

RESOLUTION 06-40, 2006 SERIES

RESOLUTION OF THE CITY OF DAVIS ESTABLISHING CRITERIA TO DETERMINE WHAT CONSTITUTES A SIGNIFICANT PROJECT MODIFICATION OR CHANGE REQUIRING A SUBSEQUENT MEASURE J VOTE

WHEREAS, the Citizen's Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance ("Measure J") provides for a vote on proposals to amend the City of Davis General Plan to convert lands designated agriculture or open space to urban uses; and

WHEREAS; the Housing Element of the General Plan includes a policy to develop procedures and criteria to clarify the types of modifications that are not subject to voter approval; and

WHEREAS, the State of California Department of Housing and Community Development ("HCD") has concerns with the potential inflexibility of Measure J if clarifying procedures are not in place on how subsequent changes to projects are evaluated and presented; and

WHEREAS, the City of Davis supports an involved citizenry throughout the planning process and believes that land use approvals should reflect the values and goals of the voters and of the community.

WHEREAS, HCD wishes to ensure that permit processing procedures upon approval of potential development are clear and direct; and

WHEREAS, the City strives for a balance between the preservation of agricultural and open space lands and the housing needs of the community; and

WHEREAS, conformance with HCD requirements will improve the chances of securing State funding for the City's affordable housing program that has already provided thousands of rental and ownership units to very-low, low, and moderate-income households over the past 20 years; and

WHEREAS, the City has continued to demonstrate that it can meet the fair-share requirements of state law without the need to convert agricultural and open space lands to urban uses over the next few years; and

WHEREAS, the Planning Commission considered this resolution on January 25, 2006 and recommended that it be adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS:

Section 1 - Base Line Project Features; Implementation

A development approved under Measure J is required to be implemented in a manner consistent with the Base Line Features project description as included in the ballot pamphlet. As provided for in Measure J, the Base Line Project Features for a project approved by the voters may not be changed without subsequent approval by the voters of the City. There may be other additional requirements for a particular project, including but not limited to, the mitigation measures set forth in the Final Environmental Impact Report, and in the Development Agreement that, while important to the Project, may not be included in the Base Line Project Features and may be modified with the approval of the City, after the appropriate public process. In addition, minor changes to the Project can be anticipated during the course of its multi-year build-out. Such changes, often the result of detailed engineering or changing conditions, may be approved by the City without subsequent voter approval if they are substantially consistent with the Base Line Project Features and do not materially alter the character of the Master Plan that was relied upon by the voters in approving the Project based on the Base Line Project Features. Specific enumeration of Project-related modifications that would be considered substantive changes to the Base Line Project Features requiring a subsequent Measure J vote are included as Exhibit 1 to this resolution.

Section 2 - Measure J Expiration and Extension

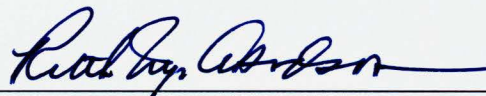
Measure J will be submitted to the voters of the City prior to December 31, 2010 for renewal. If Measure J is not renewed, then the voter approval requirements for any project approved under Measure J shall not expire.

PASSED AND ADOPTED by the Davis City Council on this seventh day of March 2006, by the following vote:

AYES: GREENWALD, PUNTILLO, SAYLOR, SOUZA, ASMUNDSON

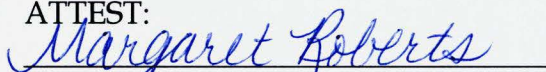
NOES: NONE

ABSENT: NONE



Ruth Uy Asmundson
Mayor

ATTEST:



Margaret Roberts, CMC
City Clerk

EXHIBIT 1

Criteria for Determining Consistency with Base Line Project Features

As subsequent entitlements are reviewed and acted upon by the City, the City will review the entitlements for consistency with the Base Line Project Features and the Master Plan to determine whether a subsequent Measure J vote is required before such changes may be approved.

Finding for Measure J Consistency:

In addition to standard findings for individual project entitlements, an added finding shall be required pertaining to consistency of the project with the voter approved Base Line Project Features, including the Master Plan for the project that was placed before the voters to help define the Base Line Project Features. All discretionary entitlement requests for a project that was approved under a Measure J vote are subject to this finding. The finding that must be made, based on substantive evidence in the record, is that: "The proposed entitlement request, including any alterations to the project, has been determined to be substantially consistent with the Baseline Features and Master Plan and does not materially alter the scope of the project as approved by the voters." This finding will be incorporated into standard City review and approval processes.

Parameters for Evaluating Proposed Project Modification for Consistency with Baseline Features and Master Plan.

The following examples are intended to be illustrative only and to provide guidance for possible future circumstances.

Examples of proposed changes and project refinements that would not trigger a subsequent Measure J vote:

- Shifting of approved land uses from one location to another, provided that such changes retain project character. Particularly, changes that increase the diversity of housing types and mix of uses may be permitted, as long as the maximum number of units and the number of affordable units as required under the City's ordinances does not change.
- A change of land use, if determined consistent with the range of land uses, the density and intensity of land uses, and the maximum number of housing units and non-residential development square footage as established in the Base Line Project Features and the Master Plan.
- Changes to lot widths, dimensions and sizes of the residential lots within subareas of the project, provided that the overall distribution of lot sizes for

housing units within the project is consistent with the Base Line Project Features and the Master Plan.

- Adjustments to street locations and widths that do not substantially change the project as defined in the Base Line Project Features and the Master Plan.
- Changes to the phasing plan for the housing units that do not increase the number of units permitted per year above the specified maximum in the Base Line Project Features.
- Design review applications affecting the design aspects of the project, such as building setbacks and height, building façade design, and on-street and off-street parking.
- Proposed modifications to the quantity and type of nonresidential uses, as long as such changes maintain the mix and intensity of land uses consistent with the Base Line Project Features and the Master Plan.

Examples of Project Changes That Would Trigger a Subsequent Measure J Vote:

- A reduction or increase in the density or total number of housing units within the overall project below or in excess of the established minimum or maximum number of units set out in Base Line Project Features.
- Elimination of parks or open space features specified in the Base Line Project Features and/or as shown on the Master Plan.
- Changes in the greenbelt and pedestrian circulation system by location or reduction in acreage that are determined to be potentially detrimental to the quality, quantity, or nature of the project as established under the Base Line Project Features.
- Changes in a phasing plan that increase the number of housing units permitted per year above the specified maximum.
- A reduction in total acreage of agricultural mitigation, or a change in the location of that acreage that is less consistent with the City's Open Space Priority Plan or inconsistent with any such location described in the Base Line Project Features.
- Elimination of public infrastructure improvements as shown in the Base Line Project Features.
- A reduction in the number of affordable or middle income units that would be less than what was specified in the Base Line Project Features.