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ORDINANCE NO. 2017- 03

**AN ORDINANCE OF THE ALBANY CITY COUNCIL
AMENDING CHAPTER 8 OF THE ALBANY MUNICIPAL CODE,
BICYCLE REGULATIONS**

WHEREAS, Section 8-12 of the Albany Municipal Code regulates bicycles in the City of Albany; and

WHEREAS, Section 8-12.4.b prohibits adults and children over the age of 16 from riding bicycles on sidewalks; and

WHEREAS, the City of Albany has approved a mixed-use development project located at the corner of San Pablo Avenue and Monroe Street; and

WHEREAS, the UC Village mixed use project includes a two-way bicycle path adjacent to the sidewalk on the west side of San Pablo Avenue; and

WHEREAS, on the north side of the UC Village project, the two-way bicycle path terminates mid-block; and

WHEREAS, it is not safe for bicyclists on the bicycle-path to transition to San Pablo Avenue roadway mid-block; and

WHEREAS, San Pablo Avenue is a state highway subject to the jurisdiction of the California Department of Transportation; and

WHEREAS, the California Department of Transportation requested that the City of Albany adopt regulations allowing bicyclists to continue on the sidewalk on the west side of San Pablo Avenue to the intersection of San Pablo Avenue and Marin Avenue; and

1 **WHEREAS**, the City of Albany Traffic and Safety Commission held a public
2 meeting on January 26, 2017, considered all public comments receive, and approved a
3 motion recommending that the City Council approve an ordinance allowing bicyclists
4 to ride on the sidewalk at this location; and

5
6 **WHEREAS**, the City of Albany Traffic and Safety Commission in the course
7 of their review, the Traffic and Safety Commission also requested unrelated technical
8 corrections to Section 8-12.4; and

9
10 **WHEREAS**, on April 3, 2017, the City Council held a public hearing and
11 considered all public comments received, the presentation by City staff, the staff report,
12 and all other pertinent documents regarding the proposed request;

13
14 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS**
15 **FOLLOWS:**

16
17 **SECTION 1: CHAPTER 8 OF THE ALBANY MUNICIPAL CODE,**
18 **SECTION 8-12.4.b TITLED “RIDING ON SIDEWALKS” IS HEREBY**
19 **AMENDED AS FOLLOWS:**

20
21 b. Riding on Sidewalks. No person shall ride or operate a bicycle on any sidewalk in
22 the City, except that:

23 1 juveniles under the age of sixteen (16) years, exercising due care and
24 giving the pedestrian the right-of-way, may ride and operate their bicycles
25 upon the sidewalk, except such sidewalks as are in front of **schools**, stores
26 or buildings used for business purposes.

27 2 **persons of any age, exercising due care and giving the pedestrian the**
28 **right-of-way, are allowed to ride on the west sidewalk of San Pablo**
29 **Avenue, from the intersection of San Pablo Avenue and Marin**
30 **Avenue to the northern limit of the two-way bicycle path north of**
31 **Monroe Avenue; and on the south sidewalk of Dartmouth Street**

1 **within 100 feet of the southeast corner of San Pablo Avenue and**
2 **Dartmouth Street. Bicycle speed limit is 10 miles per hour when**
3 **riding on the sidewalk.**

4
5 **SECTION 2: CHAPTER 8 OF THE ALBANY MUNICIPAL CODE,**
6 **SECTION 8-12.4.d TITLED “TOWING OTHER VEHICLES” IS HEREBY**
7 **AMENDED AS FOLLOWS:**

8
9 **Deleted in its entirety.**

10
11 **SECTION 3: CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

12
13 The Municipal Code changes are determined to be categorically exempt from
14 the requirements of CEQA per Section 15301, “Existing Facilities” of the CEQA
15 Guidelines, which allows safety protection measures that involves negligible expansion
16 of use.

17
18 **SECTION 4: SEVERABILITY.**

19
20 If any section, subsection, sentence, clause or phrase of this ordinance is for
21 any reason held to be invalid, such decision shall not affect the validity of the
22 remaining portions of the ordinance, and each section, subsection, sentence, clause or
23 phrase thereof, irrespective of the fact that any one or more sections, subsections,
24 sentences, clauses or phrases be declared invalid.

25
26 **SECTION 5: PUBLICATION AND EFFECTIVE DATE.**

27
28 This ordinance shall be posted at three public places within the City of Albany
29 and shall become effective thirty days after the date of its posting.
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PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 17th day of April 2017, by the following vote:

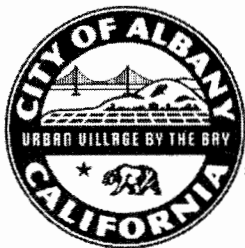
AYES: *Council Mbrs: Barnes, Maass, Nason, Pilch, Mayor McQuaid*

NOES:

ABSENT:

ABSTAIN:


PEGGY McQUAID, MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

ORDINANCE NO. 2017-03

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 17th day of April, 2017 by the following votes:

AYES: Council Members Barnes, Maass, Nason, Pilch, Mayor McQuaid

NOES: none

ABSTAINED: none

ABSENT: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

18th Day April, 2017.

Eileen Harrington

Eileen Harrington
DEPUTY CITY CLERK