

PLANNING AND ZONING

20 Attachment 3

City of Albany

**Chapter 20
APPENDIXES**

- A. Measure D (residential parking requirements, 1978)**
- B. Measure C (Citizens Waterfront Approval Initiative, 1989)**
- C. Measure K (Albany Hill density, 1994)**

ALBANY CODE

Appendix A: Measure D

STATE OF CALIFORNIA)
)
COUNTY OF ALAMEDA)

SS.

Measure C - Yes 3,467 No 2,353

I, James A. Riggs, Registrar of Voters of the County of Alameda, State of California, having canvassed the returns of all votes cast at the General Election held November 7, 1978, do hereby certify the following to be a full, true and correct Statement of the Result of all votes cast on the following measures which were consolidated with said General Election and voted upon in the City of Albany:

C MEASURE C: Shall the Charter of the City of Albany be amended to permit police officers and firefighters to reside within thirty-five (35) air miles of the City rather than the present fifteen (15) air miles requirement; as provided in Resolution 78-61?

D MEASURE D: Shall the proposed initiative to amend the Zoning Ordinance of the City of Albany be passed to do the following, as provided in Resolution 78-67:

1. Article 2, Section 203 thereof (Zoning Map) be amended as follows:
All residential areas bounded by the rear property lines between Kains and Stannage Avenues to the west, Brighton Avenue to the north, Masonic Avenue to the east, and the Albany City Limits to the south are zoned R-1 (Single Family Residential).
(reduces the density in the above-listed areas of Albany)
2. Article 4, Section 404.9 be added to read as follows:
Zoning changes are permitted in R-1 zoned areas only if at least fifty percent (50%) of the resident voters within three hundred (300) feet of the proposed change indicate their approval by signing a verified petition to that effect.
(additional requirement)
3. Article 2, Section 217.3(g) be deleted and Article 3, Section 305.3(a) be amended to read as follows:

USES

REQUIREMENTS

RESIDENTIAL

All residential uses in all Two (2) spaces per dwelling unit districts
(requires two spaces per each dwelling unit rather than the present requirement of one or one and one-half)

4. Article 3, Section 305.4(c) be added to read as follows:

Special Reduction
The Planning Commission may by Conditional Use Permit reduce the parking requirements contained in Section 305.3(a) to no fewer than one and one-half (1½) spaces per unit upon making the finding that existing on-street parking is sufficient to justify a reduction.

(additional requirement)

5. Article 2, Section 217.3(h) be amended to read as follows:
Density (Units per Acre): Low density limited to 12 UPA; high density limited to 18 UPA.

(changes the limit of high density zoning in the Albany Hill area from thirty-five (35) units per acre to eighteen (18) units per acre)?

PLANNING AND ZONING

Appendix B: Measure C

CITY OF ALBANY VOTER INITIATIVE MEASURE	
C MEASURE C: Do you vote to adopt an Initiative proposing an ordinance requiring voter approval of Waterfront planning decisions as it is set forth in the Voter Pamphlet?	YES
	NO

FULL TEXT OF MEASURE C

CITIZENS WATERFRONT APPROVAL INITIATIVE

SECTION 1. TITLE

This ordinance shall be known as and may be cited as the Citizens Waterfront Approval Initiative.

SECTION 2. FINDINGS AND PURPOSE.

The people of the City of Albany find that:

- a. Major changes are proposed for the Albany Waterfront;
- b. Any potential change in the use of the Albany Waterfront is of great significance to the future revenues and financial obligations of the City, as well as to the enjoyment of the City by its citizens;
- c. The Waterfront lands comprise the largest and most significant remaining tract of land in the City suitable for development—approximately 15% of the total area of the City. Due to its large size, unique setting and environmental significance, any change in its use may irreversibly alter the character and composition of the City;
- d. The Waterfront is so important to the welfare of the City as a whole, that an additional step of voter approval should be added to the City's regular processes of Waterfront planning and approval.

SECTION 3. BOUNDARY.

As used in this ordinance, the "Waterfront", "Waterfront Lands", "Waterfront District" or "Waterfront Area" is defined as all the land within the city limits of Albany, that is on the west side of Interstate Highway 580.

SECTION 4. CITIZEN'S RIGHT TO VOTE.

A new Subsection 20-2.16(c) is hereby added to the Albany Municipal Code, Zoning Ordinance, and shall read as follows:

The following actions, if they authorize any use not authorized by the zoning ordinance for the Waterfront District as of the effective date of this ordinance, shall only be taken by passage of a ballot measure approved by a majority of voters voting.

