

## CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

Measure K proposes an ordinance that would:

- Establish a New Active Adult Residential Allotment Program

The measure would add a new chapter to the City's Municipal Code establishing an Active Adult Residential Allotment program. Under the program, Active Adult Residential Allotments ("AARAs") would be allocated to specific property by ordinance adopted by initiative petition. After AARAs are allocated to a property, no building permits could be issued in reliance on those AARAs unless the property is subject to an adopted specific plan or planned unit development zoning designation establishing development standards. AARAs could only be used on property that is a senior citizen housing development under provisions of state law and is so restricted by deed restriction or other legal mechanism.

- Exempt the Active Adult Residential Allotment Program from the City's Growth Management Ordinance

The City's Growth Management Ordinance currently provides that the City may not allocate residential growth allotments ("RGAs") or issue residential building permits in any calendar year in excess of either of the following: (1) an average of 600 RGAs or residential building permits; and (2) a maximum of 750 RGAs or residential building permits per year.

The measure would make the development of property with allocated AARAs not subject to the City's Growth Management Ordinance.

- Allocate 600 Active Adult Residential Allotments to Property Located at the Southeast Corner of Corral Hollow and Valpico Roads

The measure would allocate 600 AARAs to property located at the southeast corner of Corral Hollow and Valpico Roads, referenced in the measure as the "Tracy Village Specific Plan" property ("Property"). The Property is located outside the City's limits, but within the City's Sphere of Influence, and is currently designated in the City's General Plan as "Urban Reserve 9."

The measure would prohibit any AARA allocated to the Property from being transferred to other property and would allow the City to issue no more than 200 residential building permits to the Property in any given calendar year.

The measure would make various clarifying amendments to the City's General Plan to reflect the allocation of 600 AARAs to the Property and would express the electorate's desire that the City take all steps necessary to pursue annexation of the Property.

The measure would allow the City to revise “the General Plan amendment, zoning and pre-zoning provisions” of the measure without a subsequent vote of the people upon application by the then-relevant owner(s) of the property (or portion of property) in question. It is unclear what “zoning and pre-zoning” provisions these are and whether the limitation on who may initiate such revisions would withstand judicial scrutiny.

Measure K was placed on the ballot by initiative petition that was signed by the requisite number of registered voters of the City of Tracy. To be adopted, Measure K must be approved by a simple majority of the ballots cast in this election.

A “yes” vote on Measure K favors the Measure.

A “no” vote on Measure K opposes the Measure.

Daniel G. Sodergren

City Attorney

City of Tracy

The above statement is an impartial analysis of Measure K. The full text of the Measure will be mailed in a supplemental voter pamphlet to each household. You may also obtain a copy by calling the City Clerk’s Office at (209) 831-6105.