

Measure LV (LUVE): Unintended Consequences

A report by the Santa Monica Forward Issues Committee

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I. Introduction

In November 2016, the residents of Santa Monica will vote on the Land Use Voter Empowerment (“LUVE”) initiative, on the ballot as Measure LV. Measure LV was drafted by members of Residocracy, a local anti-development political group.

The Santa Monica Forward Issues Committee has prepared this report to provide information about Measure LV and explain the ways in which Measure LV is an extreme measure that goes much too far, would have unforeseen and potentially drastic consequences, and would not solve the problems that its proponents claim it will.

This report draws upon the Elections Code Section 9212 analysis prepared by City Staff and presented to the City Council on July 12, 2016 (the “Staff Report”).

Santa Monica Forward is an organization (501(c)(4) tax status pending) dedicated to a diverse, progressive, sustainable and equitable Santa Monica. The organization formed the Santa Monica Forward Issues Committee in April, 2016 to oppose Measure LV.

Santa Monica Forward
Co-Chairs Judy Abdo and Juan Matute

For more information on this report contact Jason Islas:

310-977-0645
jason.islas@gmail.com

2. What is Measure LV?

Measure LV would fundamentally change the land use approval process in the city by imposing a voter approval requirement for (1) most development projects over two stories and (2) most changes to the City's land use regulations.

Voter approval would take place either at a regularly scheduled election or at a special election paid for by the developer.

Measure LV would not replace the City's current process for approving development projects or making changes to the City's land use regulations. Rather, Measure LV adds an additional layer of voter approval to the existing process.

Project approvals and changes to City land use regulations would still need to go through the current process and receive City approval before going on the ballot.

Under Measure LV, projects or regulatory changes that do not receive greater than 50% of the vote will be denied. This means that under Measure LV, even projects that comply with every single City law and regulation could be denied.

Measure LV affects the following:

Major Development Review Permits ("MDRPs")

The City's new Zoning Ordinance established a Development Review Permit

("DRP") process for projects that exceed the base zoning standards or certain square footage thresholds. Currently, DRPs can be approved by the Planning Commission, with appeal rights to the City Council. Measure LV would change this by requiring an MDRP (often in addition to a DRP¹) for most projects that exceed 32 feet/two stories. An MDRP would be reviewed by the Planning Commission followed by City Council approval and finally voter approval.

Under Measure LV, most 3-story buildings that can currently be processed by the Planning Commission alone would also require City Council approval and voter approval. Measure LV would therefore significantly reduce the authority of the Planning Commission and require significantly greater City resources to process mid-size projects.

Development Agreements ("DAs")

DAs are currently required for the largest development projects in the city as well as some mid-sized projects. The LUCE provides for a process whereby the City negotiates with a developer to receive community benefits (additional affordable housing, open space, contributions to infrastructure, etc.) in exchange for the developer's right to build a particular project. DAs are permitted by State law.

Measure LV would require every DA (with certain exceptions) to receive a majority vote of the electorate after it is approved by the City Council.

would require both approvals. Staff Report, p. 23

¹ City Staff have indicated that projects exceeding the DRP and MDRP thresholds

Measure LV would require a vote of the people even for those DA projects that are of a relatively modest size and scale, such as Crossroads School's recent science building or the administration building recently constructed on Saint Monica's campus.

Major amendments to planning documents

Development in Santa Monica is governed by the LUCE, the various Specific Plans and the Zoning Ordinance. The City Council has the power to adopt these documents and to make amendments to them (after following certain procedural requirements such as public hearings).

Measure LV would require that certain changes to these documents, including the City's Zoning Ordinance and specific plans, defined as "major amendments," be approved by a majority vote of the electorate prior to going into effect.

This means that the adoption of a new specific plan, such as the Downtown Community Plan, would require voter approval. It also means that even relatively minor amendments to the LUCE or the Zoning Ordinance to change the zoning designation of one individual parcel would require voter approval.

According to City Staff, even the adoption of documents such as a Neighborhood Conservation Overlay District, a zoning tool designed to protect and preserve the city's neighborhoods, would require voter approval under Measure LV.²

Measure LV's exemptions

Measure LV's MDRP and voter approval requirements have different exemptions. Affordable housing is exempt from voter approval but projects larger than 50 units will require an MDRP. Also, Measure LV contains 77 voter approval exemptions for specific properties.

What is not exempt from Measure LV

Measure LV contains no exemptions for schools, public safety buildings, nonprofits, buildings identified as historic resources or religious institutions. And, Measure LV contains no exemptions for the reconstruction of buildings destroyed or damaged by a fire or earthquake.

Implementation of Measure LV

Measure LV directs the City Council to amend the LUCE, all specific plans, the Zoning Ordinance and any other City ordinances or policies in order to implement Measure LV. This provision of Measure LV could have far-reaching unforeseen consequences and could result in sweeping changes to the City's land use regulations.

20-Year term

Measure LV has a 20-year term; it expires automatically 20 years from its effective date. This is a very long term for a measure that effects such sweeping changes.

² Staff Report, p. 32

Amendments to Measure LV

Measure LV can only be amended by voter approval; the City Council cannot amend it.

Enforcement by proponents of Measure LV

Measure LV gives its proponents, Residocracy and its members, the right to sue project applicants and the City in order to enforce the provisions of Measure LV. The City will also have the power to enforce Measure LV.

3. Executive Summary

To date, the Measure LV initiative has been opposed by a growing coalition of good government advocates, affordable housing providers, social justice activists, and other members of the Santa Monica community. The League of Women Voters of Santa Monica, the Santa Monica branch of Clergy and Laity United for Economic Justice (CLUE), County Supervisor Sheila Kuehl, State Assemblymember Richard Bloom, State Senator Ben Allen, all seven City Council members and the Santa Monica Chamber of Commerce have publicly stated opposition to the initiative and with good reason.

This document explores Measure LV 's unintended consequences and unanswered questions:

Measure LV and the existing process: Many major land use decisions

(including development agreements and LUCE, Specific Plan, or Zoning Ordinance amendments) are already subject to the referendum process defined in State law.

Measure LV and historic preservation: Measure LV 's voter approval requirement may have the perverse effect of incentivizing the demolition of historic buildings.

Measure LV and existing buildings: Measure LV would require voter approval for buildings damaged by fires and earthquakes, including public buildings like fire and police stations, before they could be rebuilt.

Measure LV and housing: Measure LV would result in the production of far fewer affordable housing units in Santa Monica.

Measure LV and renters' rights: Measure LV would undermine renters' rights by incentivizing the demolition of rent-controlled housing and its replacement with expensive condominiums.

Measure LV and elections: The combination of Measure LV and *Citizens United* will lead to unlimited spending on countless special elections for individual project approvals.

Legal problems with Measure LV: Measure LV 's voter approval requirement for MDRPs and DAs is unlawful. These and other legal problems with Measure LV would result in expensive and lengthy litigation.

Measure LV's exemptions:

Measure LV exempts 77 properties from voter approval in a seemingly arbitrary manner that amounts to unfair spot zoning.

Measure LV and the

environment: Measure LV 's voter approval requirement would complicate and hinder the process of sustainable, environmentally conscious growth.

Measure LV and traffic:

Measure LV would make traffic worse. It would prevent the City from being able to address the root cause of Santa Monica's traffic problem: the jobs-housing imbalance. It would also encourage low-scale commercial development that generates increased traffic.

