

**NOTICE OF INTENT TO CIRCULATE PETITION AND
STATEMENT OF REASONS**

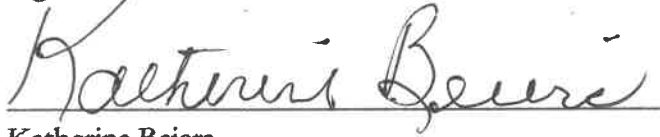
Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Santa Cruz for the purpose of proposing amendments to the City's General Plan and Downtown Plan. A statement of the reasons of the proposed action is as follows: to establish policies:

- (1) to address the City's housing crisis by prioritizing development of affordable housing on specified City-owned properties in Downtown Santa Cruz;
- (2) to maintain the Downtown Farmers' Market and Downtown Library, important community institutions, at their current locations;
- (3) to prevent the construction of a multi-level parking garage Downtown that transportation consultants to the City have concluded is unnecessary. The garage would contribute to increased greenhouse gas emissions.

- (4) to prioritize the expenditure of surplus parking revenue for:
 - (a) promoting development of affordable housing Downtown,
 - (b) supplementing 2016 Bond Measure S funding to renovate and modernize the Downtown Library,
 - (c) making improvements to the public space hosting the Downtown Farmers' Market; and
 - (d) providing funding for transportation demand management programs that reduce vehicle trips and make more parking available to visitors.

This measure further directs City officials to make any further conforming changes to the General Plan, Downtown Plan, Zoning Ordinance, and/or Local Coastal Program that are necessary and appropriate to comply with this Measure and State law.

Signed:



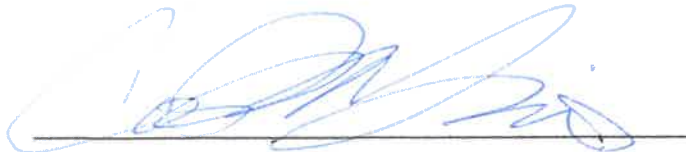
Katherine Beiers
Former Mayor, retired librarian

11/08/21
Date



Pauline Seales
Santa Cruz Climate Action Network

11/8/21
Date



Curt Simmons
Owner, Plaza Lane Optometry

11/8/21
Date

To the City Council of the City of Santa Cruz:

We, the undersigned, registered and qualified voters of the City of Santa Cruz (“City”), present to the City Council this petition and request that the following proposed legislative action (“Measure”) be adopted without alteration or submitted to the registered and qualified voters of the City for their adoption or rejection at the earliest regular election for which it qualifies pursuant to Section 1405 of the California Elections Code.

The full text of the Measure is as follows:

The People of the City of Santa Cruz do hereby ordain as follows:

Section 1. Purposes

The purposes of this Measure are to establish policies: (1)

- (1) to address the City’s housing crisis by prioritizing development of affordable housing on specified City-owned properties in Downtown Santa Cruz;
- (2) to maintain the Downtown Farmers’ Market and Downtown Library, important community institutions, at their current locations;
- (3) to prevent the construction of a multi-level parking garage Downtown that transportation consultants to the City have concluded is unnecessary. The garage would contribute to increased greenhouse gas emissions.
- (4) to prioritize the expenditure of surplus parking revenue for:
 - (a) promoting development of affordable housing Downtown,
 - (b) supplementing 2016 Bond Measure S funding to renovate and modernize the Downtown Library,
 - (c) making improvements to the public space hosting the Downtown Farmers’ Market; and
 - (d) providing funding for transportation demand management programs that reduce vehicle trips and make more parking available to visitors.

This measure further directs City officials to make any further conforming changes to the General Plan, Downtown Plan, Zoning Ordinance, and/or Local Coastal Program that are necessary and appropriate to comply with this Measure and State law.

Section 2. Findings

The people of City of Santa Cruz find and declare:

1. Action is needed to maintain Downtown as a place where a broad diversity of people can meet their needs in a Complete Neighborhood.

The Santa Cruz 2030 General Plan explicitly values “Complete Neighborhoods.” These are neighborhoods where people can live, work, access goods and services, recreate, learn, and socialize. Complete Neighborhoods include housing for a diversity of income levels. The General Plan adds to the definition of Complete Neighborhoods: “Residents need access to parks, open space, and other places where they can relax and socialize.” Planning for a Downtown that includes affordable housing prioritized on City-owned underutilized property, an improved Downtown Farmers’ Market and event space, and a renovated and modernized Downtown Library at its historic location across from City

Hall will enhance Downtown as a Complete Neighborhood. The experience of cities across the world is that Complete Neighborhoods reduce demand for auto transportation and parking.

2. Housing Affordability Is a Pressing Need.

A. According to the National Low Income Housing Coalition report (2019), Santa Cruz is the least affordable small city in the US. The limited supply of housing and especially affordable housing relative to demand causes stress and disruption of our community.

B. In Downtown locations where parking demand can be met, conversion of specified City-owned surface parking lots for development of affordable multi-family dwellings can add at least twice as many and potentially three times as many affordable housing units as currently proposed for City Lot 4, the current site of the Downtown Farmers' Market on Cedar Street, including 120 to 200 units on Lot 7, a City-owned lot on Front Street, and additional units on other City parking lots specified for affordable housing development in this Measure. Public parking continuing on the ground levels of these and other structures can meet localized parking demand.

C. The Housing Crisis Act of 2019 ("SB 330") calls for the expansion of residential development opportunities throughout the City, including opportunities for affordable housing development. Consistent with this State law, this Measure prioritizes affordable housing development on certain designated City-owned parcels that are now used as surface parking lots.

3. Farmers' Market Open Space is a Community Priority.

A. As more housing is developed Downtown, the need for public space for residents becomes more acute. As the City's General Plan provision calling for Complete Neighborhoods states, "Residents need access to parks, open space, and other places where they can relax and socialize."

