



## DISCUSSION ITEMS

### Agenda Item # 13

## AGENDA REPORT SUMMARY

**Meeting Date:** June 12, 2018

**Subject:** Initiative Petition Report

**Prepared by:** Jon Maginot, City Clerk/Assistant to the City Manager

**Approved by:** Chris Jordan, City Manager

**Attachment(s):**

1. Elections Code Section 9212 Report as ordered by Council (TO BE DISTRIBUTED UNDER SEPARATE COVER SHEET)
2. Resolution No. 2018-24

**Initiated by:**

Initiative Proponents

**Previous Council Consideration:**

May 22, 2018

**Fiscal Impact:**

Should the Council choose to place the measure on the ballot, the estimated cost to do so from the Registrar of Voters Office is approximately \$50,000 for the November 2018 ballot

**Environmental Review:**

Not applicable

**Policy Question(s) for Council Consideration:**

- What action, as allowed under State Law, does the Council wish to take?

**Summary:**

- An Initiative Petition has received a sufficient number of signatures to qualify a local measure for the ballot
- On May 22, 2018, the Council ordered a report be prepared pursuant to Elections Code Section 9212
- State Law now provides Council two options for the proposed measure

**Staff Recommendation:**

Receive the report of effect of proposed initiative pursuant to Elections Code Section 9212 and take action as permitted by State Law



**Subject:** Initiative Petition Report

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**Purpose**

To receive the report of effect of proposed initiative and take action on the measure.

**Background**

On May 22, 2018, the City Council received a Certificate of Sufficiency of Initiative Petition for a General Plan Amendment Measure Regarding Parks, Open Space and Public/Institutional Properties. At that time, Council ordered a report be prepared pursuant to Elections Code Section 9212 (Attachment 1).

**Discussion/Analysis**

Per State Law, a report ordered pursuant to Elections Code Section 9212 must be presented to the City Council within thirty (30) days of the City Clerk certifying the sufficiency of the petition.

Following presentation of the report, Elections Code Section 9215 requires the Council to either adopt the ordinance, without alteration, or order an election. This must be done when the report is presented or within ten (10) days.

Should Council wish to submit the measure to the voters, it must do so for the November 2018 ballot as that is the next regular election and the time has passed in which to call a special election. A Resolution calling for the Election and consolidating with the County has been prepared for Council consideration (Attachment 2).

**Recommendation**

Council must take one of the two actions allowed under State Law.

**RESOLUTION NO. 2018-24**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS  
CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION  
ON TUESDAY, NOVEMBER 6, 2018, FOR THE SUBMISSION OF A  
PROPOSED MEASURE AMENDING THE CITY OF LOS ALTOS GENERAL  
PLAN, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF  
SANTA CLARA TO CONSOLIDATE SAID ELECTION PURSUANT TO  
SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE AND SETTING  
RULES FOR ARGUMENTS AND REBUTTALS FOR AND AGAINST SAID  
MEASURE**

**WHEREAS**, pursuant to authority provided by statute, a petition has been filed with the City Council of the City of Los Altos, California, signed by more than ten percent (10%) of the number of registered voters of the City, to submit to the qualified electors a proposed measure amending the City of Los Altos General Plan to require voter approval of the sale, lease or certain changes in use of certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan; and

**WHEREAS**, the City Clerk/Elections Official examined the records of registration and ascertained that, pursuant to California Elections Code Section 9215, the petition is signed by the requisite number of voters, and has so certified; and

**WHEREAS**, the City Council has not voted in favor of the adoption of the measure; and

**WHEREAS**, the City Council is therefore authorized and directed by statute to submit the proposed measure to the voters; and

**WHEREAS**, the City Council desires to place the measure on the ballot for the November 6, 2018 General Municipal Election; and

**WHEREAS**, the City Council also desires to request that the election for this measure be consolidated with the Statewide General Election also to be held on November 6, 2018; and

**WHEREAS**, pursuant to California Elections Code Section 9285 and 9286, the City Council further desires to establish rules and regulations for the preparation, submittal and printing of arguments and rebuttals for and against the measure described herein; and

**WHEREAS**, the specific terms of the measure/General Plan amendment are attached hereto as Exhibit “A” and by this reference made an operative part hereof.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Los Altos as follows:

