

RESOLUTION NO. NS-30,240

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ ORDERING AN ELECTION, REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION WITH THE PRIMARY ELECTION ON MARCH 5, 2024 FOR THE PURPOSE OF ADDING THE CITIZEN INITIATIVE MEASURE "HOUSING FOR PEOPLE" TO THE BALLOT, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the County of Santa Cruz to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city, or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law

RESOLUTION NO. NS-30,240

regulating the statewide or special election, or the election held pursuant to Section 1302 or 1303, as applicable.

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state, and other political subdivision elections have been called to be held on March 5, 2024.

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the City Council of the City of Santa Cruz hereby orders an election to be called and consolidated with any and all elections also called to be held on March 5, 2024 insofar as said elections are to be held in the same territory or in territory that is in part the same and requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401, 10403, and 10418.

BE IT FURTHER RESOLVED AND ORDERED that the City of Santa Cruz hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services, and

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department shall conduct the election for the attached measure to be voted on at the March 5, 2024 election.

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department is requested to print the attached measure text exactly as filed or indicated on the filed document in the County Voter Information Guide for the March 5, 2024 election. Cost of printing and distribution of the measure text will be paid for by the City.

Pursuant to its right, title, and authority under Section 3 of Article XI of the California Constitution and Sections 1415(a)(2) and 9255(b)(1) of the California Elections Code, the City Council hereby calls an election to be held in the City of Santa Cruz on Tuesday, March 5, 2024 for the purpose of submitting to the voters the following measure (and such other questions as the City Council may hereafter order to be presented to the voters):

Measure “___” Housing for People (see Exhibit A for full text)

Shall the City of Santa Cruz Municipal Code be amended (retroactively to June 1, 2023) to: (1) prohibit further amending the City’s General Plan, or Zoning Code or associated maps, to increase allowable building heights or Floor Area Ratios (FARs) for all residential and non-residential development projects in all zoning districts without prior voter approval; and (2) require developments thirty or more housing units to provide at least 25% inclusionary housing units (at unspecified levels of affordability)?	Yes
	No

RESOLUTION NO. NS-30,240

BE IT FURTHER RESOLVED, the City Council hereby directs the City Clerk to transmit a copy of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of the measures showing the effect of the measure on the existing law and the operation of the measure.

BE IT FURTHER RESOLVED, if any section, subsection, sentence, clause, or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED this 28th day of November, 2023 by the following vote:

AYES: Councilmembers Newsome, Brown, Watkins, Brunner, Kalantari-Johnson;
Vice Mayor Golder; Mayor Keeley.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED:



Fred Keeley, Mayor

ATTEST:



Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-30,240
EXHIBIT A

AN INITIATIVE MEASURE PROPOSING AN ORDINANCE THAT: (1) PROHIBITS THE SANTA CRUZ CITY COUNCIL FROM AMENDING THE CITY'S GENERAL PLAN OR ZONING ORDINANCE IN A WAY THAT INCREASES ALLOWABLE HEIGHT LIMITS OR FLOOR AREA RATIOS FOR DEVELOPMENT PROJECTS, WITHOUT A PRIOR VOTE OF THE PEOPLE; AND (2) INCREASES THE CITY'S INCLUSIONARY HOUSING REQUIREMENTS TO AT LEAST 25% FOR DEVELOPMENTS WITH 30 OR MORE HOUSING UNITS

BE IT ORDAINED by the people of the City of Santa Cruz:

SECTION 1. TITLE.

The title of this ordinance shall be "Housing for People: An ordinance to provide sustainable, healthy, human-scale, housing design by requiring a vote of the people for any proposed building height and density increases beyond what is currently allowed, and to address the housing affordability crisis by increasing the required percentage of affordable units from 20% to 25% in new housing developments of 30 or more units.

SECTION 2. PURPOSES.

Purposes of the ordinance are as follows:

1. To require an affirmative vote of the people to increase the building height and density limits in the city's General Plan or Zoning Ordinance. The people of the City of Santa Cruz have a democratic right to vote on amendments to the General Plan and/or Zoning Ordinance that would allow the construction of enormous, high-rise buildings with little to no affordable housing.
2. To prevent future development from exceeding the already significant height and density limits allowed in the current General Plan without an affirmative vote of the people.
3. To increase the low and moderate housing affordability requirements to at least 25% of new units for developments with 30 or more housing units (from the existing 20% requirement).

SECTION 3. FINDINGS.

It is hereby found and determined as follows:

1. The 2012 update to the Santa Cruz City General Plan (General Plan) significantly increased density and height limits along the City's major corridors.
2. The State Density Bonus law allows individual developments to exceed both the density and height limits of proposed developments by 30-50% beyond what is set in the General Plan if affordability requirements are met.
3. Recently adopted state laws remove the City's discretion to deny, or make infeasible, any proposed housing or multi-use development consistent with the General Plan and State Density Bonus Law, despite the potentially significant impacts they may have on existing neighborhoods, including impacts of traffic, noise, light pollution, air pollution, loss of sunlight; and on the city as a whole with impacts to water resources, open-space, city

infrastructure, city services, and overall visual quality.

