



City of Alameda

Staff Report

File Number:2014-612

City Council

Agenda Date: 7/1/2014

File Type: Regular Agenda Item

Agenda Number: 6-F

Recommendation to Receive the Report on the Initiative Measure to Amend City of Alameda General Plan including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.8999 Acres of Land Adjacent to McKay Avenue as Open Space and Consider Options: Option 1 - Adopt the Ordinance; or Option 2 - Adopt a Resolution Submitting the Ordinance to the Voters, Decide Interest in Drafting Arguments and Direct City Attorney to Prepare Impartial Analysis. (City Clerk 2220)

To: Honorable Mayor and Members of the City Council

From: Lara Weisiger, City Clerk

Re: Receive the Report on the Initiative Measure to Amend City of Alameda General Plan including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.8999 Acres of Land Adjacent to McKay Avenue as Open Space and Consider Options: Option 1 - Adopt the Ordinance; or Option 2 - Adopt a Resolution Submitting the Ordinance to the Voters, Decide Interest in Drafting Arguments and Direct City Attorney to Prepare Impartial Analysis.

BACKGROUND

On February 10, 2014, a Notice of Intent to Circulate a Petition was filed in the City Clerk's Office. On April 30, 2014, the petition was filed with the City Clerk and transmitted to the Registrar of Voters to examine the signatures. Based on a random sample examination pursuant to Elections Code Section 9266, the Registrar determined that the initiative petitions contain sufficient valid signatures. On June 3, 2014, the City Council directed staff to provide a report on the effect of the proposed ordinance. (Exhibit 1)

DISCUSSION

The report on the effect of the proposed ordinance analyzes the impacts on the General Plan, Housing Element, zoning and fiscal impacts. At this point, the City Council may: 1) adopt the ordinance (Exhibit 2), without alteration; or 2) approve the resolution (Exhibit 3) submitting the initiative measure, without alteration, to the voters on the November ballot.

If the City Council adopts a resolution placing the measure on the ballot, State election law allows the City Council to determine its interest in authoring an argument for printing in the sample ballot. Direct arguments can be no more than 300 words and signed by no more than five registered voters. Rebuttal arguments cannot exceed 250 words and can also be signed by no more than five registered voters. If the City Council wishes to draft an argument, there are options regarding the preparation of direct and rebuttal arguments. The City Council may: 1) draft an argument as a whole body in open session; 2) authorize up to two Councilmembers to draft an argument and have the entire Council sign; 3) authorize up to two

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Councilmembers to draft an argument and have a combination of Councilmembers and other eligible voters sign; or 4) authorize up to two Councilmembers to draft an argument and have up to five eligible voters sign. Additionally, the City Attorney is required to prepare an impartial analysis not exceeding 500 words in length to be printed in the ballot.

FINANCIAL IMPACT

The estimated cost of placing the measure on the November 4, 2014 ballot is approximately \$5,000 for the translation, typesetting and printing the measure. The funds for the election are budgeted in the City Clerk's election account (2220-61060). Additionally, fiscal impacts are addressed in the attached report on the effect of the proposed ordinance.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

The initiative proposes to amend the Housing Element and zoning ordinance.

ENVIRONMENTAL REVIEW

Submittal of an initiative measure to the voters (Option 2) is exempt from the California Environmental Quality Act (CEQA). Similarly, adopting the Ordinance, without alteration (Option 1) is exempt from CEQA. Adoption of the Ordinance is not a project under CEQA because it involves only a ministerial action by the City Council pursuant to CEQA Guidelines Section 15268. A "ministerial action" is a "governmental decision involving little or no personal judgment by the public official [or decision making body] as to the wisdom or manner of carrying out the project. The public official [or decision making body] merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision." CEQA Guidelines Section 15369.

RECOMMENDATION

Receive report and consider options pertaining to the initiative measure to amend City of Alameda General Plan including the 2007-2014 Housing Element and the Zoning Ordinance to classify approximately 3.8999 acres of land adjacent to McKay Avenue as Open Space:

Option 1 - Adopt the ordinance without alteration; or

Option 2 - Adopt a resolution submitting the ordinance to the voters; decide interest in drafting arguments; and direct the City Attorney to prepare the Impartial Analysis.

Respectfully submitted,
Lara Weisiger, City Clerk

Financial Impact section reviewed,
Fred Marsh, Finance Director

Exhibits:

1. Report on the Effect of the Proposed Ordinance

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2. Proposed Ordinance Adopting Initiative Measure to Amend City of Alameda General Plan Including the 2007-2014 Housing Element and the Zoning Ordinance to Classify Approximately 3.899 Acres of Land Adjacent to McKay Avenue to Open Space
3. Resolution Submitting the Initiative to the Voters