**SECTION 1.** That pursuant to the requirements of California Elections Code Section 9215 any other applicable requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Los Altos, California on

Resolution No. 2018-24 Page 1

Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting the following proposed measure/General Plan amendment:

Shall an amendment to the City of Los Altos General Plan be adopted requiring voter approval of the sale, lease or certain changes in use of certain land designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan?	Yes
	No

**SECTION 2.** That the text of the measure submitted to the voters attached hereto as Exhibit A is hereby submitted to the voters; and

**SECTION 3.** That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of said election with the Statewide General Election on Tuesday, November 6, 2018; and

**SECTION 4.** That the Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used; and

**SECTION 5.** That the City of Los Altos recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs; and

**SECTION 6.** That the City Clerk is authorized, instructed and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election; and

**SECTION 7.** That the ballots to be used at the election shall be in form and content as required by law. Voters shall vote yes or no; and

**SECTION 8.** That the polls for the election shall be open at 7:00 a.m. of the same day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day except as provided in Section 14401 of the Elections Code of the State of California; and

**SECTION 9.** That the consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California; and

**SECTION 10.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Santa Clara.

**SECTION 11.** Direct Arguments and Impartial Analysis.

A. Direct Arguments in favor of or against the measure shall be prepared and filed with the City Clerk in accordance with Article 4, Chapter 3, Division 9 of the Elections Resolution No. 2018-24

Code of the State of California and any other applicable provisions of law. Direct arguments shall be filed with the City Clerk not later than August 10, 2018.

B. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the ballot measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of direct arguments. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information guide of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure \_\_\_\_\_. If you desire a copy of the measure, please call the election official’s office at \_\_\_\_\_ and a copy will be mailed at no cost to you.”**

**SECTION 12.** Rebuttals. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the direct arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the direct argument in favor of the measure to the authors of the direct argument against, and copies of the direct argument against to the authors of the direct argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 20, 2018. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

**SECTION 13.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

**SECTION 14.** This resolution shall take effect immediately upon its adoption.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the \_\_\_\_ day of \_\_\_\_, 2018 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Jean Mordo, MAYOR

Attest:

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Jon Maginot, CMC, CITY CLERK

## Initiative Measure to be Submitted Directly to the Voters

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure, pursuant to California Elections Code Section 9203. The title and summary must be printed across the top of each page of the petition whereon signatures are to appear as required by California Elections Code Section 9203.

### **BALLOT TITLE:**

Initiative General Plan Amendment Measure Requiring Voter Approval of the Sale, Lease or Certain Changes in Use of Certain Land Designated as “Parks”, “Other Open Space” or “Public and Institutional” in the City’s General Plan.

### **BALLOT SUMMARY**

This measure amends the City of Los Altos General Plan to add a voter approval requirement for significant changes to land with a General Plan land use designation of “Parks”, “Other Open Space”, or “Public and Institutional”. If this measure is approved, majority voter approval would be required for any of the following:

- (1) Any change in the list of uses the General Plan allows on land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (2) The sale or transfer of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation;
- (3) The lease or other disposition (including granting of a license or easement) of City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation for longer than one hundred eighty (180) calendar days in any one calendar year; or
- (4) Changing City-owned land with a “Parks”, “Other Open Space” or “Public and Institutional” land use designation to another land use designation, except that re-designation of “Public and Institutional” land to a “Parks” designation shall not require voter approval.

The measure exempts the following City-owned parcels from the voter approval requirements above:

- (1) Any City-owned parcel (or group of similar contiguous parcels) that totals 7,500 square feet in size or less with a General Plan land use designation of “Public and Institutional”;
- (2) The lease or other disposition of subsurface real property interests (i.e., easements) for utility or similar purposes that do not interfere with surface use except during construction or maintenance.

The measure authorizes the City Council to grant limited exceptions to the voter approval requirements above where the City’s action is necessary to comply with state or federal housing law.

This measure requires majority voter approval. If approved, this measure may be amended or repealed only by another vote of the people.

