

COUNCIL MEETING DATE:

Tuesday, July 5, 2016

ADDITIONAL CORRESPONDENCE

RECEIVED AFTER COUNCIL PACKET

PREPARATION

Item 8-2: Potential Ballot Measures for November 2016, including revisions to Measure D Residential Parking Standards, Revisions to Measure R (assessment district for open space, playfields and creek restoration), Parcel Tax to Fund Sidewalk Repairs, Sugar-Sweetened Beverage General Tax, and Charter Amendments

DO NOT REMOVE

Please return to Eileen Harrington, Administration

Eileen Harrington

From: Solano AVE Association <Info@SolanoAvenue.org>
Sent: Monday, July 04, 2016 1:14 PM
To: Eileen Harrington
Subject: Sugar/S Beverage Tax TOMORROW (TUE 7/5 and VOTE on 7/18)

There is a discussion on the ballot measure Tuesday 7/5 at the Albany City Council meeting 7:30 pm; with a final vote on Monday July 18th.

We recently emailed this out:

There is already a soda tax in Berkeley that charges one cent per one ounce tax on the distribution of all sugar-sweetened beverages.

Albany is thinking about adding this to the November ballot. While Solano Avenue Association does not have a position on this currently, we want to share the following links of information for both sides. Please let us know if you have any feedback.

Inspired by the **City of Albany Social and Economic Justice Commission**

(contact: ileduc@albanyca.org)

Here is a link they would like you to visit:

<http://www.sacbee.com/news/politics-government/capitol-alert/article58298533.html>

The [non-alcoholic] **American Beverage Association**

(contact: Jessica Borek Jessica@rodriguezstrategies.com)

Here are two links they would like you to visit:

<http://www.phillymag.com/citifed/2016/04/24/bernie-sanders-soda-tax-op-ed/>

<http://yourcartyourchoice.com/aba/advocacy/ca/content.aspx?page=TruthAboutSodaTaxes>

If you are curious about the Berkeley Tax here is a link to the City of Berkeley website where you can find the actual ordinance:

<https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/Sugar%20Sweetened%20Beverage%20Tax%20%20-%20Full%20Text.pdf>

Cornell university conducted a study of the Berkeley S/T and here it is:

<http://www.news.cornell.edu/stories/2015/08/study-berkeley-soda-tax-falls-flat>

Thank you.



Eat, Shop, Play, Live - do it Here on-Solano

[SEND THIS EMAIL TO ANOTHER PARTY](#)

The Solano Avenue Association and Stroll (Albany and Berkeley, CA - USA)

1-510-527-5358

SOLANOAVENUE.org

INFO@SOLANOAVENUE.org

Eileen Harrington

From: Preston D. Jordan <pdjordan@lbl.gov>
Sent: Sunday, July 03, 2016 3:50 PM
To: citycouncil
Cc: albany@lists.ebbc.org
Subject: sidewalk measure thanks and input from AS&R
Attachments: sidewalk maintenance tax schedule.pdf

Hello Mayor, Vice Mayor, Council members, and involved staff-

Albany Strollers & Rollers (AS&R) thanks the Council for directing staff to prepare a draft property tax measure to fund sidewalk maintenance, and thanks staff for preparing the draft measure. The following presents some changes AS&R asks you consider during your deliberations.

Chief among these requests is modifying the tax schedule as proposed in the draft. AS&R supports the draft proposal to use parcel size brackets rather than exact parcel size because it is simpler and parcels with single family dwellings (SFDs) in Albany tend to be one of three sizes. AS&R also supports the Traffic and Safety Commission recommendation that the tax be scaled to parcel size. The rationale for this scaling is that the amount of sidewalk that requires maintaining is proportional to parcel size more than to number of residential units. This is because unlike street pavement, sidewalks do not wear out from use, but rather from merely existing no matter the volume of use. Because of this, the tax amount should reflect the land area per residential unit. The more area for a unit, the higher the tax amount. This works because most parcels in Albany are 100 ft deep and so parcel area is proportional to the length of the adjacent sidewalks, excepting corner lots, which should not be penalized for having a greater length of adjacent sidewalk.

