

1 **FULL TEXT OF MEASURE _____**

2
3 **ORDINANCE NO. 2026-02**

4
5 **AN ORDINANCE OF THE PEOPLE OF THE CITY OF ALBANY ADDING**
6 **SECTION 20.100.070.D.5 TO CHAPTER 20 OF THE ALBANY MUNICIPAL CODE**
7 **AUTHORIZING THE CITY COUNCIL TO ADOPT ZONING CHANGES IN THE**
8 **SINGLE FAMILY RESIDENTIAL (R-1) ZONED AREAS WITHOUT MAJORITY**
9 **NEIGHBORHOOD VOTER APPROVAL ESTABLISHED BY MEASURE D,**
10 **ADOPTED IN 1978, AFTER FOLLOWING THE NOTICED PUBLIC HEARING**
11 **AND ZONING ORDINANCE AMENDMENT PROCEDURES PRESCRIBED BY**
12 **STATE LAW AND THE ALBANY MUNICIPAL CODE**

13
14 **WHEREAS**, at the November 7, 1978 General Election, the Albany voters approved
15 an initiative measure, which is commonly referred to as “Measure D”; and

16
17 **WHEREAS**, among the zoning provisions passed by Measure D, as originally codified
18 in Section 404.9 of the Albany Municipal Code, is the requirement that any zoning changes in
19 the single family residential (R-1) zoned areas only be permitted if at least fifty percent (50%)
20 of the resident voters within three hundred (300) feet of the proposed change indicated their
21 approval by signing a verified petition to that effect; and

22
23 **WHEREAS**, Program 1.B of the Albany 2023-2031 Housing Element, “Measure D
24 Repeal,” adopted by City Council in February 2023, provides for repealing provisions of
25 Measure D requiring majority voter approval through a neighborhood petition prior to zoning
26 changes to zoning in the R-1 District; and

27
28 **WHEREAS**, Goal 2 of the City Council’s April 2025-March 2027 Strategic Plan is to
29 “Promote Housing Availability & Quality” and the third objective under this goal is to
“Develop [a] ballot measure to update the City Council’s authority to consider changes to
single family zoning standards” in reference to Measure D; and

1 **WHEREAS**, currently Measure D can only be repealed or amended by an ordinance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

3
4 **WHEREAS**, the City Council has determined that the best option available to the City
5 is to bring forward a ballot measure authorizing the City Council to modify the requirements
6 for zoning changes within the R-1 zoned areas from time to time, without majority
7 neighborhood voter approval, after following noticed public hearing and zoning ordinance
8 amendment procedures prescribed by State law and the Albany Municipal Code; and

9
10 **WHEREAS**, the proposed measure, if approved by a majority of Albany voters, would
11 allow greater flexibility for the City Council to respond to changing conditions and promote
12 the community goals as expressed in the adopted General Plan and associated planning
13 documents for encouraging additional housing availability and quality.

14
15 ***NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY ORDAIN AS***
16 ***FOLLOWS:***

17
18 **SECTION 1: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, IS HEREBY**
19 **AMENDED TO ADD A NEW SECTION 20.100.070.D.5 AS FOLLOWS:**

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21 **“20.100.070.D.5 The City Council is authorized to process zoning amendments in the**
22 **single family residential (R-1) zoned areas without majority neighborhood voter**
23 **approval mandated by 1978 Measure D.**

24
25 **After following procedures for City Council amendment of City Zoning Ordinances,**
26 **including compliance with the California Environmental Quality Act and conducting duly**
27 **noticed public hearings before the Planning and Zoning Commission and the City Council in**
28 **accordance with State law and the Albany Municipal Code, the City Council may make zoning**
29 **changes to property located in the R-1 zoned areas, without having to obtain the approval of at**

1 least fifty percent (50%) of the resident voters within three hundred (300) feet of the proposed
2 change through signing a verified petition, as mandated by Measure D (enacted by the Albany
3 voters on November 7, 1978).”

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6 **SECTION 2. RECITALS.** The People of the City of Albany find that all Recitals contained
7 in this Ordinance are true and correct and are incorporated herein by reference.

8
9 **SECTION 3: CEQA FINDINGS.** The adoption of this ordinance is exempt from the
10 California Environmental Quality Act (“CEQA”) because it can be seen with certainty that
11 there is no possibility that the adoption of the proposed ordinance will have a significant effect
12 on the environment. (CEQA Guidelines Section 15061(b)(3).) If approved by the voters, the
13 proposed ordinance would authorize the City Council to make future zoning changes to the R-
14 1 zoned areas without compliance with the neighborhood approval by petition requirements
15 established by 1978 Measure D. However, any such future zoning changes would be preceded
16 by compliance with CEQA as appropriate. The proposed ordinance, by itself, would not alter
17 the zoning of any land or effect any changes in applicable zoning/land use regulations.

18
19 **SECTION 4. SEVERABILITY.** If any section, subsection, phrase, clause, sentence, or word
20 in this Ordinance shall for any reason be held invalid or unconstitutional by a court of
21 competent jurisdiction, it shall not nullify the remainder of this Ordinance but shall be confined
22 to the article, section, subsection, subdivision, clause, sentence or word so held invalid or
23 unconstitutional.

24
25 **SECTION 5: EFFECTIVE DATE.** This Ordinance shall be considered adopted on the date
26 that the City Council declares the results of the election at which it was voted upon and shall
27 be effective ten (10) days thereafter.

1 Ordinance No. 2026-02 was submitted to the People of the City of Albany at the November 3,
2 2026 General Municipal Election. It was approved by the following vote of the People:

3

4 YES: _____

5 NO: _____

6

7 Ordinance No. 2026-02 was thereby adopted by the voters at the November 3, 2026 election
8 and took effect upon adoption of a resolution declaring the results of the election at a regular
9 meeting of the City Council held on _____, 2026, by the following vote:

10

11 AYES:

12 NOES:

13 ABSENT:

14 ABSTAIN:

15

16

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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Anne Hsu, City Clerk

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