

CITY OF ALAMEDA RESOLUTION NO. _____

SUBMITTING TO THE ELECTORS AN ORDINANCE ENTITLED
“CARING ALAMEDA ACT” AT THE SPECIAL MUNICIPAL ELECTION
TO BE HELD IN THE CITY OF ALAMEDA ON TUESDAY, APRIL 9,
2019

WHEREAS, pursuant to the City Charter and Elections Code section 9222, the Council of the City of Alameda hereby proposes to submit to the voters of said City an ordinance entitled “Caring Alameda Act” to be voted upon at the April 9, 2019, Special Election of the City of Alameda.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALAMEDA THAT:

Section 1. The Council of the City of Alameda hereby proposes on its own motion a measure be submitted to the voters at the April 9, 2019, special municipal election, to read as follows:

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

CARING ALAMEDA ACT

The People of the City of Alameda ordain as follows:

Section 1. Findings.

A. On November 28, 2018, the Alameda County Registrar of Voters determined that an initiative measure (the “McKay Avenue Open Space Initiative”), which would change the land use designations for a 3.65-acre parcel on McKay Avenue from Office/Administrative-Professional to Open Space, qualified for the ballot.

B. If approved by the voters, the measure would limit use of the property to parks and recreational uses and prohibit the development of a wellness center for senior assisted living, a medical rehabilitation center, and supportive services for the homeless (“Wellness Center”), which is currently planned for the property.

C. On December 4, 2018, in response to a citywide and regional housing crises, the City Council adopted a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (“CEQA”), approved General Plan Land Use Diagram and text amendments, and introduced the first reading of a zoning ordinance amendment to allow the property to be used as a Wellness Center. The Council adopted the final reading of the zoning amendment on December 18, 2018. Use of the approximately 3.65 acre property for senior assisted living and supportive services for formerly

homeless individuals addresses a critical citywide need that is not being served anywhere else in the City.

D. The Council's actions on December 4 and 18, 2018, are supported by the entirety of the record, including:

- The 2018 Homelessness Needs Report, which found that homeless services are the second most pressing social services need in the City of Alameda, behind transportation.
- The City of Alameda Social Service Human Relations Board's June 28, 2018 motion in support of the Wellness Center proposal, and its September 25, 2018 letter of support.
- The City of Alameda Planning Board's October 8, 2018 recommendation to support the rezoning and General Plan amendment for the Wellness Center.

General Plan Housing Element Goals and policies, including Goal #2: *"Provide housing that meets the City's diverse housing needs, specifically including affordable housing, special needs housing, and senior housing"*; Policy HE-2: *"Expand the City's supply of affordable rental and ownership housing for extremely low-, very low-, low-, and moderate-income households"*; Policy HE-3: *"Create rental, homeownership, and other housing opportunities for special needs populations such as the elderly, homeless and people at risk of becoming homeless, people with physical and/or developmental disabilities, single-parent households, and young adults"*; and Policy HE-4: *"Encourage and support new residential opportunities for senior citizens, including senior housing projects, multifamily housing projects with accessible and small housing units, assisted living projects, and in-law unit projects."*

E. The proposed "McKay Avenue Open Space Initiative" would reverse the City Council's actions in support of the Wellness Center and designate the approximately 3.65 acre site for open space uses, thereby prohibiting the use of the site for senior assisted living and supportive services. Although the City is in the midst of a major citywide parks expansion effort, the subject site is not identified in any City plans for open space expansion. In addition, the East Bay Regional Park District has confirmed that it has no interest in acquiring the property, and the City of Alameda does not have the financial resources available to purchase the property, demolish the existing eleven buildings, and create a park, in the absence of new revenues or the redirection of funds used for other essential City services. Furthermore, any City financial resources that could potentially be devoted to the project would likely be taken from future allocations necessary to complete the final phases of the Jean Sweeney Park, the Estuary Park and the major park expansions planned for Alameda Point or from the budget for other essential City services.

Section 2. Purpose.

The purpose of the Caring Alameda Act is to:

A. Allow the Alameda voters to confirm Resolution No. 15461, which adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in compliance with CEQA and General Plan Land Use Diagram and text amendments to change the designation of the property on McKay Avenue from Federal Facilities to Office, and confirm Ordinance No. 3234, which amended the Citywide Zoning Map by removing the Government Combining District Designation for the property to allow for development of a Wellness Center that would provide senior assisted living and supportive services for homeless individuals.

B. Allow the Alameda voters to confirm the City Council's decisions to make the site available for senior assisted living and supportive services for homeless individuals, establish that if the measure receives more votes than the McKay Avenue Open Space Initiative then the General Plan Office designation for the site and the Administrative-Professional Zoning designation for the site would remain in effect to allow the site to be used for a Wellness Center, and allow the City Council to change any land use designations for the site in the future in response to changing conditions or concerns.

Section 3. Zoning Map.

