



BALLOT MEASURE SUBMITTAL FORM

Official Use Only: Date Stamp

RECEIVED
Alameda County

AUG 05 2026

Reg. of Voters

All fields with an * are required.

BALLOT MEASURE QUESTION

Jurisdiction Name*: City of Albany

Election Date*: November 3, 2026

Note: The information as it appears within the text box will be printed on the ballot and voter guide.

Insert ballot question text here*:

Shall the measure authorizing the Albany City Council to amend the residential voter requirements for zoning changes to the R-1 zoned areas of the City established by Measure D (enacted by the Albany voters in 1978), without majority neighborhood voter approval, after following noticed public hearing and zoning ordinance amendment procedures prescribed by State Law and the Albany Municipal Code, be adopted?

TYPE OF MEASURE*

- ☒ Regular Measure ☐ Parcel Tax
☐ Bond Measure ☐ Charter Amendment

PERCENTAGE NEEDED TO PASS*

- ☒ 50% + 1 ☐ 66.6667% ☐ 2/3
☐ Other: Click or tap here to enter text.

FULL-TEXT OPTION*

Full Text to be printed in the Voter Information Pamphlet:

- ☒ **YES** (*note: must provide an MS Word file*)
☐ **NO** – Do not print, but it's accessible at: Click or tap here to enter text.

AUTHORIZED REPRESENTATIVE/CONTACT PERSON*

(office use)

Print Name: [REDACTED]

Signature: [REDACTED]

Phone #: [REDACTED]

Email: [REDACTED]

CONTACT INFORMATION

(public use)

Phone #: 510-528-5710

Email: cityclerk@albanyca.gov

Website: www.albanyca.gov

AUG 05 2026

Reg. of Voters

RESOLUTION NO. 2026-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBANY, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF ALBANY A MEASURE ADDING SECTION 20.100.070.D.5 TO CHAPTER 20 OF THE ALBANY MUNICIPAL CODE TO AUTHORIZE THE CITY COUNCIL TO AMEND ZONING REQUIREMENTS IN SINGLE FAMILY RESIDENTIAL (R-1) ZONED AREAS WITHOUT MAJORITY NEIGHBORHOOD VOTER APPROVAL ESTABLISHED BY MEASURE D, ADOPTED IN 1978; AT A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2026; AND SETTING RULES AND DEADLINES FOR THE SUBMITTAL OF ARGUMENTS FOR AND AGAINST THE MEASURE

WHEREAS, at the November 7, 1978 General Election, the Albany voters approved an initiative measure, which is commonly referred to as "Measure D" (Resolution No. 78-67); and

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

WHEREAS, Program 1.B of the Albany 2023-2031 Housing Element, "Measure D Repeal," adopted by City Council in February 2023, provides for repealing the provision of Measure D requiring majority voter approval through a neighborhood petition prior to changes to zoning in the R-1 District; and

WHEREAS, Goal 2 of the City Council's April 2025-March 2027 Strategic Plan is to "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**, because Measure D is a voter-approved measure, pursuant to California
2 Elections Code section 9217, any repeal of or amendment to Measure D must also be approved
3 by majority of Albany voters; and
4

5 **WHEREAS**, the City Council has determined that the best option available to the City
6 is to bring forward a ballot measure authorizing the City Council to amend the requirements
7 of Measure D for zoning changes in the R-1 zoned areas from time to time, without majority
8 neighborhood voter approval, after following noticed public hearing and zoning ordinance
9 amendment procedures prescribed by State Law and the Albany Municipal Code (the
10 “Measure”); and
11

12 **WHEREAS**, the City Council desires to consolidate the General Municipal Election
13 for the Measure described herein with the Statewide General Election to be held on November
14 3, 2026; and
15

16 **WHEREAS**, the City Council further desires to set rules and deadlines for the
17 submittal of written arguments and rebuttals for and against the Measure; and
18

19 **WHEREAS**, the specific terms of the Measure are provided for in the ordinance to be
20 considered by the qualified voters, attached hereto as Exhibit “A” and by this reference made
21 an operative part hereof, and in accordance with all applicable laws.
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23

