is included). Above the baseline height, new development must provide community benefits for the City and the neighborhood. Depending on the project type and height, an applicant may pursue either a Major Development Review Permit or its equivalent or a Development Agreement (DA).

COMPONENTS OF THE PROCESS

Transparency and Early Community Involvement

The LUCE provides for early community input on new projects. Changes to the existing development review process will create a framework to ensure that projects will be consistent with the City's vision, focus on quality outcomes and contribute to the community's quality of life. An early concept phase prior to submission of a formal development application will allow the City and community to review and comment on the appropriateness of the proposed land use and design and address the City policies and priorities identified in the LUCE.

The Community Shapes the Future: A Three-Tiered Approach

The Plan defines a comprehensive program that ~~incentivizes~~ permits new development above the 32-foot established base. A three-tiered approach, based on increments of height and floor area, defines additional requirements consistent with the community's broader social and environmental goals. Consistent with the Plan's goals and objectives of obtaining community input into development decisions, the people of the City shall review all projects above the 32-foot established base, with limited exceptions to be established in the Zoning Ordinance, by a vote of the people of the City in a general or special election.

Tier 1- Base Height

The LUCE establishes a base height of 32 feet (2 stories). A project will receive a height bonus above the base height, allowing for an additional floor of housing, by providing the required affordable housing units on-site, or within close proximity along the boulevard, in accordance with the percentage requirements specified in the City's Affordable Housing Production Program. While the 32-foot base accommodates 2 stories, the height available with this incentive allows 3 stories. A Tier 1 project is ministerial up to the discretionary review threshold established by the Zoning Ordinance. Even these ministerial projects may be subject to discretionary review such as use permits, architectural review, historic resource review, etc.

Tier 2- Height Above Base Height

In order to seek additional 1 [sic] height above the base, a project will be required to provide additional community benefits. By maintaining discretionary control for a project over the ministerial base height, the City is better positioned to ensure compliance with LUCE principles. The process will differ slightly depending on the type of land use and the specific project as described below.

Commercial Projects

Unless a developer seeks a Development Agreement, a discretionary process will apply to all commercial projects and mixed-use projects. Under the LUCE, applicants will be required to undergo a community participation process. Approval of the project will require affirmative findings, including, but not limited to: (1) the project will promote the general welfare of the community, (2) the project will not have unacceptable adverse effects on public health or safety, and (3) in exchange for the privilege of being given additional height, the proposal must provide the City with enumerated community benefits as previously identified in the "Five Priority Categories of Community Benefits" section of this chapter.

Residential Projects and Mixed Use Projects

Except for deed-restricted 100 percent affordable housing projects, housing projects and mixed-use housing projects shall be processed through a Development Agreement or a discretionary review process.

Housing and mixed-use housing projects will be required to provide a percentage of affordable units either on- or off-site. The proposal must also provide the City with enumerated community benefits as previously identified in the “Five Priority Categories of Community Benefits” section of this chapter.

An alternative to this approach would be the establishment of an objective point-based incentive system. However, this approach has not been recommended in the LUCE.

Tier 3- Additional Height

In the few areas where additional project height above Tier 2 may be requested, the required process is a Development Agreement to allow the City Council to ensure that these significant projects provide community benefits as previously identified in the “Five Priority Categories of Community Benefits” section of this chapter. Compared to the development review process, the Development Agreement process has greater public review and participation, allows more flexibility to create high-quality projects and achieve greater community benefit, providing the greatest discretionary control of the City. Housing and mixed-use housing projects will be required to provide a percentage affordable units either on- or off-site. Other projects above the base height will contribute applicable project mitigation fees, including affordable housing fees.

One Hundred Percent Affordable Housing Projects

One hundred percent affordable housing projects (up to a maximum of 80% of median income only) of 50 or fewer units will be processed ministerially.

Preservation of Historic Resource

When the project would preserve a City-designated landmark or structure of merit, the project may be reviewed by a discretionary review process other than development agreement so long as project does not exceed the FAR for Tier 2 projects.

FINANCIAL FEASIBILITY OF THIS APPROACH

Financial feasibility testing has documented that there is sufficient site value created by additional height over the base to fund the required community benefits. Economic analysis of various development scenarios determined that the requirement of an increased level of benefits corresponding to increased heights are realistic, even with a reasonable return on investment for the project, due to the land values along the City’s respective corridors. Each height tier increases the site value above the base. A portion of the value enhancement is available for community benefits. This analysis shows that the community benefits concept is economically feasible.

