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THE OXNARD TRAFFIC INITIATIVE

**Notice of Intent to Circulate Petition
and
Request That A Ballot Title and Summary Be Prepared**

Notice is hereby given by the persons whose names appear hereon of their intention to circulate a petition within the City of Oxnard in the form accompanying this Notice, for the purpose of qualifying the measure for the General Election, or for a Special Election. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

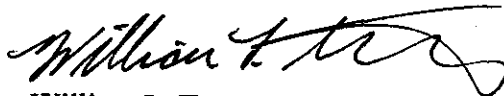
The Circulation Element of the Oxnard 2020 General Plan has instituted suggestions to achieve an acceptable level of service (LOS) defined in the Circulation Element as a letter grade "C." The development policies pursued by the City has failed to follow those policies and has failed to achieve those objectives. This initiative is necessary in order to better achieve the minimally acceptable LOS, and to make that standard mandatory.

Additionally, pursuant to Elections Code §9203, request is hereby made that the text of the petition be transmitted immediately to the City Attorney for preparation of a ballot title and summary, not exceeding 500 words, accurately expressing the purpose of the proposed measure.

Respectfully Submitted.

January 18, 2008

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The people of the City of Oxnard do hereby ordain as follows:

Section 1. Title.

This initiative shall be known as THE OXNARD TRAFFIC INITIATIVE

Section 2. Findings and Objectives.

A. The public of the city of Oxnard finds that the of the Oxnard 2020 General Plan, in particular the Circulation Element, has many thoughtful public policy platitudes that are all too often honored in the breach rather than in the observance. All too often, the City Council has approved projects when the Environmental Impact Report for the project either underestimates the project's impact on traffic or the environment; or, the council makes statements of overriding considerations, discounting the identified traffic impacts in favor of development. As with previous initiatives, such as Save Open-space and Agricultural Resoures (SOAR), it is time for our citizens to take back some of the authority to approve large projects that are going to increase traffic congestion and pollution. It is therefore the objective of this initiative to readopt and reaffirm those specific policies, goals and objectives, and those in related General Plan Elements, as set forth herein, but to do so in such a manner as to make them *mandatory* rather than advisory. Public participation in community-altering developments has proven to be a useful approach to public policy, both from the perspective of ensuring the public's participation in its own future, and as well ensuring that the development interests embarking on large community-altering developments take into consideration appropriate public infrastructure. This initiative will facilitate such participation in developments that do not meet the standards set forth herein.

B. In particular, the City of Oxnard has before it, and is anticipated to have before it, development projects, residential, commercial and industrial, with the potential to increase the gridlock on city streets. The Circulation Element of the Oxnard 2020 General Plan contains suggestions to achieve an acceptable level of service (LOS) defined in the Circulation Element as a letter grade "C." The development policies pursued by the City has failed to follow those policies and has failed to achieve those objectives.

C. Accordingly, it is the objective of this measure to ensure that any residential project of five (5) units or larger, and any commercial, retail or industrial project in excess of ten thousand (10,000) square feet, be precluded in the absence of a majority public approval at election unless and until all intersections within five (5) miles of said proposed project be certified by a specific finding of the City Council, supported by substantial traffic engineering data, as operating at the peak hour at all times of the preceding year at a minimum level of service (LOS) letter grade "C;" and further, that the approval of such project will not cause the LOS at any intersection within said five (5) mile radius of the project to drop below the letter grade of "C" at the peak hour at any time of the year following complete build-out and occupancy.

D. Commercial, retail, or industrial projects, as those terms are used herein, shall not include any of the following projects which shall therefore be exempt from the restrictions of this

initiative:

1. Public schools operated by a governmental agency.
 2. Any project constructed solely for use by a religious institution which has acquired non-profit status from the Internal Revenue Service pursuant to Internal Revenue Code Section 501.
 3. Any project constructed by a person or entity who has acquired non-profit status from the Internal Revenue Service pursuant to the Internal Revenue Code Section 503 which provides for non-profit status for educational purposes.
 4. The construction of any hospital or facility to be used solely to provide medical services to the public.
 5. Any project constructed by a person or entity who has acquired non-profit status from the Internal Revenue Service pursuant to the Internal Revenue Code Section 503 exemption which provides for non-profit status for religious purposes.
- E. All of the terms and conditions of this measure shall terminate as of December 31, 2028 and any changes made by this initiative to the Oxnard General Plan Circulation Element shall be eliminated from that General Plan.
- F. The costs of the public vote that would be required by this initiative for any project shall be paid by the proponent of the project and not by any governmental entity.