B. Retaining the Downtown Farmers' Market where it has been for over two decades, at 119 Lincoln Street on the City-owned parcel known as Lot 4, will further the policies and goals of the City's General Plan that provides for "establishing a sense of place and walkability of the City," and of the Downtown Plan that provides that: "Open spaces within downtown Santa Cruz should have value and meaning; they should be carefully located where people want to be and in locations that take advantage of the unique resources, heritage, and traditions of the community." The proposed move of the Downtown Farmers' Market from its current location to the smaller Lot 7 on traffic-congested Front St. at Cathcart St. or another location would inhibit adherence to these policies and achievement of these goals, and is inconsistent with the Downtown Plan.

4. The Downtown Library, thoroughly modernized at its current location, can serve the public well and enhance the Civic Center.

A. Measure S, passed in 2016, provides bond funds for the Santa Cruz Libraries Facilities Financing Authority to "modernize, upgrade and repair local libraries in Santa Cruz [and other locations] – replace failing roofs, outdated bathrooms, electrical systems/ structurally damaged facilities; support growing use by children, seniors, veterans and others; expand access to modern technology; and construct/ expand facilities where necessary."

B. City consultants Jayson Architecture have proposed plans to use a portion of the City's share of Measure S bond funds to thoroughly renovate the existing Downtown Library to create a 21st-century

facility with new plumbing, electrical, HVAC, shelving, carpeting, lighting, and elevators, and adjacent handicapped and other parking. The proposal includes study rooms, a teen space, and a greatly increased children's area and large community room, both with outdoor patios.

C. Creating a state-of-the-art Downtown Library at its present site builds on the 117-year tradition of having the Library in the city's Civic Center.

5. Parking competes with and reduces opportunities for affordable housing.

A. Parking competes with housing for space. According to Urban Planning Partners, reporting to the Santa Cruz City Planning Commission on January 7, 2021, the space required to park two cars (including circulation space) is equivalent to the space required for a two-bedroom housing unit.

B. Parking competes with affordable housing for City funds. Tens of millions of dollars saved from not building a new garage can be used to support development of affordable housing Downtown.

C. Based on parking supply/demand projections and financial considerations, professional parking consultants have advised the City that a new parking garage is unnecessary. Nelson\Nygaard's "Economics of Parking: Santa Cruz Strategic Parking Plan" (2019), produced for the City of Santa Cruz, states, "The most fiscally prudent approach to accommodating additional demand: Modernize parking management and better align parking prices to the cost of building and maintaining the system." This report further states that "In aggregate almost thirty percent of off-street parking in the Downtown remains empty even at the peak of the peak times.... Oversupplying parking in a space-constrained area like a downtown can fragment the built environment, creating a less desirable place to work, live, visit, and walk around."

6. The City's Climate Action Goals can be advanced by this Measure.

A. Prioritizing a public space for the Downtown Farmers' Market on Lot 4, Cedar St., will permit the preservation of Heritage trees and preserve the parcel for possible future development as a public space, park, or commons, thereby advancing the City's Climate Action Goals, rather than undermining them.

B. Expansion of auto infrastructure undermines the ability of the City to reduce automobile dependency, the largest local contributor to global warming. The City failed to achieve its Climate Action Plan (2012) goal of reducing vehicle trips within town by 10% by 2020.

C. Increasing the City's supply of affordable and market-rate housing can enable more workers to live close to their jobs in Downtown Santa Cruz, reducing vehicle miles traveled.

D. Prioritizing Lot 4 for the Downtown Farmers' Market and other fairs and public events will allow use of 2016 Measure S Bond funds to renovate and modernize the Downtown Library at its existing location, thereby reducing the production of greenhouse gases required for the construction of a new library as part of a mixed-use project on Lot 4. As the 2021 winners of the prestigious Pritzker Architecture Prize assert: "Never demolish, never remove – always add, transform and reuse."

7. Surplus parking revenue can support Downtown as a Complete Neighborhood.

The City can avoid building a new garage by following consultant recommendations to make better use of existing parking resources. Savings from not building a garage can be invested in affordable housing and improvements to the Downtown Library and Downtown Farmers' Market infrastructure, as well as incentives for workers Downtown to commute by means other than single-occupant autos.

Section 3. Definitions

As used in this measure:

“Affordable housing” means residential dwelling units which are affordable to extremely low, very low, low, median, or moderate income households as defined by the Affordable Housing Provisions of the Santa Cruz Municipal Code (Chapter 24.16), or by any federal or state housing program and are subject to rental, sale, or resale provisions to maintain affordability.

“Downtown Plan” means the City of Santa Cruz *Downtown Plan* (September 1991) As Amended through January 28, 2020 and the date of approval of this measure by the voters of the City of Santa Cruz.

“General Plan” means the City of Santa Cruz 2030 General Plan, as amended through the date of approval of this Measure by the voters of the City of Santa Cruz.

“Lot 4” means the City-owned parcel at 119 Lincoln Street on the east side of Cedar Street between Lincoln and Cathcart Streets (APN 005-141-21), as shown on **EXHIBIT B**.

“Measure” means this Initiative measure, including its statement of reasons and full text.

“SB 330” means the Housing Crisis Act of 2019, as approved by the Governor on October 9, 2019 and subsequently codified in the California Government Code.

“Surplus parking revenue” means revenue determined by the City Council to be in excess of what is required in order to maintain, improve or expand existing parking facilities or create new parking facilities in the Downtown Parking District.

“Zoning Code” means Title 24, Zoning, of the Santa Cruz Municipal Code.

Section 4. General Plan Amendments

A. The voters hereby amend the City of Santa Cruz 2030 General Plan, Chapter 5 (Mobility), to add the following new General Plan Policy (addition in underline text):

M1.5.7 Prioritize, in a manner consistent with State law, the expenditure of surplus parking revenue from the Downtown Parking District for use in: 1) supporting the development of affordable housing for people who work Downtown; 2) establishing transportation demand management programs for people who work Downtown, including free transit passes; 3) supporting two Complete Neighborhoods projects – renovation and modernization of the Santa Cruz Public Libraries' Downtown Branch at 224 Church Street and improvements to Lot 4, to enhance the use of the space for public gatherings and recreation, including the Downtown Farmers' Market.

