NOTICE OF INTENTION TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Alameda for the purpose of amending the zoning of the excess federal property adjacent to Crab Cove, specifically the Alameda County Assessor's parcel number APN 74-1305-026-2, which is currently zoned G (Special Government Combining District) which overlays an A P (Administrative Professional District) to O (Open Space District).

The 3.671 acre parcel contains the Federal Building Complex and vehicle parking lot. It is Alameda County Assessor's parcel number APN 74-1305-026-2. It is located on the Northwest side of McKay Avenue across from Crab Cove and adjacent to the Robert W. Crown Memorial State Beach.

In September 2008, the Alameda City Council endorsed Measure WW, which authorized funds for the acquisition of the surplus federal property adjacent to Crab Cove for the purpose of expanding Crown Beach. A 71.9% super majority of Alameda voters overwhelmingly approved Measure WW in the November 2008 general election. To implement the clear will of the voters, the excess federal property adjacent to Crab Cove needs to be zoned Open Space (O). The City of Alameda must be compelled to uphold, fulfill and enforce the will of the super majority of voters who approved Measure WW.

This initiative petition provides Alameda with a unique opportunity to expand the recreational and natural resources of Crown Beach next to Crab Cove. This measure reaffirms the expressed will of the 71.9% of the votes who voted for the expansion of Crown Beach.

This initiative is to be submitted directly to the voters.

Doug deHaan

Angela Fawcett

Eduardo Vargas

FILED
APR 26 2018
CITY OF ALAMEDA
CITY CLERK'S OFFICE

INITIATIVE FOR EXPANSION OF OPEN SPACE AT CRAB COVE

FILED
APR 26 2018
CITY OF ALAMEDA
CITY CLERK'S OFFICE

The People of the City of Alameda do hereby ordain as follows:

SECTION 1. TITLE

This Initiative shall be known and referred to as the "Second Initiative for Expansion of Open Space at Crab Cove."

SECTION 2. FINDINGS

A. In November of 2008, more than 70% of the City and County of Alameda voters and Contra Costa County voters, voted in favor of East Bay Regional Park District's Measure WW, a taxing measure covering projects in both Alameda and Contra Costa Counties, thus approving the East Bay Regional Park District's acquisition of the federal property on McKay Avenue for expansion of Crab Cove as it became available and authorizing funding for acquisition and improvement of this federal property.

B. At the time of the vote on Measure WW, the federal property on McKay Avenue, Alameda, consisted of a single parcel consisting of approximately 7.57 acres of land identified as Alameda County Assessor's Parcel No. 74-1305-**026**.

C. After the passage of Measure WW, the federal government caused the original 7.57 acre parcel to be split into two parcels, Alameda County Assessor's Parcel Nos. 74-1305-**026-1**, approximately 3.899 acres, and 74-1305-**026-2**, approximately 3.671 acres.

D. Alameda County Assessor's Parcel 74-1305-**026-1**, was rezoned by the City of Alameda for residential development in July 2012.

E. Subsequent to the rezoning of Alameda County Assessor's Parcel 74-1305-**026-1**, the People of the City of Alameda prepared and circulated a duly authorized initiative, "Initiative for Expansion of Open Space at Crab Cove" to rezone Alameda County Assessor's Parcel 74-1305-**026-1** to Open Space to implement the intent of the voters in passing Measure WW. (That was the first Initiative concerning the original 7.57 acre parcel, therefore, this is the Second Initiative concerning the original 7.57 acre parcel.)

F. When the circulators of the first "Initiative for Expansion of Open Space at Crab Cove" obtained sufficient qualifying voters' signatures to place the initiative on the ballot, the City Council, by a vote of 5 in favor, to 0, against, passed Ordinance No. 3102, which rezoned the first 3.899 acre portion of the original parcel, now identified as Alameda County Assessor's Parcel 74-1305-**026-1**, to Open Space District.

G. On or before June 2016, the United States Department of Agriculture, abandoned its use of the remaining federal buildings on McKay Avenue. The United States Marshal's Office remained until December 2017. On or before December 2017, the federal government sought to dispose of the remaining approximately 3.671 acres of the original parcel, now contained in Alameda County Assessor's Parcel 74-1305-**026-2**.

