

City of Dublin
City Attorney's Impartial Analysis of the Dublin Traffic Relief, Clean Air/Open Space
Preservation Measure

The Dublin Traffic Relief, Clean Air/Open Space Preservation Measure (“Measure”) seeks voter approval to amend the General Plan to allow the City Council the ability to approve commercial development, subject to certain limits, in an area within which the Dublin Open Space Initiative of 2014 (“OSI”) currently prohibits development, if the development protects at least 100 acres of open space land and would contribute substantially to funding the Dublin Boulevard Extension’s (“Extension”) operations and/or maintenance.

The OSI amended the City’s General Plan and currently restricts development to the east of Dublin’s eastern boundary, but it expressly allows the construction of the Extension to connect with North Canyons Parkway in Livermore. Because the OSI was approved by the voters, the voters would have to authorize any development in the area. The City and its regional partners are in the process of planning for the construction of the Extension, which would connect to North Canyons Parkway in Livermore.

The OSI anticipated this Measure. It directs the City Council to “study commercial development” in the area “along the extension of Dublin Boulevard to North Canyons Parkway” after June 3, 2024. The OSI provides that the City Council “should consider, among other matters, whether commercial development is needed to fund the construction or maintenance of the...extension.” It indicates that after the study the City Council “may put a measure on the ballot to authorize development in the designated area.” The City Council placed the Measure on the Ballot based on the study required by the OSI.

If passed, the Measure would allow the City Council to permit commercial development along the Extension in an area where development is currently restricted by the OSI. The Measure provides that the City Council may not approve development in the portion of that area that is 1,200 feet north of Interstate 580, except that development may be approved north of the 1,200-foot line to the west of Cottonwood Creek, if the total area of developed land does not exceed 80 acres. If it approves development, the City Council would be required to find that the development would contribute substantially to the funding of the construction and/or maintenance of the Extension, that at least 100 acres of open space will be permanently protected, that the property owner provides the right of way for Dublin Boulevard without cost to the City, and that water supply and wastewater service is assured for any development.

A “Yes” vote would allow the City Council to approve limited commercial development in the specified area to help fund the Extension, would not change the current prohibition on residential development in the area, and would maintain restrictions from the OSI, except as explicitly modified by the proposed amendment.

A “No” vote would maintain the current restrictions under the OSI, prohibiting commercial development in the specified area.

DATED: August 2, 2024

/s/ John Bakker
John D. Bakker, City Attorney