D. Chapter 5.0 of the Land Use and Circulation Element of the General Plan of the City of Santa Monica is amended as follows (new text is shown by underline and deleted text is shown by ~~strikeout~~):

IV. ZONING ORDINANCE AND MAP REVISIONS

The Zoning Ordinance and associated Zoning Map are critical tools for implementing the LUCE. The City will prepare a comprehensive revision to the Zoning Ordinance and Map, consistent with the vision, goals and policies of the LUCE to include, among other things, the land use classifications and development standards outlined in the LUCE. The updated Zoning Ordinance will be a central regulatory mechanism that must be carefully prepared and work in concert with the LUCE in order to achieve the City’s and community’s goals. Innovative LUCE concepts to be incorporated into the revised Zoning Ordinance include, but are not limited to:

Mixed-Use

- The creation of mixed-use boulevards and districts that reorient regional commercial areas toward housing for a range of income levels
- Ground floor pedestrian-oriented uses and standards that encourage local-serving goods and services and community-serving amenities
- Ground floor residential uses that are oriented towards the street within areas designated as Mixed-Use Boulevard Low on Santa Monica Boulevard, Pico Boulevard, and Broadway allowing new development to be more compatible with the surrounding neighborhood character; the residential development should be designed to engage the street with street-facing doors and fenestration, ground floor open space, porches or stoops.

Affordable and Workforce Housing

- Continuation of the City’s effective implementation of the Affordable Housing Production Program in compliance with Proposition R
- Additional opportunities to provide a greater share of housing for all income levels including very low, low, moderate and above moderate, including housing for employees of area businesses.

Neighborhood Conservation

- Modified development standards in the residential zoning districts to achieve greater conservation of residential quality, type and character
- Modified development standards to require projects to be of a compatible scale and character with the existing neighborhood; provide respectful transitions between new and existing structures; conform to building envelopes that preserve access to light and air and require appropriate setbacks along neighborhood streets; and provide ground level open space
- Modified demolition process that considers neighborhood defining character issues such as aesthetic, social and cultural attributes
- Neighborhood Conservation Overlay Districts to address conservation of distinctive neighborhood features, streetscape, and site planning; protections for unique properties, sites or building types
- Programs for addressing transportation and parking issues starting in areas with the greatest on-street parking scarcity.

Community Benefits

- Complete neighborhoods achieved through a program for community benefits that responds to the community’s broader social and environmental goals
- Maximum by-right base height and intensity for new development
- Incorporate [sic] of special rules for new development that requests to build above the base height or intensity; such new development will be subject to a Major Development Review Permit or its equivalent or a Development Agreement, subject to voter approval as established by ordinance, with those additional requirements consistent with the community’s broader social and environmental goals.

Enhanced Public Engagement Process

Changes to the development review process to allow for early public review and input during the conceptual phase of a project. The purpose of early consultation is two-fold:

- It provides an opportunity for residents to gain a clear understanding of the timing and steps involved in the development review process
- It takes place at a time when the project concept is still flexible, providing the community the greatest opportunity to actuate change in the project components. These concept review meetings will also increase certainty for the neighborhood and developer and reduce costly changes during the entitlement process.

Transportation Demand Management and Circulation Standards

- Incorporation of requirements for TDM into the Zoning Ordinance that will be applied to project review in order to achieve the City’s goals for GHG reduction and climate change prevention.
- Coordination of TDM provisions with potentially reduced or shared parking requirements to maximize land efficiency and minimize disruption, while still providing adequate parking for area uses.
- Consideration for shared and reduced parking requirements for projects with comprehensive TDM programs located near transit.
- Updating the Municipal Code, as appropriate, with the Circulation Element actions and programs in Section VI of this Chapter.

V. REVIEW OF PROPOSED PROJECTS

Development proposals that conform with stated goals and policies of the LUCE are the implementation tools that have the most direct influence on the City’s ability to achieve complete communities, housing opportunities, and integrated transportation and land use. Exacting review is the primary method by which the City ensures that individual projects achieve the vision, goals, and standards of the community. The vision is set by the General Plan, and the standards are established in the Zoning Ordinance. Although Santa Monica has limited vacant land, it is anticipated that over the time horizon of this Plan, some properties in the City will redevelop as existing structures reach the end of their useful life, and/or as property owners seek more effective use of their sites.

Objective Standards and Criteria

By stating the goals and policies for each land use designation and each neighborhood, boulevard, district, and activity center, the LUCE creates certainty for residents and developers and establishes how development projects can positively affect the character, form, and quality of the city.