H. The United States of America is the owner of Alameda County Assessor's Parcel 74-1305-**026-2**, and Alameda Point Collaborative has filed an application with the City of Alameda with the stated objective of removing the Special Government Combining District zoning overlay while allowing the Administrative - Professional District zoning to remain on this parcel. This is prior to or concurrent with the parcel being transferred to a private non-governmental party to start new uses permitted under the Administrative - Professional District zoning.

I. By lifting the Special Government Combining District zoning overlay and permitting private, non-governmental Administrative - Professional District uses to begin again, the Federal government will frustrate the will of the People of the City of Alameda as well as the voters of both Alameda and Contra-Costa Counties.

J. This federal property is adjacent to the Robert W. Crown Memorial State Beach and is uniquely suitable for park facilities.

K. The expansion of Crown Beach for open space use is the highest and best use of the remaining portion of the original parcel.

L. The designation of the remaining portion of the original parcel of federal land as Open Space provides for uses permitted by the City of Alameda's Municipal Code.

SECTION 3. PURPOSE

The purpose of this Second Initiative for Expansion of Open Space at Crab Cove is:

A. To implement the will of the Alameda and Contra Costa County voters as expressed by their approval of Measure WW in the November 2008 general election.

B. To preserve land particularly suited for open space so that it can be used for park and recreation uses.

C. To protect the unique plant and animal life at Robert W. Crown Memorial State Beach.

D. To implement the provisions of Sections 2, 3, 5, and 6, of the City of Alameda General Plan, as those sections pertain to the planning for, and designation of, Open Space District in the City of Alameda.

E. To amend the City of Alameda General Plan, and General Plan Map so that the land use designation for the approximately 3.671 acre parcel of federal property identified as Alameda County Assessor's Parcel No. 74-1305-**026-2**, is changed from Administrative - Professional District with a Special Government Combining District overlay, to Open Space District.

F. To amend the Alameda Zoning Ordinance and Zoning Map so that the land use designation of the approximately 3.671 acre parcel of federal property which is Alameda County Assessor's Parcel No. 74-1305-**026-2**, is changed from Administrative - Professional District with Special Government Combining District overlay, to Open Space District. Note: The Zoning Map does not contain the Special Government Overlay for this parcel, although the General Plan Map for this parcel contains the Special Government Overlay.

SECTION 4. AMENDMENT OF THE GENERAL PLAN, ZONING PLAN, AND ZONING MAP OF THE CITY OF ALAMEDA.

A. The City of Alameda's General Plan Map is shown herein as follows:

1) The approximately 3.671 acre parcel of federal land which is identified as Alameda County Assessor's Parcel 74-1305-**026-2**, identified in Exhibit 1, which is incorporated herein by this reference, is currently zoned Administrative - Professional District with Special Government Combining District overlay.

B. The City of Alameda's General Plan Map is hereby amended as follows:

1) The blue color on Alameda County Assessor's Parcel No. 74-1305-**026-2**, currently indicating Special Government Combining District overlay, over Administrative - Professional District, is hereby changed to dark green (indicating Open Space (as shown in Exhibit 2), which is hereby incorporated by this reference.)

C. The City of Alameda's Zoning Plan is hereby amended as follows:

1) Section 30-4.19 "O", Open Space District is hereby amended to include a new subsection "f" that provides that "The 3.671 acre federal property which is Alameda County Assessor's Parcel No. 74-1305-**026-2**, is hereby zoned Open Space District." (As shown in Exhibit 5, underlined, which is incorporated herein by this reference).

The (First) "Initiative for Expansion of Open Space at Crab Cove included "SECTION C. 1) Section 30-4.19 O, Open Space District is hereby amended to include a new subsection "e" that provides that "The 3.899 acre surplus federal property which is a portion of Alameda County Assessor's Parcel No. 74-1305-**026**, is hereby zoned Open Space."

Note: The new subsection "e" as contained above, in the first "Initiative for Expansion of Open Space at Crab Cove" has not been incorporated in the Alameda Zoning Ordinance, hence the sequential labeling of the next subsection is referred to herein as "f". Should the continued omission of subsection "e" be deemed an error of intention, this subsection may be renamed "e" in its place.

