

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: 4/3/06
Prepared date: 3/28/06
Reviewed by: _____

SUBJECT: Waterfront Planning Process

FROM: Beth Pollard, City Administrator
Robert Zweben, City Attorney
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STAFF RECOMMENDATION

Authorize staff to prepare a report on the Albany Waterfront Specific Plan Initiative as authorized by Election Code §9212.

BACKGROUND

At the Council's March 20, 2006 meeting, the Council received public comment and discussed a range of possible approaches associated with the expected Caruso Application and the Albany Waterfront Specific Plan Initiative.

DISCUSSION

The proponents of the Albany Waterfront Specific Plan Initiative are now circulating the Initiative for the collection of signatures. Election Code §9212, as well as the City's inherent authority as a charter city, authorize the City to prepare an objective informational report regarding the Initiative.

The City Attorney would seek outside counsel to prepare a legal analysis of the initiative. At this time, the City Attorney has been in touch with several attorneys who have experience in initiatives and have indicated an interest in preparing such a report.

The report also could contain an impartial analysis of the policy issues that the initiative raises, and provide information regarding the implementation of the initiative. The Community Development Department staff would provide an analysis of the relationship of the initiative provisions and the standard planning process. Staff will seek information from planning and/or EIR consultants in order to determine an approximate cost for implementing the initiative, including the preparation of an environmental impact report (EIR). Staff expects that the

services of an economist and possibly a planning/EIR consultant will be needed to assist in the preparation of this aspect of the §9212 report.

Timing of Preparation of Report

By law, the report must be submitted to the City Council no later than 30 days after the City Clerk certifies that the Initiative has qualified for the ballot. Staff does not know at this time when the initiative will officially be submitted. Staff, however, recommends commencing the preparation of a report on the initiative prior to the City Clerk's determination because of the time constraints involved.

FINANCIAL IMPACT

The City Attorney believes that the cost of the legal analysis will be approximately \$10,000. The total cost of this report is estimated to be approximately \$20,000. The City Council has at its disposal a discretionary fund in the amount of \$25,000. In another agenda item, the Council is considering the appropriation of \$2,500 from this fund.

CONCLUSION

Attached to this staff report is a copy of Election Code §9212. The statute provides the Council with wide latitude for determining what it would wish to be included in any such report, and suggests the following potential components:

- Legal analysis
- Fiscal impact
- Effect on the internal consistency of the City's land use policy documents
- Impact on ability to meet regional housing needs
- Impact on city infrastructure
- Ability to attract and retain businesses and employment
- Impact on uses of vacant parcels of land
- Impact on agricultural lands, open space, traffic congestion, business districts, and revitalization areas

It is recommended that Council advise staff at this time whether or not it wishes other information be included in this report.

Attachments

Election Code §9212

9212. Report from city agencies on effect of proposed initiative measure

(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

(Added by Stats. 1994, Ch. 920; Amended by Stats. 2000, Ch. 496.)