Measure LV 's proponents have chosen to propose fundamental changes in the development approval process rather than to offer a substantive vision for development in Santa Monica.

Regardless of how one feels about the appropriate level of development in the city, Measure LV raises many troubling policy questions that cut across the city's smart-growth/anti-growth division.

Together, the LUCE and the Zoning Ordinance provide the rules that govern virtually all land-use decisions in Santa Monica. The Santa Monica community engaged in a decade-long process to develop our award-winning Land Use and Circulation Element of the City's General Plan (the "LUCE"), adopted in 2010. From 2013-2015 we engaged in another

long process to update the City's Zoning Ordinance.

During these processes, thousands of residents attended community meetings and made their voices heard.

Measure LV, on the other hand, was drafted with no community input, behind closed doors, by a small group of activists and their attorney in a mere matter of weeks. The oversights, loopholes, and clear inattention to Measure LV 's unintended consequences is a result of the haste and lack of public process that went into drafting the initiative.

4. Measure LV and the Existing Process

The voters already have the ability to overturn large projects and changes to the City's land use regulations by referendum

When considering Measure LV 's sweeping changes to the City's approval process, it is important to note that existing regulations allow voters to overturn projects approved by a DA by use of the referendum process.

Amendments to the LUCE, a Specific Plan or the Zoning Ordinance are also subject to referendum.

And in Santa Monica, a referendum is no idle threat. For example, all DAs, as well as the pending Downtown Community Plan, will be subject to referendum. The

California DA Law specifically provides that DAs are subject to referendum.

Referendums work

The referendum process has a proven track record as an effective tool to stop individual development projects that residents consider to be out-of-scale, including the Hines project in Bergamot in 2014 and the proposed office park development at the Santa Monica Airport in 1990.

Many of the projects and changes to City land use regulations that would require a vote of the people under Measure LV are already subject to potential referendum.

Measure LV would transform what is currently an option used by the voters in extraordinary circumstances into a costly requirement for almost every project over two stories.

5. Measure LV and Housing

Measure LV will severely constrain affordable housing production

Although Measure LV contains limited exemptions for 100% affordable housing projects, it will actually be devastating to affordable housing production. In their report prepared for the City Council, Keyser Marsten Associates concluded that “the adoption of [Measure LV] would

result in the development of significantly fewer affordable housing units than are currently being provided.”³

Affordable housing projects are not exempt from Measure LV’s MDRP requirement

Measure LV does not provide a blanket exemption for 100% affordable housing projects. Although Measure LV exempts 100% affordable projects of any size from its voter approval requirement, only 100% affordable projects under 50 units are exempt from the MDRP requirement. Therefore, 100% affordable projects greater than 50 units would require an MDRP.

Many such projects can be processed by a DRP under the City’s current regulations, approved by the Planning Commission with appeal rights to the City Council. By imposing an MDRP requirement, Measure LV would require all such projects to go before the City Council for approval. This will provide those who oppose affordable housing with two public hearings and two opportunities to stop a project they don’t like.

And the findings for an MDRP are more difficult to make. Measure LV requires a significantly longer and less certain process for 100% affordable housing projects over 50 units. This will consume the already limited resources of affordable housing providers and may make some projects financially infeasible.

³ Staff Report, pg. 56

By restricting market rate housing, Measure LV will eliminate many affordable housing units created through the City's inclusionary housing program

Measure LV's voter approval requirements applicable to market-rate housing projects will also severely limit the City's inclusionary housing program, currently the source of most of the affordable housing in the city.

The City has adopted a strategy for affordable housing that includes requiring private housing developers to produce significant numbers of deed-restricted affordable housing units.

Historically, roughly half of all of Santa Monica's deed-restricted affordable housing has been financed and built through the inclusionary housing program.

Today, the inclusionary housing program accounts for nearly 100% of all new affordable housing.

By restricting private housing production, Measure LV will limit affordable housing production and the number of homes in the city that are affordable to working people and their families.

According to reports prepared by the City's Housing and Economic Development Department, market rate housing projects approved between fiscal year 2010/2011 and fiscal year 2014/2015 will provide approximately 81 deed-restricted housing units.

In 2016, several housing projects have been approved that will contribute significant numbers of affordable housing units, include 64 units provided by the 500 Broadway project. Measure LV would hold these affordable housing units hostage to the voter approval requirement that applies to the underlying market rate project.

100% Affordable housing exemption has a major loophole and may still require voter approval

Although Measure LV exempts 100% affordable housing projects from its voter approval requirement, many of these projects require amending the City's land use regulations, which would require voter approval under Measure LV. For example, the recently approved 100% affordable housing project at 1626 Lincoln required a map amendment to correct an inadvertent error in the 2015 Zoning Map.

Under Measure LV, if a 100% affordable housing project requires even a minor amendment to the LUCE, a Specific Plan or the Zoning Ordinance (which is fairly typical for larger projects), the amendments would be subject to voter approval.

This means that a 100% affordable housing project that is unconnected to a market rate project may still effectively be subject to voter approval. This will impose tremendous additional costs on

such projects, diverting resources away from affordable housing production and towards expensive political campaigns, making many affordable housing projects financially infeasible.

Measure LV incentivizes “moderate” income housing, diverting scarce resources away from more deeply affordable housing

The City’s affordable housing production program requires new market-rate housing projects to include deed-restricted affordable housing units. To meet the community’s goal of providing housing to those who need it most, the Zoning Ordinance provides that these affordable units must be affordable to either 30%, 50% or 80% of median income households (or a combination of the three).

According to City Staff, the Zoning Ordinance removed incentives for projects affordable to 80%-120% of median income (“moderate income”), in order to “provide incentives for affordable housing projects that produce units with deeper affordability.”⁴ This reflects a policy decision to direct the limited resources devoted to affordable housing production towards deeper levels of affordability.

But Measure LV changes the Zoning Ordinance to exempt 100% moderate income projects (affordable to 120% of

area median income households) from voter approval.

According to City Staff, this exemption “provides an incentive for moderate income projects that does not currently exist in the Zoning Ordinance.”⁵

When discussing the use of City funds for affordable housing production, Housing Commissioner Michael Soloff has urged that “all funds should be used for those earning 80% or less of area median income, as the Housing Commission [has] recommended, or at most 100% of area median income...this is because the need [for affordable housing] is most acute for this low-income group.”⁶

As Commissioner Soloff has pointed out, using scarce resources to subsidize housing for those making over 100% of area median income is unnecessary because “a significant portion of the [city’s] rent controlled housing stock remains affordable to” these renters.⁷

By changing City policy to divert resources away from housing for our lowest income residents, Measure LV will increase inequality in Santa Monica.

Measure LV will encourage the gentrification of the city’s residential neighborhoods

According to the New York Times, “a growing body of economic literature suggests that anti-growth sentiment, when

meeting during public comment for Agenda Item 8.B

⁷ Id.

⁴ Staff Report, p. 28

⁵ Staff Report, p. 29

⁶ Housing Commissioner Michael Soloff, remarks made at June 28, 2016 City Council

multiplied across countless unheralded local development battles, is a major factor in creating a stagnant and less equal American economy.”⁸

Armen Melkonians, the founder of Residocracy and one of the proponents of Measure LV, has stated his opposition to any new housing projects in Santa Monica, saying that “we don’t need additional housing.”⁹ This sentiment is antithetical to Santa Monica’s progressive values.