D. The City of Alameda's Zoning Map is hereby amended as follows:

1) Alameda County Assessor's Parcel 74-1305-**026-1** is reflected in Exhibit 7 which is incorporated herein by this reference as light lavender pink for Administrative Professional. There is no Government Overlay depicted on City of Alameda Zoning Map Effective 7/29/2014, Corrected June 2016.

2) An approximate 3.671 acre parcel of federal land which is identified as part of the original 7.57 acres identified as Alameda County Assessor's Parcel 74-1305-**026,** and now further described as Alameda County Assessor's Parcel 74-1305-**026-2**, is hereby rezoned from Administrative Professional to Open Space as shown in Exhibit 8, which is incorporated herein by this reference. There is no Government Overlay on City of Alameda Zoning Map Effective 7/29/2014, Corrected June 2016, on Alameda County Assessor's Parcel 74-1305-**026-1** which is reflected in Exhibit 8, which is incorporated herein by this reference, Administrative Professional.

SECTION 5. EFFECTIVE DATE

This initiative shall become effective upon passage.

SECTION 6. INITIATIVE LANGUAGE SUPERCEDES THE LANGUAGE OF ANY EXISTING CONFLICTING CITY OF ALAMEDA LAW

This Initiative language supercedes the language of any existing City of Alameda law to the extent such existing language is in conflict with the language of this Initiative.

SECTION 7. LIBERAL CONSTRUCTION

This Initiative shall be liberally construed to effectuate its purposes.

SECTION 8. SEVERABILITY

It is the intent of the people that the provisions of this initiative are severable and that if any section or provision of this Initiative or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or application of this Initiative which can be given effect without the invalid provision or application.

SECTION 9. CONFLICTING BALLOT MEASURES

In the event that this measure and another measure or measures relating to the federal property known as Alameda County Assessor's Parcel No. 74-1305-**026-2**, adjacent to Crab Cove or Robert W. Crown Memorial Beach, appear on the same city-wide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes that the other measure or measures, the provisions of this measure shall prevail over conflicting provisions of any other measure, and the conflicting provision of the other measure or measures shall be null and void.

