

**FULL TEXT OF MEASURE MM
CITIZENS FOR PLANNED GROWTH IN
THE JOHNSON DRIVE ECONOMIC
DEVELOPMENT ZONE**

The People of the City of Pleasanton hereby ordain and enact as follows:

Section 1. Title.

This Act shall be known and may be cited as the “**Citizens for Planned Growth in the Johnson Drive Economic Development Zone**”

Section 2. Findings and Declarations.

The People of the City of Pleasanton (“City”) find and declare as follows:

1. The City has proposed a new “economic development zone” (“EDZ”) in the northwestern area of the City, located generally along Interstate 680 and at the southeastern corner of the Interstate 680/Interstate 580 intersection. The City’s proposed EDZ is called the “Johnson Drive Economic Development Zone” (or “Johnson Drive EDZ”).
2. The area identified for the Johnson Drive EDZ in the Draft Supplemental Environmental Impact Report, dated September 2015 and on file with the City, identifies twelve parcels as being located within the EDZ. Eleven of those parcels front Johnson Drive and are currently designated as “Business Park” which allows for high-quality, campus-like development, including administrative, professional office, and research uses. Retail commercial uses are also allowed but are limited to those primarily serving business park employees. Floor area ratios are not to exceed 0.6. The remaining parcel, which fronts Commerce Circle, is designated as “General and Limited Industrial” and allows for limited industrial uses with a floor area ratio not exceeding 0.5.
3. The City’s Johnson Drive EDZ, however, will amend the City’s General Plan to allow several new uses, including a large “club retail” store within the Johnson Drive EDZ.
4. Given the proliferation of retail shopping centers, club retail, and strip malls, it is critical that Pleasanton maintain the capacity for uses such as administrative, professional office, research and development and general and limited industrial, to ensure that businesses have the opportunity to locate in the City and the citizens of Pleasanton have diverse job opportunities close to home.
5. In comparison with the current Business Park and General and Limited Industrial uses, some of the new uses allowed by the Johnson Drive EDZ will generate significantly greater traffic and air quality impacts.
6. The new uses within the Johnson Drive EDZ would degrade traffic level of service at critical intersections within the Johnson Drive EDZ that cannot be mitigated to less-than-significant levels. The increased traffic will also result in vehicle queuing and spill-back on major thoroughfares near the Johnson Drive EDZ, including on Interstate 680 and on Stoneridge Drive, and will result in blocked access to driveways to existing businesses along Johnson Drive.
7. The Johnson Drive EDZ traffic impacts and related air quality impacts will significantly reduce the suitability of

the area for uses such as administrative, professional office, research, and general and limited industry.

Section 3. Purpose and Intent.

In enacting this Act, the people of the City do hereby declare it is their purpose and intent to:

1. Encourage the development of business and professional offices, small scale retail, highway and service commercial uses in the Johnson Drive EDZ by preserving the area for such uses and prohibiting large scale retail uses, which would cause traffic and environmental impacts that would detract from the attractiveness of the zone for business and professional office, small scale retail, highway and service commercial uses.
2. Ensure that citizens of Pleasanton have diverse job opportunities close to home, not just entry level retail jobs.
3. Encourage large-scale retail uses in locations within the City that meet the General Plan goal of achieving a coordinated, efficient and environmentally sensitive pattern of development within the Tri-Valley area.

Section 4. Pleasanton General Plan Amendment

A new Program 15.6 shall be added to Policy 15 of Section 2.0 (Land Use Element) of the Pleasanton General Plan 2005-2025 to read as follows:

Program 15.6:

- (a) Encourage retail uses of less than 50,000 square feet, highway and service commercial, business and professional offices in the Johnson Drive EDZ; and
- (b) Prohibit retail uses (including club retail) of 50,000 square feet or more in the Johnson Drive EDZ.

