

COUNCIL POLICY

SUBJECT: GENERAL PLAN AMENDMENTS TO SHIFT LAND FROM FUTURE
URBANIZING TO PLANNED URBANIZING AREA
POLICY NO.: 600-30
EFFECTIVE DATE: October 26, 1993

BACKGROUND:

The residential growth management program (see Progress Guide and General Plan, “Guidelines for Future Development”) is premised upon the division of the City into three planning areas: Urbanized, Planned Urbanizing, and Future Urbanizing, each of which is characterized by certain planning factors and each of which interrelates with the other areas. Existing City policies specify the characteristics of and the objectives to be achieved in each of these areas. See e.g., Council Policy No. 600-28 — “Requirements for Development Approval in Planned Urbanizing Areas” and Council Policy No. 600-29 — “Maintenance of Future Urbanizing Areas as an Urban Reserve.”

The delineation of these three areas is not static. Thus, as developing communities build out completely and stabilize, they may assume more of the characteristics of the Urbanized rather than the Planned Urbanizing area, and a shift may be in order. Similarly, as the Planned Urbanizing area is built out and additional land needs to be made available for development, it will be necessary to shift land from the Future Urbanizing to the Planned Urbanizing area to accommodate the demand for growth.

Most land shifts will be made as part of the City’s five year general plan update. In exceptional situations, however, the Council may, on its own motion or on petition by a property owner, consider land shifts during the interim period between plan updates.

As a result of voter approval of Proposition A (Managed Growth Initiative) at the election on November 5, 1985, any shift from Future Urbanizing area as the same existed in the Progress Guide and General Plan on August 1, 1984 to another designation must be approved by the voters.

PURPOSE:

The purpose of this Council Policy is to specify the guidelines and requirements for effecting a shift of land from the Future Urbanizing to the Planned Urbanizing area in accordance with the Progress Guide and General Plan. This policy applies to all such shifts of land prior to General Plan Amendment.

POLICY:

- A. No land shall be shifted from the Future Urbanizing area as the same existed in the Progress Guide and General Plan on August 1, 1984 to the Planned Urbanizing Area except by a General Plan Amendment approved by the City Council and approved by majority vote of the people voting on the shift at a City-wide election thereon.
- B. Once land is shifted to the Planned Urbanizing area, rezoning and/or any subsequent development approval shall be in accordance with otherwise applicable requirements,

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including Council Policy No. 600-28 — “Requirements for Development Approval in Planned Urbanizing Areas.”

- C. General Plan amendments to effect a shift of land from the Future Urbanizing to the Planned Urbanizing Area shall be initiated by the City on its own motion or by a property owner.
- D. Threshold Determination
 - 1. When a property owner seeks a general plan amendment, the property owners shall apply for such an amendment on forms prescribed by the City.
 - 2. The property owner’s application shall be forwarded to the City Council for a threshold determination as to whether, following more detailed review, there is a reasonable basis for applying a substantive review of the application to the land in question, without prejudice to the Council’s ability to grant or deny said application upon final substantive review. General Plan amendments are exempt from the threshold determination requirement provided that they are consistent with an adopted land use plan which has been determined by Council to satisfy any of the findings specified below. In the case of the North City Future Urbanizing Area, the North City Future Urbanizing Area Framework Plan, as approved by the Coastal Commission on May 14, 1993, is applicable. The application would proceed directly to the Planning commission for substantive review and recommendation to Council.

A reasonable basis for applying a substantive review of the application of this policy to the land in question shall exist if the City Council finds, based on the information provided to it, that:

- a. The amendment may be needed to provide additional land for development, based on the City monitoring of the amount, rate, character and location of growth and development or in order to maintain a viable market;
 - b. The amendment may be responsive to population and growth rates which demand increased land availability;
 - c. Due to the limited size of the area in question and the nature of the proposed development, the amendment may not contribute to, encourage or induce urban sprawl, leapfrog development or premature development of land;
 - d. The amendment may provide the City with substantial and unique public benefits.
- 3. If the City Council makes any of the findings specified in paragraph D.2. above, the Council shall refer the amendment to the Planning Commission for substantive review pursuant to the provisions of this Policy. If the Council does not make any of the above findings, the application shall be denied.
 - 4. In making its threshold determination, the Council may allow the applicant to make an oral presentation. The Council may also request the preliminary views of staff regarding the merits of the application.

