

City of Piedmont
COUNCIL AGENDA REPORT

Date: January 18, 2005

From: Geoffrey L. Grote, City Administrator

Subject: **Rezoning for 801 Magnolia Avenue**

RECOMMENDATION

Schedule a public hearing regarding a special municipal election to rezone 801 Magnolia Avenue to “public facilities”

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BACKGROUND

At the city council meeting of January 3, council considered maintenance issues at 801 Magnolia Avenue. As the discussion evolved, it was pointed out that authorizing large sums for renovation before the property can legally be used by the city is “putting the cart before the horse”. 801 Magnolia was sold to the city in the hope that it would “benefit the public” and was purchased with \$730,000 of public funds. However, the current zoning permits only single family residential use. In order for the public to use its own property, whether for a park, classrooms, offices, or any other public use, 801 Magnolia must be rezoned. Perhaps most importantly, it may be premature to engage in any specific public dialogue regarding use of the land before rezoning occurs.

Under the Piedmont City Charter rezoning of city land requires not only the action of the city council but the ratification by a majority of the electorate at a municipal election. The next regular municipal election is in March 2006, more than 14 months away, a significant length of time to put this matter on hold. However, the Piedmont Unified School District is calling a special election on June 7, 2005 and state election law would allow the city to share this ballot. There are several advantages to this approach. Not only would it move the discussion forward by more than 8 months but it would financially assist both agencies by sharing the election costs. Expenses for the upcoming school election are anticipated to be approximately \$30,000. If the city participates in the election and shares the expense, the district’s cost will be cut in half. An alternative, of course, would be for the city to call a separate special election prior to March 2006, but the city’s cost for such an election would also be approximately \$30,000.

It should be noted that the city has five types of zoning: residential, estate, multi-family, commercial and public use and that the council could request rezoning to something other than public use. However, before expending public funds for the purchase of the property, the city council made clear that its intent was to purchase this valuable asset in civic center for the public. Asking the voters to ratify a public use designation for 801 Magnolia will confirm the city council’s intent.