By blocking new housing production on the city’s boulevards and commercial districts, Measure LV will contribute to the gentrification of Santa Monica’s residential neighborhoods and the displacement of long term residents.

The reality is that instead of blocking all new housing, Measure LV actually incentivizes new housing in our existing neighborhoods. This almost always requires replacing rent-controlled units and their long-time residents with luxury condos.

Measure LV threatens the city’s residential districts, containing the majority of the city’s rent-controlled housing and many of its most vulnerable residents.

Measure LV threatens the housing located in the Wilshire/Montana, Mid-Cities, Pico, Sunset Park and Ocean Park

neighborhoods, home to the vast majority of the city’s rent-controlled units.

The city’s residential neighborhoods, with their older rental housing supply, are the most likely areas to be targeted since condominium projects up to 30 feet tall and up to 10,000 square feet could be built without voter approval.

While this process of gentrification and mansionization is already underway, the LUCE and the Zoning Ordinance provide a solution by directing development pressure to the city’s boulevards and commercial districts located near transit. But if Measure LV eliminates these sources of new housing, luxury condo development in residential neighborhoods will become the primary mode of housing development in our city.

The community recognized that demand for new housing in beautiful, beachside Santa Monica is not going away, and engaged in a long community dialogue resulting in the LUCE. The LUCE directs that demand away from our existing neighborhoods and onto our boulevards and the Downtown.

Measure LV would do nothing to stop market forces, but would undo much of the work the community put into taming them.

Measure LV will threaten our neighborhoods by delaying or blocking important protections

⁹ Statement made by Armen Melkonians during public testimony for Agenda Item 7.D at the May 10, 2016 City Council Meeting.

⁸ Dougherty, Conor. “How Anti-Growth Sentiment, Reflected in Zoning Laws, Thwarts Equality.” *The New York Times*, July 3, 2016: A1. Print.

The City has developed a new tool to protect neighborhoods called the Neighborhood Conservation Overlay District (“NCOD”). According to City Staff, NCODs would be subject to voter approval under Measure LV.¹⁰

This means that the Pico Neighborhood Plan and other important plans designed to protect the city’s residential neighborhoods would be subject to delay and potentially blocked if not approved by the voters.

City Staff has emphasized that “these plans are not focused only on issues of development” but also “issues of social justice and economic development.”¹¹ Measure LV would divert City resources away from addressing these pressing issues and helping the city’s residents and towards expensive election campaigns. And if voters reject one of these plans, these important neighborhood protections would never be implemented at all.

6. Measure LV and Renters’ Rights

Measure LV will lead to increased evictions of rent-controlled tenants

By incentivizing the demolition and redevelopment of rent-controlled housing, Measure LV increases the development pressure on the city’s residential

neighborhoods. State law allows landlords to evict rent-controlled tenants in order to leave the rental housing business, which includes developing luxury condos.

Measure LV will increase the eviction and displacement of rent-controlled tenants as older rent-controlled apartment buildings are demolished and replaced with condos.

Measure LV will force renters to compete for substandard housing at artificially high rents

According to the U.S. Census Bureau’s American Community Survey (ACS), over the last five years, the vacancy rate for rental units in the city has averaged about 2.8 percent, meaning that at any given time in the city less than three percent of rental units are on the market for new tenants.¹² The rest are either occupied or have been taken off the market for other reasons.

By comparison, San Francisco’s vacancy rate in 2014 was 2.5 percent, Los Angeles’ was 3.4, and Detroit’s was 7.5, according to the ACS.

A low vacancy rate gives an unfair advantage to landlords at the expense of renters, especially those with low and moderate incomes. As in any other market, when a product is in short supply relative to its demand, the owners of that

¹⁰ Staff Report, p. 32

¹¹ Id.

¹² United States Census Bureau, 2010-2014 American Community Survey 5-Year Estimates.

product have significant leverage over those who want it (or, in this case, need it).

In a rental market as constrained as Santa Monica's, landlords don't have to compete with one another. Most experts agree that once the vacancy rate rises to 5% or higher, renters are better off.

"Above 5%, landlords need to offer incentives or lower rents to be competitive; lower than that, landlords know if a tenant leaves, there are half a dozen more clamoring to take her place," according to urban planner Shane Phillips, who wrote about our regional housing crisis in a letter to the Los Angeles Times.¹³

Measure LV undermines renters' rights by making it nearly impossible to build new moderate-sized apartment buildings

While Santa Monica will likely always have a competitive rental market, adding further restrictions to our ability to produce moderately-sized apartments, especially near transit, will only further entrench the advantage landlords have over renters and would likely make matters worse for low -- and moderate -- income renters.

Santa Monica has a proud legacy of helping lower income residents secure the right to quality affordable housing. By further restricting housing supply,

Measure LV threatens these hard-won renters' rights.

7. Measure LV's Elections

Measure LV and *Citizens United* will result in unlimited campaign spending on special elections to approve individual development projects

Measure LV requires voter approval for a wide range of both individual development projects and changes to City land use planning documents. Measure LV specifies that voter approval will occur through either a general election or a special election financed by the developer, but does not indicate who decides between these two options. Presumably, a developer may choose a special election if willing to pay for it.

Special elections generally have significantly lower voter turnouts than general elections. Under Measure LV, developers may calculate that a lower voter turnout is more likely to result in approval for a controversial project. Measure LV also seems likely to result in a very high frequency of special elections, each one with low voter turnout.

Under *Citizens United*, both individuals and corporations have a First Amendment right to spend unlimited money to use exaggerations, hyperbolic language,

¹³ Phillips, Shane. "Why is L.A. too pricey? Blame low vacancy rates, not luxury high-rises." *Los Angeles Times*. May 17, 2016.

personal attacks and obfuscation in order to convince voters to approve or deny a project.

This will result in nonstop mailings, door-to-door campaigning, flyers, television, internet and radio commercials in Santa Monica related to specific development projects.

Unlike Measure LV, the current process encourages transparency, openness and compromise

The type of public conversation about development that takes place in an election campaign is less thoughtful and more divisive than that which is produced by the City's current process.

The current process requires testimony at public hearings and a public record of statements in favor of or against projects, as well as strict ethical regulations related to transparency that are applicable to public employees and elected officials.

City Councilmembers, Planning Commissioners and members of the public are provided with opportunities to challenge the assertions made by developers at public hearings (and vice versa). This process is very different from a political campaign during which developers and others can spend unlimited "dark" money attempting to influence the electorate.

8. Measure LV and Historic Preservation

The LUCE and the Zoning Ordinance provide a number of very important incentives for the preservation of historic resources. And the Historic Preservation Element of the City's General Plan promotes the preservation of historic and cultural resources through incentives and technical assistance, calling for a "streamlined approval process for historic properties that use the Secretary of the Interior's Standards for Rehabilitation and the California State Historical Building Code."¹⁴

Santa Monica's historic preservation community has worked for many years to include these incentives in the City's planning regulations. Without these incentives, potential historic resources are at greater risk of being demolished and adaptive reuse projects and vital investments in preservation are less likely.