The draft proposal does not propose tax rates that are proportional to parcel area though. For instance, it proposes the same tax for a 5,000 square foot parcel with one or two residential units as for a 3,750 square foot parcel with one or two units. It also charges the same for a 2,500 square foot parcel with one or two units as for each unit in a multi unit building, even though the latter requires far less sidewalk area per capita. Further, all parcels larger than 5,000 sq. ft with commercial development are charged the same amount. However some of these parcels are one hundred times larger or more. Sidewalks by commercial parcels also tend to be wider, increasing their maintenance cost relative to sidewalks in residential areas, which justifies charging them at a bit higher rate per parcel area than residential parcels.

The attachment shows the schedule in the draft language at the top with AS&R's proposed tax rate schedule below. AS&R's proposed schedule is based upon the precepts described above. Note that the number of commercial parcels in each tier greater than 5,000 sq. ft is an approximate breakdown from the table in the draft, and the same is true of shifting the SFR tier boundary from 5,000 sq. ft to 4,999 sq. ft.

All commercial parcels greater than 40,000 sq. ft are in one tier in AS&R's proposed schedule, yet some such parcels are ten to a hundred times larger, such as the parcels upon which Target and Golden Gate Fields are located. These do not have commensurate lengths of adjacent sidewalk however, and so should not be charged proportional to their size. With two exceptions of which AS&R is aware, the largest parcels in the Solano and San Pablo commercial areas, which are proportional to the adjacent sidewalk length, are less than 80,000 sq. ft. The two exceptions are those that will have the Belmont Village assisted senior living and perhaps Sprouts. However most of the sidewalks and paths around these parcels are being provided and will be maintained as part of the projects themselves because they are on University of California property without adjacent public rights of way. These observations suggest a larger commercial parcel tier with a larger tax should not be included just to capture these larger parcels.

AS&R's proposed tax schedule would generate a bit more than the \$150K targeted by the Council. However

some of this would not be raised due to low-income property owner exemptions. AS&R also asks that the language be modified to include low-income renter rebates similar to those provisions in Albany's current two property taxes to support the library.

AS&R also supports making the low-income provisions easier to qualify for in terms of paperwork because available data indicates up to a thousand households outside of University Village could qualify but only tens to a few hundred have done so historically. Data indicates much higher utilization of the CARE program for reduced power rates through PG&E. Consequently setting the income thresholds to the same as those used by PG&E and accepting a copy of just the utility bill to qualify for Albany's provisions might substantially increase the rate of uptake.

Additionally, low-income senior households should only be required to qualify once as their income is unlikely to increase substantially in future years.

Because of this mention of senior households, it is worth noting AS&R does not support senior exemptions without a means test. Data indicate many senior households have substantial income and so should not be exempted only on the basis of age.

If you have any questions or feedback regarding the points above or other aspects of the proposed property tax to fund maintaining sidewalks, I welcome receiving them by reply to this message or direct contact at 418-9660.

• Corrections of some typos in the draft language are suggested below the signature. Thank you for your service to Albany.

Preston

WHEREAS, with a dedicated source of funding to address . . .

WHEREAS, Climate Action Plan Measure TL 1.3: calls for implementing of improvements to encourage walking . . .

WHEREAS, in April 2016, the City adopted an updated General Plan that includes a variety of policies that will leads to improvements . . .