24 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALBANY,**
25 **CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS**
26 **FOLLOWS:**
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SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9222, hereby orders the Measure attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the General Municipal Election to be held and consolidated with the Statewide General Election on Tuesday, November 3, 2026. The proposed Measure shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council, pursuant to its right and authority under California Elections Code, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the General Municipal Election to be consolidated with the Statewide General Election on Tuesday, November 3, 2026, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

"Shall the measure authorizing the Albany City Council to amend the residential voter requirements for zoning changes to the R-1 zoned areas of the City established by Measure D (enacted by the Albany voters in 1978), without majority neighborhood voter approval, after following noticed public hearing and zoning ordinance amendment procedures prescribed by State Law and the Albany Municipal Code, be adopted?"	YES
	NO

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SECTION 4. Election Procedures/Request for Consolidation.

- (A) The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 3, 2026, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.
- (B) The ballots to be used at the election shall be in the form and content as required by law.
- (C) In accordance with Section 10403 of the Elections Code, the Board of Supervisors of Alameda County is hereby requested to consent to consolidation of the election on this Measure with the Statewide General Election and all other elections being held in the same territory on November 3, 2026, and to having the Registrar of Voters render such election services to the City of Albany as may be requested by the City Clerk of said City, the County of Alameda to be reimbursed in full for such services as are performed.
- (D) The election services which the City of Albany requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, vote centers, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths, vote centers, and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Albany; and the performance of such other election services as may be requested by the City Clerk.

- 1 (E) The City Clerk is authorized, instructed and directed to coordinate with
2 the Alameda County Registrar of Voters to procure and furnish any and
3 all official ballots, notices, printed matter and all supplies, equipment
4 and paraphernalia, or cause such actions to be made, that may be
5 necessary in order to properly and lawfully conduct the election.
- 6 (F) That the precincts, ballot drop box locations and hours of operations,
7 vote center locations and hours of operations, vote-by-mail procedures
8 and timing, the election officers, and all other persons and procedures
9 for the General Municipal Election shall be the same as those utilized
10 by the County of Alameda; and
- 11 (G) In all particulars not recited in this Resolution, the election shall be held
12 and conducted as provided by law for holding municipal elections in the
13 City.
- 14 (H) Notice of the time and place of holding the election is given and the City
15 Clerk is authorized, instructed and directed to give further or additional
16 notice of the election, in time, form, and manner as required by law.
- 17 (I) All ballots shall be tallied at a central counting place and not at the
18 precincts. Said central counting place shall be at a County center as
19 designated by the Registrar of Voters.
- 20 (J) The Alameda County Registrar of Voters is hereby authorized to
21 canvass the returns of said election.
- 22 (K) The City Clerk of the City of Albany shall receive the canvass as it
23 pertains to the election on the measure, and shall certify the results to
24 the City Council, as required by law.

25
26 **SECTION 5. Arguments and Analysis.**

- 27 (A) The City Council authorizes (i) the City Council or any member(s) of
28 the City Council, (ii) any individual voter eligible to vote on the above
29 Measure, (iii) a bona fide association of such citizens or (iv) any

1 combination of voters and associations, to file a written argument in
2 favor of or against the City Measure, in accordance with Article 4,
3 Chapter 3, Division 9 of the Elections Code of the State of California
4 and may change the argument accordingly to the deadlines set by
5 Alameda County after which no arguments for or against the Measure
6 may be submitted to the City Clerk. Arguments in favor of or against
7 the Measure shall each not exceed 300 words in length. Each argument
8 shall be filed with the City Clerk, signed, and include the printed
9 name(s) and signature(s) of the author(s) submitting it, or if submitted
10 on behalf of an organization, the name of the organization, and the
11 printed name and signature of at least one of its principal officers who
12 is the author of the argument.

13 (B) The City Clerk shall comply with all provisions of law establishing
14 priority of arguments for printing and distribution to the voters, and shall
15 take all necessary actions to cause the selected arguments to be printed
16 and distributed to the voters.