With respect to historic preservation, the LUCE seeks to "[p]romote a variety of financial incentives, adaptive reuse, and conservation programs to ensure the preservation of Historic Resources."¹⁵

One example of this is to allow projects that preserve a historic resource to seek additional height and density without requiring a DA. Because the DA process is long and expensive, this incentivizes property owners to pursue adaptive reuse

¹⁴ Santa Monica Historic Preservation Element, Goal 5, Objective 5.4

¹⁵ LUCE, p. 1.1-4.

projects that would otherwise be financially infeasible.

But under Measure LV, voter approval would be required for a DA or an MDRP. Requiring voter approval effectively removes this important incentive because the voter approval process is even longer, more expensive and less certain than a DA.

Voter approval leads to increased delay, which means increased costs (property carrying costs, cost of a campaign, cost of paying various professionals including architects, attorneys and consultants). This takes money away from rehabilitation and preservation and puts it towards getting a project approved.

During these periods of delay, historic resources would continue to decay and may remain shut to the public for decades. This is not the vision for Santa Monica that the community approved in supporting the LUCE and the Zoning Ordinance.

Under Measure LV, developers may find that pursuing new, ground-up construction is cheaper and easier to build than the kind of adaptive reuse projects that are currently incentivized by the City's regulations. Measure LV's voter approval requirement may have the perverse effect of incentivizing the demolition of historic buildings.

Whether intentionally or not, Measure LV would undo and overturn the years of slow, patient, difficult work that Santa Monica's historic preservation

community has done throughout the LUCE, Historic Preservation Element and Zoning Ordinance Update process to preserve Santa Monica's historic resources.

9. Measure LV and Existing Buildings

Measure LV appears to require voter approval to rebuild most buildings damaged by a casualty

Santa Monica's recently adopted Zoning Ordinance provides for a right to rebuild buildings damaged by a casualty. Measure LV's voter approval requirement appears to override this provision because Measure LV does not contain an exemption for reconstruction of buildings damaged by a casualty.

Notably, the "no growth" Neighborhood Integrity Initiative proposed in the City of Los Angeles does contain such an exemption.

According to City Staff, "[Measure LV] does not exempt from voter approval buildings reconstructed because of damage (whether in an earthquake or some other event) if the building exceeds Tier 1 limits [generally 32 feet/two stories]. There are an estimated 1,700 structures that exceed Tier 1 limits of which 1,300 are residential uses."¹⁶

Armen Melkonians has said that Measure LV will not apply to the reconstruction of damaged buildings. Mr. Melkonians may

¹⁶ Staff Report, p. 2

be one of the authors of Measure LV, but his legal interpretation doesn't matter.

City Staff will be charged with interpreting and implementing Measure LV, and Staff's interpretation is clear: Measure LV's failure to exempt the reconstruction of damaged buildings is a major problem.

Mr. Melkonians has also said that Measure LV will not apply to the reconstruction of damaged multifamily residential buildings because of State law. State law limits the power of cities to restrict the reconstruction of residential buildings that are damaged or destroyed by a casualty.¹⁷

However, this law also provides a broad exemption that allows a city to prohibit the reconstruction of residential buildings in certain circumstances.

No court has interpreted this law or its exemption, and it is unclear how it would react with Measure LV's voter approval requirement.

By not specifically exempting the reconstruction of destroyed multifamily buildings Measure LV creates a legal grey area.

After the 1994 earthquake, the Santa Monica City Council passed an emergency ordinance permitting the rebuilding of buildings damaged or destroyed by the earthquake. But Measure LV can only be amended by another voter initiative.

If the city is hit by another major earthquake, Measure LV would make an already difficult situation much worse by interfering with the City's ability to act decisively to allow the reconstruction of buildings, including the homes of Santa Monica residents who live in multifamily residential buildings.

Measure LV's voter approval requirement could cripple the City's ability to respond to the next major earthquake. This is yet another example of Measure LV going much too far and having drastic unintended consequences.

Measure LV would require voter approval to rebuild public buildings after an earthquake

Because Measure LV applies to public buildings, "City projects such as fire stations, parking structures, libraries, or other civic structures that exceed Tier 1 limits would require" an MDRP and voter approval to be rebuilt after an earthquake.¹⁸ This could cause lengthy delays to rebuild critically important public buildings.

¹⁷ Government Code Section 65852.25(a)

¹⁸ Staff Report, p. 24

10. Legal Problems with Measure LV

Measure LV cannot deliver on its promises to voters because its voter approval requirements are illegal

The proponents of Measure LV are promising to “empower” the voters of Santa Monica by subjecting individual development projects to voter approval. But, as explained below, Measure LV’s MDRP and DA voter approval requirements are illegal and will be struck down if Measure LV is adopted.

Promising the voters something that cannot be delivered is fundamentally unfair and deceptive.

Measure LV’s voter approval requirement for MDRPs is unconstitutional

State law draws a distinction between “legislative” and “administrative” land use approvals. A city acts in a legislative capacity when it establishes new rules, and acts in an administrative capacity when it applies existing rules to a specific project.

In Santa Monica, the passage of a new Zoning Ordinance, Specific Plan, or the approval of a Development Agreement are all legislative actions.

Approval of a Development Review Permit (“DRP”) is an administrative

action because it involves the application of existing zoning regulations to a specific project. As an exercise of the City’s administrative powers, a DRP may be approved by the Planning Commission.

Measure LV would require a “Major Development Review Permit,” approved by a vote of the people, for many projects that currently require only a DRP.

The Santa Monica City Attorney has opined that “the requirement for voter approval of MDRPs makes [Measure LV] subject to legal challenge.”¹⁹ This is because “the MDRP would be granted through a classically administrative process, consisting of the application of existing policy and standards to a particular property.

However, as a matter of law, administrative actions may not be subjected to voter review through the initiative or referendum processes.”²⁰

Measure LV’s voter approval requirement for DAs is preempted by State law

Under California law, cities are prohibited from passing laws on subjects that are fully governed by State law. Local laws that conflict with state law are “preempted” by the state law and are therefore invalid.

The California Development Agreement Law (“California DA Law”) provides a comprehensive framework for the review, adoption and amendment of DAs by local governments.

¹⁹ Staff Report, p. 45

²⁰ Id.

The California DA Law specifically provides that DAs, as ordinances, are subject to referendum challenges by local voters. This means that all DAs may be overturned by a vote of the people after adoption, if the requisite number of signatures are gathered on a petition. Measure LV proposes a fundamental change to the system created by the California DA Law by requiring voter approval before a DA can go into effect.

Measure LV's voter approval requirement for DAs is invalid because it directly conflicts with the California DA Law.

Measure LV's voter approval requirement creates potential conflicts with the State Housing Accountability Act

The State Housing Accountability Act (Government Code section 65589.5) prohibits local government agencies from rejecting a housing development project that meets local zoning standards, unless specific findings demonstrate that the project will adversely impact public health or safety.²¹

Measure LV's voter approval requirement would allow voters to reject housing projects without making any findings at all. City Staff has noted that because State law preempts local planning decisions that reject housing projects that are compliant with local zoning, voters cannot legally reject qualified projects.²² This could lead to many conflicts between Measure LV and state law.

Measure LV's proponents are telling Santa Monica's voters that if Measure LV passes, they will be able to vote on most housing projects taller than 32 feet and reject those that they don't like, but under state law this simply isn't the case. This is yet another promise to the voters that Measure LV cannot legally keep.