Section 5. Implementation to Achieve Objective.

A. Until December 31, 2028, this initiative, by restating in part, striking out in part, and adding language appearing here in italics (language not set forth here is unaffected in any respect by this initiative) hereby *Amends and Readopts* the Oxnard General Plan Circulation Element adopted on or about October 7, 1990, and as amended thereafter as follows:

DEVELOPMENT POLICIES [Circulation Element, Page VI-25, *et seq.*]

A. Goals

1. A transportation system that supports existing, approved and planned land uses throughout the City while maintaining a level of service "C" on all streets and at all intersections.
2. A public transportation system that serves the needs of residents and workers of Oxnard.

[Paragraph 5 is unaffected and omitted here]

B. Objectives

[Paragraph 1 is unaffected and omitted here]

2. Reduce congestion at major intersections within the City of Oxnard.

[Paragraphs 5 & 4 are unaffected and omitted here].

5. Achieve a level of service "C" on all City roads, ~~where feasible~~, subject, *of course*,

to necessary environmental review.

[Paragraphs 6 through 10 are unaffected and omitted here].

C. Policies

The Circulation Element policies are intended to guide the City so that both governmental and private activities contribute to meeting the goals and objectives of the Circulation Element. As such, the policies act as the linkage between the broader goals and objectives and the specific implementation programs.

Level of Service

1. ~~Where environmentally feasible, all intersections in the City of Oxnard should~~ shall operate at Level of Service "C." *In any given situation, the LOS shall be measured using both the LOS standards identified on Table VI-1 and VI-1A, with the exception of Oxnard Blvd. (State Route 1), which will experience higher levels of congestion until a bypass expressway is constructed. Should it not be environmentally or economically feasible at any given intersection to increase the LOS to, or to maintain the LOS at, level "C," under both standards reflected in tables VI-1 and VI-1A, after the effects reasonably expected to be engendered by a development, then, subject to the exceptions set forth herein, no additional discretionary permits of a residential development of five (5) units or greater, or commercial, industrial or retail developments of 10,000 square feet or greater shall be approved for constructed within a five (5) mile radius of said intersection.*

2. Transportation system improvements shall be based on credible growth projections using the City's new transportation model, as updated from time to time as a result of improved technology.

5. The City shall utilize the City-wide traffic model in connection with the Growth Management Program project evaluations to determine the traffic impacts of proposed developments in order to assist in developing appropriate mitigation measures.

[Paragraphs 4 through 55 are unaffected and omitted, here]

IMPLEMENTATION MEASURES [[Circulation Element, Page VI-57, et seq.]

B. Correlation of Circulation Improvements and Land Use

[Paragraphs 1 and 2 are unaffected and not set forth here]

5. Intersection Alternatives Environmental Impact Assessment Program.

The City has identified LOS "C" as the transportation planning goal that the City ultimately desires to achieve. As a result, the roadway system identified in the 2020 Circulation Network is designed to operate at LOS "C" in the 2020 buildout year *(by initiative, the voters have extended that objective indefinitely.)* However, to achieve and maintain LOS "C," several major intersections may require significant improvements. Those improvement projects, most notably the proposed grade separations ("flyovers"), may have significant environmental or other impacts and therefore require formal environmental review prior to construction. As such, it is possible the review would find that one or more of these projects would have significant adverse unavoidable environmental, social or economic impacts.

Nonetheless, in no case shall in which case LOS "D" or less may be deemed acceptable. Accordingly, the City's LOS "C" standard is an overall objective that explicitly recognizes that existing intersection configurations not meeting that goal shall need to be improved before additional impacts on the transportation infrastructure represented by vehicular traffic intersections can be contemplated. constraints may require modification of this standard as applied to specific portions of the present and future transportation system.