B. The voters hereby amend the City of Santa Cruz 2030 General Plan, Chapter 4, Land Use, to add the following new General Plan Policy LU3.7.2 under existing Policy LU3.7 as shown below (additions in underline text):

RESIDENTIAL USES

LU3.7 Encourage higher-intensity residential uses and maximum densities in accordance with the General Plan Land Use designations. Cf. LU4.1.

LU3.7.1 Allow and encourage development that meets the high end of the General Plan Land Use designation density unless constraints associated with site characteristics and zoning development standards require a lower density. Cf. LU1.3

LU3.7.2 Require, to the maximum extent feasible, that certain designated parcels situated within the City of Santa Cruz Downtown Plan area, as shown in EXHIBIT A, and with the APNs as shown, that are City-owned parcels as of the date the voters approve this Measure, shall be developed with permanently affordable housing, with parking permissible on the ground level and not permissible on floors above the ground level, and public park space permissible, where appropriate. For Lots 14 and 16, library facilities and library-associated functions shall also be permissible on floors above the ground level. This Policy shall apply notwithstanding any subsequent sale or transfer of any City-owned parcels to private parties after the date the voters approve this Measure.

C. The voters hereby amend the City of Santa Cruz 2030 General Plan, Chapter 4, Land Use, to add the following new General Plan Policy LU1.1.6 under existing Policy LU1.1 as shown below (additions in underline text):

LU1.1.6 Recognize as a policy priority that the City-owned parcel at 119 Lincoln Street known as Lot 4 (APN 005-141-21) is the preferred long-term location of the Downtown Farmers' Market as well as other fairs and public events, with other ground-level uses incompatible with this priority strongly discouraged. This policy priority shall specifically not preclude the development of affordable housing and associated uses on Lot 4 above the ground level. Parking and other uses not associated with affordable housing are prohibited in any development on Lot 4 on floors above ground level.

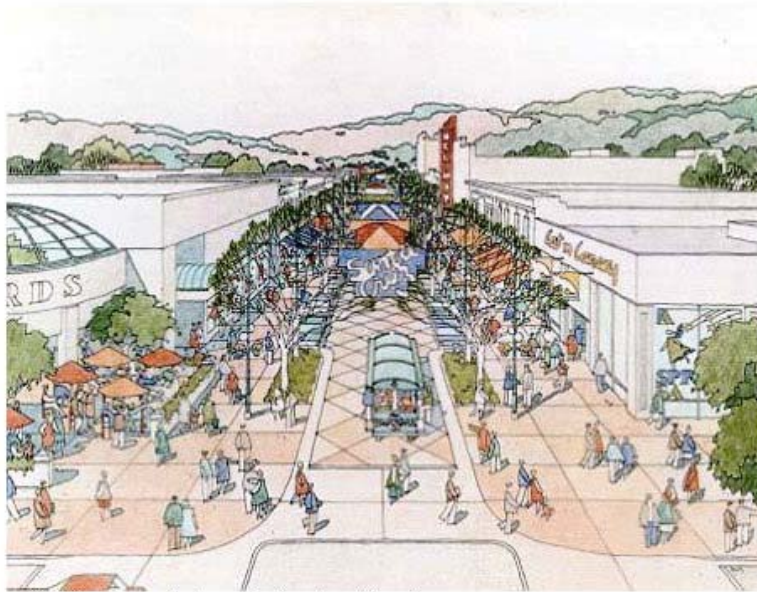
D. The voters hereby amend the City of Santa Cruz 2030 General Plan, Chapter 4, Land Use, to add the following new General Plan Policy LU1.1.7 under existing Policy LU1.1 as shown below (additions in underline text):

LU1.1.7 Recognize as a policy priority that the current location of the Santa Cruz Public Libraries' Downtown Branch at 224 Church Street is the preferred long-term location of this important community institution, with other uses incompatible with this priority strongly discouraged.

Section 5. Downtown Plan Amendments

A. The voters hereby amend the Downtown Plan, Chapter 1, Introduction, *Executive Summary*, pp. 10-11, to amend text as shown below (additions in underline text, deletions in ~~strike through~~ text):

[continued on next page]



Pacific Avenue between Cathcart and Lincoln...



~~... will be transformed once a week into a Farmers Market.~~ ... can be transformed for special occasions and events.

Reinforcing the Pedestrian-Oriented Environment

Downtown Santa Cruz should be a place where pedestrians feel comfortable throughout the day and nighttime hours. Great pedestrian places are those that always feel full and active, with people promenading, window shopping or watching other people, people

sitting in cafes with friends, people passing by on bicycles, or people enjoying a spontaneous street performance. The public spaces and streets of downtown Santa Cruz must be appropriately scaled to ensure that a comfortable pedestrian environment is created. As the major open space within the downtown, streets should be designed to respond to the cyclical nature and needs of the community. The ability to have larger pedestrian spaces when they are needed and more intimate and active places at other times will give the streets a life and character of their own. For instance, an annual parade or festival may warrant the temporary closure of all of Pacific Avenue to automobiles; ~~whereas a weekly farmer's market could be accommodated on a particular street segment (e.g., between Cathcart and Lincoln).~~ Similarly, traffic could be closed on other streets within the downtown (e.g., Cooper Street between Pacific and Front or Front Street between Water and River Streets) for special events.

B. The Downtown Plan, Chapter 1, Introduction, *Executive Summary*, p. 14 is amended as shown below (additions in underline text):

Housing Feasibility and Affordability

A comprehensive housing implementation strategy should be developed by the City to establish a feasible program for the creation of market-rate and affordable housing, including developer incentives, land write-downs, public participation in financing, parking reductions, etc. The Downtown Plan does not recommend the imposition of exactions on commercial developers for the creation of residential development. However, the Downtown Plan requires, to the extent feasible, that certain designated parcels situated within the City of Santa Cruz Downtown Plan area as shown in Exhibit A, and with the APNs as shown, that are City-owned parcels as of the date the voters approve this Measure, shall be developed with permanently affordable housing, with parking permissible on the ground level and not permissible on floors above the ground level, and public park space permissible, where appropriate.