17 (C) Pursuant to Section 9280 of the Elections Code, the City Council directs
18 the City Clerk to transmit a copy of the Measure to the City Attorney.
19 The City Attorney shall prepare an impartial analysis of the Measure,
20 not to exceed 500 words in length, showing the effect of the Measure on
21 the existing law and the operation of the Measure. The City Attorney
22 shall transmit such impartial analysis to the City Clerk, who shall cause
23 the analysis to be published in the ballot pamphlet along with the ballot
24 measure as provided by law. The Impartial Analysis shall be filed by the
25 deadline set for filing of direct arguments as set forth in subsection (A)
26 above. The impartial analysis shall include a statement indicating
27 whether the Measure was placed on the ballot by a petition signed by
28 the requisite number of voters or by the City Council. In the event the
29 entire text of the Measure is not printed on the ballot, nor in the voter

1 information portion of the sample ballot, there shall be printed
2 immediately below the impartial analysis, in no less than 10-font bold
3 type, the following: **“The above statement is an impartial analysis
4 of Ordinance or Measure _____. If you desire a copy of the
5 ordinance or measure, please call the City Clerk’s Office at (510)
6 528-5710 and a copy will be mailed at no cost to you.”**
7

8 **SECTION 6. Rebuttals.**

9 (A) That pursuant to Section 9285 of the Elections Code of the State of
10 California, when the Clerk has selected the arguments for and against
11 the various City initiated Measures which will be printed and distributed
12 to the voters, the Clerk shall send copies of the argument in favor of the
13 Measures to the authors of the argument against, and copies of the
14 argument against to the authors of the argument in favor. The authors or
15 persons designated by them may prepare and submit rebuttal arguments
16 not exceeding 250 words. The rebuttal arguments shall be filed with the
17 City Clerk not later than the deadline as set by Alameda County.
18 Rebuttal arguments shall be printed in the same manner as the direct
19 arguments. Each rebuttal argument shall immediately follow the direct
20 argument which it seeks to rebut.

21 (B) That the provisions herein shall apply only to the election to be held on
22 November 3, 2026, and shall then be repealed.
23

24 **SECTION 7. Placement on the Ballot.** The full text of the Measure shall be printed
25 in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section
26 9223 of the Elections Code advising voters that they may obtain a copy of this
27 Resolution and the ballot Measure, at no cost, upon request made to the City Clerk.
28
29

1 **SECTION 8. Delivery of Resolution to County.** The City Clerk shall certify to the
2 passage and adoption of this Resolution and enter it into the book of original
3 resolutions. The City Council directs the City Clerk to deliver copies of this Resolution,
4 including the Measure attached hereto as Exhibit “A”, to the Clerk of the Board of
5 Supervisors of Alameda County and to the Registrar of Voters of Alameda County.

6
7 **SECTION 9. Public Examination.** Pursuant to Elections Code section 9295, this
8 Measure will be available for public examination for no fewer than ten (10) calendar
9 days prior to being submitted for printing in the voter information guide. The City
10 Clerk shall post notice in the Clerk’s office of the specific dates that the examination
11 period will run.

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

22
23 **SECTION 11. Severability.** If any provision of this Resolution or the application
24 thereof to any person or circumstance is held invalid, such invalidity shall not affect
25 other provisions or applications of the Resolution which can be given effect without
26 the invalid provision or application, and to this end the provisions of this Resolution
27 are severable. The City Council hereby declares that it would have adopted this
28 Resolution irrespective of the invalidity of any particular portion thereof.

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SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

The undersigned hereby certifies that the foregoing is a full, true, and complete copy of the Resolution duly passed and adopted by the City Council of the City of Albany at a regular meeting thereof on the 1st day of June, 2026.