B. The definitions of “Level of Service” (LOS) set forth at Table VI-1 of the Circulation Element [Page VI-12] shall not be amended except as allowed by this initiative. It is set forth here:

**TABLE VI-1
LEVEL OF SERVICE DEFINITIONS**

	Volume/Capacity Ratio
<u>LOS A</u>	
Free flow conditions No motorist waits longer than one signal	0-0.60
<u>LOS B</u>	
Stable traffic flow Motorists rarely wait through more than one signal	0.61-0.70
<u>LOS C</u>	
Stable and acceptable flow but speed and maneuverability somewhat restricted due to higher volumes Motorists intermittently wait through more than one signal Occasional backups behind left turning vehicles	0.71-0.80
<u>LOS D</u>	
Extensive delays at times Some motorists, especially left turners, may wait through one or more signals, but no excessive backups Maneuverability restricted	0.81-0.90
<u>LOS E</u>	
Very long lines may create lengthy delay especially for left turns Volume at or near capacity Unstable flow	0.91-1.00
<u>LOS F</u>	
Backup from locations downstream restrict movement at Forced flow conditions Stoppage for long periods due to congestion Volumes drop to zero in extreme cases	1.01 or above

C. The following text and chart shall be inserted as Table VI-1A:
In a more consumer-friendly method, the LOS may be measured as follows:

Traffic Congestion Level of Service (LOS)

	Level of Service
	LOS Description
	Traffic Delay (seconds)
A	Wide Open Less than 10
B	Minimal Delays 10 - 20
C	Acceptable Delays 20 - 55
D	Moderate Delays 55 - 55
E	Heavy Delays 55 - 80
F	Excessive Delays More than 80

D. The following textual additions shall be inserted immediately following Table VI-1A:

LOS is identified by letter grades ranging from A through F. LOS A represents the best driving conditions, while LOS F represents the worst conditions. LOS A, B and C indicate conditions where traffic moves without significant delays over periods of peak travel demand. LOS D and E are progressively worse peak hour operating conditions and F conditions represent where demand exceeds the capacity of an intersection. Regardless whether measured by the standards of Table VI-1 or the simplified standards of Table VI-1A, less than an LOS C is unacceptable for the future of Oxnard.

The 2000 Highway Capacity Manual (HCM) contains considerable detail on roadway conditions, including width, terrain and other factors. These factors have been simplified and generalized for planning purposes. LOS for signalized intersections is evaluated based upon average vehicle delay experienced by vehicles entering an intersection. As delay increases, the LOS decreases. Calculations for signalized and unsignalized intersections are different due to the variation in traffic control. In general, a deficient LOS is an indicator of increased congestion and a reduction in the mobility of residents. This decrease in mobility could have negative impacts on business and revenue generation, especially if goods movement from the Port of Hueneme are impacted. In addition, a City's deficient LOS degrades the ability of emergency service personnel to respond in an efficient manner.

While not intended to be an exhaustive recitation, it is important to note that after traffic counts were conducted in 2005, five intersections had a deficient LOS (LOS D, E, or F) in the AM peak period. These intersections include:

*Harbor Boulevard and Fifth Street
Lombard Street and Gonzales Road
Ventura Road and Gonzales Road
Victoria Avenue and Gonzales Road
US-101 and Del Norte Boulevard*

Additionally, fourteen intersections had a deficient LOS (LOS D, E, or F) in the PM peak period. These intersections include:

*C Street and Gonzales Road
H Street and Gonzales Road*

*Rice Avenue and Fifth Street
Rose Avenue and Third Street
Rose Avenue and Auto Center Drive
Rose Avenue and Camino Del Sol
Rose Avenue and Channel Islands Boulevard
Santa Clara Avenue and Auto Center Drive
Santa Clara Avenue and Central Avenue
SR-1 (Oxnard Boulevard) and Pleasant Valley Road
R-252 (Vineyard Avenue) and Myrtle Street
Rose Avenue and Fifth Street
Rose Avenue and SR-1 (Oxnard Boulevard)
Rose Avenue and Wooley Road*