C. The Downtown Plan, Chapter 3, Land Use Plan, *The Cedar Street Village Corridor*, p. 29, is amended as follows (additions in underline text):

The land use plan and the standards and guidelines strive to preserve and enhance the informal “village” qualities of the Cedar Street Corridor. Unlike the Pacific Avenue district, permitted ground-level uses include office in addition to retail, and residential uses are allowed at the ground level along the east-west streets and Center Street. No strict “build-to” lines are established, and the height of development is purposely stepped down to a maximum of 35 feet, or three floors. The land use plan further strives to preserve adequate space for the Downtown Farmers’ Market on Lot 4, the City-owned parking lot at 119 Lincoln Street, the east side of Cedar Street between Lincoln and Cathcart Streets (APN 005-141-21).

D. The Downtown Plan, Chapter 4, Development Standards and Guidelines, *Additional Regulations – Upper Floor Uses*, p. 44, is amended as follows:

(2) Multi-family Housing. Development projects containing up to 60 units in size are principally permitted uses. Residential uses shall incorporate sound attenuation space planning designs and construction materials and methods such that noise from nearby commercial activities do not unduly disturb occupants of new dwelling units. Residential

development exceeding 60 units will be considered with a Special Use Permit if it can be demonstrated that such a development includes a mixture of unit types (e.g., variety of unit sizes) that will be attractive to a wide range of potential residents. Single-Room Occupancy projects require approval of an AUP and are subject to 24.12.1000 et seq. Single-Room Occupancy projects exceeding 60 units require approval of City Council. For properties east of Front Street between Soquel Avenue and Laurel Street, housing is a priority use and shall be at least 60% of the total floor area of the project. This requirement does not apply to properties within 75 feet of Laurel Street or Soquel Avenue. Parking shall be a prohibited use above the ground floor of any future development of the City-owned parcels referenced in Policy LU3.7.2 and shown in EXHIBIT A thereto, where upper level affordable housing development is prioritized.

E. The Downtown Plan, Chapter 6, Streetscape and Open Space Plan, *Pacific Avenue: Cathcart to Lincoln*, p. 105, first paragraph, is amended as follows (additions in underline text, deletions in ~~striketrough~~ text):

Pacific Avenue: Cathcart to Lincoln

The segment of Pacific Avenue between Cathcart and Lincoln Streets has a right-of-way width of approximately 80 feet. The area is characterized by a significant number of vacant parcels resulting from the earthquake. These sites include the Ford's Department Store property at Cathcart and Pacific, Plaza and Logos Books, and the Good Times and Gularte properties on the east side of Pacific Avenue. In spite of this devastation, the area is also characterized by several strong destinations including the Del Mar Theater, the Plaza Books Annex, and the Cat 'n' Canary clothing store, ~~and the weekly farmer's market on the Ford's property.~~ Redevelopment efforts are fairly advanced in the area, with three approved projects: two retail/residential developments on the Gularte and Good Times sites, and a retail/office development that will replace Logos Books.

F. The Downtown Plan, Chapter 6, Streetscape and Open Space Plan, *Pacific Avenue: Cathcart to Lincoln*, p. 106, second paragraph, is amended as follows (deletions in ~~striketrough~~ text):

The redevelopment of the Ford's and Plaza Books site will be critical to the achievement of a strong pedestrian environment in this area. The Plan recommends the consolidation of these two properties for the creation of a major retail anchor that could reinforce this portion of the downtown as a strong retailing destination. At the corner of Cathcart and Pacific, a setback of approximately 800 square feet is proposed as an entry plaza and cafe for this anchor use, to activate the street and to create a strong gateway to the downtown. Major storefront displays within the retail development would also serve to enliven the street and build off the creative windows across the street at Cat 'n' Canary. ~~The Plan also recommends that this segment of the street be closed on a weekly basis to accommodate the farmer's market.~~

G. The Downtown Plan, Chapter 7, Implementation and Management Strategy, *Downtown Management Strategy*, p. 130, is amended to delete text as follows (deletions in ~~striketrough~~ text):

Farmer's Market

- ~~The CRM [Cooperative Retail Management entity] would assist in the coordination and administration of the weekly farmer's market on the City-owned parcel at 119 Lincoln Street, including issuance of permits, control over individual vendors, and logistics related to setup, trash control, storage of stalls and vehicles, and street cleanup.~~
- ~~The CRM would also coordinate with adjacent property owners and retailers to ensure that the farmer's market continues to be compatible with their merchandising.~~

Section 6. Implementation

A. Effective Date. Upon the effective date of the approval of this Measure by the voters of the City of Santa Cruz, the provisions of Section 4 of the Measure **concerning parcels that do not lie within the Coastal Zone** are hereby inserted into the City of Santa Cruz General Plan, and the provisions of Section 5 of the Measure are hereby inserted into the City of Santa Cruz Downtown Plan; except that if the four amendments of the mandatory elements of the General Plan permitted by state law for any given calendar year have already been utilized in the year in which the Measure becomes effective, this General Plan amendment shall be the first amendment inserted into the City of Santa Cruz General Plan on January 1 of the next year. At such time as the provisions of Section 4 of the Measure are inserted into the City of Santa Cruz General Plan, and the provisions of Section 5 of the Measure are inserted into the City of Santa Cruz Downtown Plan, any provisions of the City of Santa Cruz Zoning Code, as reflected in the Zoning Code itself or in the City of Santa Cruz Zoning Map, that are inconsistent with the provisions of Section 4 and/or Section 5 of this Measure shall not be enforced. **The exception to the effective date is the Measure's application to parcels within the Coastal Zone. Parcels within the Coastal Zone require a Local Coastal Program amendment. The City Council is directed to submit an amended Local Coastal Program to the Coastal Commission within 6 months of voter approval, incorporating the provisions of Section 4 of this Measure. If the Coastal Commission denies the amendment, this Measure's application to parcels within the Coastal Zone will be void. If the Coastal Commission requires a modification of the amendment, the City Council will have 4 months to approve the modification or withdraw the amendment. For parcels within the Coastal Zone, the provisions of this Measure shall go into effect immediately upon Coastal Commission approval of an amended Local Coastal Program. No voter approval is necessary for the City Council to agree to a modification of the Local Coastal Program required by the Coastal Commission.**

B. Interim Amendments. The date that the notice of intention to circulate this Initiative was submitted to the City elections official is referenced herein as the "Submittal Date." The City of Santa Cruz General Plan in effect on the Submittal Date as amended by this Measure is required by state law to comprise an integrated, internally consistent, and compatible statement of policies for the City of Santa Cruz. In order to ensure that nothing in this Measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the county, as required by State law, and to ensure that the actions of the voters in enacting this Measure are given effect, any amendment or update to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by this Measure, be amended as soon as possible to ensure consistency between the provisions adopted by this Measure and other provisions of the General Plan.