Objective standards and criteria rooted in community priorities and measures to mitigate the impacts of new development will be the method by which all administrative projects will be reviewed. Review of discretionary projects that involve new construction will be guided by a new incentive system that places significant emphasis on inclusion of affordable housing and other community benefits with the objective that new development should contribute to the city’s physical, environmental, and cultural goals. Types of review for new projects are described below and include:

- Ministerial review for projects that fall within established base height and FAR limits
- Planning Commission and/or City Council review for projects that exceed base height and FARs, with voter approval required for certain projects as established by ordinance
- Development Agreements, subject to voter approval for certain projects as established by ordinance

Maximum Ministerial Base Height and FAR and Provisions for Increases when Projects Offer Community Benefits

The LUCE establishes a maximum ministerial base height of 25–35 feet. As an incentive, additional height and FAR above the base may be granted, subject to a discretionary review process, if it meets community benefit criteria. A Development Agreement may be required for these increases in height and FAR. (See chapter 3.2 Community Benefits for further information.)

E. Chapter 1.0 the Land Use and Circulation Element of the General Plan of the City of Santa Monica is amended as follows (new text is shown by underline and deleted text is shown by ~~strikeout~~):

Require Community Benefits

Traditional planning has long required development to meet minimum community benefit standards. The LUCE proposes a comprehensive approach to benefits designed to serve the community’s core needs—new affordable housing opportunities, cultural and social facilities, employee housing, preservation of historic resources, and the creation of quality “places.”

The LUCE establishes a review process which conditions new development above a base height to provide community benefits. This approach provides the City and the community with the capability to shape how individual projects contribute to the City as a whole. This will ensure that new buildings will be rich additions to the urban fabric while creating special places in the City that enhance its unique character and quality of life. To accomplish this, the Plan establishes a base height of 32 feet for new development (ministerial up to the discretionary review thresholds established by the Zoning Ordinance), initiating a Major Development Review Permit or Development Agreement process for development beyond this height. This approach incentivizes certain major projects to create benefits for the City, such as affordable and employee housing, historic preservation, quality pedestrian and biking connections, new gathering places, neighborhood-oriented retail, shared parking solutions, or space for social services such as child or senior care. Future projects must also exhibit compatibility in scale, setting and transitions to residential neighborhoods.

Section IV: AMENDMENT OF MUNICIPAL CODE CHAPTER 9.40

Article 9, Division 4, Chapter 9.40 of the Santa Monica Municipal Code is hereby amended as follows (deleted text is shown by ~~strikeout~~).

Chapter 9.40 DEVELOPMENT REVIEW PERMIT

9.40.010 Purpose

A Development Review Permit is intended to allow the construction of certain projects for which the design and siting could result in an adverse impact on the surrounding area. The permit allows for:

- A. Review of the location, size, massing, and placement of the proposed structure on the site;
- B. The location of proposed uses within the project;
- C. An evaluation of the project with regard to fixed and established standards; and
- D. A determination of whether the proposed siting and design should be permitted by weighing the public need for the benefit to be derived from the proposed site plan use against the impact which it may cause. (Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015)

9.40.020 Applicability

A. Except as provided in subsection (B), a Development Review Permit approved by the Planning Commission shall be required prior to issuance of any building permit for the development if any of the following occurs:

1. ~~Any project that exceeds Tier 1 maximum limits; Repealed;~~
2. All new construction and new additions to existing buildings of more than 10,000 square feet of floor area located in Residential Districts or more than 7,500 square feet of floor area in Neighborhood Commercial and Oceanfront Districts;
3. All new construction and new additions to existing buildings of more than 15,000 square feet of floor area located in Nonresidential Districts not specified in subsection (A)(2);
4. Notwithstanding subsection (A)(3) above, all new construction of more than 30,000 square feet of floor area of a development project containing no more than 15% commercial floor area located in Nonresidential Districts not specified in subsection (A)(2);

5. Notwithstanding subsections (A)(2)—(4) above and until the adoption of a Pico Neighborhood Plan, all new construction and new additions to existing buildings of more than 7,500 square feet of floor area located in the Pico Neighborhood Area.

FIGURE 9.40.020.A: PICO NEIGHBORHOOD AREA (AS OUTLINED)



B. The following types of projects are exempt from Development Permit Review requirements:

1. Single unit dwellings; and
2. 100% Affordable Housing Projects of 50 units or less. (Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015)

9.40.030 Application

Application for a Development Review Permit shall be filed in a manner consistent with the requirements contained in Section 9.37.020, Application Forms and Fees. (Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015)

9.40.040 Procedures

A. Upon receipt in proper form of a Development Review Permit application, a meeting with the Architectural Review Board shall be set to receive a recommendation on the design of the proposal.