Measure LV's many legal problems mean the City will be forced to spend money defending Measure LV from endless lawsuits

The legal deficiencies in Measure LV that are identified above, among others, virtually guarantee that Measure LV will be subject to multiple legal challenges if adopted.

This will delay implementation of Measure LV, leading to further confusion and inefficiencies on top of those already caused by Measure LV's other provisions. The many legal challenges will also consume City resources as the City is forced to defend Measure LV in court.

The fact that two of Measure LV's major provisions are clearly illegal is indicative of how extreme this initiative really is.

²¹ Staff Report, p. 35

²² Id.

II. Measure LV and City Planning

Measure LV is contrary to the principles of good government because it cannot be amended or fixed by the City Council

Measure LV is significantly less flexible than the City's existing regulations for development approvals because as an initiative it can only be amended by another initiative approved by the voters. Measure LV is a very complicated law that completely changes the City's process for approving developments and contains a complicated set of exemptions as well as complicated interactions with State and local law.

Complicated laws often require amendments to fix unintended consequences or respond to changing conditions. For example, the City Council regularly passes such amendments to the City's land use regulations.

However, under State law and the express terms of Measure LV, an initiative can only be amended by another initiative. That means that changing even one word of Measure LV will require the expense and uncertainty of a citywide election campaign.

Measure LV would result in a process that is confusing, complicated and unpredictable

Another reason why Measure LV is contrary to the principles of good government and rational city planning is

that voter approval requirements will make development patterns almost impossible to predict.

Under Measure LV, the City's ability to manage traffic, plan for future infrastructure needs, achieve long-term environmental goals, or engage in other long-range planning efforts will be seriously diminished.

By requiring voter approval of both individual projects and amendments to the LUCE, Specific Plan and Zoning Ordinance, Measure LV would severely limit the flexibility and predictability of the City's land use regulations.

Multiple voter approvals for a single project would be nontransparent and confusing for voters

Measure LV appears to require separate voter approvals for several different aspects of a single development project. For example, many projects, including 100% affordable housing projects, require a text amendment to the LUCE or a Specific Plan, or a map amendment to the LUCE's land use designation map or the Zoning Ordinance's districting map.

Under Measure LV, both the underlying planning approval and the required amendment would require separate voter approvals. This could result in a situation in which a project is approved by the voters, but a map amendment that is a legal prerequisite to that project is not approved.

Measure LV replaces the City's current system for project approvals with a system that is confusing, inefficient and unworkable.

Measure LV attempts to deprive the City of the authority to approve mid-scale projects efficiently

City Councilmembers, Planning Commissioners and City Manager Rick Cole have all emphasized the importance of the City's ability to approve mid-size development projects through the non-legislative DRP process.

The City has worked together to develop a set of rules governing land use (i.e. the LUCE, various Specific Plans and the Zoning Ordinance), and when the Planning Commission reviews a DRP it reviews whether all of those rules have been followed.

This type of project approval is an essential function of city government. Measure LV would impede the City's authority to implement already-existing land use rules and regulations by subjecting such decisions to voter approval.

This means that under Measure LV, a project could meet every single existing land use regulation and still be denied approval. This is irrational, inefficient, and also illegal under the California Constitution.

12. Measure LV's Exemptions

Measure LV's exemption for senior housing encourages luxury condos

Measure LV exempts 100% Senior Citizen housing projects from its voter approval requirement. But Measure LV does not specify an income-based requirement for this exemption.

This means that Measure LV could have the perverse effect of encouraging luxury condo projects that are targeted at seniors. Under Measure LV, voters would not be able to vote on such projects.

Luxury condo projects encouraged by this loophole could take up scarce housing sites and further deplete the housing supply available to Santa Monica's working families. This is yet another example of Measure LV's unintended consequences.

Measure LV contains unfair exemptions for individual properties, which results in illegal spot-zoning

Measure LV contains exemptions for 77 specific properties located in a variety of different locations throughout the city. Strikingly, Measure LV does not contain any explanation for why these properties have been granted an exemption.

This exemption appears to be a result of State housing law, as all of the exempt properties appear in the Housing Element

of the City's General Plan. The 77 exempt properties are all included in Appendix A to the Housing Element, the "Suitable Sites Inventory" which identifies sites suitable for increased housing.

However, this is not mentioned or explained in the text of Measure LV.

Measure LV's 77 exemptions are unfair spot-zoning

By exempting significant development from otherwise applicable voter approval requirements, these 77 exemptions constitute clear examples of spot-zoning. Spot-zoning describes a situation in which one property is singled out for different standards than surrounding properties without a legitimate public purpose for the difference in treatment.

If these 77 properties were all developed to the level of development exempted by Measure LV, the result would be almost five million square feet of development, including over two million square feet of purely commercial square footage.²³ The Appendix to this report shows the development potential of these 77 sites.

Measure LV therefore creates the anomalous situation in which a non-exempt property improved with a two-story building would require a vote of the people for even a small addition while an exempt property located right next door could develop with a large mixed-use building without any voter approval.

Measure LV does not indicate any public purpose that is served by this discrepancy, making the 77 exemptions clearly illegal spot-zoning.

These exemptions create a system in which property owners who happen to own one of the 77 chosen sites have an unfair advantage over those whose properties weren't included on the list.

Currently, any property owner can propose a plan on his or her property and that plan will be vetted by the community and approved -- or not -- on its own merits. Under Measure LV, two adjacent properties could have wildly different processes: one with minimal oversight could be redeveloped into a massive new project while the other would be forced through an onerous electoral process for any project taller than 32 feet.

It simply isn't fair that the City would not apply clear, transparent standards to all property owners.

Measure LV's 77 exemptions will permit massive development

Proponents of Measure LV often point to the 77 exempt properties as proof that Measure LV is not an anti-growth measure. While it is true that these exemptions would allow for growth -- almost five million square feet of it -- this is not the type of smart growth we've come to value in our community. These sites are an enormous loophole in an

²³ Maximum possible build-out of the 77 properties: 4,919,378 square feet (2,915,721 sf residential, 2,003,657 sf commercial).

initiative otherwise designed to severely restrict growth in our community.

Perhaps most surprisingly, the Papermate factory site is included on the list of 77 properties, and a project the same size as the controversial Bergamot Transit Village (the Hines project) would be permitted under Measure LV with no voter approval. The Appendix to this report contains a diagram showing the difference in development potential at the Papermate factory site and a neighboring site that has the exact same zoning standards, but is not included on the list of 77 properties.

The expiration of the 77 exemptions could prevent certification of the next Housing Element

Although Measure LV's 77 exemptions would expire in five years or with the adoption of a new Housing Element (the current Housing Element expires in 2021), Measure LV would remain effective for twenty years total. After the exemptions expire, all sites defined as suitable for additional housing would require voter approval for most development greater than 32 feet.

The California Department of Housing and Community Development likely would not accept a suitable sites inventory

that is so reliant on voter approval, because of the inherent barrier to housing production. As the Staff Report indicates, "Measure LV may impose impediments on housing development that may be hard to overcome and, in the worst case scenario, may prevent State certification of the next Housing Element."²⁴

Thus, Measure LV's 77 exemptions are at best a short-term bandage to ensure City compliance with the Housing Element. In five years, Measure LV could render the City unable to meet its obligation under State law.

