CITY MEASURE

ATASCADERO SHIELD INITIATIVE: TAXPAYERS' INITIATIVE ORDINANCE TO REDUCE COSTLY EFFECTS OF HIGH INTENSITY URBAN DEVELOPMENT BY PRESERVING ATASCADERO'S UNIQUE SMALL TOWN CHARACTER

THE PEOPLE OF THE CITY OF ATASCADERO, STATE OF CALIFORNIA, DO ORDAIN AS FOLLOWS

Section 1. Statement of Purposes and Intent.

The purposes and intent of this measure are to:

- Guarantee the right of Atascadero's citizens to determine Atascadero's future growth and quality of life.
- Ensure the long-term economic viability of neighborhood commercial centers in the city, especially along El Camino.
- Prevent the deterioration of existing commercial areas and associated blighting and cost to the public.
- Prevent concentration of traffic and associated air quality impacts. Reduce traffic congestion and air pollution.
- Protect the rural small-town character of this unique city of the Central Coast.
- Ensure the retention of the historic Colony Landscape pattern, unique small-town rural character.
- Preserve the vitality of older neighborhoods.
- Ensure the region's welfare and prevent the adverse impacts of L.A. style urbanization.

Section 2. Findings.

a. Atascadero's quality of life is threatened by changes to the unique small town atmosphere from large scale commercial development that results in:
   1. Deterioration of existing commercial areas and associated blighting.
   2. Concentration of traffic resulting in decreased levels of service and increased air pollution.
   3. Higher taxes and utility rates to subsidize growth;
   4. Increased air, water, and noise pollution;
   5. Crowding, congestion and increased crime; and
   6. Inadequacy of services and facilities.

b. The public health, safety, and general welfare will be promoted by the adoption of this measure.

Section 3. Definitions.

For purposes of this measure, the following words and phrases shall have the following meanings:

a. "Effective date" shall mean the date on which this Initiative measure was adopted by the City Council of the City of Atascadero or the date on which it was passed by the voters at the polls, whichever occurs first.
b. "Big box commercial structure" means an individual retail commercial establishment with more than 150,000 square feet of gross floor area. The "gross floor area," of such a store includes outdoor storage areas, any outdoor area providing services, such as, but not limited to, outdoor merchandising display, garden supplies, plant display, snack bars, etc. "Gross floor area," however, does not include loading area. For the purpose of determining the applicability of the 150,000 square feet maximum, the aggregate square footage of all adjacent stores within 300 yards which may share either a series of checkout stands, management areas, storage area, common entrances, or a controlling ownership interest, shall be considered a single commercial establishment (for example, a plant nursery associated with a general merchandise store or home improvement store, or a discount department store associated with a grocery store).

c. "Discount superstore" shall mean a retail discount store in excess of 90,000 square feet with at least 5% of gross floor area dedicated to non-taxable goods such as groceries. Wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting sales to customers paying a periodic assessment or fee shall be excluded from this definition.

Section 4. Big Box Commercial Structures.

Big box commercial structures shall be prohibited in all zoning districts in the city.

Section 5. Discount Superstores.

Discount Superstores shall be prohibited in all zoning districts within the city.

Section 6. Required Public Actions.
The City's General Plan and Zoning Code shall be amended in the manner required by law to conform with these provisions. To the extent that any policy or provision of this Ordinance is not self-executing, the City Council shall promptly enact such regulations and ordinances as may be necessary to carry out the directives and intent hereof. The City Council and all City agencies, boards, and commissions, are hereby directed to take any and all actions necessary to carry out this Initiative measure, including but not limited to, adoption and implementation of any amendments to the City General Plan, Zoning Ordinance, and City Code. This measure shall be implemented forthwith as a matter of the highest priority to the City.

Section 7. Public Health Safety and Welfare.
These provisions are minimum requirements for the promotion of the public health, safety and general welfare.

Section 8. Guidelines.
The City Council may adopt guidelines to implement and interpret this Initiative measure following public notice and public hearing, provided that any such guidelines shall be consistent with the provisions and intent of this measure. Any such guidelines must be adopted by two-thirds' vote of the City Council.

Section 9. Exemptions for Certain Projects.
This measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date of
this measure. For purposes of this measure, a "vested right" shall have been obtained only if each and all of the following criteria are met:

a. The proposed project has received a building permit or its final discretionary approval;
b. Substantial expenditures have been incurred in good faith reliance on the permit or final discretionary approval; and
c. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City Council following application by the developer and notice and public hearing. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this measure shall not be deemed to be in "good faith" and shall not qualify for vested rights. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

Section 10. Amendment and Repeal.

This Ordinance may be amended or repealed only by a vote of the people.

Section 11. Severability.

If any section, subsection, sentence, clause, phrase, part or portion of this measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. It is hereby declared that this measure and each section, subsection, sentence, clause, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

Section 12.

If qualified, this Initiative shall be submitted to a vote of the people at a special election.