B. Following receipt of a recommendation of the Architectural Review Board, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Section 9.37.050, Public Notice. (Added by Ord. No. 2486CCS §§ 1, 2, adopted June 23, 2015)

9.40.050 Required Findings

Following a public hearing, the Director shall prepare a written decision which shall contain the Planning Commission's findings of fact upon which such decision is based. The Planning Commission, or City Council on

appeal, shall approve or conditionally approve a Development Review Permit application in whole or in part if all of the following findings of fact can be made in an affirmative manner:

- A. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards and are both compatible and relate harmoniously to surrounding sites and neighborhoods;
- B. The rights-of-way can accommodate autos, bicycles, pedestrians, and multi-modal transportation methods, including adequate parking and access;
- C. The health and safety services (police, fire etc.) and public infrastructure (e.g., utilities) are sufficient to accommodate the new development;
- D. The project is generally consistent with the Municipal Code and General Plan;
- E. Based on environmental review, the proposed project has no potentially significant environmental impacts or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project or a Statement of Overriding Considerations has been adopted;
- F. The project promotes the general welfare of the community;
- G. The project has no unacceptable adverse effects on public health or safety; and
- H. The project provides Community Benefits consistent with Chapter 9.23.

9.40.060 Conditions

In granting a Development Review Permit, the Review Authority or the Review Authority on appeal shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or in such modifications thereof, as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan and this Ordinance, and may also impose such other conditions as may be deemed necessary to achieve these purposes and to support the findings of approval.

9.40.070 Term, Extension, Revocation, and Appeal

The term of permit, exercise of rights, extension, revocation, and appeal for Development Review Permits shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

Section V: ADDITION OF MUNICIPAL CODE CHAPTER 9.51

Article 9, Division 4 of the Santa Monica Municipal Code is amended by the addition of a new Chapter 9.51 as follows:

CHAPTER 9.51 MAJOR DEVELOPMENT REVIEW PERMIT

9.51.010 Purpose

A Major Development Review Permit is to provide a means for the City Council to approve and impose conditions upon those projects for which the City Council concludes that the provision of community benefits outweighs the adverse impact of increased height and density over that allowed in baseline Tier 1 zoning.

9.51.020 Applicability

A. Except as provided in subsection (B), a Major Development Review Permit approved by the City Council shall be required prior to issuance of any building permit for any project that exceeds Tier 1 maximum limits.

B. The following types of projects are exempt from Major Development Permit Review requirements:

1. Single unit dwellings;

2. 100% Affordable Housing Projects of 50 units or less;

3. Projects that satisfy requirements for Tier 1 including On Site Affordable Housing in compliance with the Affordable Housing Production Program; and

4. Projects that exceed Tier 1 baseline standards only due to height or density bonuses granted for the provision of affordable housing pursuant to state law requirements.

9.51.030 Application

Application for a Major Development Review Permit shall be filed in a manner consistent with the requirements contained in Section 9.37.020, Application Forms and Fees.

9.51.040 Procedures and Planning Commission Hearing

A. Upon receipt in proper form of a Major Development Review Permit application, a meeting with the Architectural Review Board shall be set to receive a recommendation on the design of the proposal.

B. Following receipt of a recommendation of the Architectural Review Board, a public hearing before the Planning Commission shall be set and notice of such hearing given in a manner consistent with Section 9.37.050, Public Notice.

C. Following the public hearing, the Planning Commission shall make a recommendation on the Major Development Review Permit to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for the issuances of a Major Development Review Permit in section 9.51.060, and shall be transmitted to the City Council.

9.51.050 City Council Hearing and Action

A. After receiving the recommendation from the Planning Commission, the City Council shall hold a duly-noticed public hearing. The notice shall include a summary of the Planning Commission recommendation. If the Planning Commission does not recommend approval of a Major Development Review Permit, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.

B. After the conclusion of the public hearing, the City Council may approve, modify, or deny the proposed Major Development Review Permit.

9.51.060 Required Findings

The Planning Commission shall not recommend and the City Council shall not approve or conditionally approve a Major Development Review Permit unless the following findings can be made:

A. The project is consistent with the objectives, policies, general land uses, and programs of the General Plan;

B. The approval of the project is consistent with the purpose of the Zoning Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare;

C. The project is compatible with the uses authorized in the district in which the project is located;

D. The project will not have unacceptable adverse impacts on health and safety; and

E. The Community Benefits provided by the project meet, at a minimum, the benefits identified in Chapter 9.23, and the provision of such benefits outweighs any negative impacts to the environment due to the increased height or density that results from the construction of a project that exceeds Tier 1 baseline limits.

9.51.070 Conditions

In granting a Major Development Review Permit, the City Council shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or within such modifications thereof, as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan and this Ordinance, and may also impose such other conditions as may be deemed necessary to achieve these purposes and to support the findings of approval.