1. Any amendment to the land use designations for the Waterfront Area in the City's General Plan;
2. The establishment of, or any material amendment to, the Waterfront Master Plan or other specific plan for the Waterfront area. The meaning of the phrase "material amendment" shall be defined in the Waterfront Master Plan itself or other specific plan for the Waterfront area itself;
3. Any amendment to the zoning ordinance for the Waterfront area including changes to the text and changes to the map of the Waterfront Area;

ALBANY CODE

Appendix B: Measure C, continued

4. The entry into any development agreement and/or any material amendment to a development agreement for the Waterfront Area. The meaning of the phrase "material amendment to a development agreement" shall be defined in the development agreement itself. A development agreement or an amendment to a development agreement shall be deemed "entered into" on the date that the election results approving the agreement or amendment are certified in the manner provided by the Elections Code.

SECTION 5. SEVERABILITY.

If any section, subsection, part, subpart, paragraph, subparagraph, clause or phrase of this ordinance, or any amendment or revision of this ordinance is for any reason held to be invalid, the remaining portions shall not be affected, but remain in full force and effect.

SECTION 6. AMENDMENT.

No part of this ordinance shall be amended or repealed except by passage of a ballot measure approved by a majority of voters voting.

SECTION 7. COSTS/COST SAVINGS.

When a development proposal or a developer requested amendment requires a ballot measure pursuant to this ordinance, then all costs related to that ballot measure shall be paid by the applicant developer.

When an action requires a ballot measure pursuant to this ordinance and the text of the related documents is longer than 2,000 words, then the City Attorney may draft a summary, and the city may mail that summary to the voters, in lieu of a full text.

SECTION 8. EFFECTIVE DATE.

If adopted, this ordinance shall be effective January 1, 1990.

CITY ATTORNEY ANALYSIS OF MEASURE C

This Measure, if approved by the voters, and if it receives more votes than Measure D, becomes an Ordinance and would add new sections to the City Code. The new sections would create an additional step of voter approval of City Council decisions made in the Waterfront Planning process.

Existing State and City laws require that land use decisions pertaining to the Waterfront only be made after a series of required public hearings before the Planning Commission and City Council. This planning process will take at least 15 months from the time development applications are submitted. If citizens were dissatisfied with these decisions, then present State Laws provide citizens with a right to require a vote through the referendum process. The passage of this Measure would automatically require voter approval of City Council decisions related to the Waterfront, without the requirement to submit a referendum petition.

A 'yes' vote on this Measure would mean that any decision to amend the General Plan or Zoning Ordinance, or any decision to enter into a development agreement or to create a specific plan or Waterfront Master Plan would require voter approval if such decisions authorized a change in use different than what was allowed in the Zoning Ordinance on December 31, 1989.

Revotes would be required for any subsequent amendments to the General Plan or Zoning Ordinance which authorized a change in use other than those permitted on December 31, 1989. Revotes would be required for 'material amendments' to a development agreement, specific plan, or Master Plans. The term 'material amendment' shall be defined in the particular document. The revote requirements are different than the revote requirements in Measure D.

This Measure also provides that any developer will pay for the costs of an election if the proposal requires a vote.

PLANNING AND ZONING

Appendix C: Measure K

CITY OF ALBANY MEASURE

K. MEASURE K: Shall the density on Albany Hill be reduced as set forth in voters pamphlet with further provisions that density can be lowered by the City or the electorate but may only be increased by a vote of the electorate.	YES
	NO

FULL TEXT OF MEASURE K

Section 1:

That Section 20-2.17(c) (2) "Density" of the Albany City Code be amended to read as follows:

Low density limited to ~~twelve (12)~~ six (6) dwelling units per acre; and the high density limited to ~~eighteen (18)~~ nine (9) dwelling units per acre (see Albany Hill area specific plan).

Section 2:

The permitted density in Section 20-2.17(c) (2) may be reduced by a vote of the City Council in accordance with the Albany City Code for amending zoning provisions. A reduction in density limits, therefore, need not be submitted to the voters for their approval.

Section 3:

The permitted density in Section 20-2.17(c) (2) may only be increased by a vote of the electorate of the City of Albany.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K

In 1978 the voters of the City Albany passed Measure D. One of the provisions of Measure D limited the low density on Albany Hill to 12 units per acre and the high density to 18 units per acre. This ballot measure provides that these density limits will be lowered from 12 units to 6 and from 18 units to 9 units.

After Measure D was passed, the only mechanism for lowering the density was by a vote of the people. Voters can still lower the density by Initiative. A provision in this zoning measure would additionally allow density to be reduced through the legislative process.

As a restriction for raising density, however, only the voters may vote to increase the density in the Albany Hill area.

This Measure has no identifiable financial implications for the City.

s/Robert J. Zweben
City Attorney