

ARTICLE XXVII
Major Changes in Allowable Land Use

§ 27. Findings.

The People of Redondo Beach find that:

- (a) Environmental quality in Redondo Beach, which directly affects quality of life for its residents, workers and visitors, is significantly impacted by excess development which causes severe traffic congestion and gridlock, as well as air, noise and water pollution;
- (b) The City's traffic circulation system is already oversaturated, and at or near gridlock during rush hours, and, as such, is inadequate to support the City's existing level of development;
- (c) These existing traffic and traffic circulation system conditions, and their adverse public safety, public health and quality of life consequences, bear testimony to the fact that the City's existing land use and development review and approval procedures do not carefully or accurately consider, nor adequately weigh, the adverse impacts to the local environment and quality of life caused by increased density and congestion resulting from major changes in allowable land use;
- (d) The standards by which the City evaluates major changes in allowable land use are ill-defined and inadequate to avoid or effectively minimize the adverse effects of those changes; and
- (e) The People of Redondo Beach, whose quality of life and property rights are at stake, should have the power to decide, after careful, independent evaluation by the City of the adverse environmental effects of major changes in allowable land use, based on clear and consistently applied standards, whether a proposed major change in allowable land use is worth the added congestion and density it will cause.

§ 27.1. Purpose.

It is the purpose of this article to:

- (a) Give the voters of Redondo Beach the power to determine whether the City should allow major changes in allowable land use, as defined below, by requiring voter approval of any such proposed change, and, thereby ensure maximum public participation in major land use and zoning changes proposed in the City;
- (b) Ensure that the voters of Redondo Beach receive all necessary and accurate environmental information on proposals for major changes in allowable land use, so that they may intelligently vote on any such proposal;

- (c) Ensure that City officials provide timely, accurate and unbiased environmental review of all proposals for major changes in allowable land use, so that they may minimize their adverse traffic and land use impacts and maximize neighborhood compatibility before the voters decide on any such change;
- (d) Ensure that all elements of the land use change approved by the voters are implemented; and
- (e) Protect the public health, safety and welfare, and the quality of life, for all citizens living or working in the City, and for all visitors to the City.

§ 27.2. Definitions.

The definitions set forth in this section apply to the provisions of this article only and do not affect any other provision of law.

A. "Aggrieved person" means the proponent of a major change in allowable land use, any property owner or City resident, and any other person entitled to CEQA notice pursuant to Public Resources Code Section 21092.2.

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B. "As built condition" means the dwelling units, office and other nonresidential units, buildings and baseline traffic conditions existing at the time the City issues the notice of preparation of an environmental impact report for the major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change. Illegal dwellings and other conditions that exist in violation of the City's zoning ordinance or its local coastal program and are subject to the City's power of abatement, may not be accounted for in the as built condition for the purpose of determining a "significant increase," as defined in subdivision "J" below.

~~"Significantly increase" or "Significant Increase" means any one or more of the following increases over or changes compared to the as built condition of a neighborhood:~~

- ~~(1) The traffic generated by the project produces: (i) more than 150 additional morning or evening peak hour trips; or (ii) an increase in intersection capacity utilization (ICU) of 0.01 or more at any critical intersection operating at a level of service (LOS) of "E" or worse or having an ICU of 0.9 or higher; or (iii) any increase in ICU at any City intersection from less than 0.9 to 0.9 or higher; or (iv) any change~~

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~~in LOS at any critical intersection or on any critical corridor from better than "E" to "E" or worse. For purposes of determining traffic increases attributable to a major change in allowable land use, baseline and projected ICU and LOS conditions shall be determined considering weekday peak hour conditions at such time of the year when local public schools are in session.~~

- ~~(2)(1) The density increase generated by the project produces more than twenty-five (25) additional residential dwelling units.~~

~~(3)(1) The intensity of use generated by the project produces more than 40,000 additional square feet of residential, office or other nonresidential floor area.~~