The changes made by Ordinance No. 3234 to the Citywide Zoning Map are hereby confirmed as follows:

The Citywide Zoning Map shall reflect the zoning designation of Administrative Professional for the parcel identified as APN 74-1305-26-2 without the G Special Government Combining District Designation, as shown in Exhibit A, which is incorporated herein by this reference.

Section 4. General Plan Text and Land Use Diagram.

The changes made to the City of Alameda's General Plan Land Use Diagram and text through Resolution No. 15461 are hereby confirmed as follows (~~striketrough~~ text and double underline text reflect language deleted and added, respectively, by the City Council in Resolution No. 15461):

(a) The General Plan Federal Facilities Land Use Designation shall read as follows:

"FEDERAL FACILITIES: Sites occupied by Federal facilities including Naval Reserve Center, ~~the Federal Center on McKay Avenue~~, and Coast Guard Island are in this category."

(b) The following sentence in the Land Use Element shall read as follows:

~~“Three~~ Two sites are in use: the U.S. Coast Guard (Coast Guard Island) and the Naval Reserve Training Center on Clement Avenue, ~~and the Federal Center on McKay Avenue.~~ The City and the Federal agencies consult on development issues, but the City has no power to regulate development on Federal sites.”

(c) The General Plan Land Use Diagram for APN 74-1305-26-2 shall reflect the Office Land Use Designation, as shown in Exhibit B, which is incorporated herein by this reference.

Section 5. Amendment or Repeal.

This measure may be amended or repealed by the City Council in response to changing conditions or concerns.

Section 6. Interpretation.

This measure shall be interpreted to be consistent with all Federal and State laws, rules and regulations.

Section 7. Conflicting Initiatives.

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, located on McKay Avenue, appear on the same 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 than the other measure or measures, the provisions of this measure shall prevail over conflicting provisions of any other measure, and the conflicting provisions of the other measure or measures shall be null and void.

Section 2. The City Council, pursuant to the authorization provided by section 9222 of the Elections Code, hereby submits the proposal to the qualified electors of the City of Alameda at the April 9, 2019, special municipal election to be held on that date.

Section 3. The proposal shall be designated on the ballot as “Proposed Ballot Measure of the City of Alameda” and shall be set forth as the first City of Alameda measure on the ballot if more than one such measure is submitted, as follows:

MEASURE: Proposed Ballot Measure of the City of Alameda

Shall an ordinance confirming the City Council’s actions to permit the development of a wellness center for senior assisted living and supportive services for homeless individuals on a 3.65-acre parcel on McKay Avenue by changing the General Plan designation to Office, removing	YES
	NO

the Government Combining District Zoning Designation, and maintaining the Administrative-Professional zoning district designation, be adopted?	
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Section 4. Pursuant to Elections Code section 9280, the City Clerk shall transmit a copy of the proposed ballot measure to the City Attorney, who shall prepare an impartial analysis of the proposed ballot measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall not exceed 500 words in length.

Section 5. The Council may prepare a ballot argument pursuant to Resolution No. 12317.

Section 6. The ballot arguments for and against the proposed ballot measure shall not exceed 300 words in length and the rebuttal arguments shall not exceed 250 words in length.

Section 7. The Caring Alameda Act seeks to confirm the City Council's actions on December 4, 2018, and December 18, 2018, which were based on the City Council's findings and determination that the Mitigated Negative Declaration for the project adequately addresses the potential environmental impacts of the project in compliance with the California Environmental Quality Act ("CEQA"). The City Council's findings and determinations in connection with its adoption of Resolution No. 15461 are hereby incorporated by this reference for the purposes of the Caring Alameda Act. As a separate and independent basis, this action is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (no significant environmental impact) and 15378 as it does not constitute a project within the meaning of CEQA because it does not have the potential for resulting in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Section 8. If the proponents of the McKay Avenue Open Space Initiative withdraw the measure from the ballot by January 11, 2019, this Resolution shall be deemed null and void and shall have no effect.

EXHIBIT A

Citywide Zoning Map

The Citywide Zoning Map shall reflect the zoning designation of Administrative Professional for the parcel identified as APN 74-1305-26-2, highlighted below, without the G Special Government Combining District Designation.