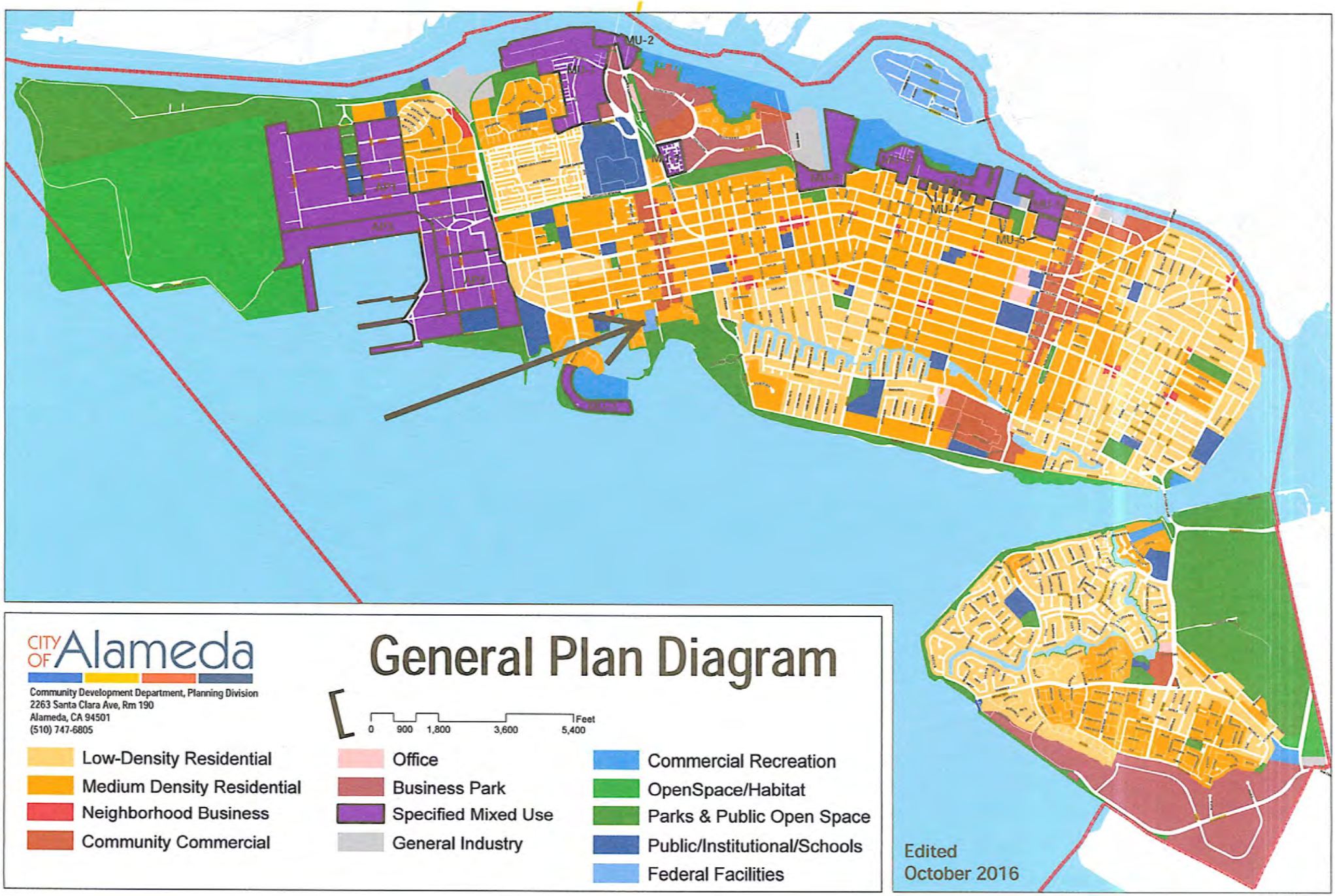
SECTION 10. AMENDMENT OR REPEAL

This initiative measure may be amended or repealed only by a majority of the voters voting in an election thereon.

EXHIBIT 1

City of Alameda General Plan Map

(showing subject parcel as currently zoned)



CITY OF Alameda

Community Development Department, Planning Division
2263 Santa Clara Ave, Rm 190
Alameda, CA 94501
(510) 747-6805

General Plan Diagram

0 900 1,800 3,600 5,400 Feet

- Low-Density Residential
- Medium Density Residential
- Neighborhood Business
- Community Commercial
- Office
- Business Park
- Specified Mixed Use
- General Industry
- Commercial Recreation
- OpenSpace/Habitat
- Parks & Public Open Space
- Public/Institutional/Schools
- Federal Facilities