9.51.080 Term, Extension, Revocation, and Appeal

The term of permit, exercise of rights, extension, revocation, and appeal for Major Development Review Permits shall be in accordance with the applicable provisions of Chapter 9.37, Common Procedures.

9.51.090 Voter Approval Required

Unless otherwise exempted by the provisions of Chapter 9.69, no Major Development Review Permit shall be effective until it has been approved by a simple majority vote of the voting electorate of the City of Santa Monica, as set forth in Chapter 9.69, Land Use Voter Empowerment.

Section VI: AMENDMENT OF MUNICIPAL CODE CHAPTER 9.60

Article 9, Division 6, Chapter 9.60 of the Santa Monica Municipal Code is hereby amended as follows (deleted text is shown by ~~strikeout~~, new text is shown by underline).

Chapter 9.60 DEVELOPMENT AGREEMENTS

9.60.010 Purpose

The purpose of this Chapter is to establish procedures and regulations for Development Agreements.

9.60.020 Authority and Scope

This Chapter is adopted pursuant to Article 11, Section 7 of the California Constitution and pursuant to Government Code Section 65864 et seq. All Development Agreements entered into after the effective date of this Chapter shall be processed in accordance with the provisions of this Chapter. In performing his or her functions under this Chapter, the Planning Director shall act under the direction of the City Manager.

9.60.030 Application Forms

The Planning Director shall prescribe the form of each application, notice and documents provided for or required under this Chapter for the preparation, processing, and implementation of Development Agreements. The application shall include a fiscal impact statement on the proposed development. The Planning Director may require

an applicant for a Development Agreement to submit such information and supporting data as the Planning Director considers necessary to process the application.

9.60.040 Qualified Applicant

An application for a Development Agreement may only be filed by a person who has a legal or equitable interest in the real property for which a Development Agreement is sought or the authorized representative of such a person.

9.60.050 Proposed Agreement

Each application shall be accompanied by the form of Development Agreement proposed by the applicant.

9.60.060 Filing of Application

The Planning Director shall endorse on the application the date it is received. The Planning Director shall review the application and may reject the application if it is not completed in the manner required by this Chapter.

9.60.070 Review of Application

The application shall be reviewed by the Planning Director. After reviewing the application and any other pertinent information, the Planning Director shall prepare a staff report. The staff report shall analyze the proposed development and shall contain a recommendation as to whether or not the Development Agreement proposed or in an amended form should be approved or disapproved.

9.60.080 Processing

A. The Planning Commission shall consider the proposed development agreement and make a recommendation thereon to the City Council in the manner set forth in this Chapter. The Planning Commission shall conclude its consideration of and make its recommendation on the proposed development agreement within ninety days of the time specified for the public hearing in the notice of intention. The applicant may agree to extend this ninety-day review period.

B. In addition to formal consideration of the proposed development agreement by the Planning Commission pursuant to this Section, the City Council may establish procedures for early conceptual review of the development agreement proposal by the City Council and City Boards and Commissions or a combination thereof preceding the Planning Commission's formal consideration.

9.60.090 Notice of Intention

Upon completion of the staff report required by Section 9.60.070, the Planning Director shall give notice of intention to consider adoption of a Development Agreement. The notice shall contain:

- A. The time and place of the public hearing.
- B. A general explanation of the Development Agreement including a general description of the property proposed to be developed.
- C. Other information that the Planning Director considers necessary or desirable.

9.60.100 Notice Requirements

A. The Planning Commission shall hold a public hearing on the proposed Development Agreement at the time and place specified in the notice.

B. All notice required by this Chapter shall be given in the following manner:

1. Mailing or delivery to the applicant and to all persons, including businesses, corporations or other public or private entities, shown on the last equalized assessment roll as owning real property within 500 feet of the property which is the subject of the development agreement.
2. Mailing or delivery to all tenants of property within 500 feet of the property which is the subject of the development agreement.
3. Mailing by first class mail to any person who has filed a written request therefor with the Planning Director.
4. Publication at least once in a newspaper of general circulation published and circulated in the City.

C. The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

9.60.110 Required Findings

The Planning Commission shall make its recommendation to the City Council in writing. The recommendation shall include whether or not the proposed Development Agreement:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
- B. Is compatible with the uses authorized in the district in which the real property is located;
- C. Is in conformity with the public necessity, public convenience, general welfare, and good land use practices;
- D. Will be detrimental to the health, safety and general welfare;
- E. Will adversely affect the orderly development of the property; and
- F. Will have a positive fiscal impact on the City.

9.60.120 Hearing by City Council

After the recommendation of the Planning Commission or after the expiration of the time period specified in Section 9.60.080, the Planning Director shall give notice of a public hearing before the City Council in the manner provided for in Section 9.60.100.