For purposes of Program 15.6, the Draft Supplemental Environmental Impact Report identifies the Johnson Drive EDZ as twelve parcels of land covering approximately 40 acres. The Johnson Drive EDZ is generally located in the southeast corner of the intersection of Interstate 680 and Interstate 580. Eleven of the parcels front Johnson Drive and one parcel fronts Commerce Circle. The precise location of the Johnson Drive EDZ is shown on Figure 3-2 (Johnson Drive Economic Development Zone-Project Location Map) and Figure 3-3 (Parcel Subdivision) attached hereto as Exhibit A and incorporated herein as part of this initiative.

Section 5. Exemptions for Certain Projects.

- A. Section 4 of this initiative shall not apply to any development project or ongoing activity that has obtained, as of the effective date of this initiative, a vested right pursuant to state or local law.
- B. This initiative shall not be interpreted to apply to any development, land, or use that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.
- C. Nothing in this initiative shall be construed or applied to prevent the City from complying with its housing obligations under state law. The City Council may, without voter ratification, approve a change to the amendments of the General Plan set forth in this initiative for the sole purpose of complying with the City’s housing obligations

if it (1) makes a finding that such change is necessary to comply with the City's housing obligation and there is no suitable land available elsewhere in the City that may be used to satisfy the obligation; and (2) makes such a change or approves a project only to the extent necessary to comply with the applicable state law housing obligation.

Section 6. Implementation.

A. The date the notice of intent to circulate this initiative measure was submitted to the City's elections official is referenced herein as the "submittal date." The City General Plan and Zoning Ordinance in effect on the submittal date and the General Plan as amended by this initiative comprise an integrated, internally consistent, and compatible statement of policies for the City. In order to ensure that nothing in this initiative measure would prevent the City General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by state law, and to ensure that the actions of the voters in enacting this initiative are given effect, any amendment to the General Plan that is adopted between the submittal date and the date that the General Plan is amended by this initiative measure shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions of this initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this initiative and other elements of the General Plan.

B. The City Council is hereby authorized and directed to amend the City General Plan, all specific plans, the City Zoning Ordinance, the Zoning Map, and any other ordinances and policies if necessary, to implement this initiative and to the extent any of the foregoing are affected by this initiative as soon as possible and in the manner and time required by any applicable state law, to ensure consistency between the policies adopted in this initiative and other elements of the foregoing laws and policies.

Section 7. Liberal Construction.

The provisions of this Act shall be liberally construed to effectuate its purposes. Nothing herein shall be construed to make illegal any lawful use being made of any land in compliance with all required permits in force before the effective date of this Act.

This Act is intended to be compatible with the City's anticipated establishment of the Johnson Drive EDZ, and with its re-designation in the General Plan of the Johnson Drive EDZ from Business Park and General and Limited Industrial to Retail/Highway/Service Commercial/ Business and Professional Offices, with the exception of the limitation on large-scale retail uses set forth in subdivision (b) of Program 15.6, and shall be construed consistent with this intent.

Section 8. Effective Date.

If the City Council approves this measure, or if a majority of the voters pass this Act, it shall become a valid enactment of the City, binding on the City Council and all other City officials, as of the earliest date allowed by law.

Section 9. Conflicting Law.

If this initiative measure and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this measure receives more votes than the other measure, this measure alone shall become valid, binding, and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this measure receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this measure shall control, and all other provisions of this measure shall become valid, binding, and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 10. Amendment.