And, underscoring the level of the traffic issues faced by the City, six intersections had a deficient LOS (LOS D, E, or F) in the AM and PM peak periods. These intersections include:

*Fifth Street and Del Norte
Harbor Boulevard and Gonzales
SR-1 (Oxnard Boulevard)/ Saviers Road and Wooley Road (Five Points)
Victoria Avenue and Doris Avenue
Victoria Avenue and Teal Club Drive
SR-252 (Vineyard Avenue) and SR-1 (Oxnard Boulevard)*

It is the intent of this Amendment to the Circulation Element that the foregoing intersections in particular, together with all other intersections within five (5) miles of any proposed project, as defined herein, be improved to an LOS "C" and maintained at said level prior to, during, and as a result of the discretionary decisions of the City in allowing private development, as set forth above in Paragraph "C," "Level of Service" in the Circulation Element's "Development Policies." All discretionary permits, within the 5/5/5 paradigm defined herein (5 du; 10000 sq. ft; within 5 miles) shall be conditioned on meeting the standards set forth herein. Any deviation from this policy shall be required to be approved by the voters of the City.

E. Conforming Amendments: Housing Element.

In order to ensure consistency between the Circulation Element, as amended herein, and the Housing Element, the Circulation Element's focus on LOS at the City's intersections is to be read as providing additional definition to "other needed infrastructure" contained in the following policy 2.5 of the Housing Element, found at page V-8:

"Ensure that sites for residential development have appropriate services and facilities including sewage collection and treatment, domestic water supply, and other needed infrastructure."

F. Conforming Amendments: Growth Management Element.

In order to ensure consistency between the Circulation Element, as amended herein, and

the Growth Management Element, the following provisions of the Growth Management Element, found at IV-21, by restating in part, striking out in part, and adding language appearing here in italics (language not set forth here is unaffected in any respect by this initiative) are *Amended and Readopted*:

6. The City will need to balance the impact of future development with fiscal constraints. The object of the specific plan/project approval process is not to simply ensure some subjective or architectural standards but to make sure that infrastructure keeps pace with individual projects, *and the overall development occurring in the City as a whole*. To make this work, a good monitoring system is required. Simple rules or formulas as to the adequacy of traffic, water, sewer or other infrastructure *are may be inadequate for some issues* in a changing technological environment, *but traffic has proven an overwhelming drag on the quality of life*. Accordingly, *as set forth in the Circulation Element, amended by initiative, other than approved by a popular vote of the electorate, discretionary private development projects (of 5 du; 10,000 square feet of commercial, industrial or retail uses) within 5 miles of an intersection operating at a less than "C" LOS, or which will, as a result of the anticipated cumulative developments within said five (5) mile radius be degraded to a less than "C" LOS, shall not be approved until the traffic at the impacted intersection(s) flow, and is ensured to continue to flow at the LOS level prescribed by the Circulation Element following approval of the discretionary permit.*

Accordingly, in order to control the timing of residential development, the following phasing priorities are established for the development areas of the 2020 General Plan.

Phase 1: First priority for development is assigned to those areas necessary to "roundout" or "fill in" the boundaries of existing partially developed neighborhoods and infill properties and for which public services, *including all intersections operating at an appropriate LOS within 5 miles*, are already present or can be readily provided at the expense of the developer.

Phase 2: Second priority is assigned to Specific Plan Areas for which the infrastructure has been or will be planned on a master plan or assessment district basis. Development ~~should~~ *shall* not be permitted in these areas until building permits have been issued for 75 percent of the units in Phase 1 areas and Phase 1 areas have achieved a Level of Service on affected roadways *and intersections* as called for in the Circulation Element, *as amended*. Utilities and services are to be planned to accommodate a logical, sequential and orderly pattern of development. *The development of Phase 2 areas will be concurrent with the construction of improvements required to support the designated Level of Service at those intersections impacted by the development, and those within a 5 mile radius.*

G. Conforming Amendments: Land Use Element.

In order to ensure consistency between the Circulation Element, as amended herein, and

the Land Use Element, the following provisions of the Land Use Element, found at V-22 through V-24, and V-62 through 65, by restating in part, striking out in part, and adding language appearing here in italics (language not set forth here is unaffected in any respect by this initiative) are *Amended and Readopted*:

At V-22:

A. Goals

1. A balanced community meeting housing, commercial and employment needs consistent with the holding capacity of the City. *Given the City's aggressive development posture for the last 20 years, the limitations on holding capacity is most easily observed in its traffic. Accordingly, it is the Goal of the City to limit development consistent with its need to keep traffic moving – especially in view of the negative impact on all emergency vehicular traffic poor levels of service create – and to do so by allowing development only in concert with the Goals of the Circulation Element, as Amended by Initiative.*

* * *

B. Objectives

1. Limit the urbanized area of the City and facilitate a permanent greenbelt between Oxnard and neighboring cities.

* * *

C. Policies

1. Master Planned Developments

The master planned developments discussed above which were approved under the 1990 General Plan (but are not yet fully constructed), have been included in the foundation for the Land Use Element. Thus, it is the policy of the City that these areas be developed as shown in their approved plans, subject to compliance with the policies of the Growth Management Element *as Amended by Initiative, and the Circulation Element, as Amended by Initiative*. In order to address the goals of this 2020 General Plan including, but not limited to, traffic level of service and jobs/housing balance, the following policies shall be considered in reviewing projects in the Northeast Industrial Area:

- Office exclusive uses within the business and research park designated areas shall be limited to the first tier of lots adjacent to a freeway or major thoroughfare
- A Specific Plan shall be required for the development of the approximate 450-acre Sakioka” property that shall take into consideration the unique opportunity to achieve an integrated plan to address the desirability for jobs/housing balance, *and to ensure compliance with the terms of the Amendments to the General Plan contained in the initiative.*

The focus of the remainder of the 2020 General Plan Land Use Element policies is on: 1) other infill development, 2) existing in-fill areas where minor modifications to land uses need to be considered, and 5) larger undeveloped and agricultural areas where new land use patterns may be established, all to be considered in light of the impacts they would create, *in particular, their consistency with the provisions of these Amendments and the Circulation Element, as amended.*

* * * * *

At V-62: IMPLEMENTATION MEASURES

4. Correlation of circulation system and land use by:

- a. Implementation of circulation mitigation measures for already approved master

plans, *in order to achieve the goals and implement the policies of the Circulation Element, as Amended by Initiative.*

b. Implementation of the circulation improvements and phasing program specified in the Growth Management Element *and the Circulation Element, each as Amended by Initiative.*

H. Conforming Amendments: Safety Element.

In order to ensure consistency between the Circulation Element, as amended herein, and the Safety Element, the following provisions of the Safety Element, found at IX-20, *et seq.*, by restating in part, striking out in part, and adding language appearing here in italics (language not set forth here is unaffected in any respect by this initiative) are *Amended and Readopted:*

DEVELOPMENT POLICIES

* * *

C. Policies

* * *

Fire Protection

* * *

52A. *In order to more expedite the delivery of fire and paramedic emergency services, and to prevent the degrading of such emergency services, the City shall pursue the policies contained in the Circulation Element, as Amended, regarding the improvement of LOS at impacted intersections.*

* * *

Police Protection

* * *

59A. *In order to more expedite the delivery of police emergency services, and to prevent the degrading of police emergency services, the City shall pursue the policies contained in the Circulation Element, as Amended, regarding the improvement of LOS at impacted intersections.*

Section 4. Initiative Amendment Procedures

A. Except as set forth in the following Paragraph "B," future Amendments to the General Plan Circulation Element, or other General Plan Amendments contained herein, which would have the effect of allowing development contrary to the purposes objectives and policies set forth in this initiative, may only be accomplished by a vote of the duly registered electorate of the City of Oxnard Approval by a vote of the people is accomplished when a General Plan Amendment is placed on the ballot through any procedure provided for in the Election Code, and a majority of the voters then voting approve of the change. Whenever the City Council adopts an amendment requiring approval by a vote of the people pursuant to the provisions of this subsection, the City Council's action shall be preceded by an Environmental Impact Report meeting the standards imposed by the California Environmental Quality Act, and shall have no effect until after such a vote is held and a majority of the voters vote in favor of it. The City Council shall follow the provisions of the Elections Code in all matters pertaining to such an

election.