9.60.130 Decision by City Council

A. After it completes the public hearing and considers the recommendation, if any, of the Planning Commission, the City Council may accept, modify or disapprove the proposed Development Agreement. It may, but need not, refer the matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission shall hold a public hearing on matters referred back to it by the City Council.

B. The Development Agreement may not be approved unless the City Council finds that the Development Agreement is consistent with the general plan and any applicable specific plan.

9.60.140 Approval of Development Agreement, Effective Date

The Development Agreement shall be approved by the adoption of an ordinance. Upon the adoption of the ordinance, the City shall enter into the Development Agreement by the execution thereof by the City Manager. Unless otherwise exempted by the provisions of Chapter 9.69, no Development Agreement shall be effective until it has been approved by a simple majority vote of the voting electorate of the City of Santa Monica as set forth in Chapter 9.69.

9.60.150 Amendment and Cancellation

- A. Either the City or the applicant or successor in interest thereto may propose an amendment or cancellation in whole or in part of the Development Agreement.
- B. The procedure for proposing and approving an amendment to or cancellation in whole or in part of the Development Agreement shall be the same as the procedure for entering into a Development Agreement.
- C. Except as provided for in Section 9.60.180, the development agreement may only be amended or cancelled in whole or in part by the mutual consent of all parties to the Development Agreement.

9.60.160 Recordation

No later than ten days after ~~the City enters into the development agreement~~ the effective date of a Development Agreement, the City Clerk shall record with the County Recorder a copy of the Development Agreement.

9.60.170 Periodic Review

- A. The City Council shall review the Development Agreement at least every twelve months from the ~~date the development agreement is entered into~~ effective date of the Development Agreement.
- B. The Planning Director shall give the applicant or successor in interest thereto at least ten days' advance notice of the time at which the City Council will review the Development Agreement.
- C. The applicant or successor in interest thereto shall demonstrate good faith compliance with the terms of the Development Agreement.
- D. If, as a result of such periodic review, the City Council finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the Development Agreement, the City Council may commence proceedings to enforce, modify or terminate the Development Agreement.

9.60.180 Modification or Termination

- A. If upon a finding under Section 9.60.170, the City Council determines to proceed with modification or termination of the Development Agreement, the City Council shall give notice to the applicant or successor in interest thereto of its intention to do so. The notice shall contain:
 - 1. The time and place of the hearing;
 - 2. A statement as to whether or not the City Council proposes to modify or terminate the development agreement;
 - 3. Any proposed modification to the development agreement; and
 - 4. Other information which the City Council considers necessary to inform the applicant or successor in interest thereto of the nature of the hearing.

B. At the time set for the hearing on the modification or termination, the City Council may take such action as it deems necessary to protect the interests of the City.

9.60.190 Irregularity in Proceedings

No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation, or any other matters of procedure whatsoever unless after an examination of the entire record the court is of the opinion that the error complained of was prejudicial and that a different result would have been probable if the error had not occurred or existed.

Section VII: ADDITION OF MUNICIPAL CODE CHAPTER 9.69

Article 9, Division 6 of the Santa Monica Municipal Code is hereby amended by adding a new Chapter 9.69, to read as follows:

CHAPTER 9.69 LAND USE VOTER EMPOWERMENT

9.69.010 Purpose

The purpose of Land Use Voter Empowerment is to provide for public input into major development decisions in the City of Santa Monica by requiring a public vote on specified development projects or significant changes to the land use planning documents of the City. Therefore, no Development Agreement, Major Development Review Permit, or Major Amendment to the City’s Planning Policy Documents shall be effective until the majority of voters of the City of Santa Monica voting in a general or special election approve the Development Agreement, Major Development Review Permit, or Major Amendment to the City’s Planning Policy Documents.

9.69.020 Applicability to Development Projects

All Development Agreements or Major Development Review Permits are subject to the provisions of this Chapter, except those issued for:

- A. 100% Affordable Housing Projects and 100% Moderate Income Housing Projects;
- B. 100% Senior Citizen housing projects;
- C. In the Coastal Zone, any project that is consistent with the applicable height and density limitations in the certified Local Coastal Program (LCP), including any future amendments to the certified LCP; and
- D. Projects at the sites identified on Table A, at the density indicated on Table A, until 2021, or until a new Housing Element is adopted.