/s/ Christopher J. Diaz, City Attorney

April 12, 2018

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

The measure provides as follows:

### **LOS ALTOS PROTECT OUR PARKS AND PUBLIC LANDS INITIATIVE**

The people of the City of Los Altos hereby ordain as follows:

#### **SECTION 1: PURPOSE, EFFECT, AND FINDINGS**

- A. Purpose:** The purpose of the *Los Altos Protect Our Parks and Public Lands Initiative* (“Initiative”) is to provide Los Altos residents a voice in protecting public parks, public open space lands, and other significant City-owned properties.
- B. Effect:** This Initiative amends the City of Los Altos General Plan to protect land owned by the City of Los Altos with a General Plan land use designation of (1) Parks, (2) Other Open Space, or (3) Public and Institutional. It accomplishes this effect by requiring voter approval for actions that would alter the public character of these lands, including their conveyance and re-designation. The Initiative does not apply to private property and includes exceptions to allow reasonable management of City land for the public good.
- C. Findings:** The people of the City of Los Altos find that this Initiative promotes and protects the small-town, semi-rural character of Los Altos, the integrity of its parks, open spaces, and other public properties, and the quality of life of its residents based on the following specific findings:
  - 1. Parks and Open Spaces Help Define Los Altos’ Distinct Village Character:** The City of Los Altos is defined by its unique blend of attractive natural setting and small-town, semi-rural character, with the City’s parks and open spaces integrating the physical beauty of its surroundings into its village-like downtown and surrounding neighborhoods. As expressed in the City’s General Plan, this “distinct combination of physical setting, natural and improved open space land, creek corridors, and low density residential neighborhoods with mature vegetation provides a unique identity for Los Altos.” The City’s open spaces, parks, and other public properties are a critical community resource and among the City’s most valuable assets: they bring residents close to nature, provide recreational and leisure opportunities, host walking and bicycle paths, and enhance the City’s civic culture and community character.
  - 2. Development Pressures Threaten to Erode Los Altos’ Parks and Open Spaces:** The rapid expansion of commercial, economic, and residential development in surrounding communities threatens the unique character of Los Altos. These development pressures pose a particular threat to the City’s already

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scarce parks and public open spaces, which are among the only undeveloped lands in the City, and heighten the need for residents to protect these precious public resources. As recognized in the General Plan, “[e]xisting park land in Los Altos is minimal, with a ratio of approximately 1.3 acres of dedicated park land per 1,000 residents,” already among the smallest per capita ratio of any city in the San Francisco Bay Area.

3. **Los Altos Residents Should Have the Power to Decide the Fate of Their Public Lands:** Los Altos voters visit, use, and value the City’s parks, open spaces, and other public lands. The voters, whose quality of life and property interests are tied to these resources, should have the power to decide the future of the City’s publicly-owned lands. They are in the best position to evaluate whether these properties should remain in public ownership and dedicated to their existing uses. The Initiative therefore imposes a voter approval requirement on actions that would jeopardize the public and civic character of City-owned parks, open spaces, and other significant public properties.
4. **This Initiative Advances the City’s Goals to Protect and Expand Its Parks and Open Spaces:** Recognizing the critical importance of these essential but threatened public resources, the General Plan sets a long-term goal of protecting and enhancing “the quality of the City’s environmental, open space, and scenic resources.” Indeed, it aims to expand public open spaces and maintain dedicated parkland in public ownership. The Initiative furthers these goals by empowering the voters who visit, use, and live in proximity to these resources to approve any efforts to terminate their use as parks, open spaces, or other public property.
5. **This Initiative Applies Only to Actions that Would Significantly Impact the Public Character of Lands Owned by the City of Los Altos:** This Initiative is narrowly tailored to require voter approval for actions that would significantly impact public use and access to City-owned lands. The Initiative applies only to properties that are currently owned or which may in the future be owned by the City of Los Altos, not to private property. The General Plan encourages these public spaces to be used for civic functions, such as cultural activities, special events, and programs. The Initiative furthers this goal by requiring voter approval for actions that would effectively privatize these shared spaces, such as their sale or other method of transfer, their long-term lease, or their re-designation to other land use categories.
6. **This Initiative Accommodates Housing Needs:** Adequate housing is essential to a thriving community. The General Plan endeavors to make a variety of residential housing opportunities available for Los Altos residents through measures such as encouraging mixed-use development, affordable housing units, and well-sited senior housing. To that end, the General Plan identifies an extensive list of sites with potential for future development. This Initiative accommodates these important housing goals. It does not apply to any of the sites identified in the General Plan for future housing development, and it authorizes the City Council to grant exceptions from its voter approval requirements where

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necessary to meet federal and state housing laws. This Initiative complements the City's housing goals by ensuring that all the current and future residents of Los Altos continue to enjoy the open spaces, parks, and civic spaces that make the City such a desirable and special place to live.