Proposed in staff report

Improvement	parcels	units	rate	total
Single family residential 0-2,500	588	588	\$17.54	\$10,313.52
Single family residential 2,501-5,000	2767	2767	\$24.56	\$67,957.52
Single family residential Over 5,000	368	368	\$31.57	\$11,617.76
Condo/Townhouse	1086	1086	\$17.54	\$19,048.44
Multi family residential (>2 units on parcel)	411	1781	\$17.54	\$31,237.62
Commercial 0-5,000	168		\$31.57	\$5,303.76
Commercial Over 5,000	117		\$45.60	\$5,335.20
total	5505	6590		\$150,813.82

Adjusted schedule proposed by AS&R

Improvement	parcels	units	rate	total
Single family residential 0-2,500	588	588	\$20.00	\$11,760.00
Single family residential 2,501-4,999	2267	2267	\$30.00	\$68,010.00
Single family residential Over 4,999	868	868	\$40.00	\$34,720.00
Condo/Townhouse	1086	1086	\$10.00	\$10,860.00
Multi family residential (>2 units on parcel)	411	1781	\$10.00	\$17,810.00
Commercial 0-5,000	168		\$40.00	\$6,720.00
Commercial 5,001-10,000	62		\$80.00	\$4,960.00
Commercial 10,001-20,000	20		\$160.00	\$3,200.00
Commercial 20,001-40,000	15		\$320.00	\$4,800.00
Commercial Over 40,000	20		\$640.00	\$12,800.00
total	5505	6590		\$175,640.00

Eileen Harrington

From: David Weinstein <davidsweinstein@yahoo.com>
Sent: Friday, July 01, 2016 4:06 PM
To: Michael Barnes; Peter Maass; Peggy McQuaid; Rochelle Nason; Nick Pilch
Cc: citycouncil; Nicole Almaguer
Subject: July 5 agenda item on Albany Hill

Mayor Maas and Councilmembers Barnes, McQuaid, Nason and Pilch:

Re: Item 8-2 on the July 5 City Council agenda, specifically: Revisions to Measure R

El Cerrito Trail Trekkers would like to urge the Albany City Council to retain the city policy of reserving significant funds to preserve open space on Albany Hill. As our portion of the Bay Area continues to become more dense, preserving what remains of open space and habitat becomes increasingly crucial.

Albany Hill in particular is a treasure, of importance not just to residents of Albany but as a regional resource, and as vital habitat for plants and animals.

We understand that Albany has other recreational and open space needs that require funding. But we believe that acquiring publicly owned space on Albany Hill should be a major priority for the city. The Bulb and Ohlone Greenway have needs, certainly. But they are city property already and their future as public amenities is thus in no doubt.

We strongly concur with the recommendation from staff that Measure R not be modified at this time. We strongly concur also with staff that "there is the possibility that the remaining privately owned land could become available in the future."

In El Cerrito, Trail Trekkers, an open space advocacy and trail building group, has worked closely with the city and helped successfully acquire the Madera Open Space two years ago, adding it to the city's Hillside Natural Area. We did this with major assistance from Trust for Public Land.

We believe that a strong show of support for open space preservation on Albany Hill can be useful by showing any potential developer that any proposed development would be scrutinized closely by the public and would likely face strong opposition. This could convince property owners that selling land for open space for a fair price would be a wise move.

Thank you from your friends at El Cerrito Trail Trekkers

Dave Weinstein
President
El Cerrito Trail Trekkers
155 Ashbury Ave.
El Cerrito, CA 94530
510-524-1737
davidsweinstein@yahoo.com
www.ectrailtrekkers.org

Eileen Harrington

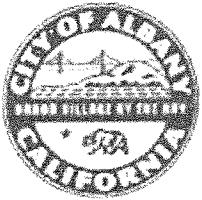
From: Penelope Crumpley
Sent: Tuesday, July 05, 2016 2:31 PM
To: Eileen Harrington
Cc: Nicole Almaguer
Subject: FW: Sierra Club Letter on Attempts Change or Amend Measure R

Here is an email re Measure R

Penelope Crumpley
City of Albany
City Manager
1000 San Pablo Ave
Albany, Ca 94706