TABLE A

**Downtown Specific Plan Area
(maximum FAR = 2.50 with 80% minimum Residential)**

- 1216 5th Street
- 1235 5th Street
- 1311 5th Street
- 1313 5th Street
- 1327 5th Street

1415 5th Street
1423 5th Street
1427 5th Street
1445 5th Street
1552 5th Street
1218 6th Street
1240 6th Street
1437 6th Street
1213 7th Street
1217 7th Street
1227 7th Street
1238 7th Street
1244 7th Street
1313 7th Street
1314 7th Street
1317 7th Street
1331 7th Street
1407 7th Street
1427 7th Street
1448 7th Street
1453 7th Street
1524 7th Street
1547 7th Street
1557 7th Street
510 Arizona Avenue
519 Arizona Avenue
624 Arizona Avenue
625 Arizona Avenue
702 Arizona Avenue
408 Broadway
500 Broadway
501 Broadway
609 Broadway
525 Colorado Avenue
631 Colorado Avenue
1443 Lincoln Boulevard
1650 Lincoln Boulevard
1660 Lincoln Boulevard
311 Wilshire Boulevard
315 Wilshire Boulevard
317 Wilshire Boulevard
419 Wilshire Boulevard
424 Wilshire Boulevard

427 Wilshire Boulevard
601 Wilshire Boulevard
611 Wilshire Boulevard
626 Wilshire Boulevard

Bergamot Plan Area (Bergamot Transit Village)
(Maximum FAR = 2.5 with minimum 40% Residential)

1655 26th Street
1681 26th Street
2700 Pennsylvania

Bergamot Plan Area (Mixed Use Creative)
(Maximum FAR 2.2 with minimum 50% Residential)

2848 Colorado Avenue
3025 Olympic Boulevard
1703 Stewart

Memorial Park Plan Area
(Maximum FAR = 2.0 with minimum 60% Residential)

1654 14th Street
1660 14th Street
1415 Colorado Avenue
1431 Colorado Avenue
1501 Colorado Avenue
1519 Colorado Avenue

Mixed Use Boulevards
(Maximum FAR = 2.0 with minimum 60% Residential)

2050 Broadway
2043 Colorado Avenue
2225 Colorado Avenue
2601 Lincoln Boulevard
2723 Lincoln Boulevard
2809 Lincoln Boulevard
1122 Pico Boulevard
1802 Santa Monica Boulevard
1301 Wilshire Boulevard
1317 Wilshire Boulevard
1401 Wilshire Boulevard
1501 Wilshire Boulevard
3105 Wilshire Boulevard

The following documents or types of documents are the Planning Policy Documents that require approval by a majority of the voters of the City of Santa Monica in order to effectuate a Major Amendment:

A. General Plan Land Use and Circulation Element;

B. Any Specific Plan, except that any Specific Plan prepared for development of lands currently used by Santa Monica Airport shall not require voter approval if the plan provides exclusively for park and open space use;

C. Any Neighborhood Area Plan

D. The Zoning Ordinance of the City of Santa Monica, as set forth in Santa Monica Municipal Code Article 9; and

E. The Official Districting Map of the City.

9.69.040 Major Amendments

A “Major Amendment” of any of the Planning Policy Documents means any amendment that results in any of the following changes to the development standards for any parcel of land affected by the proposed amendment:

A. Increases the maximum allowable number of residential units that may be constructed on any parcel or group of parcels;

B. Changes zone type for a parcel or parcels from Parks and Open Space, Institutional/Public Lands; or Civic Center to a different zone type;

D. Changes a parcel or parcels from any residential land use to allow any non-residential land use;

E. Increases the allowed maximum height of development or changes how height is measured such that additional height could be permitted than was previously permitted;

F. Increases the maximum allowable commercial or retail square footage for a parcel or group of parcels;

G. Adopts a new Specific Plan or Neighborhood Area Plan, or similar planning document; or

H. Repeals any of the Planning Policy Documents.

9.69.050 Voter Approval Process

A. No Development Agreement or Major Development Review Permit that is not otherwise exempted from the requirements of this Chapter, or Major Amendment to a Planning Policy Document, shall be effective unless and until it is approved by a simple majority vote of the voting electorate of the City of Santa Monica voting “YES” on a ballot measure proposing the Development Agreement, Major Development Review Permit, or Major Amendment of a Planning Policy Document at a regular or special election.

B. The ballot pamphlet for any election required by this Chapter shall include the following, at a minimum:

1. A summary prepared by the City Attorney of the proposed Major Amendment, Major Development Review Permit, or Development Agreement. The summary shall include a website address where the full text of the Major Amendment, Major Development Review Permit, or Development Agreement can be viewed by a voter. The full text of the Major Amendment, Major Development Review Permit, or Development Agreement must also be made available at City Hall for any voter who requests it;

2. An easily readable map of the geographic area affected by the Major Amendment, Major Development Review Permit, or Development Agreement; and

3. In the case of a Major Development Review Permit or Development Agreement, the summary prepared by the City Attorney shall include the square footage, floor to area ratio, and height of the proposed project, the floor to area ratio and height permitted for a Tier 1 project at the location, and, in 12 point bold font, the proposed community benefits for the proposed project.