B. Amendment of the General Plan may be accomplished absent a public vote if:

- i) A Court of competent jurisdiction makes a finding supported by substantial evidence that the application of the provisions of Section "A" of this Amendment subsection would constitute an unconstitutional taking of the landowners' property; or
- ii) A Court of competent jurisdiction makes a finding supported by substantial evidence that the application of the provisions of Section "A" of this Amendment subsection would conflict state or federal law; and
- iii) In permitting the Amendment, the City Council allows development contrary to this initiative only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property, or the minimum necessary to avoid conflict with state or federal law.

Section 5. Exemptions for Certain Projects.

- A. This initiative shall not apply to or affect any property owner whose property has acquired any of the following prior to its effective date:
 - i. A vested right pursuant to state law;
 - ii. A validly approved and fully executed development agreement with City.
- B. The provisions of this initiative do not address, and are not intended to in any way inhibit the development for legitimate governmental purposes in the exercise of school or other state or local prerogatives, such as for parks, schools police/fire stations, and the like. By way of example, and without limitation, the provisions of this initiative may be disregarded as necessary to accommodate the exercise of legitimate State granted authority such as that set forth in Government Code §55094.
- C. Any project within the City Urban Restriction Boundary (CURB) necessary to meet the City's commitment in the Housing Element dated December, 2000 in effect upon the date the Notice of Intention to Circulate this initiative was submitted to the City Clerk, to the extent the specific categories of housing contemplated by Chart 55, page II-54 of the December, 2000 Housing Element have not yet been met.¹

¹ The Housing Element as currently adopted contemplates in Chart 55 the construction of 797 Very Low income units; 489 low income units; 505 moderate income units; and 1507 upper income units, for a total of 5,298 units between 1997 and 2005, of which all but 1509 had been constructed at the time of the adoption of the Housing Element in December, 2000. The authors of this initiative are informed and believe that the housing contemplated by the Housing Element

D. Any project constructed solely for use by a religious institution which has acquired non-profit status from the Internal Revenue Service pursuant to Internal Revenue Code Section 501.

E. Any project constructed by a person or entity who has acquired non-profit status from the Internal Revenue Service pursuant to the Internal Revenue Code Section 503 which provides for non-profit status for educational purposes.

F. The construction of any hospital or facility to be used solely to provide medical services to the public.

G. Any project constructed by a person or entity who has acquired non-profit status from the Internal Revenue Service pursuant to the Internal Revenue Code Section 503 exemption which provides for non-profit status for religious purposes.

Section 6. Insertion Date.

A. Upon the effective date of this initiative, the initiative shall be deemed inserted in the Oxnard General Plan as an amendment thereof.

B. The provisions of this initiative shall prevail over any revisions to the City of Oxnard's 2020 General Plan, or any General Plan adopted in its place which conflict with this initiative. Except as provided above, upon the insertion date all General Plan adoptions, amendments, rezonings, specific plans, tentative or final subdivision maps, parcel maps, conditional use permits, building permits or other ministerial or discretionary entitlements for use not yet approved or for which permits have not yet been issued shall not be approved or made or issued unless consistent with the policies and provisions of this initiative.

Section 7. Severability.

If any portion of this initiative is declared invalid by a court, it may be stricken and the remaining portions are to be considered valid with the intent that the underlying goals and purposes and policies of this initiative remain intact to the maximum extent possible consistent with the law.

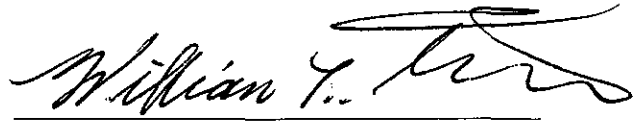
Section 8. Amendment or Repeal.

This initiative may be amended or repealed only by the voters at an election duly certified under the California Elections Code.

has now been completely met; however to avoid any potential conflict with the existing Housing Element, this exception has been inserted to ensure that it can be met.



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