

## Measure B

The people of the City of Thousand Oaks do ordain as follows:

### Section 1. Findings and Purpose

The purpose of this initiative is to amend the General Plan and Municipal Code of Thousand Oaks to give the People the right to vote on any project that would result in unacceptable traffic congestion in our City.

We the people of the City of Thousand Oaks wish to maintain the character of our City and neighborhoods, and the quality of our lives. As citizens, we believe excess traffic flow beyond capacity and the resulting pollution are detrimental to our City. Traffic congestion, noise and air pollution, reduce our quality of life and the character of our City. As a result, the City must balance vehicular circulation requirements with aesthetic, pedestrian, bicycle and equestrian needs which affect our City. Too often, the City Council has approved development projects without appropriately considering the project's impact on traffic congestion and its associated noise and air quality impacts.

It is time to take back some of the authority to approve large projects that will increase traffic congestion and generate more traffic and pollution. As citizens, we deserve a say in projects to ensure development interests do not overburden our City's infrastructure and to maintain safe, efficient and adequate traffic circulation, based on existing and future capacity, for our City.

In enacting this measure, it is the intent of the People of Thousand Oaks to preserve acceptable traffic flows on our streets, preserve the character of the City, and limit the ability of City government to allow development projects that will decrease the "Level of Service" of our roads. The citizens hereby require all projects or other developments that would reduce the Level of Service (LOS) to worse than LOS C, prior to any approval of traffic mitigation, to be put to a vote in a Citywide election.

Section 2. The Circulation Policies of the Goals and Policies of the General Plan of the City of Thousand Oaks shall be amended to read:

[New wording is in bold italics; deleted wording is shown in strike-through; existing wording is in regular text]

#### Circulation Policies

- A "T" shaped highway system--the Route 101 and Route 23 Freeways-- shall continue to provide a primary link with other regional communities and serve as major connectors within the local street and highway system.

- Improvements to local freeways minimizing diversion of through traffic to City streets shall be encouraged.
- A mass transit system to provide City and area-wide circulation and meet community needs should be maintained and enhanced.
- A variety of transportation modes should be encouraged.
- A City-wide system of pedestrian and bicycle facilities that provide safe, continuous accessibility to all residential, commercial and industrial areas, to the trail system and to the scenic bike route system shall be provided and maintained.
- Local traffic should be moved through the City on arterial streets to protect collector and neighborhood streets from traffic impacts.
- Access to industrial areas shall be via major arterials to minimize impacts to residential areas.
- Street improvements should focus on enhancing access to Thousand Oaks Boulevard, Moorpark Road and other major arterials.
- The City shall balance vehicular circulation requirements with aesthetic, pedestrian, bicycle and equestrian needs which affect the quality of life.
- The City shall maintain a Level of Service C on all roads and at all intersections. ***A comprehensive traffic study shall be required for any large retail project, any large project, and any specific plan within the City, as specified in Chapter 14 of Title 9 of the City of Thousand Oaks Municipal Code. Any such project expected to decrease the Level of Service to worse than LOS C (i.e. LOS D, E or F and beyond) after completion, but prior to any mitigation, may not be approved by the City without the consent of the voters by majority vote in a Citywide election.*** Lower levels of service, ***worse than LOS C***, may be tolerated to preserve or enhance landscaping and aesthetic integrity- ***upon consent of the voters.***

Section 3. Chapter 14 of Title 9 of the City of Thousand Oaks Municipal Code shall be added as follows:

[New wording is in bold italics; deleted wording is shown in strike-through; existing wording is in regular text]

#### ***Chapter 14. Traffic Circulation; Right to Vote***

##### ***Section 9-14.101 Purpose.***

***The purpose of this Chapter is to preserve the existing character and quality of life in the City to ensure the efficient movement of people and goods; promote compatibility between transportation modes and land use; and reduce the adverse air quality and noise impacts due to unacceptable levels of traffic congestion.***

**Section 9-14.102 Level of Service: Citywide Vote.**

**(a) Pursuant to the Goals and Policies of the General Plan of the City of Thousand Oaks, the acceptable Level of Service for City roads and intersections shall be Level of Service (“LOS”) A, B or C, unless otherwise approved by the City Council and the voters.**

**(b) A comprehensive traffic study shall be required for any proposed large retail project, large project, or specific plan, as defined below. This comprehensive traffic study shall not only evaluate the traffic impacts arising from the proposed large retail project, large project, or specific plan, but shall also evaluate cumulative traffic impacts. When evaluating cumulative traffic impacts, the comprehensive traffic study shall also take into account other projects currently in the approval process, and projects which have been approved but not yet built.**

**The comprehensive traffic study shall utilize the following two standard traffic measurement methodologies: (1) Intersection Capacity Utilization (ICU); and (2) Highway Capacity Manual for Signalized Intersection Delay. The comprehensive traffic study shall evaluate City intersections and roads which are anticipated to be impacted by the proposed large retail project, large project, or specific plan. It shall then determine the current level of service of those City intersections and roads, and compare that level of service to the projected level of service following completion of the proposed large retail project, large project or specific plan, including cumulative traffic impacts as described above, but prior to adoption of any traffic mitigation measures.**