4. The result of recent General Plan amendments increasing density and height limits, combined with recent State laws, is that major developments are likely to be constructed at heights and Floor Area Ratios (FARs) out of scale with surrounding neighborhoods, and thus will be inconsistent with the visual character of the City.
5. Any future amendments to the General Plan that permit height or FAR increases could have a devastating effect on the City's beauty and quality of life, including impacts on access to sun and light, the city's infrastructure and increase in traffic and climate-causing emissions.
6. The uniqueness of Santa Cruz as a diverse community with the feel of a small town could be lost forever with buildings at heights and with FAR beyond those allowed in the existing General Plan and further increased by the State Density Bonus law.
7. The majority of the City Council has approved moving forward with a Downtown Plan Expansion General Plan Amendment that would allow an unlimited number of concrete towers of up to 12-stories tall (with no height limit in feet specified) in a 29-acre area south of Laurel Street.
8. The San Lorenzo River riparian corridor adjacent to the downtown area is an important visual amenity and environmental resource that could be severely damaged by the proposed building heights in the proposed Downtown Plan Expansion project.
9. The multiple 12-story towers that would be allowed in the Downtown Plan Expansion area south of Laurel could easily be twice as tall and bulky as the massive building being constructed at Pacific/Laurel/Front, and twice as tall as the Dream Inn and the Palomar Hotel, and would fundamentally change the visual character and beauty of the City forever.
10. Approval of 12-story height limits (with no objective height limit in feet) throughout the 29-acre Downtown Plan Expansion project area would set a dangerous precedent and likely lead to pressures for buildings of similar and greater heights elsewhere in the City.
11. Once the proposed height limit increases in the Downtown Plan Expansion project are approved and incorporated into the General Plan, they would be essentially irreversible, and state law would require that developments consistent with them be approved irrespective of any damaging impacts they would have on the City's visual quality, climate-changing emissions and character.
12. The City of Santa Cruz is in the middle of a housing cost crisis which is most serious for its lower and moderate income residents, yet the City's 20% affordable inclusionary requirement is rarely met due to application of the State Density Bonus law, often resulting in a net of less than 13% of the new units being affordable.
13. As one of the least affordable cities in the country, the City needs to respond better to its affordable housing crisis by increasing requirements on market rate developments to provide more housing for moderate and lower income families.
14. The City's existing affordable housing requirements are insufficient to meet the need to adequately counter the affordable housing crisis.
15. The proposed Downtown Plan Expansion project would result in the loss of a significant amount of existing affordable housing and displace low-income, disabled and other residents.

RESOLUTION NO. NS-30,240

16. The existing General Plan allows for an increase of 8,364 residential units (though the current state goal is 3,736 units) and the draft Housing Element (Appendix G) states the city has a build-out capacity (which is available space under EXISTING zoning) to add 8,364 more units. This number of additional units is more than adequate to provide for the housing that Santa Cruz needs to contribute to meet the state housing goals of 3,736 by 2031, thus we do not need to allow 12 story buildings to meet our current RHNA housing target.
17. This initiative, if adopted, would produce more affordable housing while ensuring that city residents play a key role in decision-making on land use policy.

SECTION 4. IMPLEMENTATION

1. **POLICIES.** It is hereby determined that the following policies are approved:

1. The Santa Cruz City Council shall not adopt amendments to the City's General Plan or Zoning Ordinance that increase the allowable height limits or Floor Area Ratios (FAR) for development projects, which are greater than the height limits and FAR in effect in the City's General Plan as of June 1, 2023 (or the earliest date allowed by law), without a prior vote of the people approving the proposed increase. 2. The inclusionary housing requirements shall be increased from the existing 20% to at least 25% for developments with 30 or more housing units.
2. **CITY COUNCIL ACTIONS.** In order to carry out the policies contained in this ordinance the City Council is directed to take the following actions: 1. Codify the following policy in the City's Zoning Ordinance Section 24.06.080: 2. Height Limits. No amendments to the General Plan or Zoning Ordinance that would increase allowable height limits or Floor Area Ratios (FAR) for development projects shall be adopted without a prior vote of the people approving the proposed increase. 3. Amend the Zoning Ordinance to increase the inclusionary requirements to at least 25% for developments with 30 or more housing units.

SECTION 5. SEVERABILITY. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in full force and effect, and to this extent, this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance shall take effect June 1, 2023 or as early as possible as provided by the State of California Elections Code and/or pertinent case law.