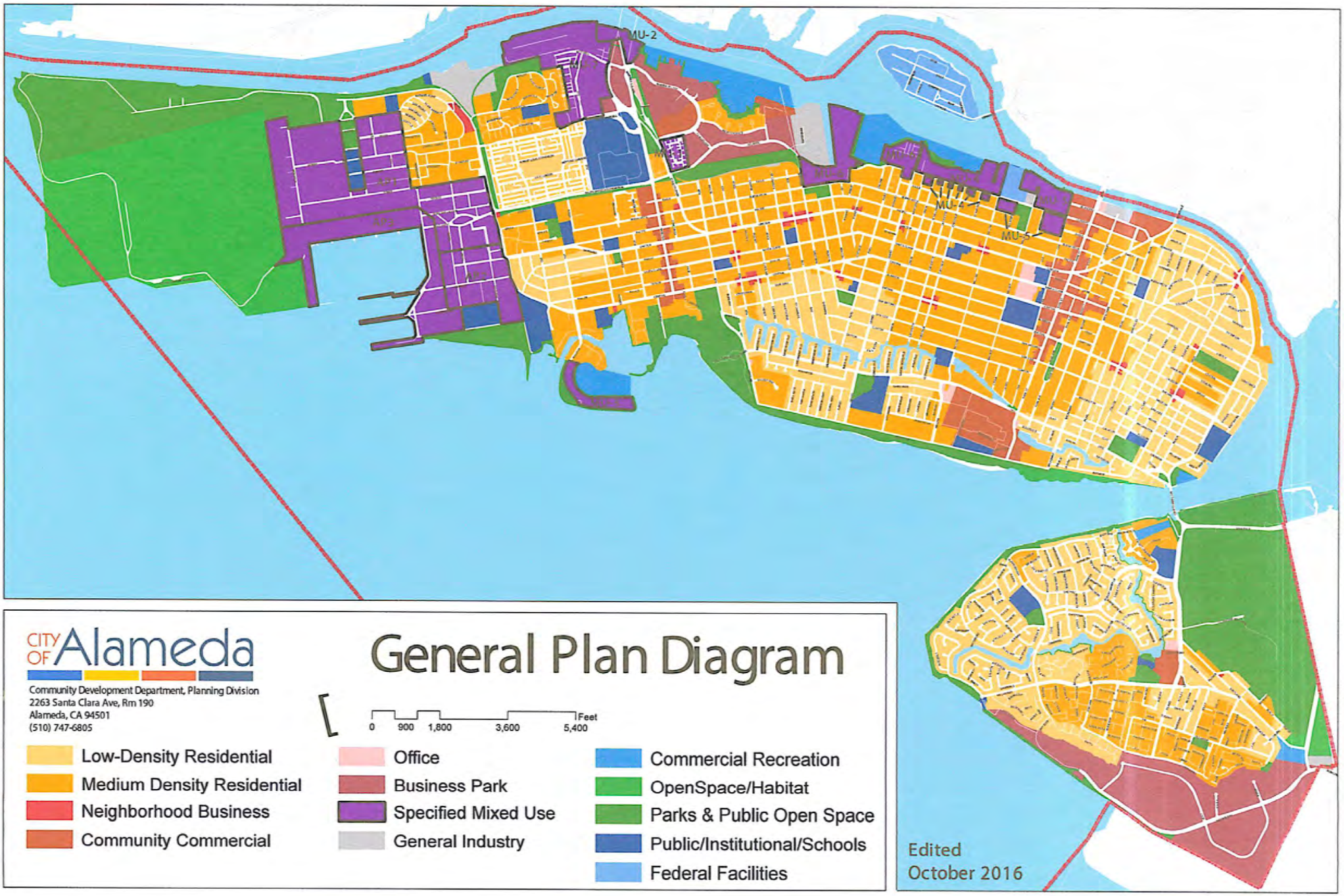
Edited
October 2016

EXHIBIT 2

City of Alameda General Plan Map

(showing subject parcel as it

would be zoned by this Initiative)



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Edited
October 2016

EXHIBIT 3

City of Alameda Municipal Code

January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.7 - A-P, Administrative—Professional District.

(not amended by this Initiative)

ALAMEDA MUNICIPAL CODE January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.7 - A-P, Administrative—Professional District.

a. General. The following specific regulations and the general rules set forth in Section 30-5 shall apply in all A-P Districts, as delineated and described in the zoning map(s). It is intended that this district classification be applied in areas where administrative and professional offices, medical and related facilities are the proper uses as indicated by the General Plan.

b. Uses Permitted.

1. Offices of an administrative and professional nature including, but not limited to the following:
    (a) Accountants,
    (b) Architects,
    (c) Artists,
    (d) Attorneys,
    (e) Authors,
    (f) Doctors and dentists,
    (g) Engineers,
    (h) Insurance agencies,
    (I) Real estate offices,
    (j) Hypnotherapists and hypnotists,
    (k) Optometrists,
    (l) Psychic services (subject to permit requirements of sections 6-46.4 and 6-46.5 of the Alameda Municipal Code.
2. Medical facilities, including, but not limited to the following:
    (a) Dental clinics,
    (b) Hospitals,
    (c) Medical clinics,
    (d) Medical laboratories,
    (e) Nursing and convalescent homes,
    (f) Radiologist laboratories,
    (g) Rest homes,
    (h) Sanitariums.
3. Incidental or accessory buildings and uses on the same or adjacent lots which are necessary for the operation of any permitted use.

4. Signs: Those pertaining directly to a permitted use on the property, and as further regulated in Section 30-6 of these regulations.

c. Uses Requiring Use Permit.

It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location, or for such other Board for their appropriateness in a specific location, or for such other factors as safety, congestion, noise, and similar considerations.