**SECTION 2: CITY OF LOS ALTOS GENERAL PLAN AMENDMENTS**

This Initiative hereby amends the Open Space, Conservation & Community Facilities Element of the City of Los Altos General Plan 2002-2020 ("General Plan"), as amended through March 28, 2018 ("submittal date"), to add the following Goal 1.A and Policies 1.A1 and 1.A2 immediately following Goal 1 on page 10 of the Open Space, Conservation & Community Facilities Element. Text to be inserted in the General Plan is indicated in **bold** type. The language adopted in the following amendments may be repealed or amended only by a vote of the people.

**Goal 1.A: Require Voter Approval for Significant Changes to Parks, Open Space, and Other Public Properties owned by the City of Los Altos.**

**Policy 1.A1 Voter Approval**

- a. **Approval by a vote of the people shall be required for any change in the list of uses the General Plan permits within the following land use designations: (1) Parks, (2) Other Open Space, or (3) Public and Institutional.**
- b. **Approval by a vote of the people shall be required for any of the following actions with respect to any property owned by the City with a General Plan land use designation of (1) Parks, (2) Other Open Space, or (3) Public and Institutional:**
  - (i) **The sale or transfer of that property.**
  - (ii) **The lease or other disposition of that property (including but not limited to a license or easement) for a period of more than one hundred eighty (180) calendar days in any one calendar year. This provision is intended to include situations where a lease or other disposition whose term, when added to the term(s) of one or more other leases or other dispositions of the same property for the same or a similar purpose by persons or entities acting in concert, would exceed 180 days in any one calendar year.**
  - (iii) **The re-designation of that property to a different land use designation, except for the re-designation of any property designated Public and Institutional to Parks.**

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**Policy 1.A2: Definitions, Exclusions, and Exceptions**

- (a) **For purposes of Policy 1.A1, approval by a vote of the people is accomplished when an action covered by that Policy is placed on the ballot through any procedure provided for in the Elections Code, and a majority of the voters voting on the measure vote in favor of it.**

- (b) The voter approval requirements of Policy 1.A1 shall not apply to:
- (i) Any parcel owned by the City that is 7,500 square feet in size or smaller with a General Plan land use designation of Public and Institutional. For purposes of this subsection, contiguous parcels owned by the City with a General Plan land use designation of Public and Institutional shall be regarded as a single “parcel” so that if the aggregate square footage of the contiguous parcels exceeds 7,500 square feet in size, the voter approval requirements of Policy 1.A1 shall apply.
  - (ii) The lease or other disposition of a subsurface interest in real property for utility or similar purposes that does not interfere with the surface use of the property other than initial construction or subsequent maintenance.
- (c) The City Council is authorized to grant exceptions to the voter approval requirements in Policy 1.A1 where necessary to comply with state or federal law governing the provision of housing, including but not limited to affordable housing requirements. This exception applies only if the City Council first makes each of the following findings based on substantial evidence in the record: (A) a specific provision of state or federal law requires the City to accommodate the housing that will be permitted by the exception; (B) the exception permits no greater intensity than that necessary to accommodate the required housing; and (C) an alternative site that is not subject to the voter approval requirement in Policy 1.A1 is not available to satisfy the specific state or federal law.

### SECTION 3: CONFORMING AMENDMENTS

In order to promote internal consistency among the various sections of the General Plan amended by this Initiative, this Initiative makes the following conforming amendments. Text to be inserted in the General Plan is indicated in **bold** type. Non-bolded text currently appears in the General Plan and is not changed or readopted by this Initiative. The language adopted in the following amendments may be further amended as appropriate without a vote of the people, during the course of further updates and revisions to the General Plan.