C. Compliance with SB 330. The City of Santa Cruz and its City Council are hereby authorized and directed to amend the Santa Cruz General Plan, Downtown Plan, all specific plans, the Zoning Ordinance, the Zoning Map, Land Use Maps, and any other ordinances and policies affected by this

Measure 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 Measure and any governing provisions of SB 330.

D. Other City Ordinances and Policies. The City of Santa Cruz and its City Council are hereby authorized and directed to amend the Santa Cruz General Plan, Downtown Plan, all specific plans, the Zoning Ordinance, the Zoning Map, Land Use Maps, and any other ordinances and policies affected by this Measure 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 Measure and other elements of the General Plan, Downtown Plan, all specific plans, the Zoning Ordinance, the Zoning Map, Land Use Maps, and other City ordinances and policies.

Section 7. Severability and Interpretation

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

B. If any portion of this Measure is held by a court of competent jurisdiction to be invalid, the voters hereby declare their strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Measure by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Measure, including adopting or reenacting any such portion in a manner consistent with this Measure.

C. Should the City Council determine that it is impossible to comply with the requirements of state law without amending the General Plan and/or Zoning Code in a manner inconsistent with the purposes, intent, or operative provisions of this Measure, it shall first seek voter approval of any proposed inconsistent amendments, and should the voters reject such amendments the City Council shall thereafter seek a judicial declaration or similar relief from a court of competent jurisdiction as to the existence and extent of the proposed amendments' inconsistencies with this Measure.

Section 8. No Unconstitutional Taking

This initiative is not intended, and shall not be applied or construed, to authorize the City to exercise its powers in a manner which will take private property for public use without the payment of just compensation, but shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum constitutionally permissible extent. If application of this initiative to a specific property of record as of its effective date would create a taking, then the City Council may allow additional uses on said property, upon findings that the level of additional development permitted is the minimum necessary to avoid a taking, and no lesser level of development would be sufficient to avoid a taking.

Section 9. Amendment or Repeal

Except as otherwise provided herein, this Measure, including the General Plan Amendments and Downtown Plan Amendments enacted hereby, may be amended or repealed only by a majority of the voters of the City of Santa Cruz.

Section 10. Effective Date and Duration

- A. The provisions of this initiative shall remain in effect through the year 2050.
- B. This initiative shall take effect 10 days after the city council declares the results of the election approving this measure.

Section 11. Conflicting Ballot Measures

In the event that this Measure and another measure or measures relating to the same or similar subject matter shall appear on the same election ballot, the provisions of the other measures shall be deemed in conflict with this Measure. In the event that this Measure shall receive a greater number of affirmative votes, the provisions of this Measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

