

Citizens for Responsible Government v. City of Albany (1997) 56 Cal.App.4th 1199
Albany, a charter city, requires voter approval of any rezoning, GPA, or development agreement that would materially impact land uses. The city's submission to voters of a 95-page, "fully negotiated development agreement" for a cardroom at Golden Gate Fields after conditional approval by the city was subject to CEQA. Since the city exercised discretion over the DA, it did not qualify for a section 15378 exemption. The court rejected the city's argument that the DA provided for equivalent review; holding that in fact the DA strictly limits the ability to develop new mitigation measures which might conflict with the DA. In addition, Albany failed to comply with State law regarding cardroom elections B the court found the ballot description of the project "stating a partisan position on the ballot measure."