**(c) If a comprehensive traffic study is required pursuant to subsection (b) of this Section and concludes that, under either methodology, a project will result in LOS D or worse, prior to any mitigation, on one or more City roads and/or one or more City intersections due to the project’s trip generation, such project or specific plan must: (i) be approved by the City Council; and (ii) be approved by a majority of voters of the City of Thousand Oaks at a Citywide election.**

**(d) For purposes of this Chapter, the term “project” shall be the same as that term is defined by Section 21065 of the California Public Resources Code or subsequent statute.**

**(e) For purposes of this Chapter, the term “large retail project” means any project involving the sale or rental of goods where the total square footage of the business, encompassing both inside and outside sales area(s), exceeds, or will exceed, 75,000 square feet in gross floor area.**

**(f) For purposes of this Chapter, the term “large project” means any project that exceeds, or will exceed, 100,000 square feet in gross floor area.**

***(g) For purpose of this chapter, the term “specific plan” means a specific plan whereby the cumulative square footage within the specific plan boundaries exceeds, or will exceed, 75,000 square feet in gross floor area.***

***Section 9-14.103 Applicability.***

***This Chapter shall apply to all proposed projects which have not obtained final approval by the City prior to the date upon which the Notice of Intent to Circulate the Initiative Petition enacting this Chapter was filed with the City Clerk pursuant to California Elections Code § 9202.***

Section 4. Implementation.

Upon the effective date of this initiative, the initiative shall be deemed inserted into the Circulation Element of the City of Thousand Oaks General Plan as an amendment thereof. At such time as this General Plan amendment is inserted in the City of Thousand Oaks General Plan (hereinafter, the “insertion date”), any provisions of the City Zoning Ordinance inconsistent with that amendment shall not be enforced to the extent of the inconsistency.

A. Within ninety (90) days of the insertion date, the City shall complete such revisions of its General Plan, including but not limited to, the General Plan Land Use and Circulation Map(s), as amended, and accompanying text, as are necessary to achieve consistency with all provisions of this initiative.

B. Also within ninety (90) days of the insertion date, the City shall complete such revisions of its Zoning Ordinance and other land use regulations as are necessary to conform to all provisions of the initiative.

Section 5. Severability. If any section, subsection, sentence, phrase, or clause of this initiative is declared invalid by a court of competent jurisdiction, the remaining sections, subsections, sentences, phrases and clauses shall remain valid and enforceable. The voters declare that they would have passed all sections, subsections, sentences, phrases and clauses of this initiative without the section, subsection, phrase or clause declared invalid by a court of competent jurisdiction.

Section 6. 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 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.

Section 7. Construction. Nothing herein shall be construed to make illegal any lawful use presently being made of any land in accordance with the land use regulations in force and effect at the time of filing of the Notice of Intent to Circulate Petition.

Section 8. Amendments. No provision of this initiative may be amended or repealed except by a vote of the people of the City of Thousand Oaks.

Section 9. Conflict. If any provisions of this initiative conflict with any provision of the City of Thousand Oaks General Plan or the Thousand Oaks Municipal Code, the provisions of this initiative shall supersede any conflicting provisions.

Section 10. General Plan Implementation. Upon the effective date of this initiative measure, the General Plan amendments contained herein are hereby inserted into the City of Thousand Oaks General Plan as amendments thereof; provided, however, that if it is determined that Government Code Section 65358, subdivision (b) applies to general plan amendments adopted by the voters and the maximum number of general plan amendments permitted by state law for a given calendar year have already been enacted prior to the effective date of this initiative measure, the General Plan amendments adopted by this initiative shall be inserted into the City of Thousand Oaks General Plan at the earliest possible date that any general plan amendment can be inserted in the City of Thousand Oaks General Plan but in any event not later than January 1 of the year following adoption of this initiative. The foregoing notwithstanding, the amendments to the City of Thousand Oaks Zoning Code shall be effective upon adoption of this initiative.

Section 11. Consistency. To the extent permitted by law, the voters of the City hereby authorize and direct the City to amend any elements or provisions of the City of Thousand Oaks General Plan and Thousand Oaks Municipal Code and all other City ordinances, policies, and implementation programs or policies, as soon as possible, in order to implement this initiative and to ensure consistency and correlation between this initiative and other elements of the City of Thousand Oaks General Plan and Thousand Oaks Municipal Code. This enabling legislation shall be interpreted broadly to promote the requirement that a general plan constitute an integrated and consistent document.

Section 12. Special Election. If this initiative petition is signed by not less than 15% of the voters of the City of Thousand Oaks, those voters hereby demand that the City Council adopt the initiative or submit the initiative to the voters at a special election called for that purpose pursuant to California Elections Code Section 9214.