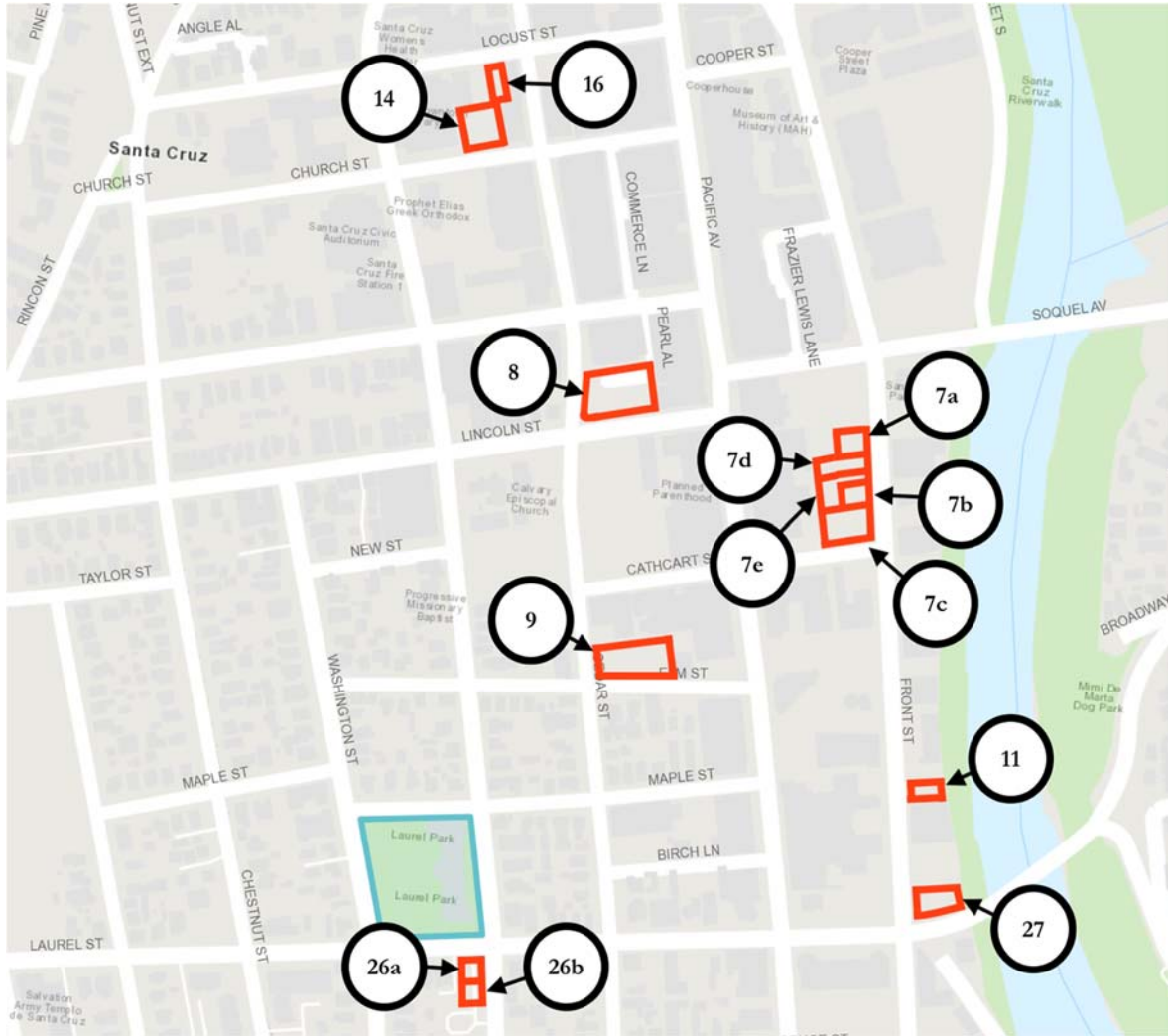
Exhibit List

EXHIBIT A. Map depicting City-owned parcels in the Downtown Plan area currently used as surface parking lots, to be prioritized for affordable housing development, as designated in this Measure (APN Nos. 005-048-11; 005-048-12; 005-075-12; 005-142-09; **005-151-35; 005-151-48**; 005-153-03; 005-153-05; 005-153-17; 005-153-28; 005-153-29; **007-012-01; 007-012-02**).

EXHIBIT B. City Parking Lot 4. Map showing Santa Cruz City-owned parcel at 119 Lincoln Street on the east side of Cedar Street between Lincoln and Cathcart Streets (APN 005-141-21).

EXHIBIT A

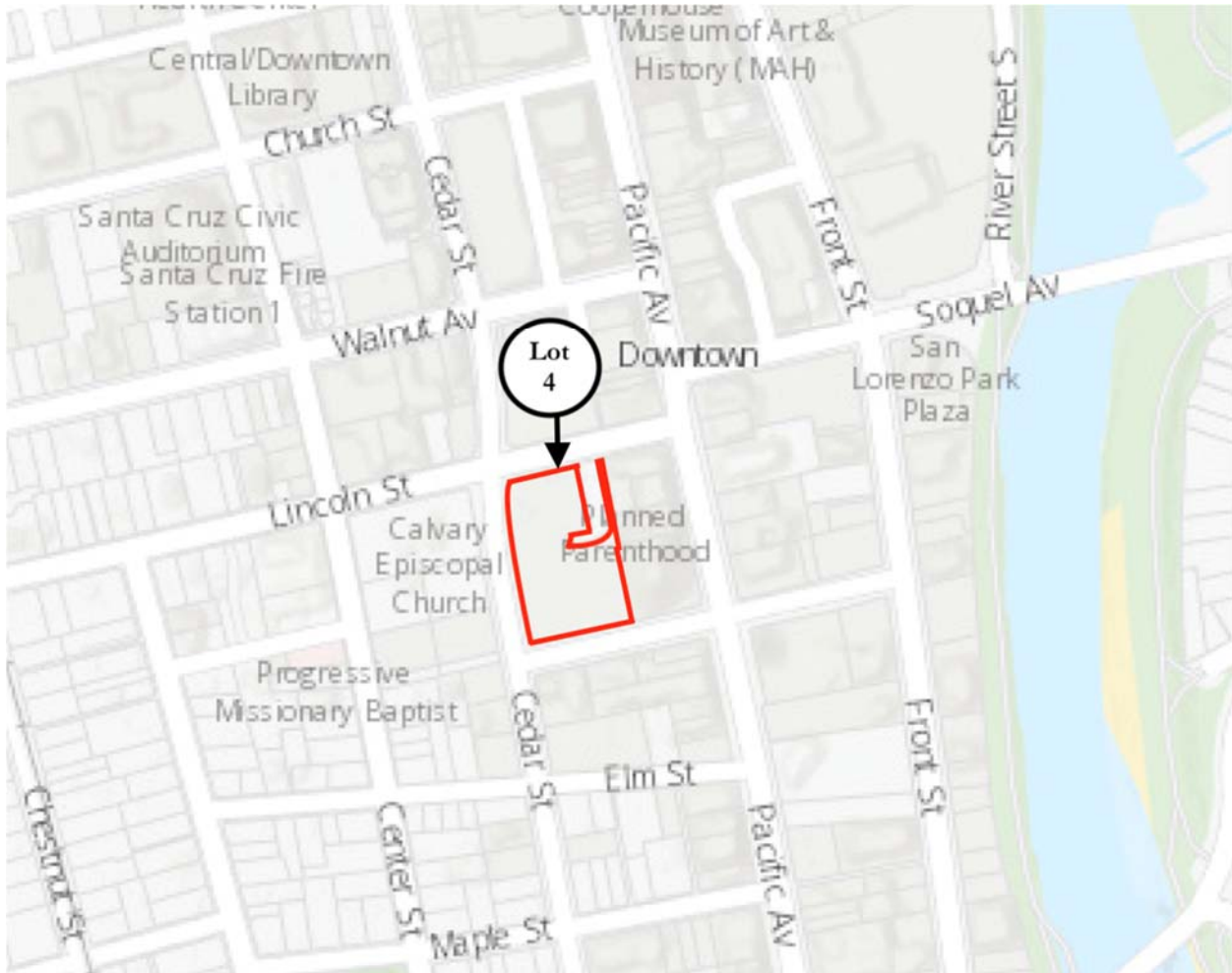
Map depicting City-owned parcels situated within the Downtown Plan area, currently used as surface parking lots, to be prioritized for affordable housing development, as designated in this Measure.