~~The voters declare that dividing a major change in allowable land use that would otherwise require their approval into partial changes that would not by themselves require their approval, frustrates their intent to have control over major changes in allowable land use and is contrary to the purposes of this article. For the purposes of this article, a "significant increase" occurs if the combination of a proposed minor change in allowable land use with one or more other minor or major changes in allowable land use in the same neighborhood approved within eight (8) years preceding issuance of the notice of preparation of an environmental impact report for the proposed minor change, or, where no such notice is issued, within eight (8) years preceding commencement of the City's environmental analysis for the proposed minor change, meets any increase or change threshold for traffic, density or intensity of use defined in this subdivision.~~

C. "Critical corridors" and "Critical intersections," as used herein, refer to:

- (1) Pacific Coast Highway corridor from Prospect Avenue to Artesia Boulevard;
- (2) Aviation Boulevard within or bordering Redondo Beach;
- (3) Prospect Avenue within or bordering Redondo Beach;
- (4) Hawthorne Boulevard where it borders Redondo Beach;
- (5) Herondo/Anita/190th Streets within or bordering Redondo Beach;
- (6) Artesia Boulevard within or bordering Redondo Beach;
- (7) Torrance Boulevard within Redondo Beach;
- (8) Catalina Avenue within Redondo Beach;
- (9) Intersection of Aviation Boulevard and Artesia Boulevard;
- (10) Intersection of Herondo/Anita Streets and Pacific Coast Highway;
- (11) Intersection of Torrance Boulevard and Pacific Coast Highway;
- (12) Intersection of Palos Verdes Boulevard and Pacific Coast Highway;
- (13) Intersection of Artesia Boulevard and Inglewood Avenue;
- (14) Intersection of 190th Street and Inglewood Avenue;
- (15) Intersection of Torrance Boulevard and Prospect Avenue;
- (16) Intersection of Catalina Avenue and Torrance Boulevard;
- (17) Intersection of Catalina Avenue and Beryl Street;
- (18) Intersection of Catalina Avenue and Esplanade;

- (19) Intersection of Catalina Avenue and Pacific Coast Highway;
- (20) Any other corridor operating at ninety (90%) of capacity or worse; and
- (21) Any other intersection operating a LOS "E" or worse.

D. "General plan" means the General Plan of the City of Redondo Beach.

E. "Major change in allowable land use" means any proposed amendment, ~~proposed amendment,~~ change, or replacement of the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), of the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) meeting any one or more of the following conditions:

~~"Peak hour trips" means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change.~~

- (1) The proposed change in allowable land use would significantly increase traffic, density or intensity of use above the as built condition in the neighborhood where the major change is proposed.
- (2) The proposed change in allowable land use would change a public use to a private use. A major change in allowable land use in this category shall include a change of use on (i) land designated for a public use or a public right-of-way; (ii) land designated as utility right-of-way; (iii) land donated, bequeathed or otherwise granted to the City; (iv) land used or designated for Redondo Beach school property; (v) land allocated to the Beach Cities Health District; (vi) land owned, controlled or managed by the City, including all land and water within the City's Harbor Enterprise; (vii) the beaches, as defined in subdivision (a)(4) of Section 10-5.2204 of the Redondo Beach Municipal Code; and (viii) the tidelands and all other public trust lands, as defined in subdivision (a)(139) of Section 10-5.402 of the Redondo Beach Municipal Code.
- (3) The proposed change in allowable land use would change a nonresidential use to residential or a mixed use resulting in a density of a greater than 8.8 dwelling units per acre whether or not any such unit is used exclusively for residential purposes.

F. "Minor change in allowable land use" means any proposed amendment to the General Plan (including its local coastal element, as defined in Public Resources Code Section 30108.55), the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code), the zoning ordinance for the coastal zone (as defined

and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) that does not fall within the definition of a major change in allowable land use.

G. "Neighborhood" means all properties located either entirely or partially within 1,000 feet of any parcel or lot that is subject to a proposed change in allowable land use.

H. "Peak hour trips" means the number of peak hour vehicle trips a major change in allowable land use would generate on a daily basis. Peak hour trips generated shall be calculated by using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers (ITE) in effect on the date the City issued the notice of preparation of an environmental impact report for a major change in allowable land use, or, where no such notice is issued, when the City commences environmental analysis for the major change.

