

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

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5 **WHEREAS**, on the basis of the foregoing, the City Council has determined that the best
6 option available to the City is to bring forward a ballot measure authorizing the City Council to
7 amend the requirements of Measure D from time to time, after following normal ordinance
8 amendment procedures; and
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11 **WHEREAS**, the proposed measure, if approved by a majority of the Albany voters, would
12 allow greater flexibility for the City Council to respond to changing conditions and promote the
13 community goals as expressed in adopted planning documents for encouraging additional
14 housing development and promoting environmental sustainability.

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

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

21 **20.28.040 Exceptions to Parking Space Requirements.**

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

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25 After following the normal procedures for amending City Zoning Ordinances, including
26 compliance with the California Environmental Quality Act and conducting duly noticed public
27 hearings before the Planning and Zoning Commission and City Council, the City Council may
28 amend the residential parking requirements established by Measure D (enacted by the Albany

1 voters on November 7, 1978). Such amendments may include, but are not limited to,
2 modifications to the number of parking spaces required per dwelling unit for residential uses in
3 residential districts, as well as the provisions of Measure D which allow the Planning
4 Commission to reduce these residential parking requirements by Conditional Use Permit upon
5 making specified findings. This provision is not intended to limit in any way the authority and
6 discretion which the City Council currently possesses to adopt Zoning Ordinance amendments.
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10 **Section 2.** SEVERABILITY. If any provision of this Ordinance or the application thereof
11 to any person or circumstance is held invalid, the remainder of the Ordinance and the application
12 of such provision to other persons or circumstances shall not be affected thereby.
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14 **Section 3.** RECITALS. The People of the City of Albany find that all Recitals contained
15 in this Ordinance are true and correct and are incorporated herein by reference.
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18 **Section 4.** CEQA FINDINGS. The adoption of this resolution is exempt from the
19 California Environmental Quality Act ("CEQA") because it can be seen with certainty that there
20 is no possibility that the adoption of the proposed ordinance will have a significant effect on the
21 environment. (CEQA Guidelines Section 15061(b)(3).) If approved by the voters, the proposed
22 ordinance would authorize the City Council to make future changes in the parking space
23 requirements established by Measure D. However, any such changes would have to be preceded
24 by compliance with CEQA. The proposed ordinance, by itself, would not effect any changes in
25 applicable land use regulation.

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

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2 Ordinance No. 2016-01 was submitted to the People of the City of Albany at the November
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4 8, 2016 general municipal election. It was approved by the following vote of the People:

5 YES: 5,139

6 NO: 2,799
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9 Ordinance No. 2016-01 was thereby adopted by the voters at the November 8, 2016 election and
10 took effect upon adoption of a resolution declaring the results of the election at a regular meeting
11 of the City Council held on December 5, 2016, by the following vote:

12 AYES: Council Members Barnes, Nason, Pilch, Vice Mayor McQuaid, Mayor
13 Maass

14 NOES: None

15 ABSENT: None
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17 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
18 regularly adopted by the People of the City of Albany, California.
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22 Nicole Almaguer, City Clerk
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