- A. Policy 3.6 on page 12 of the General Plan Community Design & Historic Resources Element is amended as follows:

Evaluate the public benefit of City-owned parking plazas and the best use thereof, while preserving or increasing public parking Downtown, **consistent with the voter approval requirements in Policy 1.A1 of the Open Space, Conservation & Community Facilities Element.**

- B. The Open Space and Conservation Plan on page 3 of the Open Space, Conservation & Community Facilities Element is amended as follows:

In order to preserve and enhance community open space resources, **and consistent with the voter approval requirements in Policy 1.A1**, the City will implement a program that supports

the joint-venture use of open space areas to reduce City maintenance costs and increase City revenues for maintaining open space resources. Joint ventures could involve other local government agencies, non-profits, and private development of commercial recreation facilities. The City will also coordinate with public and private organizations to provide revenue generating open space uses to protect important open space resources, **consistent with the voter approval requirements in Policy 1.A1.**

- C. Goal 11 on page 14 of the Open Space, Conservation & Community Facilities Element is amended as follows:

Maximize opportunities for joint public and private utilization of City, private sector, private school land and facilities, and public school district land, facilities, programs and resources to provide the most cost efficient and effective services for present and future Los Altos residents, **consistent with the voter approval requirements in Policy 1.A1.**

- D. Policy 11.4 on page 14 of the Open Space, Conservation & Community Facilities Element is amended as follows:

Encourage private sector provision of facilities and/or services, **consistent with the voter approval requirements in Policy 1.A1.**

#### **SECTION 4: EXEMPTIONS FOR CERTAIN PROJECTS**

- A. This Initiative shall not apply to prohibit any development project or ongoing activity that has obtained, as of the Effective Date of this Initiative, a vested right pursuant to State law.
- B. The provisions of this Initiative shall not apply to the extent, but only to the extent, that they would violate the Constitution or laws of the United States or the State of California.

#### **SECTION 5: IMPLEMENTATION**

- A. **Effective Date:** "Effective Date" means the date that the *Los Altos Protect Our Parks and Public Lands Initiative* became effective pursuant to State law. Upon the Effective Date of this Initiative, the provisions of Sections 2 and 3 are hereby inserted in the Los Altos General Plan, as an amendment thereof; 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 Initiative becomes effective, this General Plan amendment shall be the first amendment inserted in the City of Los Altos General Plan on January 1 of the following year. Upon the Effective Date of this Initiative, any provisions of the City of Los Altos Zoning Code or any other City of Los Altos ordinance or resolution that are inconsistent with the General Plan amendments adopted by this Initiative shall not be enforced in a manner inconsistent with this Initiative.
- B. **Interim Amendments:** The City of Los Altos General Plan in effect on the submittal date and the General Plan as amended by this Initiative comprise an integrated, internally

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consistent, and compatible statement of policies for the City of Los Altos. To ensure that nothing in this Initiative would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment to the General Plan that is adopted between the Submittal Date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provision adopted and readopted by this Initiative, be amended as soon as possible to ensure consistency between the provision adopted and readopted by this Initiative and other provisions of the General Plan.

- C. **Other City Plan, Ordinances, and Policies:** The City of Los Altos is hereby authorized and directed to amend the City of Los Altos General Plan, all specific plans, the City of Los Altos Zoning Code, Land Use Map, and Zoning Map, and other ordinances and policies affected by this Initiative as soon as possible as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the General Plan, all specific plans, the Zoning Code, the Zoning Map, and other City ordinances and policies.
- D. **Reorganization:** The General Plan may be reorganized or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan, provided that the provisions of this Initiative shall remain in the General Plan unless earlier repealed or amended by the voters of the City.
- E. **Implementing Ordinances:** The City Council is authorized, after a duly noticed public hearing, to adopt implementing ordinances, guidelines, rules, and/or regulations, as necessary, to further the purposes of this Initiative.
- F. **Enforcement and Defense of Initiative:** The City Council shall take all steps reasonably necessary to enforce this Initiative and to defend it against any challenge to its validity.

