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ORDINANCE NO. 2012-07

AN ORDINANCE OF THE ALBANY CITY COUNCIL REPEALING ORDINANCE NO. 2012-04 APPROVING THE DEVELOPMENT AGREEMENT FOR THE UNIVERSITY VILLAGE MIXED USE PROJECT

WHEREAS, the City of Albany adopted Ordinance No. 2012-04 Approving the Development Agreement for the University Village Mixed Use Project on July 16, 2012; and

WHEREAS, the City Clerk attested Ordinance No. 2012-04 on July 17, 2012; and

WHEREAS, the City of Albany received a referendum petition against Ordinance No. 2012-04 on August 16, 2012; and

WHEREAS, following review by the City Clerk and examination of signatures by the Alameda County Registrar of Voters Office to determine whether the petition contained a sufficient number of valid registered voter signatures and otherwise complied with applicable provisions of the Elections Code, the referendum was certified as valid and presented to the City Council at its public meeting on October 1, 2012; and

WHEREAS, Elections Code Section 9237 provides that if a valid referendum petition is submitted, the effective date of the subject ordinance is suspended and the City Council shall reconsider the ordinance; and

1 **WHEREAS**, Elections Code Section 9241 provides that if the City Council does not
2 entirely repeal the ordinance against which the referendum petition has been filed, the City
3 Council shall submit the ordinance to the voters at a regular or special election; and
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6 **WHEREAS**, the repeal of Ordinance No. 2012-04 will have no effect on the other City
7 Council actions taken in conjunction with approval of the University Village Mixed Use Project,
8 including the following:
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- 10 • Approval of Resolution No. 2012-45 approving a density bonus law
11 development standard reduction for Parcel B; and
- 12 • Approval of Resolution No. 2011-51 certifying the Final Environmental
13 Impact Report (FEIR); and
- 14 • Approval of Resolution No. 2012-52 approving a Planned Unit
15 Development for Parcel A and Parcel B; and
- 16 • Adoption of Ordinance No. 2012-05 amending Chapter XXII
17 (Subdivision) of the Albany Municipal Code to amend regulations for
18 parkland dedication requirements; and
- 19 • Adoption of Ordinance No. 2012-06 approving the Zoning Overlay
20 District; and
- 21 • Adoption of Ordinance No. 2012-07 approving the Zoning Map
22 Amendment.

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24 **WHEREAS**, scheduling an election would cause the expenditure of significant public
25 resources, including City staff time and expenses for the conduct of the election; and
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1 **WHEREAS**, after carefully considering the options provided under the Elections Code,
2 the Albany City Council has determined that repeal of Ordinance No. 2012-04 is the more
3 appropriate course of action under the circumstances.
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6 **NOW THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN**
7 **as follows:**
8

9
10 **Section 1.**

11 Ordinance No. 2012-04 Approving the Development Agreement for the University
12 Village Mixed Use Project is repealed in its entirety. This Ordinance shall be posted at three
13 public places within the City of Albany.
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15 Publication and Effective Date
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17 This ordinance shall be posted at three public places within the City of Albany, and
18 shall take effect thirty days after the date of its adoption.
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22 _____
23 Mayor
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