1. Mortuaries.
2. Underground or above ground public utility facilities for primarily local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses, excluding City owned utilities.
3. Uses compatible and incidental to those designated in paragraph b.

d. Minimum Height, Bulk and Space Requirements:

1. Lot Area: Ten thousand (10,000) square feet.
2. Lot Width: Seventy-five (75') feet.
3. Maximum Main Building Coverage: Forty (40%) percent of lot area.
4. Building Height Limit: Two (2) stories, but not to exceed forty (40') feet.
5. Front Yard: Twenty (20') feet.
6. Side Yard: Side yards shall total not less than twenty (20%) percent of the lot width as measured at the front yard (as defined in Section 30-2—Definitions), and no side yard may either be less than seven (7') feet or be required to be more than twenty (20') feet. The side yard on the street side of a corner lot shall not be less than ten (10') feet.
7. Rear Yard: Twenty (20') feet. Not more than forty (40%) percent of any rear yard may be occupied by accessory buildings or structures.
8. Yards for Corner Lot Adjacent to Key Lot: The side-yard setback on the street side of the corner lot, within twenty (20') feet of the side property line of the key lot, shall be equal to the front-yard of the key lot, as defined in Section 3-2, "Yard, front," and no structure, excluding barriers, may be permitted within five (5') feet of the rear property line on the corner lot.
9. Off-Street Parking and Loading Space: As regulated in Section 30-7.

(Ord. No. 535 N.S. §§ 11-1325—11-1328; Ord. No. 1277 N.S.; Ord. No. 1359 N.S.; Ord. No. 2289 N.S.; Ord. No. 2290 N.S.; Ord. No. 2416 N.S. § 1; Ord. No. 2428 N.S. § 9; Ord. No. 2511 N.S. § 1; Ord. No. 2560 N.S. § 8; Ord. No. 2920 N.S. § 7; Ord. No. 2943 N.S. § 9)
(Ord. No. 3168, § 2, 11-15-2016)

EXHIBIT 4

City of Alameda Municipal Code

January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.17 - G, Special Government Combining District.

(not amended by this Initiative)

ALAMEDA MUNICIPAL CODE January 4, 2018

CHAPTER XXX Development Regulations
ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.17 - G, Special Government Combining District.

a. General. The G District classification shall be combined with the district classifications applied to all lands in the ownership of the U.S. Government or the State of California.

b. Prior to the use of any lands by any private or public entity other than the United States or State of California, through purchase or pursuant to lease from the U.S. Government or State of California, rezoning procedures shall be completed to remove the G classifications and to consider further appropriate district classification changes.

c. The 37.36 acre U.S. Government property identified by assessor's parcel numbers APN74090501002 and APN 74090501202 shall be developed consistent with the Community Reuse Plan Amendment (2009), and any use of the property by a private or public entity shall limit the number of housing units on the property to a maximum of 435 units, unless an affordable housing density bonus is granted pursuant to Section 30-17, in which case the maximum number of units may be increased consistent with Section 30-17.

d. Notwithstanding the provisions in subsection (b) herein, interim uses by private or public entities other than the United States or State of California of lands owned by the U.S. Government or State of California may be allowed, subject to a use permit, pursuant to subsection 30-21.3, if the following additional findings can be made:

    1. The interim use is approved for a limited time, not to exceed the maximum time frame set forth in the interim leasing program criteria;
    2. The interim use utilizes existing facilities and does not require substantial new development;
    3. The interim use will not disrupt on-going operations of the governmental entity should the interim use occur concurrent with continuing operations by a governmental entity;
    4. The interim use will not be detrimental to the ultimate redevelopment of the property or the potential resumption of use of the property by the governmental agency; and
    5. The interim use is consistent with an interim leasing program adopted by the City. e. An interim leasing program shall be adopted by the City prior to interim use, as provided in subsection (c) herein. The interim leasing program shall be for a specific parcel or parcels, shall specify permitted land uses, consistent with the underlying zoning district, and shall specify the maximum time frame for which a use permit may be granted. In the absence of an adopted interim leasing program, all interim leases shall require rezoning.

(Ord. No. 2658 N.S. § 1: Ord. No. 535 N.S. § 11-1374; Ord. No. 1277 N.S.)

(Ord. No. 3130 N.S., § 1, 7-7-2015)

EXHIBIT 5

City of Alameda Municipal Code

January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.19 - O, Open Space District

(as it exists now before this Initiative)

ALAMEDA MUNICIPAL CODE January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.19 - O, Open Space District.

a. General . The following specific regulations shall apply in all O Districts as delineated and described in the zoning map(s). It is intended that this district classification be applied on lands, tide lands and water areas suitable for recreational and aesthetic resources, and that the regulations established will promote and protect recreational uses, scenic vistas or reservation of land or water against the intrusion of improper uses.

b. Uses Permitted.