**SECTION 6: EFFECT OF COMPETING OR ALTERNATIVE MEASURE ON THE SAME BALLOT**

This Initiative imposes a voter approval requirement, with certain exceptions, on the conveyance or re-designation to another land use of City-owned property with a General Plan land use designation of Parks, Other Open Space, or Public and Institutional, as well as changes in the list of uses allowed for these land use designations. By voting for this Initiative, the voters expressly declare their intent that any other measure that appears on the same ballot as this Initiative and addresses voter approval for the conveyance or re-designation of City-owned properties with a General Plan land use designation of Parks, Other Open Space, or Public and Institutional, or a change in the list of uses permitted for these land use designations, shall be deemed to conflict with this Initiative. Because of this conflict, if this Initiative and any such other City of Los Altos measure receive a majority of votes by the voters voting thereon at the same election, then the measure receiving the most votes in favor shall prevail and no provision of the other measure shall take effect. For the purposes of this Section 6, any other measure that appears on the same ballot as this Initiative and purports to amend any provision of this Initiative shall be deemed to

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directly conflict with this entire Initiative.

#### **SECTION 7: SEVERABILITY AND INTERPRETATION**

This Initiative shall be broadly construed in order to achieve its purpose.

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

Any singular term shall include the plural and any plural term shall include the singular. The title and captions of the various sections in this Initiative are for convenience and organization only, and are not intended to be referred to in construing the provisions of this Initiative.

#### **SECTION 8: AMENDMENT OR REPEAL**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Los Altos.

#### **SECTION 9: EXHIBITS**

Certain documents are attached to this Initiative for informational purposes only. These include the General Plan's land use classification system table and description of relevant land use designations as well as the version of the City of Los Altos Land Use Policy Map currently available on the City's official website, which was last updated on June 17, 2010. The exhibits are as follows:

- (1) Table LU-1 Land Use Classification System in the General Plan's Land Use Element.
- (2) Descriptions of the Public and Institutional, Parks, and Other Open Space land use designations from the General Plan's Land Use Element.
- (3) City of Los Altos Land Use Policy Map, last updated on June 17, 2010.

Exhibit 1. Attached, for illustrative purposes, is the most recent publicly available version of Table LU-1 Land Use Classification System from the Los Altos General Plan Land Use Element. Proponents obtained this table from the City website on March 28, 2018. The Initiative does not adopt or amend this table.

LAND USE ELEMENT



**Table LU-1  
Land Use Classification System**

Land Use	DUs or FAR/Net Acre		Summary Description of Land Use Designation
	Maximum	Anticipated	
<b>Residential Land Uses</b>			
Single Family Large Lot	2.0	1.8	Detached single-family homes on large lots.
Single Family Med. Lot	4.0	3.5	Detached single-family homes.
Single Family Small Lot	10.0	5.6	Detached single-family homes on smaller lots.
Low Density Multi-Family	15.0	11.0–15.0 <sup>(1)</sup>	Detached and attached single-family homes, condominiums, duplexes, and apartments.
Senior Housing	28.0	21.0–28.0 <sup>(1)</sup>	Detached and attached single-family homes, condominiums, duplexes, and apartments for seniors.
Medium density Multi-Family	38.0	28.0–38.0 <sup>(1)</sup>	Detached and attached single-family homes, condominiums, and apartments.
<b>Commercial Land Uses</b>			
Neighborhood Commercial			Retail uses serving the needs of nearby neighborhoods. Specified areas may also include general business, medical, or professional office uses. Residential development is allowed by right at Foothill Plaza.
<i>Foothill Plaza</i>	1.5:1 (2.0:1 w/ residential) <sup>(2)</sup>	0.35:1	
<i>All other locations</i>	0.5:1	0.35:1	
Downtown Commercial			General retail uses and service, commercial recreational, cultural, and office uses that serve local residents. Higher density residential uses that enhance the village character of the Downtown are also allowed by right in the Core and Periphery areas. Such uses may be allowed elsewhere, subject to Use Permit approval.
<i>Downtown Core</i>	1.0:1 (2.0:1 w/ residential) <sup>(2)</sup>	1.0:1	
<i>Downtown Periphery</i>	1.0:1 (2.0:1 w/ residential) <sup>(2)</sup>	0.8:1	
Thoroughfare Commercial			Retail, service, and small office uses that typically rely on vehicle traffic and serve the city and/or regional market. Permits mixed use development and affordable residential opportunities along El Camino Real Corridor.
<i>El Camino Real Corridor</i>	0.5:1 office (1.5:1 w/ mixed use) <sup>(2)</sup>	0.8:1	
<b>Public/Quasi-Public Facilities Land Uses</b>			
Public School Land	0.6:1	0.3:1	Land owned by public school districts and used for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes.
Private School Land	1.0:1	0.3:1	Land owned by private or parochial schools and used for education, recreation, administration, or other non-commercial, non-commercial, non-residential, or non-industrial purposes.
Public and Institutional	0.6:1	0.35:1	Governmental, institutional, academic, group residence, church, community service uses, easements, rights-of-way, facilities of public and private utilities, and parking.
<b>Open Space Land Uses</b>			
Parks	0.4:1	0.1:1	Publicly owned and dedicated parkland.
Other Open Space	0.6:1	NA	Open space for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of health and public safety.
<b>Planned Community Uses</b>			
Planned Community	varies	varies	Various single-family and senior residential densities and housing types, as well as community facilities, private schools, recreational areas, religious facilities, educational or philanthropic institutions, public utilities and services, hospitals, and open space areas.
(1) The average density for multi-family categories is 75% to 100% of the maximum density since projects are required to construct between 75% and 100% of the maximum density unless the project will negatively impact the community.			
(2) See qualifications and special provisions in the Special Planning Areas section of the Land Use Plan.			