I. "Proponent" means any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity applying with the City for a change in allowable land use. If the City itself initiates the change, it shall be deemed the proponent for the purposes of this article.

J. "Significantly increase" or "Significant Increase" means any one or more of the following increases over or changes compared to the as built condition of a neighborhood:

(1) The traffic generated by the project produces: (i) more than 150 additional morning or evening peak hour trips; or (ii) an increase in intersection capacity utilization (ICU) of 0.01 or more at any critical intersection operating at a level of service (LOS) of "E" or worse or having an ICU of 0.9 or higher; or (iii) any increase in ICU at any City intersection from less than 0.9 to 0.9 or higher; or (iv) any change

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in LOS at any critical intersection or on any critical corridor from better than "E" to "E" or worse. For purposes of determining traffic increases attributable to a major change in allowable land use, baseline and projected ICU and LOS conditions shall be determined considering weekday peak hour conditions at such time of the year when local public schools are in session.

(2) The density increase generated by the project produces more than twenty-five (25) additional residential dwelling units.

(3) The intensity of use generated by the project produces more than 40,000 additional square feet of residential, office or other nonresidential floor area.

The voters declare that dividing a major change in allowable land use that would otherwise require their approval into partial changes that would not by themselves require their approval, frustrates their intent to have control over major changes in allowable land use and is contrary to the purposes of this article. For the purposes of this article, a "significant increase" occurs if the combination of a proposed minor change in allowable land use with one or more other minor or major changes in allowable land use in the same neighborhood approved within eight (8) years preceding issuance of the notice of preparation of an environmental impact report for

the proposed minor change, or, where no such notice is issued, within eight (8) years preceding commencement of the City's environmental analysis for the proposed minor change, meets any increase or change threshold for traffic, density or intensity of use defined in this subdivision.

§ 27.3. Effective date; applicability.

- (a) This article shall be binding and effective as of the earliest date allowed by law. At its first public meeting following completion of the canvass of votes, the City Council shall pass the resolution required by Elections Code Section 9266. The following day, the elections official of the City shall cause a copy of the complete text of the adopted measure to be filed with the Secretary of State pursuant to Government Code Sections 34459 and 34460.
- (b) All major changes in allowable land use approved by the City Council on or after the date of publication, pursuant to Elections Code Section 9205, of the notice of intention to circulate the initiative petition adding Article XXVII to this City Charter, shall be subject to the provisions of this article.

§ 27.4. Vote of the People on major change in allowable land use.

- (a) Each major change in allowable land use shall be put to a vote of the People; provided, however, that no such change shall be submitted to the voters unless the City Council has first approved it. A major change in allowable land use shall become effective only after approval by the City Council and a majority of the voters of the City voting "YES" on a ballot measure proposing such change at either a regular or special municipal election. An advisory election does not satisfy the voter approval requirement.
- (b) The sample ballot materials ~~mailed~~ made available to the registered voters prior to an election shall describe any major change in allowable land use in a manner that clearly discloses both the scope and main features of the project (including sequencing or phasing, as may be the case) that the major change in allowable land use consists of or depends on, and the location and the acreage of the project site. The description shall include the text of the proposed amendment to the General Plan, to the City's zoning ordinance or to the zoning ordinance for the coastal zone, or of any proposed adoption of, or amendment to, a specific plan. The description shall clearly compare the project and its traffic impacts both to the as built condition, and to existing applicable land use designations and zoning classifications, providing accurate comparative data concerning existing as well as proposed densities (in units per acre) and intensities of use (in square footage, types of use and traffic impacts). If a site-specific development is proposed in connection with a major change in allowable land use, and densities or intensities of use in such site-specific development are less than the densities or intensities the major change proposes, the text of the ballot shall clearly disclose the

maximum total residential, commercial, industrial or other nonresidential buildout potential, and traffic impacts under buildout, compared to the as built condition. Easily readable maps shall be used to assist the voters in the project description. All of the information called for by this subdivision shall be posted on the City's website no later than thirty (30) days prior to the City Council's action on a major change in allowable land use, and such information shall be updated no later than ten (10) days following the City Council's approval, if the Council has changed the project.