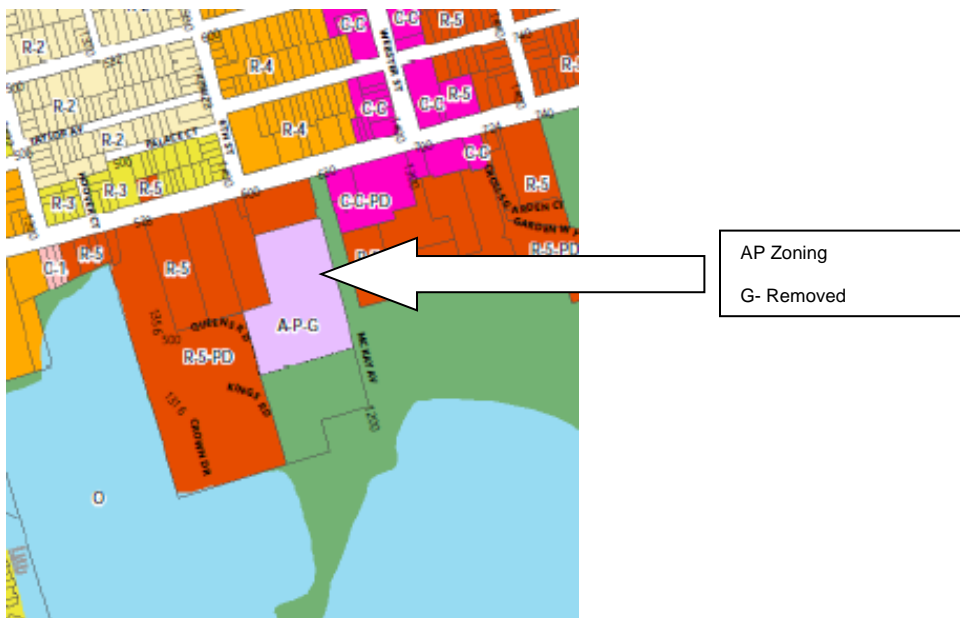
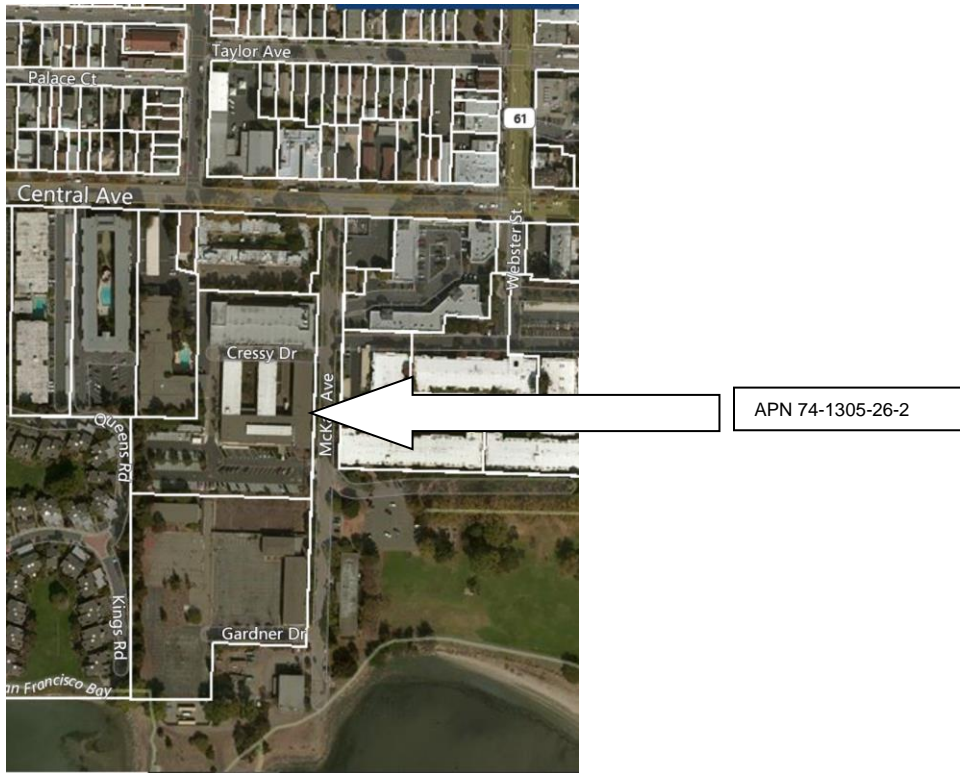
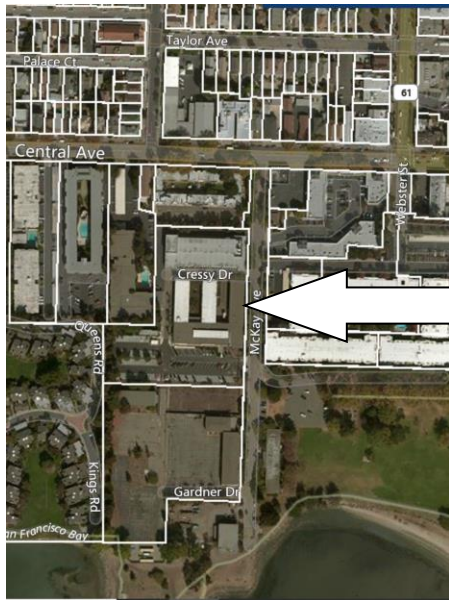


EXHIBIT B

General Plan Land Use Diagram

The General Plan Land Use Diagram shall reflect the Office Land Use Designation classification for the parcel identified as APN 74-1305-26-2, highlighted below.



APN 74-1305-26-2



General Plan
Designation changed to
Office

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting of the City Council assembled on the 2nd day of January, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the said City this 3rd day of January, 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Michael H. Roush, Interim City Attorney
City of Alameda