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Exhibit 2. Attached, for illustrative purposes, is the most recent publicly available version of page 10 of the Los Altos General Plan Land Use Element, which describes the Public and Institutional, Parks, and Other Open Space land use designations. Proponents obtained this document from the City website on March 28, 2018. The Initiative does not adopt or amend this text.

LAND USE ELEMENT



**Public/Quasi Public Land Use Designations:** There are five public and quasi-public land use designations to accommodate land owned and/or operated by or for the community of Los Altos for the public good. Uses allowed in these land use designations are also permitted uses in several other general plan land use designations and corresponding zoning districts.

10) **Public School Land.** The Public School Land designation applies to land owned by public school districts and used or proposed for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes. The maximum intensity of development is a floor area ratio of 0.6:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.3:1.

11) **Private School Land.** The Private School Land designation applies to land owned by private or parochial schools and used or proposed for education, recreation, administration, or other non-commercial, non-residential, or non-industrial purposes. The maximum intensity of development is a floor area ratio of 1.0:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.3:1.

12) **Public and Institutional.** The Public and Institutional land use designation provides for governmental, institutional, academic, group residence, church, community service uses and lands, utilities, easements, rights-of-way, and City-owned parking facilities. Public and Institutional facilities are intended to be compatible with the surrounding neighborhood. Where applicable, the maximum intensity of development is a floor area ratio of 0.6:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.35:1.

**Open Space Designations:** There are two land use designations (Parks and Other Open Space), which provide for open space and recreational uses.

13) **Parks.** The Parks designation provides for publicly owned and dedicated parkland. Activities that may be developed include areas for active sports play, large multipurpose fields for community events and informal recreation, tot lots, picnic areas, multipurpose sports fields and courts, concessions, community event space, outdoor amphitheatres, maintenance/support facilities and caretaker facilities. The maximum intensity of development is a floor area ratio of 0.4:1. The anticipated development intensity for this land use designation is a floor area ratio of 0.1:1.

14) **Other Open Space.** The Other Open Space designation provides open space for the preservation of natural resources, managed production of resources, outdoor recreation, and protection of health and public safety. Areas designated for Other Open Space include: waterways, open space easements, private and public open space, as well as golf courses and other private recreational uses.