From: City General Mailbox Account
Sent: Friday, June 17, 2016 6:48 AM
Subject: FW: Sierra Club Letter on Attempts Change or Amend Measure R



Eileen Harrington

Deputy City Clerk and
Secretary to City Manager
CITY OF ALBANY
1000 San Pablo Avenue
Albany, CA 94706
Ph: (510) 528-5710

*We Accept
Passport
Applications*



From: Norman LaForce [<mailto:n.laforce@comcast.net>]
Sent: Thursday, June 16, 2016 8:40 PM
To: 'Michael Barnes' <Michael7Barnes@gmail.com>; 'Nick Pilch' <nicky@mindspring.com>; City General Mailbox

Account <cityhall@albanyca.org>; 'Peter Maas' <pcmaass@pacbell.net>; 'Rochelle Nason' <rnason@rochellenason.net>

Subject: Sierra Club Letter on Attempts Change or Amend Measure R

Dear Mayor Maas and Members of the City Council:

The Sierra Club supported Measure R, the 1996 Advisory Measure to allocate LLD funds primarily for conservation and maintenance projects on Albany Hill. We support the continued funding of these projects and have observed that many of the projects identified in the original plan have not been completed. Further, we object to a shift of funds to other purposes proposed by staff to be placed on the ballot in November. We oppose any change in Measure R. Therefore, the City Council should direct the City staff that it is not in the interests of the City to make any changes to Measure R.

Sincerely yours,

Norman La Force,
Chair, Sierra Club East Bay Public Lands Committee

Eileen Harrington

From: Penelope Crumpley
Sent: Tuesday, July 05, 2016 3:18 PM
To: Nicole Almaguer; Eileen Harrington
Subject: FW: concerning Measure R funds

FYi

Penelope Crumpley
City of Albany
City Manager
1000 San Pablo Ave
Albany, Ca 94706



From: carole fitzgerald [mailto:cfitz68@hotmail.com]
Sent: Tuesday, July 05, 2016 3:17 PM
To: Penelope Crumpley <pcrumpley@albanyca.org>
Subject: Fw: concerning Measure R funds

From: carole fitzgerald <cfitz68@hotmail.com>
Sent: Wednesday, June 22, 2016 11:16 AM
To: mbarnes@albanyca.org; pmaass@albanyca.org; pmcquaid@albanyca.org; mason@albanyca.org; npilch@albanyca.org
Subject: concerning Measure R funds

Dear Council Members and Mayor:

My name is Carole Fitzgerald, residing at 906 Madison Street since 1973. I re-activated the Friends of Albany Hill in 1991 until 2006, and during that time I co-chaired the ad-hoc committee on the 1991 Albany Hill Master plan. A number of suggestions were made such as land acquisition, vegetation management, a connecting bridge across Cerrito Creek, accessibility ramp at the Taft Street entrance, repair and maintenance of steps at the Jackson St and Madison Street entrances. These suggestions are also included in the 2012 Albany Hill Master plan, as I understand it.

During this time I also submitted to the Planning and Conservation League, a proposal which was included in CALPAW 94, a state park initiative. In 1995 and 1996 I won and managed two Urban Forestry Grants on Albany Hill, bringing \$10,000 into Albany for vegetation management projects specified in the 1991 Albany Hill Master plan.

I initiated talks and participated in the development of Measure R language in 1996, and the allocations were specifically included with the intent that the voters would be clear as to how the money would be spent. Up until now, that intent has been honored.

- None of the city staff now serving were present during that era and their suggestion that you support a new allocation of the original R monies flies in the face of the city and community integrity. WHY SHOULD WE BE ASKED TO REVOTE on a matter that we voted upon once?

I have concern about our communities reputation among Bay Area environmental groups who supported Measure R in 1996, such as, The Sierra Club, The Trust for Public Land , and the Planning and Conservation League of Sacramento, should we reallocate the funds once voted upon and approved, with the support of these endorsements.