13. Measure LV Lacks Vital Exemptions

Measure LV lacks exemptions for public buildings, nonprofits and religious institutions

While Measure LV contains 77 property-specific exemptions, it does not contain any exemptions for public buildings, nonprofits, or religious institutions.

Measure LV would require voter approval for vital public buildings

Measure LV would therefore delay and potentially block vital public safety buildings by subjecting such buildings to a vote of the people.

According to the Staff Report, Measure LV would have required voter approval

²⁴ Staff Report, p. 19

for the recently approved Fire Station #1.²⁵ Because Fire Station #1 is 40 feet tall and three stories high, the City would have had to divert resources away from making the best, safest, and greenest headquarters for our Fire Department and instead spend money on an expensive election campaign to approve the project.

City Staff is concerned that Measure LV's voter approval requirement for public buildings "may impact the City's ability to provide services to the community."²⁶

No exemption for independent schools

Measure LV's voter approval requirement would cause major difficulty for Santa Monica's independent schools. For example, Crossroads School recently built a new science building after an extensive City review process. Crossroads obtained the City Council's unanimous approval for its new science building. Under Measure LV, this building would have been delayed and potentially blocked by Measure LV's voter approval requirement.

Crossroads would have had to fund an expensive election campaign to secure voter approval, diverting limited financial resources to political campaign consultants and attorneys and away from education.

Measure LV's proponents were likely not thinking of new high school science buildings when they drafted their initiative. But the application of Measure LV to educational facilities is yet another

example of Measure LV's far-reaching unintended consequences.

No exemption for public schools

Measure LV will also affect Santa Monica's public schools. Both the Santa Monica-Malibu Unified School District and Santa Monica College are able to preempt local zoning for classroom facilities and presumably this would apply to Measure LV. But Measure LV's failure to include an exemption for public school facilities creates confusion and potential conflict.

Measure LV would force both SMC and SMMUSD to spend precious dollars on attorneys in establishing their preemption rights that should be spent on education. Moreover, non-classroom facilities would be subject to Measure LV. This could prevent the college and the School Board from providing new non-classroom facilities that support their educational mission.

Most non-classroom facilities that exceed two stories will require voter approval. Santa Monica College owns two different three-story buildings that would be affected by Measure LV: 919 Santa Monica Boulevard and 2714 Pico Boulevard. Under Measure LV, redevelopment, remodeling or reconstructing these buildings after a fire or earthquake would potentially be subject to voter approval.

²⁵ Staff Report, p. 3

²⁶ Id.

No exemption for historic resources

Measure LV contains no exemptions for structures identified as historic resources. This means that projects that involve the preservation and rehabilitation of landmark buildings, such as the hotel project at 710 Wilshire, would be subject to Measure LV's voter approval requirement.

By effectively eliminating the many incentives for historic preservation in the LUCE and Zoning Ordinance, Measure LV threatens the city's historic resources.

Under Measure LV, the reconstruction of landmark buildings that are damaged in an earthquake or fire would potentially be subject to voter approval.

14. Measure LV and the Environment

Santa Monica residents pride themselves on being conscientious stewards of our environment. We have some of the strictest green building standards in the country and we are committed to creating a city where people can walk and bike as much as possible, find charging stations for their electric vehicles, and otherwise reduce their impact on the planet.

But Measure LV would undermine the good work we've done. The LUCE calls for new, LEED-certified, mixed-use housing projects located in walkable areas near transit. These are the sorts of projects that not only help reduce our carbon

footprint, but also ease traffic congestion and make the city more livable.

Measure LV would subject nearly all of these projects to an arduous, expensive, and uncertain voter approval process with the stated purpose of discouraging this type of sustainable growth. Rather than concentrate new growth in a small part of our city nearest to transit, Measure LV encourages new growth to sprawl into our existing neighborhoods and throughout the region.

The Angeles Chapter of the Sierra Club, on its website, posted an article by Move LA's Beth Steckler describing a 21st century vision for sustainable growth:

The smart growth alternative calls for building on vacant land, obsolete industrial land or distressed commercial areas closer to where the jobs and public transportation are. Such an "infill" approach saves taxpayers the costs of expensive freeway construction, makes public transportation an efficient and workable option for more people, preserves open space, and at least doesn't aggravate our air quality. From every perspective -- economic, social, and environmental-the answer is clear. Creating denser, mixed -- use communities with good public transportation is a smarter way to build more affordable homes and

apartments for our growing population.²⁷

According to the Natural Resources Defense Council's 2015 Urban Solutions Strategic Plan, "Regions that organize growth and reinvestment along high quality transit are on track to reduce carbon emissions by 80 percent by 2050, while growing jobs and economic opportunity."²⁸

Santa Monica's existing zoning almost exclusively encourages this type of smart growth. New multi-family mixed-use projects -- when they replace outmoded industrial or 100 percent commercial uses -- actually empower future residents to significantly reduce their carbon footprint and consumption of scarce resources like water, since these buildings are vastly more water efficient than many that were built in the middle of last century.

Measure LV would rob us of one of the best tools we have to fight climate change: zoning that encourages the thoughtful, community-vetted growth of walkable, transit-adjacent neighborhoods where there currently exist only outmoded industrial buildings, sprawling surface parking lots, or aging office parks.

15. Measure LV and Traffic

While Santa Monica's residential population has grown by only about 4,200

people since the 1980 census, the city has seen significant increases in traffic during that same period of time.

Santa Monica is fortunate to have a thriving economy. Our businesses, nonprofits, and our local government employ tens of thousands of people. Unfortunately, the vast majority of them -- estimates range from about 70,000 to 100,000 -- cannot afford to live in the city and have to commute in daily. The impact on our city is clear and these commutes also adversely affect the lives of those workers who have little choice but to make them.

According to City Staff, Measure LV would result in more auto-oriented growth, greater reliance on automobiles, longer commute distance, greater demand for roadway infrastructure, more vehicle trips, and consequently increased air pollution and greenhouse gas emissions.²⁹

By indiscriminately targeting both new commercial and residential growth, Measure LV hobbles our ability to address the root cause of our traffic problem: Santa Monica's significant jobs-housing imbalance.

Currently, the ability of our city to require work-force and low-income housing in nearly all new housing projects is our best bet to get the people who staff our hospitals, hotels, restaurants, and schools, off of the freeway and into homes close enough to where they work so that they

²⁷ "LA proposal to increase affordable housing stirs questions about growth." Angeles Sierra Club, October 1, 2014.

²⁸ National Resources Defense Council, "Strategic Plan: Urban Solutions."

²⁹ Staff Report, p. 40-41

aren't forced to drive in daily to Santa Monica.

Measure LV encourages the kind of development that leads to increased traffic

Proponents of Measure LV will argue that it does not actually stop growth. While this may be technically true, Measure LV would actually encourage the worst kinds of development, leading to increased traffic.

According to its proponents, because Measure LV would allow for two-to-three story apartment buildings on the boulevards without voter approval, developers will be encouraged to bring these projects forward.

But recent history proves this won't be the case: the projects under three stories that are currently being proposed on our boulevards aren't the mid-sized apartment buildings that would benefit the community the most. Instead, smaller projects on the boulevards have been traffic-generating commercial uses like banks and big-box retail. Under Measure LV, this trend can only grow worse.

The high cost of land encourages property owners to choose low-scale, high-rent generating uses rather than going through the City's rigorous development review process for larger projects.