Location on Map	City Parking Lot	APN	Street Location
7a	7	005-153-03	Front Street
7b	7	005-153-05	Front Street
7c	7	005-153-17	Front Street at corner of Cathcart Street
7d	7	005-153-28	Front Street
7e	7	005-153-29	Front Street
8	8	005-075-12	Cedar Street at corner of Lincoln Street
9	9	005-142-09	Cedar Street at corner of Elm Street
11	11	005-151-35	Front Street
14	14	005-048-11	Locust Street
16	16	005-048-12	Church Street
26a	26	007-012-01	Center Street at corner of Laurel Street
26b	26	007-012-02	Center Street
27	27	005-151-48	Front Street at corner of Laurel Street

EXHIBIT B

City Parking Lot 4. Map showing Santa Cruz City-owned parcel at 119 Lincoln Street on the east side of Cedar Street between Lincoln and Cathcart Streets (APN 005-141-21).





For A Better Way

November 8, 2021

Tony Condotti, Esq.
City Attorney, City of Santa Cruz
333 Church Street
Santa Cruz, CA 95060

Dear Tony,

Thank you for providing the ballot title and summary for Our Downtown, Our Future's ballot measure on the basis of our October 18, 2021 submission. We especially appreciate your bringing to our attention some unintended language in our measure, which we've revised, as explained below.

Based on your title and summary, we are here doing two things. First, we are formally resubmitting the ballot measure with minor revisions, attached. Second, we are requesting revisions to your title and summary, both to reflect the changes in our resubmitted initiative and to ensure that the title and summary "shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure" (California Election Code §9203).

For your convenience in providing a revised title and summary, we are attaching both a "clean" copy of the revised measure and a copy with highlighting of the modified text. In addition, for your reference, we attach a list of the changes made to the measure, with brief explanations.

Concerning the title and summary, it is crucial that they not make inferences about the measure, that they avoid inaccurate language, and that they avoid discussion of topics that are not part of the measure itself, and thus outside the function of providing a title and summary. We are including Word files with suggested revisions to the title and summary that will avoid these difficulties, both in "track changes" and "clean" versions, and attaching a list explaining changes.

Please email us (longinotti@baymoon.com and jrhall103@mac.com) if you have any questions, and we look forward to receiving the new title and summary based on the revisions in the measure and our proposed revisions of the title and summary that you provided.

Sincerely,

Rick Longinotti and John Hall

cc: Mark Wolfe, attorney-at-law

List of 11/8/2021 revisions to the Our Downtown, Our Future measure, with brief explanations.

Findings, #1. The following sentence is add to the end: “The experience of cities across the world is that Complete Neighborhoods reduce demand for auto transportation and parking.”

The sentence is added to emphasize the connection between transportation and parking issues and the character of Complete Neighborhoods.

Findings, #6, deletion concerning Heritage trees. The phrase, “Prioritizing a public space for the Downtown Farmers’ Market on Lot 4, Cedar St., will permit the preservation of 10 Heritage trees...” has been changed to “Prioritizing a public space for the Downtown Farmers’ Market on Lot 4, Cedar St., will permit the preservation of Heritage trees....”

Given that a permanent structure for the Farmers’ Market and affordable housing may be constructed on Lot 4, it is inaccurate to specify the number of Heritage trees that will be preserved. Therefore, the number “10” has been deleted.

Clarification concerning use of Parking District Funds. The November 3, 2021, proposed title and summary point to a contradiction between the measure’s Section 3 definitions and the wording in Section 4.A modifying General Plan section 5, M1.5.7 concerning the use of Parking District funds.

We have amended the definition of “surplus parking revenue” in Section 3, Definitions, and amended Section 4.A. concerning M1.5.7 to affirm that parking district funds can be used to create new parking facilities, as was our original intention.

List of proposed revisions to the November 3, 2021, Title and Summary, with brief explanations.

Correction of numbering in title. Per Tony Condotti email, November 4, 2021 at 6.52 AM, the number of items in the measure title has been corrected.

Deletion of inaccurate title statement. (1) PROHIBIT CONSTRUCTION OF PROPOSED DOWNTOWN MIXED-USE LIBRARY PROJECT AND PROHIBIT RELOCATION OF DOWNTOWN FARMERS' MARKET;

The only mention of the Lot 4 mixed-use project is in the measure's findings, which assert that renovating the Library will reduce "the production of greenhouse gases required for the construction of a new library as part of a mixed-use project on Lot 4." Nowhere do the proposed amendments to the General Plan and the Downtown Plan prohibit construction of the Library or prohibit relocation of the Farmers' Market. The measure's amendments instead "recognize policy priorities" concerning Library renovation and the location of the Farmers' Market. Thus, the referenced and deleted title phrase is factually and legally incorrect.

Correction of title wording, #1. "ALL DOWNTOWN CITY-OWNED SURFACE PARKING LOTS" is factually and legally incorrect. It is appropriate to substitute "SPECIFIED" FOR "ALL." See below for details.

Correction of title wording for accuracy and due to revision of ballot measure. The phrase, "DESIGNATE USE OF SURPLUS PARKING DISTRICT REVENUE FOR DOWNTOWN AFFORDABLE HOUSING DEVELOPMENT PROJECTS, ALTERNATIVE TRANSPORTATION PROGRAMS FOR DOWNTOWN WORKERS AND OTHER NON-PARKING RELATED EXPENDITURES" has been revised to read, "DESIGNATE USE OF SURPLUS PARKING DISTRICT REVENUE FOR DOWNTOWN AFFORDABLE HOUSING DEVELOPMENT PROJECTS, ALTERNATIVE TRANSPORTATION PROGRAMS FOR DOWNTOWN WORKERS, AND SUPPLEMENTING FUNDING FOR FARMERS' MARKET FACILITIES ON LOT 4 AND RENOVATION OF THE DOWNTOWN LIBRARY."

Specifically, the phrase, "AND OTHER NON-PARKING RELATED EXPENDITURES" is deleted and replaced by ", AND SUPPLEMENTING FUNDING FOR FARMERS' MARKET FACILITIES ON LOT 4 AND RENOVATION OF THE DOWNTOWN LIBRARY".

Because the title already lists two other of the measure's proposed uses for surplus Downtown Parking District revenue, the substituted wording completes the summary of all uses by stating, ", AND SUPPLEMENTING FUNDING FOR FARMERS' MARKET FACILITIES ON LOT 4 AND RENOVATION OF THE DOWNTOWN LIBRARY".