- (c) For all major changes in allowable land use approved by the City Council after the effective date of this article of the City Charter, the election required by this article shall be set for the general municipal election next following City Council approval of the major change; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent. For all major changes in allowable land use approved by the City Council on or after the date of publication, pursuant to Election Code Section 9205, of the notice of intention to circulate the initiative petition to add this article to the City Charter, but before the effective date of this article, the election required by this article shall be set for the general municipal election next following the effective date of this article; or, by mutual agreement with the proponent, the City Council may call a special municipal election, with the cost of the special election being borne solely by the proponent.
- (d) The popular vote required by this article shall be in addition to all other applicable review and approval requirements for such major change, including environmental review in compliance with the California Environmental Quality Act (CEQA).
- (e) All subsequent City permits and approvals necessary to implement all or part of a major change in allowable land use shall conform to the voter-approved change. Under no circumstances shall any subsequent permit or approval authorize, allow or otherwise accommodate higher densities, intensities of use, or trip generation than the densities, intensities and trip generation approved by the City Council and the voters. No certificate of occupancy for any structure built as part of a project that depends on a major change in allowable land use shall issue until all mitigations of traffic impacts, including control signals, increases in right-of-way capacity via widening roads, or other right-of-way or intersection improvements, as may be required by the City Council, have been developed and implemented, and the City Engineer has certified completion and operation of all traffic impact mitigations in full compliance with the City Council's approval action.

§ 27.5. Application for major change in allowable land use; City review.

- (a) To carry out the purposes of this article, any application for a major change in allowable land use shall contain accurate and up-to-date factual data and information, and the subsequent written City review further shall include the following (in addition to all

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other disclosures required under CEQA and Title 10 of the Redondo Beach Municipal Code):

- (1) The information required by Section 27.4(b).
- (2) A plot plan or diagram, drawn to scale, showing the arrangement of plots and maximum proposed residential or nonresidential unit buildout per plot.
- (3) A complete, objective discussion of the potential inconsistencies between the project that consists of, or depends on, the major change in allowable land use, and: (i) surrounding uses in the neighborhood; (ii) the General Plan (including, if applicable, its local coastal element, as defined in Public Resources Code Section 30108.55); (iii) the City's zoning ordinance (contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code); (iv) if applicable, the zoning ordinance for the coastal zone (contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code); and (v) if applicable, the preservation ordinance (contained in Title 10, Chapter 4 of the Redondo Beach Municipal Code). To the extent the project differs from existing uses, a full description of the mitigations necessary or recommended for adoption to minimize neighborhood impacts and incompatibility shall be provided.

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- (4) A complete, objective analysis of the traffic circulation and traffic safety impacts of the project that consists of, or depends on, the major change in allowable land use. The traffic analysis shall be prepared directly by, or under direct contract to, the City, and shall make accurate determinations for the purposes of Section 27.2(c)(1). Unless CEQA disclosure provisions, Title 10 of the Redondo Beach Municipal Code, or other City regulations, policies or standards require selection of a larger traffic impact area, ICU and LOS impact analysis shall be provided for all critical corridors and critical intersections within three thousand (3,000') feet of any parcel subject to the major change in allowable land use. LOS analyses shall utilize both "urban streets" and "signalized intersection" methodologies, as defined in the current Highway Capacity Manual published by the Transportation Research Board, a division of the National Research Council. The traffic analysis shall adequately disclose the direct, the indirect or secondary, and the cumulative impacts of the project accounting for all relevant factors, such as heavy vehicle traffic, bus stops, intersection and corridor oversaturation (downstream traffic queuing impacts), pedestrian traffic, side street and driveway entrances and exits, ingress staking and overflowing, and left turn lane queuing and overflow. The traffic analysis also shall identify the mitigations necessary or recommended to reduce the traffic impacts to an ICU below 0.90 or a LOS better than "E" for the corridors and intersections subject to this analysis. The location, nature and adverse construction-phase impacts of the traffic impact mitigations shall be clearly described.