By making it even harder for projects taller than two or three stories to be built, Measure LV actively encourages landowners to turnover underutilized properties into traffic-generating, low-

scale commercial enterprises in order to maximize rents.

In our existing neighborhoods, the potential outcome is even worse. The majority of our existing rent control housing (about 17,000 units) exists under zoning that allows for projects of up to 30 feet tall -- two feet shy of the threshold in Measure LV that would trigger the voter approval requirement.

That means that under Measure LV, replacing a surface parking lot with four stories of new apartments would be significantly more difficult than demolishing an existing rent-controlled building in an existing neighborhood and replacing it with up to three luxury condos.

By encouraging the demolition of rent-controlled housing, Measure LV rejects the LUCE's vision of a smart-growth development strategy based on diverting development pressure away from the neighborhoods and towards urban infill projects located close to transit.

16. Measure LV is Extreme Compared to Other No-Growth Initiatives

Measure LV goes further and is more extreme than any other growth management initiative in California

Over the past two decades, residents of cities throughout California have voted on local initiatives intended to regulate growth. Many of these initiatives were passed, but as illustrated in the Staff Report, none were nearly as extreme as Measure LV (and with good reason). Many California cities have found ways to manage growth without requiring voter approval for almost every individual development project.

As shown in the chart below, among the dozens of growth management initiatives enacted by voters in various California cities, only one, a 2006 measure in Santa Paula, required voter approval for individual projects, and even then it was only for projects that were larger than 81 acres. It is clear that Measure LV's voter approval requirement for individual projects is extreme by comparison with other growth management voter initiatives.

The following chart lists growth management initiatives that have passed in California since 1999 and describes their primary purpose:

Measure LV: Unintended Consequences

Year	City	Type of Initiative
1999	Apple Valley	Readoption of 1991 Land Use Element with changes requiring a vote through 2021
1999	Monterey Park	Voter approval required for changes to General Plan and Zoning Code changes
1999	Moorpark	Preservation of open space and agricultural land
1999	Sonoma	Urban Growth Boundary
2000	Arroyo Grande	Preservation of open space and agricultural land
2000	Brea	Hillside preservation
2000	Danville	Urban Growth Boundary
2000	Healdsburg	Residential unit cap
2000	Paso Robles	Preservation of open space and agricultural land
2000	Santa Paula	Preservation of open space and agricultural land
2000	Tracy	Urban Growth Boundary amendment
2002	Agoura Hills	General Plan and zoning limit imposed on gross floor area
2003	Cotati	Modify commercial limits
2004	Santa Paula	Urban Growth Boundary
2004	Stockton	Urban Growth Boundary
2004	Stockton	Preservation of open space and agricultural land
2005	Antioch	Growth control measures
2005	Pittsburg	Urban Growth Boundary
2006	Loma Linda	Hillside preservation
2006	Santa Paula	Voter approval required for development projects on more than 81 acres
2008	Buellton	Urban Growth Boundary
2008	Chula Vista	Voter approval required for General Plan change to increase building height above 84 feet
2008	Fillmore	General Plan Amendment
2008	Pleasanton	Hillside preservation and residential unit cap
2008	Rocklin	General Plan Amendment
2011	Menifee	Specific Plan for commercial development of 30 acres
2011	San Juan Capistrano	General Plan Amendment

2012	Cypress	Specific Plan modification to allow residential development
2012	Goleta	Preservation of agricultural land
2013	Apple Valley	Specific Plan adoption - Walmart
2013	Palo Alto	Municipal Code amendment to rezone residential property to an overlay zone
2014	Los Gatos	General Plan and Specific Plan amendments related to downtown area
2014	Pismo Beach	General Plan amendment to alter development standards within defined areas in the City's sphere of influence

(Staff Report, p. 59-63)

Many growth management initiatives have been rejected by voters

During this same period, many other growth management initiatives failed because voters determined them to be too extreme or misguided. When faced with

no-growth initiatives that threatened the future and character of their cities, residents of Berkeley, Cupertino, and Santa Barbara voted to reject them.

The following chart identifies the growth management initiatives that have been rejected by voters in California cities since 1999:

Year	City	Type of Initiative
1999	San Ramon	Voter approval required for General Plan amendments and land use decisions
2000	Tracy	Urban Growth Boundary amendment
2002	Berkeley	Building height limits
2002	Galt	Residential growth management
2002	Santa Paula	Urban Growth Boundary amendment
2002	Simi Valley	Preservation of open space and agricultural land
2002	Windsor	Residential building caps
2004	Pacific Grove	No construction in "O" zone and limited enlargement in "O" zone

Measure LV: Unintended Consequences

2004	Roseville	Voter approval required for General Plan amendments and land use decisions in defined areas
2005	Cupertino	Density limits
2005	Cupertino	Height limits
2005	Cupertino	Setback limits
2005	Palm Springs	Hillside preservation
2006	Santa Paula	Adjustment to Urban Growth Boundary
2007	Arcadia	Amend General Plan and Zoning Code relating to permitted uses in the CBD
2008	Grass Valley	Amendment to Land Use Element of General Plan
2008	Grass Valley	Urban Growth Boundary
2008	San Marcos	Voter approval required for certain General Plan amendments
2008	Santa Monica	Commercial development in excess of 75,000 square feet per year requires voter approval
2009	Santa Barbara	Building height limits
2010	Alameda	Alameda Point Revitalization
2010	Brentwood	Urban Limit Line
2010	Mission Viejo	Land use regulation on private and public property
2010	Rancho Palos Verdes	Enact Specific Plan and General Plan Amendments regarding Marymount College expansion
2010	Redlands	Prohibition of "Mega-Retail Development"
2013	Redondo Beach	Power plant rezoning to park, open space and commercial
2013	Sonoma	Hotel development limitation
2013	Watsonville	Urban Line modifications
2014	Berkeley	New requirements for buildings over 60 feet; eliminate historic resource determination for Green Pathway project; new Civic Center Historic District overlay; amend other requirements
2014	Escondido	Specific Plan adoption

2014	Menlo Park	General Plan and Specific Plan amendments related to downtown area
2014	Riverside	Amend General Plan and Zoning; and repeal Specific Plan that permanently preserved the La Sierra Hills as open space. Allow residential development in the area
2014	Union City	General Plan and Hillside Area Plan amendments to allow development on a 63-acre parcel. Includes relocation of Hillside Area Plan boundary

(Id.)

17. Conclusion

Measure LV is an extreme no-growth measure that goes too far and will result in unintended consequences. By requiring voter approval of almost all projects over two stories, Measure LV will result in a never-ending campaign fueled by unlimited spending.

Measure LV is riddled with loopholes, including those for 77 individual properties that would allow almost five million square feet of development.

Measure LV lacks vital, necessary exemptions for public buildings including fire and police facilities, religious institutions, nonprofits, schools and buildings damaged by a fire or earthquake.

By incentivizing the redevelopment of our residential neighborhoods, Measure LV will not stop development in Santa Monica, but it will create a host of problems and difficulties that Santa Monica residents will be forced to deal with for the next twenty years and beyond.