The deleted wording "OTHER NON-PARKING RELATED EXPENDITURES" may result from an assessment that renovation of the library and improvements to the lot hosting the Downtown Farmers Market are unrelated to parking. Both expenditures are

Complete Neighborhoods projects discussed in our Findings. We add the following to that Finding: “The experience of cities across the world is that Complete Neighborhoods reduce demand for auto transportation and parking.” We request that the ballot title reflect this connection.

Deletion of paragraph with subject heading, “Background.” This paragraph is not germane to the ballot measure. It does not summarize the measure or its background. Instead, it discusses the history of the proposed Lot 4 mixed-use project, and it does so in a manner that, to quote the California Elections Code cited above, is “likely to create prejudice” against the measure. A short, non-prejudicial background statement would be difficult to include in the summary within the Elections Code-specified word limit. Such a background statement would need to be balanced in various ways, for example, by including reference to the Santa Cruz Parking Strategic Plan by Nelson\Nygaard and webpage links to Don’t Bury the Library, Downtown Commons Advocates, and Campaign for Sustainable Transportation websites.

General Plan and Downtown plan paragraph, #1. Deleted concerning the General Plan: “preclude construction of the proposed Downtown Mixed-Use Library Project, discourage non-library related uses of the existing Downtown Branch Library site”, substituting, “prioritize the current location of the Downtown Library Branch as its preferred long-term location while discouraging uses incompatible with the Library”.

The clause in the November 3, 2021, version does not objectively describe the measure’s amendments of the General Plan. The measure amendments to the General Plan do not make any statements about the Lot 4 mixed-use project. Neither does the amendment “discourage non-library related uses.” Instead, it establishes the library’s present location as its preferred long-term location and discourages “other uses incompatible with this priority,” while allowing for “library facilities and library-associated functions” on Lots 14 and 16 above the ground level. There is a significant difference. The proposed alternative to the deleted phrase is legally accurate and objective.

General Plan and Downtown plan paragraph, #2. For wording concerning the Farmers’ Market: the wording “preferred long-term” is substituted for “permanent”.

There is a substantial difference between the two wordings. Factual and legal accuracy require this change.

General Plan and Downtown plan paragraph, #3. Deleted concerning the Downtown Plan: “, and to eliminate references in the Downtown Plan that allow for closure of a segment of Pacific Avenue between Cathcart and Lincoln Streets for the weekly Downtown Farmers’ Market”.

This phrase describes a “housekeeping” change in the Downtown Plan that was substantially out of date by decades with the City’s own practice and that the City itself should have corrected years ago. The phrase is unnecessary to a ballot measure summary and distracting from the substantive content of the measure.

General Plan and Downtown plan paragraph, #4. Substitution concerning parking lots: in the phrase “all downtown-area City-owned surface parking lots”, “specified” is substituted for “all”.

The word “all” is legally and factually inaccurate. The website <https://downtownsantacruz.com/visit/parking> identifies a number of downtown City-owned lots that are not included in the measure.

General Plan and Downtown plan paragraph, #5. Deletion of parking lot included as “City-owned surface parking lots to be developed into permanent affordable housing”: “Lots 4 (119 Lincoln St.)” is deleted from the list.

The measure does not “require” development of affordable housing on Lot 4, as that lot is not listed in Exhibit A. It is factually and legally incorrect to include Lot 4 in the list.

General Plan and Downtown plan paragraph, #6. Insertion of sentence concerning affordable housing on Lot 4: The inserted sentence reads, “The measure specifically does not preclude development of affordable housing on Lot 4 (119 Lincoln St.)”

The inserted sentence corrects for the legally and factually incorrect inclusion in the ballot summary of Lot 4 in the list of City-owned parking lots where affordable housing development is required. The inserted sentence accurately summarizes the legal character of the measure’s amendment concerning affordable housing on Lot 4.

General Plan and Downtown plan paragraph, #7. Change in introductory clause of last paragraph of summary. The sentence “It would also amend the General Plan to prioritize expenditure of funds received by the Downtown Parking District in excess of those needed to maintain existing parking spaces and facilities:” is changed to read, “The measure would also amend the General Plan to prioritize expenditure of funds received by the Downtown Parking District in excess of those needed to maintain existing parking spaces and facilities and create new parking facilities, with excess funds to be used for:”

The title and summary provided on November 3, 2021, point to a contradiction between the measure’s Section 3 definitions and the wording in Section 4.A modifying General Plan section 5, M1.5.7 concerning the use of Parking District funds. In the present resubmission, these passages in the measure have been clarified to affirm that Parking District funds can be used for the creation of new parking facilities. Therefore, with these changes, the deleted phrase is no longer accurate.

General Plan and Downtown plan paragraph, #8. Substitution of phrase “supporting downtown affordable housing development;” for the phrase “other downtown projects including affordable housing development;”.

The measure as of this resubmission now clearly limits the expenditure of excess parking district funds to affordable housing, transportation demand management, and supplementing funding for Downtown Library renovation and improvements to Lot 4.

Therefore, the phrase “other downtown projects including” is now superfluous and inaccurate in legal terms.

General Plan and Downtown plan paragraph, #9. Deletion of phrase concerning unspecified projects. The phrase, “; and other unspecified downtown projects” has been deleted.

That phrase’s inclusion is based on the wording, “supporting Complete Neighborhoods projects, including...” in the measure as submitted on October 18, 2021, revising the General Plan, M.1.5.7. Because that phrase in the measure is indeterminate in its meaning, we have deleted the word, “including” from the measure as now submitted. With the deletion of the measure wording, the phrase “; and other unspecified downtown projects” is no longer legally accurate.

General Plan and Downtown plan paragraph, #10. Deletion concerning additional parking facilities. The revised summary deletes the sentence, “The measure would preclude use of Parking District funds for additional parking facilities.”

The title and summary provided on November 3, 2021, point to a contradiction between the measure’s Section 3 definitions and the wording in Section 4.A modifying General Plan section 5, M1.5.7 concerning the use of Parking District funds. In the present resubmission, these passages in the measure have been clarified to affirm that Parking District funds can be used for the creation of new parking facilities. Therefore, with these changes, the deleted sentence is no longer legally accurate.