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- (b) To reduce delay for proponents, the City's decision making bodies may review and conditionally approve discretionary permit applications required for a project prior to the People's vote on a major change in allowable land use on which such project depends; provided, however, that no conditional permit approval will become effective

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unless the related major change in allowable land use is passed by the voters and has itself become effective. If the related major change in allowable land use is rejected by the voters, such change and all conditional permits shall have no force and effect.

§ 27.6. Exceptions.

- (a) This article shall not apply to any major change in allowable land use that is limited to allowing the development of a public school or a hospital. Nor shall this article apply to preclude completion of a site-specific development that depends on a major change in allowable land use approved before the effective date of this article, if before such date, the holder of any permit or other entitlement for use for such development has lawfully and in-good faith acquired a vested right, under state law, to carry out the development to completion.
- (b) The provisions of this article shall not apply to the extent that they would violate state or federal laws.
- (c) This article shall not be applied in a manner that would result in the unconstitutional taking of private property.
- (d) This article shall not apply to affordable housing projects required by state or federal law.
- (e) This article shall not apply to any major change in allowable land use of property with non-conforming residential units that were occupied on the date of publication, pursuant to Elections Code Section 9205, of the notice of intention to circulate the initiative petition adding Article XXVII to the City Charter so long as the proposed change in allowable land use meets the following conditions: the existing residential units are rendered conforming under the proposed change; the proposed change does not allow an increase in the number of residential units on the property; and the proposed change does not create a significant increase in traffic or intensity of use.
- (f) This article shall not apply to affordable housing projects for low and moderate income housing as defined by state law.
- (g) If modifications to the Local Coastal Program ("LCP") are suggested or required as a result of the California Coastal Commission's review of the LCP amendments for the Kensington Assisted Living Facility Project, any such modifications adopted by the City Council shall not be subject to this article and shall not require further voter approval. Should such modifications to the LCP also require that the City Council adopt any other legislative amendments to ensure consistency, the City Council's adoption of those legislative amendments shall not be subject to this Article and shall not require further voter approval.
- (h) This article shall not apply to an amendment to or update of the housing element of the City's General Plan.
- ~~(h)~~(i) This article shall not apply to an amendment to or update of any other element of the General Plan (including its local coastal element, as defined in Public Resources

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Code Section 30108.55), of the City's zoning ordinance (as defined and contained in Title 10, Chapter 2 of the Redondo Beach Municipal Code) or of the zoning ordinance for the coastal zone (as defined and contained in Title 10, Chapter 5 of the Redondo Beach Municipal Code) that implements a program in the City's General Plan housing element. This includes, but is not limited to, an action required to meet the City's obligation to accommodate its Regional Housing Needs Assessment ("RHNA") allocation. This subdivision (i) shall be effective until January 1, 2036.

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§ 27.7. Relationship to City Charter and Municipal Code.

If any provisions of this article conflict with other provisions of the Charter or contained in the Redondo Beach Municipal Code, the provisions of this article shall supersede any other conflicting provision.

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§ 27.8. Amendments.

No provision of this article may be amended or repealed except by a vote of the People of Redondo Beach.

§ 27.9. Judicial enforcement.

Any aggrieved person shall have the right to maintain an action for equitable relief to restrain any violation of this article, or to enforce the duties imposed on the City by this article.

§ 27.10. Construction.

This article shall be liberally construed to accomplish its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in accordance with City land use and zoning regulations in force before the effective date of this article.

§ 27.11. Consistency with other ballot measures.

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control as to the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

§ 27.12. Severability.

If any section, subdivision, clause, sentence, phrase or portion of this article is declared invalid by a court of competent jurisdiction, the remaining sections, subdivisions clauses, sentences, phrases and portions shall remain valid and enforceable. The voters declare that

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they would have passed all sections, subdivisions, clauses, sentences, phrases and portions of this article without section, subdivision, clause, sentence, phrase or portion declared invalid by a court of competent jurisdiction.

That the said Charter as hereinbefore set forth is a full, true and correct copy of the said Charter as prepared and proposed by the said legislative body of said City and submitted to the electors of said City and ratified by the electors of said City at said Special Municipal Election held on January 4, 1949.