1. Public and private parks, parkways, playgrounds, beaches, lagoons or lakes, excepting buildings or structures thereon.
2. Public and private golf courses, country clubs, excepting buildings or structures thereon.
3. Public and private land or water preserves. 4. Underground utility installations for local service.

c. Uses Permitted, Subject to Minor Design Review . Subject to the adjacent property owner's ability to lease portion(s) of the public tidal lands within the "O" District, minor structures that are accessory to the adjacent residential use for the purpose of either: a) waterfront access, including but not limited to docks, and fences/gates not to exceed eight feet (8') in height above the dock, or b) landscape amenities, such as arbors, gazebos, and similar unenclosed structures not to exceed ten feet (10') in height, are permitted subject to approval process for improvements requiring minor design review, as outlined in Section 30-37 Design Review Regulations.

d. Uses Requiring Use Permits . It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for their appropriateness in a specific location or for such other factors as safety, sanitation, design and visual attractiveness.

1. Any structure or building (other than those described in subsection c. of this section) located within areas described in paragraphs b.1., 2. and 3.
2. Above ground utility installations for local service.
3. Publicly owned small craft marinas and related installations. 4. Public and commercial concessionaire activities, uses and buildings.

(Ord. No. 1601 N.S.; Ord. No. 1992 N.S.; Ord. No. 2407 N.S. §§ 11, 12; Ord. No. 2920 N.S. § 10)

EXHIBIT 6

City of Alameda Municipal Code

January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.19 - O, Open Space District

(as amended by this Initiative)

ALAMEDA MUNICIPAL CODE January 4, 2018

CHAPTER XXX Development Regulations

ARTICLE 1-ZONING DISTRICTS AND REGULATIONS

30-4.19 - O, Open Space District.

a. General . The following specific regulations shall apply in all O Districts as delineated and described in the zoning map(s). It is intended that this district classification be applied on lands, tide lands and water areas suitable for recreational and aesthetic resources, and that the regulations established will promote and protect recreational uses, scenic vistas or reservation of land or water against the intrusion of improper uses.

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1. Any structure or building (other than those described in subsection c. of this section) located within areas described in paragraphs b.1., 2. and 3.
2. Above ground utility installations for local service.
3. Publicly owned small craft marinas and related installations. 4. Public and commercial concessionaire activities, uses and buildings.

(Ord. No. 1601 N.S.; Ord. No. 1992 N.S.; Ord. No. 2407 N.S. §§ 11, 12; Ord. No. 2920 N.S. § 10)

f. <u>The 3.67 acre federal property which is Alameda County Assessor's Parcel No. 74-1305-026-2, is hereby zoned Open Space."</u>

EXHIBIT 7

City of Alameda Zoning Map 7/29/2014, Corrected June 2016

(showing subject parcel as an undivided part of a 7.57 acre parcel currently zoned Administrative - Professional with no Government Overlay)