Appendix

Potential Development on Measure LV's 77 Exempt Sites

Measure LV exempts 77 sites in the City of Santa Monica (the "Exempt Sites") from Measure LV's voter approval requirement. See Proposed Section 9.69.020(D). This Appendix shows the potential square footage of development that could occur on each Exempt Site based on the maximum Floor Area Ratio (as described by the LUVE Initiative, Proposed Section 9.69.020(D)) and the lot square footage (as established by the City of Santa Monica Housing Element 2013-2021, Appendix A) for each Exempt Site. This Appendix also contains tallies of the total square footage of development that could occur on all 77 Exempt Sites.

Note: Underlined properties are listed in the Santa Monica Historic Resources Inventory.

DOWNTOWN SPECIFIC PLAN AREA

	Max. FAR (LUVE)	Min. Resd. %	Max. Comm. %	Lot SF*	Max. Total SF	Min. Resd. SF	Max. Comm. SF
1216 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1235 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1311 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1313 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>1327 5th Street</u>	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1415 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1423 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1427 5th Street	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
1445 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1552 5th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>1218 6th Street</u>	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1240 6th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>1437 6th Street</u>	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1213 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1217 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1227 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1238 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1244 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1313 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>1314 7th Street</u>	2.5	80%	20%	29,928	74,820.0	59,856	14,964.0
1317 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>1331 7th Street</u>	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1407 7th Street	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
1427 7th Street	2.5	80%	20%	15,018	37,545.0	30,036	7,509.0
1448 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1453 7th Street	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
1524 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1547 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1557 7th Street	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
<u>510 Arizona Avenue</u>	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
519 Arizona Avenue	2.5	80%	20%	3,450	8,625.0	6,900	1,725.0
624 Arizona Avenue	2.5	80%	20%	3,846	9,615.0	7,692	1,923.0
<u>625 Arizona Avenue</u>	2.5	80%	20%	22,499	56,247.5	44,998	11,249.5

702 Arizona Avenue	2.5	80%	20%	29,992	74,980.0	59,984	14,996.0
408 Broadway	2.5	80%	20%	8,991	22,477.5	17,982	4,495.5
500 Broadway	2.5	80%	20%	60,000	150,000.0	120,000	30,000.0
500 Broadway	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
501 Broadway	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
609 Broadway	2.5	80%	20%	8,995	22,487.5	17,990	4,497.5
525 Colorado Avenue	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
631 Colorado Avenue	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
1443 Lincoln Boulevard	2.5	80%	20%	7,497	18,742.5	14,994	3,748.5
1650 Lincoln Boulevard	2.5	80%	20%	16,810	42,025.0	33,620	8,405.0
1660 Lincoln Boulevard	2.5	80%	20%	7,353	18,382.5	14,706	3,676.5
<u>311 Wilshire Boulevard</u>	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
<u>315 Wilshire Boulevard</u>	2.5	80%	20%	9,993	24,982.5	19,986	4,996.5
<u>317 Wilshire Boulevard</u>	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
419 Wilshire Boulevard	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
424 Wilshire Boulevard	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
427 Wilshire Boulevard	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
601 Wilshire Boulevard	2.5	80%	20%	9,993	24,982.5	19,986	4,996.5
611 Wilshire Boulevard	2.5	80%	20%	4,996	12,490.0	9,992	2,498.0
626 Wilshire Boulevard	2.5	80%	20%	14,998	37,495.0	29,996	7,499.0
<i>Total</i>				556,748	1,391,870.0	1,113,496	278,374.0

BERGAMOT PLAN AREA (BERGAMOT TRANSIT VILLAGE)

	Max. FAR (LUVE)	Min. Resd. %	Max. Comm. %	Lot SF*	Max. Total SF	Min. Resd. SF	Max. Comm. SF
1655 26th Street	2.5	40%	60%	88,423	221,057.5	88,423.0	132,634.5
<u>1681 26th Street</u>	2.5	40%	60%	291,412	728,530.0	291,412.0	437,118.0
2700 Pennsylvania	2.5	40%	60%	87,120	217,800.0	87,120.0	130,680.0
<i>Total</i>				466,955	1,167,387.5	466,955.0	700,432.5

BERGAMOT PLAN AREA (MIXED USE CREATIVE)

	Max. FAR (LUVE)	Min. Resd. %	Max. Comm. %	Lot SF*	Max. Total SF	Min. Resd. SF	Max. Comm. SF
2848 Colorado Avenue	2.2	50%	50%	121,853	268,076.6	134,038.3	134,038.3
<u>3025 Olympic Boulevard</u>	2.2	50%	50%	138,604	304,928.8	152,464.4	152,464.4
1703 Stewart	2.2	50%	50%	106,827	235,019.4	117,509.7	117,509.7
<i>Total</i>				367,284	808,024.8	404,012.4	404,012.4

MEMORIAL PARK PLAN AREA

	Max. FAR (LUVE)	Min. Resd. %	Max. Comm. %	Lot SF*	Max. Total SF	Min. Resd. SF	Max. Comm. SF
1654 14th Street	2.0	60%	40%	14,998	29,996	17,997.6	11,998.4
1660 14th Street	2.0	60%	40%	21,349	42,698	25,618.8	17,079.2

<i>1415 Colorado Avenue</i>	2.0	60%	40%	7,497	14,994	8,996.4	5,997.6
1431 Colorado Avenue	2.0	60%	40%	22,499	44,998	26,998.8	17,999.2
1501 Colorado Avenue	2.0	60%	40%	7,436	14,872	8,923.2	5,948.8
1519 Colorado Avenue	2.0	60%	40%	22,499	44,998	26,998.8	17,999.2
<i>Total</i>				96,278	192,556	115,533.6	77,022.4

MIXED USE BOULEVARDS

	Max. FAR (LUVE)	Min. Resd. %	Max. Comm. %	Lot SF*	Max. Total SF	Min. Resd. SF	Max. Comm. SF
2050 Broadway	2.0	60%	40%	95,832	191,664	114,998.4	76,665.6
2043 Colorado Avenue	2.0	60%	40%	89,734	179,468	107,680.8	71,787.2
2225 Colorado Avenue	2.0	60%	40%	35,715	71,430	42,858.0	28,572.0
2601 Lincoln Boulevard	2.0	60%	40%	203,421	406,842	244,105.2	162,736.8
2723 Lincoln Boulevard	2.0	60%	40%	20,835	41,670	25,002.0	16,668.0
2809 Lincoln Boulevard	2.0	60%	40%	29,538	59,076	35,445.6	23,630.4
1122 Pico Boulevard	2.0	60%	40%	18,962	37,924	22,754.4	15,169.6
1802 Santa Monica Boulevard	2.0	60%	40%	7,497	14,994	8,996.4	5,997.6
1301 Wilshire Boulevard	2.0	60%	40%	60,000	120,000	72,000.0	48,000.0
1317 Wilshire Boulevard	2.0	60%	40%	22,499	44,998	26,998.8	17,999.2
1401 Wilshire Boulevard	2.0	60%	40%	21,249	42,498	25,498.8	16,999.2
1501 Wilshire Boulevard	2.0	60%	40%	17,494	34,988	20,992.8	13,995.2
3105 Wilshire Boulevard	2.0	60%	40%	56,994	113,988	68,392.8	45,595.2
<i>Total</i>				679,770	1,359,540.0	815,724.0	543,816.0

TOTALS

Lot SF	Max. Total SF	Min. Resd. SF	Max. Comm. SF
2,167,035	4,919,378.3	2,915,721.0	2,003,657.3

