

ORDINANCE #05-06

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER XX, PLANNING AND ZONING, OF THE ALBANY MUNICIPAL CODE TO ADD PROVISIONS ON HOUSING

WHEREAS, Chapter XX of the Albany Municipal Code, Planning and Zoning, also known as the Zoning Ordinance, was adopted its current form in December 2004, as a result of a comprehensive process of updating; and

WHEREAS, the comprehensive update process included a recommendation by the Planning and Zoning Commission that the City adopt provisions for the encouragement and regulation of affordable housing; and

WHEREAS, in considering proposals for the updated Zoning Ordinance the City Council deferred action on provisions for affordable housing in order to allow for additional research and revisions of proposed text in order to comply with amendments to State law made by Senate Bill 1818, which became effective on January 1, 2005; and

WHEREAS, City staff drafted revisions to the proposed text on affordable housing in response to said amendments to State law, and prepared an Initial Study of potential environmental effects of the revised housing provisions, pursuant to the California Environmental Quality Act, and as a result a notice of intent to adopt a Mitigated Negative Declaration was circulated on April 6, 2005 for public review and comment; and

WHEREAS, the Planning and Zoning Commission held a duly-noticed public hearing and heard public testimony on revised proposals for housing provisions and considered all comments on the draft Mitigated Negative Declaration on April 26, 2005 and subsequently on May 10, May 31, and June 14, 2005; and

WHEREAS, on June 14, 2005 the Planning and Zoning Commission adopted Resolution PZ 05-02, which recommended that the City Council adopt proposed revisions to the Zoning Ordinance, and included findings in support of adoption of a Negative Declaration, attesting that the potential environmental impacts of the proposed zoning amendments had been addressed in an Initial Study in conformance with the California Environmental Quality Act; that the Community Development Director had determined that the proposed project could not have a significant effect on the environment; that the Commission had reviewed and considered the information contained in the Initial Study and had reviewed and considered all comments, testimony and other evidence introduced at the public hearing and in the record of the review of the proposed regulations; and that the proposed regulations are consistent with the Albany General Plan, specifically the Land Use Element and the Housing Element; and

 WHEREAS, the Albany City Council, at a regular meeting on October 17, 2005, after due public notice, opened a public hearing on the proposed revisions to the Zoning Ordinance, as recommended by the Planning and Zoning Commission; and heard public testimony; and

WHEREAS, at said meeting on October 17, 2005 the City Council adopted Resolution 05-48, adopting a Negative Declaration in compliance with the California Environmental Quality Act (CEQA), regarding potential environmental effects of the proposed amendments.

NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS

- 1) THAT CHAPTER XX OF THE ALBANY MUNICIPAL CODE IS HEREBY AMENDED TO INCLUDE SECTION 20.40, HOUSING PROVISIONS; AND
- 2) THAT CHAPTER XX OF THE ALBANY MUNICIPAL CODE IS HEREBY AMENDED TO ADD TO SECTION 20.08, DEFINITIONS, CERTAIN DEFINITIONS RELATING TO HOUSING;
- 3) THAT THE TEXT OF SECTION 20.40 AND THE ADDITIONS TO SECTION 20.08 SHALL READ AS FOLLOWS:

[Insert text as approved by City Council]

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

PUBLICATION: This ordinance shall be published in a newspaper of general circulation in the city of Albany, which said newspaper is designated for that purpose, or it shall be posted in three locations.

EFFECTIVE DATE: This ordinance shall become effective 30 days on or after its final passage and adoption and publication.

IGNED:	
	ROBERT GOOD MAYOR