

FULL TEXT OF MEASURE ____

ORDINANCE NO. 2016-01
AN ORDINANCE OF THE CITY OF ALBANY AMENDING THE ZONING
ORDINANCE TO AUTHORIZE THE CITY COUNCIL TO MODIFY THE PARKING
REQUIREMENTS ESTABLISHED BY MEASURE D, ADOPTED IN 1978, AFTER
FOLLOWING THE NORMAL PROCEDURES FOR ADOPTION OF ZONING
ORDINANCES

WHEREAS, at the November 7, 1978 general election, the Albany voters approved an initiative measure which is commonly referred to as "Measure D"; and

WHEREAS, among other things, Measure D required that two parking spaces must be provided for each dwelling unit in all residential districts; and

WHEREAS, this parking requirement has been codified as part of Section 20.28.040 of the Albany Municipal Code; and

WHEREAS, with certain limited exceptions, implementation of Measure D has mandated that the City require that new residential units – regardless of size, number of bedrooms, or housing type – must provide two off-street parking spaces; and

WHEREAS, several City planning documents (including the 1992 General Plan, 2010 Climate Action Plan, 2015-2023 Housing Element, and 2035 General Plan) have stated that the Measure D parking standards should be re-evaluated because these standards limit the development potential of parcels which are zoned for higher density residential uses and also limit the ability of property owners to add secondary dwelling units on parcels containing single-family residences by restricting the City's discretion to reduce parking requirements for newly constructed secondary dwelling units; and

WHEREAS, currently Measure D can only be amended by an ordinance adopted by the Albany voters; and

WHEREAS, on the basis of the foregoing, the City Council has determined that the best option available to the City is to bring forward a ballot measure authorizing the City Council to amend the requirements of Measure D from time to time, after following normal ordinance amendment procedures; and

WHEREAS, the proposed measure, if approved by a majority of the Albany voters, would allow greater flexibility for the City Council to respond to changing conditions and promote the community goals as expressed in adopted planning documents for encouraging additional housing development and promoting environmental sustainability.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Section 20.28.040 is hereby amended, to add a new subdivision D., to read as follows:

20.28.040 Exceptions to Parking Space Requirements.

D. City Council Authorized to Modify Measure D Parking Requirements.

After following the normal procedures for amending City Zoning Ordinances, including compliance with the California Environmental Quality Act and conducting duly noticed public hearings before the Planning and Zoning Commission and City Council, the City Council may amend the residential parking requirements established by Measure D (enacted by the Albany voters on November 7, 1978). Such amendments may include, but are not limited to, modifications to the number of parking spaces required per dwelling unit for residential uses in residential

districts, as well as the provisions of Measure D which allow the Planning Commission to reduce these residential parking requirements by Conditional Use Permit upon making specified findings. This provision is not intended to limit in any way the authority and discretion which the City Council currently possesses to adopt Zoning Ordinance amendments.

Section 2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3. RECITALS. The People of the City of Albany find that all Recitals contained in this Ordinance are true and correct and are incorporated herein by reference.

Section 4. CEQA FINDINGS. The adoption of this resolution is exempt from the California Environmental Quality Act ("CEQA") because it can be seen with certainty that there is no possibility that the adoption of the proposed ordinance will have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3).) If approved by the voters, the proposed ordinance would authorize the City Council to make future changes in the parking space requirements established by Measure D. However, any such changes would have to be preceded by compliance with CEQA. The proposed ordinance, by itself, would not effect any changes in applicable land use regulation.

Section 5. EFFECTIVE DATE. If it receives approval from a simple majority of the Albany voters, this ordinance shall take effect immediately upon adoption of a City Council resolution declaring the results of the November 8, 2016 general election.

Ordinance No. 2016-01 was submitted to the People of the City of Albany at the November 8, 2016 general municipal election. It was approved by the following vote of the People:

YES:

NO:

Ordinance No. 2016-01 was thereby adopted by the voters at the November 8, 2016 election and took effect upon adoption of a resolution declaring the results of the election at a regular meeting of the City Council held on _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly adopted by the People of the City of Albany, California.

Nicole Almaguer, City Clerk