It has been indicated by our city administrator, that the owners of the remaining 11 acres are unwilling to sell their parcel to the city and thus we should spend the money on other projects. I say no, as "HOPE SPRINGS ETERNAL" and as long as the property is privately owned we need to have a deposit on hand should they change their minds. Just such an action took place with the purchase of the parcel at the end of Madison Street in 1994-95.

Why does the city staff suggest using our money on other projects and make no movement on the maintenance of Albany Hill? One and only one project seems to be in the works, the accessibility of the Taft Street entrance. Please instruct the staff to withdraw their plan and get to work on our Hill!!!!

Sincerely,
Carole Fitzgerald

Eileen Harrington

From: Penelope Crumpley
Sent: Tuesday, July 05, 2016 3:28 PM
To: Eileen Harrington; Nicole Almaguer
Subject: FW: Re Funds for Albany Hill in question

One more. We got this one, but it is not in the packet.

Penelope Crumpley
City of Albany
City Manager
1000 San Pablo Ave
Albany, Ca 94706



From: carole fitzgerald [mailto:cfitz68@hotmail.com]
Sent: Tuesday, July 05, 2016 3:22 PM
To: Penelope Crumpley <pcrumpley@albanyca.org>
Subject: Fw: Re Funds for Albany Hill in question

Penelope

I do not have Catherine's original but I do have it within the response email that she received from Peggy McQuaid.

Carole

From: Catherine Sutton <catherine@sonic.net>
Sent: Monday, June 27, 2016 9:57 PM
To: Peggy McQuaid
Subject: Re: Re Funds for Albany Hill in question

Thanks, Peggy. That is good to hear.

On 6/27/16 8:23 PM, Peggy McQuaid wrote:

Thank you for taking the time to share your thoughts and concerns with us. At the May 16 Council meeting the Council gave Staff direction to continue exploring opportunities to pursue changes to Measure R to give more flexibility on how revenue can be spent and that staff return with possible ballot language. After studying the issues related to this proposal Staff is recommending we do not go forward with a November ballot measure.

Peggy McQuaid

From: Catherine Sutton <catherine@sonic.net>

Sent: Monday, June 27, 2016 6:06:22 PM

To: Peter Maass; Peggy McQuaid; Nick Pilch; Michael Barnes; Rochelle Nason; Eileen Harrington

Subject: Re Funds for Albany Hill in question

Dear Albany City Council members and City staff,

Measure R, passed by voters in 1996, states that 50% of the funds from Lighting and Landscape Assessment District 1996-1 should be used for maintenance and the potential purchase of privately owned land on Albany Hill. We believe that this vote by the residents of Albany should continue to be honored.

We understand that you have not been able to get a response from the current owners of the 11 acres on the South side of the hill. However, since the area is still zoned residential, that could change on a dime, and besides, there is still a lot of maintenance needed. We request that you do not put this matter to the vote again in November, taking money away from Albany Hill and spending it elsewhere. Raise money for those other projects through a separate measure, if you will.

Albany Hill is a treasure in our community ♦ a haven for wildlife and native species of plants and bees and a stopping point for threatened migrating Monarch butterflies. It is listed as an ABAG Priority Conservation Area and contains species on the California Native Plant Society ♦s watch list.

The fact that it is under-appreciated could be explained by the lack of safe trails. Have you been up there lately? Also, a safe crossing across Cerrito Creek would make it much more accessible, and handicapped access should be considered from Taft, Madison or Jackson.

Please continue to use the funds put aside by Measure R to improve access and safety on the hill, and, when the opportunity arises, to purchase at least part of the 11 acres currently zoned for development.

Thank you.

Catherine Sutton & Leonard Edmondson

P.S. We question whether having excessively large signs that point to parking lots and Ranch 99 Market (?) do anything to support a true enjoyment of this natural haven ♦ but that ♦s another subject.

--
Dying together,
Me and my ecosystem:
Chaos! Yet beauty...