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DECLARATION OF ALICE CREASON

1. I have resided in Piedmont, California continuously since 1971 to the present. From 1976 to 1978 I was a member of Piedmont Planning Commission. I was an elected member of the City Council of the City of Piedmont during the period 1978-1986, and during that time was the Council liaison to the Planning Commission. I was Mayor of Piedmont from 1982-1984.
2. During 1978-1980 when I was a City Council member a revised City Charter was drafted and recommended by the Council-appointed Charter Review Committee to the City Council for review, consideration and approval to be placed before the electorate in early 1980. I was actively involved as a Council member in the Council proceedings that led up to the revision of the Piedmont City Charter. I attended meetings of the Piedmont Charter Review Committee. I was present and participated at meetings of the City Council at which the Piedmont Charter Review Committee submitted to the Council its progress reports and draft revisions of the City Charter. I had great interest in and was directly involved in the revised Charter that the Committee recommended and that was submitted by Council to the Piedmont electorate. The revised Charter that the Committee recommended, the Council approved and 85% of the electorate approved February 26, 1980 included new Section 9.02 on zoning which replaced the existing Section 41 on zoning in the immediately preceding Charter.
3. Section 9.02 of the revised Charter provides as follows (italics, bolding and underlining added): ***SECTION 9.02 ZONING SYSTEM*** *The City of Piedmont is primarily a residential city, and the City Council shall have power to establish a zoning system within the City as may in its judgement be most beneficial. The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote at a general or special election. No zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof; provided that any property which is **zoned** for uses other than or in addition to a single-family dwelling may be voluntarily **rezoned** by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the only use on such property shall be a single-family dwelling, and such **rezoning** shall not require a vote of the electors as set forth above.*

4. The shared and common understanding among City Councilmembers and Charter Review Committee members regarding Section 9.02 when the Council submitted the 1980 revised and voter approved Piedmont City Charter was that zoning changes to area, size, classification and reclassification requires Piedmont voter approval prior to enactment. *"The Council may classify and reclassify the zones established, but no existing zones shall be reduced or enlarged with respect to size or area, and no zones shall be reclassified without submitting the question to a vote at a general or special election. No zone shall be reduced or enlarged and no zones reclassified unless a majority of the voters voting upon the same shall vote in favor thereof;"*

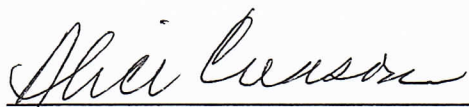
The 1980 expanded language of Sec. 9.02 further clarifies that changes in land use is the criteria requiring voter approval.

*"provided that any property which is **zoned for uses** other than or in addition to a single-family dwelling may be voluntarily **rezoned** by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the **only use** on such property shall be a single- family dwelling, and such **rezoning** shall not require a vote of the electors as set forth above.*

5. The clear understanding and intention of both the City Council and the Charter Review Committee in proposing the 1980 Charter revision was continuation of the 1927 Piedmont City Charter for voter approval for changes to the area of zones and uses allowed within zones. Under the City Charter, the City Council has no authority without voter approval to reclassify the use within zones or change the size of a zone.

6. Both the second and third sentences of Section 9.02 of the Charter (and also its predecessor Section 41), used separate clauses in both sentences in referring to (a) reducing or enlarging a zone with respect to size or area, on the one hand, and, on the other hand (b) reclassifying a zone, and those clauses, respectively, described the separate concepts of changing the boundaries of a zone, on the one hand, and, on the other hand, changing the classification of the use of property within a zone, both of which required approval by a majority vote of the electorate; and (2) That, consistently with the primary character of Piedmont as a residential community as long recognized by the Charter and Section 9.02, the language in the third sentence of Section 9.02 established an exception to the requirement for approval by the electorate of all reclassification of the use of property within a zone if property was voluntarily proposed to be rezoned by its owner to solely single-family dwelling use. This understanding was based on the reclassification language in Section 9.02, as reinforced by the language of the exception: **provided that any property which is zoned for uses other than or in addition to a single-family dwelling may be voluntarily rezoned by the owners thereof filing a written document executed by all of the owners thereof under penalty of perjury stating that the only use on such property shall be a single-family dwelling, and such rezoning shall not require a vote of the electors as set forth above.** There simply was no other reason for adding this exception to the voter approval required by the preceding language of Section 9.02 for zoning changes, unless, as we all understood, the general rule otherwise was that all other rezoning of a property within a zone continued to require approval by a majority of the voters. Were it not for the general rule that all other rezoning of a property within a zone requires approval by a majority of voters, the exception language becomes surplusage and would not have been added to Sec. 9.02 from the previous otherwise identical Sec. 41 of the preceding Charter.

7. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration is executed on March 16, 2017 2017 at Piedmont, California.

 Alice Creason

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Alameda

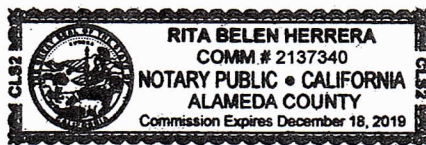
On March 14, 2017 before me, Rita Belen Herrera, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Alice Croson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

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