CITY OF Alameda

Zoning Map

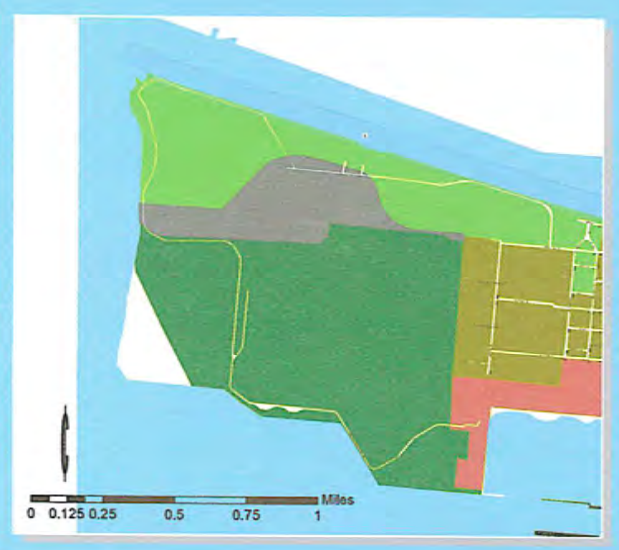


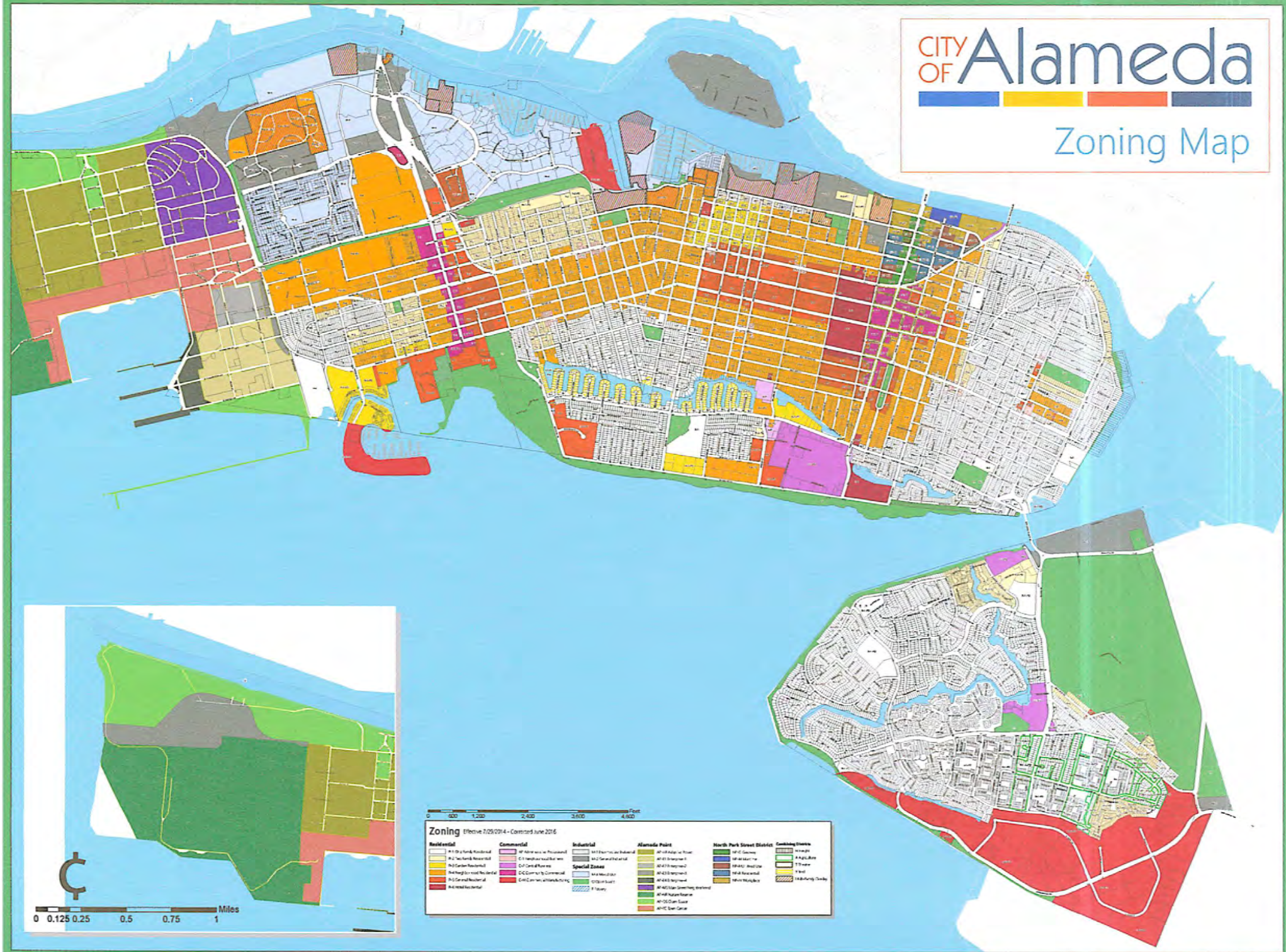
EXHIBIT 8

City of Alameda Zoning Map 7/29/2014,

Corrected June 2016

(showing entire 7.57 acre parcel

as Open Space)

CITY OF Alameda

Zoning Map