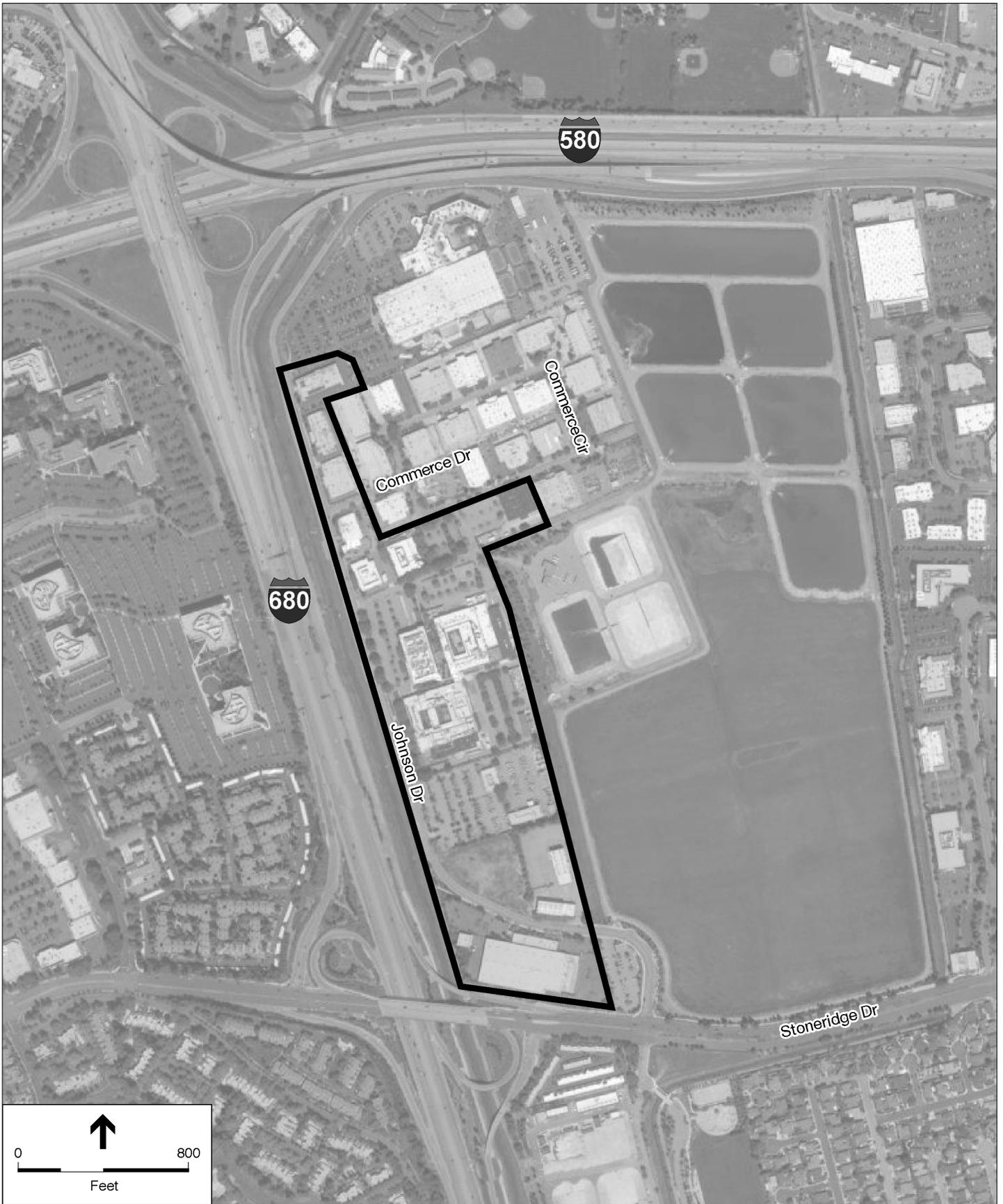
This Act may be amended only by a vote of the People at a municipal election.

Section 11. Judicial Enforcement.

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

Section 12. Severability.