C. Any ballot measure required by this Chapter may be voted upon at a general or special election, on a date consistent with those provided for by the California Elections Code as permitted by law. The cost of any special election on a ballot measure seeking approval of a Development Agreement or Major Development Review Permit shall be borne entirely by the applicant or applicants for the Development Agreement or Major Development Review Permit.

D. In addition to the specific requirements of subsection (B), the provisions of the California Elections Code and Article 11 of the Santa Monica Municipal Code shall apply to any election on any ballot measure required by this Chapter, including those provisions regarding ballot arguments and rebuttal arguments, ballot order, and public examination of ballot information.

Section VII: AMENDMENT OF MUNICIPAL CODE CHAPTER 9.52

Article 9, Division 5, Chapter 9.52 of the Santa Monica Municipal Code is hereby amended to insert the following Terms and Definitions.

Section 9.52.010 List of Terms

The following terms are added to the list of terms, which is otherwise unchanged:

120% Income Household

100% Moderate Income Housing Project

Section 9.52.020 Definitions

The following definitions are added to section 9.52.020, and all other definitions in that section are unchanged:

9.52.020.0041 120% Income Household. A household whose gross income does not exceed 120% of the area median income, adjusted for household size, as published and periodically updated by HUD. 120% income households includes 80% Income Households.

9.52.020.0051 100% Moderate Income Housing Project. Housing projects with 100% of units deed restricted or restricted by an agreement approved by the City for occupancy by 120% Income Households or less.

Section VIII: IMPLEMENTATION

A. The date the notice of intention to circulate this initiative measure was submitted to the City's elections official is referenced herein as the "submittal date." The City General Plan, its Specific Plans, and Zoning Ordinance in effect on the submittal date and the General Plan and Zoning Ordinance as amended by this Initiative comprise an integrated, internally consistent, and compatible statement of policies for the City. In order to ensure that nothing in this initiative measure would prevent the General Plan and its Specific Plans from being integrated, internally consistent, and compatible statements 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, or new Specific

Plan, that is adopted between the submittal date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted amendment or Specific Plan is inconsistent with the General Plan provisions of this initiative, 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 General Plan.

B. The City Council is hereby authorized and directed to amend the General Plan, the Land Use and Circulation Element, all specific plans, and the Zoning Ordinance, and any other ordinance and policies, in order to implement this Initiative and to the extent any of the foregoing are affected by this Initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this Initiative and other elements of the foregoing laws and policies.

Section IX: EFFECTIVE DATE

The provisions of this Initiative shall be considered to be adopted on the date that the vote is declared by the legislative body, and shall go into effect as specified in Elections Code section 9217.

Section X: SUNSET DATE

The provisions of this Initiative shall remain in force until 20 years from its Effective Date.

Section XI: AMENDMENT OR REPEAL

Once this Initiative becomes effective, no provision of this initiative may be amended or repealed except by a majority of the voters of the City of Santa Monica voting on the amendment or repeal in a special or general election.

Section XII: CONFLICTING PROPOSITIONS

If any other proposition, appearing on the same ballot as this proposition, addresses the subject matter in a way that conflicts with the treatment of the subject matter in this proposition, and if each proposition is approved by a majority vote of those voting on each proposition, then as to the conflicting subject matter the proposition with the highest affirmative vote shall prevail, and the proposition with the lowest affirmative vote shall be deemed disapproved as to the conflicting subject matter.

Section XIII: SEVERABILITY

This Initiative shall be interpreted so as to be consistent with all federal, state and local laws, rules and regulations. If any section, subsection, subdivision, clause, sentence, phrase or portion of this Initiative is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining sections, subsections, subdivisions, clauses, sentences, phrases and portions shall remain in full force and effect, and to this end the provisions of this Initiative are severable. The voters thus declare that they would have passed all sections, subsections, subdivisions, clauses, sentences, phrases and portions of this Initiative without the section, subsection, subdivision, clause, sentence, phrase or portion held unconstitutional or invalid.

Section XIV: JUDICIAL ENFORCMENT OR LEGAL DEFENSE

The proponents of this Initiative shall have the right to maintain an action for equitable relief to restrain any violation of this Initiative, to enforce the duties imposed on the City by this Initiative, or to defend the Initiative in the event of a legal challenge to the Initiative after it is approved by the voters.

Section XV: PRIORITY

Once this Initiative becomes effective, its provisions shall prevail over and supersede all provisions of the Municipal Code, ordinances, resolutions, and administrative policies of the City of Santa Monica which may be in conflict with any provisions of this measure.