E. Further Evaluation

1. If the Council refers an application back to the Planning Commission for more detailed review, a community, specific or precise plan for the area shall be prepared to be adopted concurrently with the General Plan amendment. This plan is intended to provide supporting information to the voters regarding future land use if the General Plan amendment is approved.
2. The application and associated land use plan shall be evaluated by staff, which shall prepare a Planning Report, including an evaluation of the applicable paragraphs (G, H, and/or I) of this Council Policy, and be subject to environmental review.
3. Following staff review, the application shall be forwarded along with the findings of the Planning Report and the environmental document, to the Planning Commission for review and recommendation.
4. The Planning Commission's recommendations shall subsequently be forwarded to the City Council for review and action.
5. The determination of the City Council shall be legislative in nature, and the Council shall retain complete discretion to grant or deny said application, based upon the factors set forth in this Council policy.

F. Election

1. Following City Council approval of said application, the General Plan Amendment shall be brought before the voters for final action. The election procedure for the General Plan Amendment shall be referred to the Rules Committee for review and comment prior to City Council action to place the Amendment on the Ballot of a City-wide election. The General Plan Amendment shall be effective only after it is approved by majority vote of the people voting on the shift at a City-wide election thereon.
2. Election options for submittal of an amendment to the voters include placing the measure on the ballot at
 - a. Municipal elections held in September or November of the odd-numbered years provided the election includes the entire City electorate. (Charter Section 10)
 - b. Statewide primary or Statewide general elections held in June and November, respectively, in the even-numbered years. (Elections Code Sections 2550 and 2551)
 - c. Special elections called to be held at dates other than the scheduled dates of (a) or (b), above. (Muni. Code Section 27.2005)
3. The cost of placing an applicant's measure on the ballot for voter approval at the Statewide primary or Statewide general elections shall be borne by the City.

4. If an applicant opts to pay the cost of placing a measure on the ballot of a municipal elections of the entire City electorate in odd-numbered years, or pay the cost of a special election, 2(c) above, Council may order the measure to be voted on at such election. The applicant shall deposit the estimated cost with the Auditor and Comptroller no later than five (5) business days before the date on which the Council is scheduled to adopt the ordinance calling the election on which the measure is to appear. The City shall apply the funds as necessary in making advance payments to the Registrar of Voters in compliance with the Board of Supervisor's advance payment policy for elections. If actual costs exceed the estimate, the applicant shall be billed the difference. Any deposited amounts that exceed actual costs shall be reimbursed.
- G. Proposed amendments shall be classified as "incremental" or "substantial" based upon an evaluation of the following factors:
1. Amount of land involved;
 2. Contiguity to Planned Urbanizing area and character of that area;
 3. Relationship to contiguous Planned Urbanizing area;
 4. Ability to be serviced by facilities and utilities extended from Planned Urbanizing area;
 5. Access;
 6. Environmental impact;
 7. Type and density of land uses proposed;
 8. Fiscal and economic impact; and
 9. Effect on prime agricultural land.
- H. If based upon the above-mentioned classification, the proposed amendment is characterized as "incremental," findings shall be made as to the following:
1. The extent to which the amendment will contribute to, encourage or induce urban sprawl, leapfrog development or premature development of land;
 2. The extent to which the amendment will affect prime agricultural land;
 3. The consistency of the amendment with adopted General Plan policies and guidelines;
 4. Whether the subject area can logically be developed pursuant to existing policies applicable to the Planned Urbanizing area; and
 5. The extent to which the proposed amendment serves to achieve or furthers other adopted City policies and objectives, which policies and objectives shall be specified.

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- I. If based upon the above mentioned classifications, the proposed amendment is characterized as “substantial,” findings shall be made as to each of the factors listed above (Section H), as well as the following:
1. The extent to which the amendment is needed to provide additional land for development, based upon City monitoring of the amount, rate, character and location of growth and development;
 2. The extent to which the amendment is responsive to population and growth rates which demand the increased land availability for development in order to maintain a viable market;
 3. The extent to which the amendment will impact on development in the Urbanized and Planned Urbanizing areas;
 4. Whether the City can efficiently and economically provide, operate and maintain public facilities, utilities, and services to the subject area;
 5. Whether the amendment will result in increased air or water pollution or increased traffic congestion; and
 6. The consistency of the amendment with established state and federal urban policies.

HISTORY:

Adopted by Resolution R-254648 07/20/1981
Amended by Resolution R-259846 12/13/1983
Amended by Resolution R-259983 01/17/1984
Amended by Resolution R-264708 12/16/1985
Amended by Resolution R-280786 10/01/1992
Amended by Resolution R-282900 10/26/1993