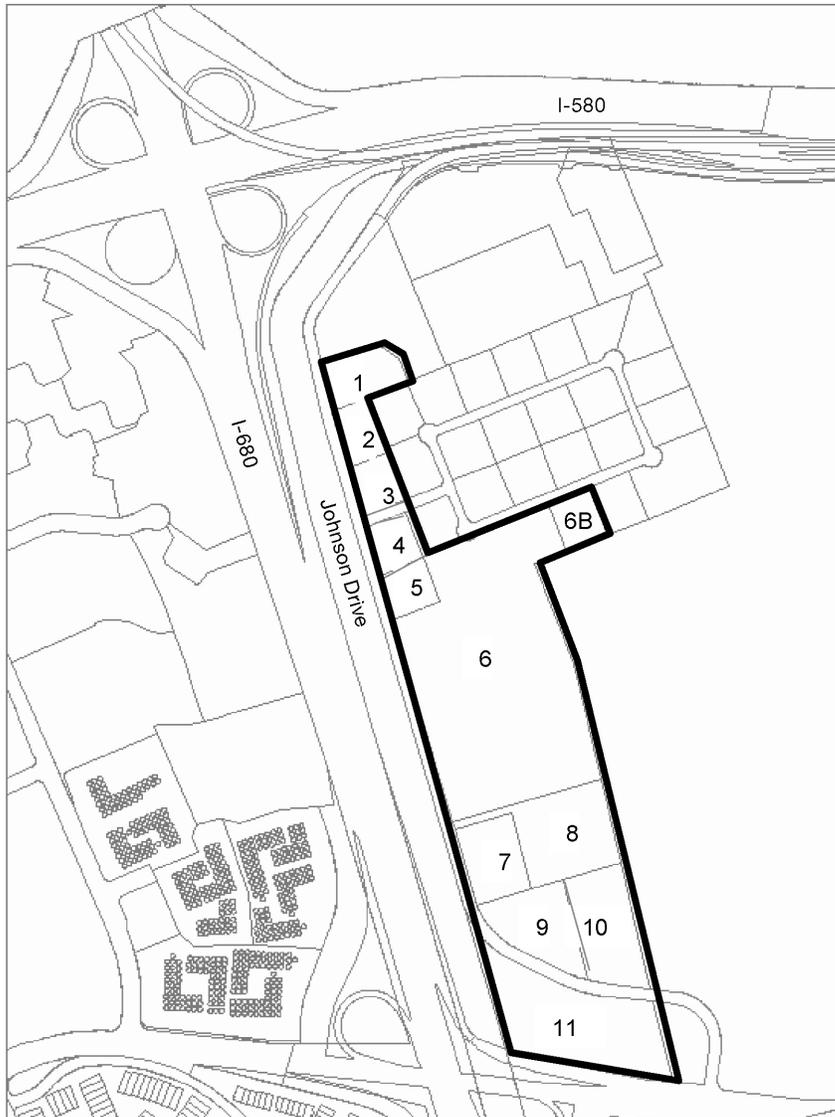
This Act shall be interpreted and applied so as to be consistent with all federal, state, and local laws, rules, and regulations. If any provision of this Act or part thereof, or any application thereof, is for any reason held to be invalid or unconstitutional, the remaining sections and applications shall not be affected but shall remain in full force and effect, and to this end, the provisions of this Act are severable.



SOURCE: Google Maps

Johnson Drive EDZ . 140421

Figure 3-2
Johnson Drive Economic Development Zone
Project Location Map



Parcel	Area	Zoning	Ownership	Address / APN
1	1.47	I-G-40	Valley Bible Church	7106 Johnson Drive / 941-1311-335
2	0.93	PUD-I/C-O	Greater East Bay Properties, LLC	7116 Johnson Drive / 941-1311-1
3	0.92	I-G-40	Garnet Bear, LP	7132 Johnson Drive / 941-1311-2
4	0.94	I-G-40	William Wheeler	7080 Commerce Circle / 941-1311-21
5	0.94	I-G-40	Johnson Drive Holdings I, LLC	7164 Johnson Drive / 941-1311-22
6	+/- 17.15	I-G-40	Johnson Drive Holdings I, LLC	7200 Johnson Drive* / 941-1311-19
6B	0.93	I-G-40	Johnson Drive Holdings I, LLC	7035 Commerce Circle / 941-1311-016
7	1.95	PUD-G&LI	PT & T Co. 279-1-51-2	Johnson Drive / 941-1300-18
8	3.60	PUD-G&LI	PT & T Co. 279-1-51-2	7240 Johnson Drive / 941-1300-17
9	2.43	PUD-G&LI	Johnson Drive Holdings I, LLC	Johnson Drive / 941-1300-15
10	2.84	I-G-40	Johnson Drive Holdings I, LLC	7280 Johnson Drive / 941-1300-14
11	5.88	PUD-G&LI	Chamberlin Associates Johnson Drive I Ltd. PTP	7275 Johnson Drive / 941-1300-19
+/- 39.98				*7200, 7202, 7206, 7208 Johnson Drive