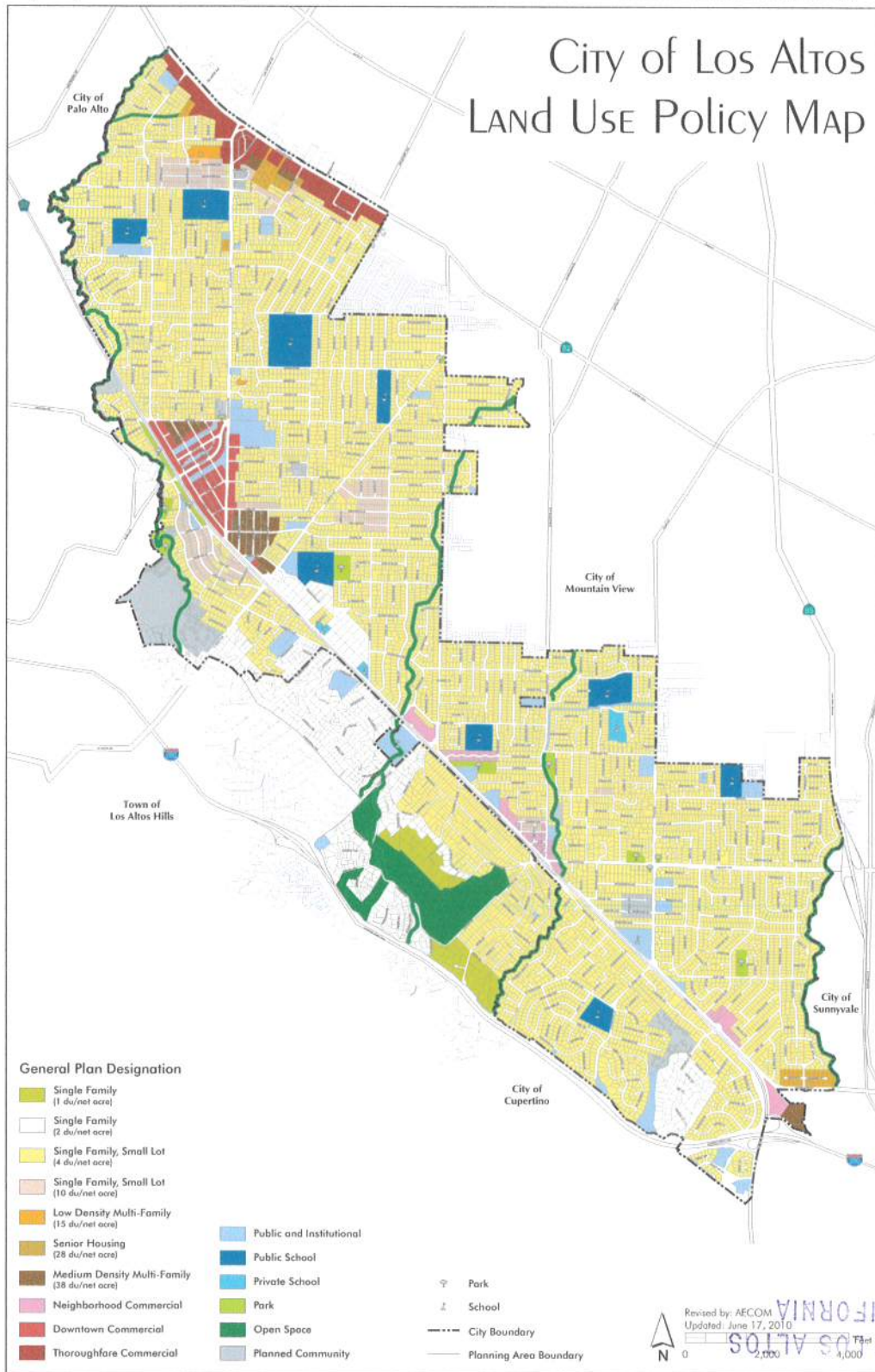
**Planned Community Land Use Designation:** The Planned Community designation allows for detailed analysis and flexibility of land uses for larger areas, or areas with special needs.

15) **Planned Community.** The Planned Community designation provides for the long-term development of large areas of land under single or common ownership or control. The Planned Community designation ensures compatibility with surrounding neighborhoods; protects the public health, safety, and welfare; provides for the long-term development of large properties; protects and preserves open space as a limited and valuable

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Exhibit 3. Attached, for illustrative purposes, is the most recent publicly available version of the City of Los Altos Land Use Map. Proponents obtained this map from the City website on March 28, 2018. The Initiative does not adopt or amend this map.



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