PEGGY McQUAID, MAYOR

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1 the single family residential (R-1) zoned areas only be permitted if at least fifty percent (50%)
2 of the resident voters within three hundred (300) feet of the proposed change indicated their
3 approval by signing a verified petition to that effect; and
4

5 **WHEREAS**, Program 1.B of the Albany 2023-2031 Housing Element, “Measure D
6 Repeal,” adopted by City Council in February 2023, provides for repealing provisions of
7 Measure D requiring majority voter approval through a neighborhood petition prior to zoning
8 changes to zoning in the R-1 District; and
9

10 **WHEREAS**, Goal 2 of the City Council’s April 2025-March 2027 Strategic Plan is to
11 “Promote Housing Availability & Quality” and the third objective under this goal is to
12 “Develop [a] ballot measure to update the City Council’s authority to consider changes to
13 single family zoning standards” in reference to Measure D; and
14

15 **WHEREAS**, currently Measure D can only be repealed or amended by an ordinance
16 adopted by the Albany voters; and
17

18 **WHEREAS**, the City Council has determined that the best option available to the City
19 is to bring forward a ballot measure authorizing the City Council to modify the requirements
20 for zoning changes within the R-1 zoned areas from time to time, without majority
21 neighborhood voter approval, after following noticed public hearing and zoning ordinance
22 amendment procedures prescribed by State law and the Albany Municipal Code; and
23

24 **WHEREAS**, the proposed measure, if approved by a majority of Albany voters, would
25 allow greater flexibility for the City Council to respond to changing conditions and promote
26 the community goals as expressed in the adopted General Plan and associated planning
27 documents for encouraging additional housing availability and quality.
28
29

1 ***NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY ORDAIN AS***
2 ***FOLLOWS:***

3
4 **SECTION 1: CHAPTER 20 OF THE ALBANY MUNICIPAL CODE, IS**
5 **HEREBY AMENDED TO ADD A NEW SECTION 20.100.070.D.5 AS FOLLOWS:**

6
7 “20.100.070.D.5 The City Council is authorized to process zoning amendments in the
8 single family residential (R-1) zoned areas without majority neighborhood voter
9 approval mandated by 1978 Measure D.

10
11 After following procedures for City Council amendment of City Zoning Ordinances,
12 including compliance with the California Environmental Quality Act and conducting duly
13 noticed public hearings before the Planning and Zoning Commission and the City Council in
14 accordance with State law and the Albany Municipal Code, the City Council may make zoning
15 changes to property located in the R-1 zoned areas, without having to obtain the approval of at
16 least fifty percent (50%) of the resident voters within three hundred (300) feet of the proposed
17 change through signing a verified petition, as mandated by Measure D (enacted by the Albany
18 voters on November 7, 1978).”

19
20 **SECTION 2. RECITALS.** The People of the City of Albany find that all Recitals
21 contained in this Ordinance are true and correct and are incorporated herein by reference.

22
23 **SECTION 3: CEQA FINDINGS.** The adoption of this ordinance is exempt from the
24 California Environmental Quality Act (“CEQA”) because it can be seen with certainty that
25 there is no possibility that the adoption of the proposed ordinance will have a significant effect
26 on the environment. (CEQA Guidelines Section 15061(b)(3).) If approved by the voters, the
27 proposed ordinance would authorize the City Council to make future zoning changes to the R-
28 1 zoned areas without compliance with the neighborhood approval by petition requirements
29 established by 1978 Measure D. However, any such future zoning changes would be preceded

1 by compliance with CEQA as appropriate. The proposed ordinance, by itself, would not alter
2 the zoning of any land or effect any changes in applicable zoning/land use regulations.

3
4 **SECTION 4. SEVERABILITY.** If any section, subsection, phrase, clause, sentence,
5 or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of
6 competent jurisdiction, it shall not nullify the remainder of this Ordinance but shall be confined
7 to the article, section, subsection, subdivision, clause, sentence or word so held invalid or
8 unconstitutional.

9
10 **SECTION 5: EFFECTIVE DATE.** This Ordinance shall be considered adopted on
11 the date that the City Council declares the results of the election at which it was voted upon
12 and shall 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
15 I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and
16 regularly adopted by the People of the City of Albany, California.

17
18
19
20 _____
Anne Hsu, City Clerk



City of Albany

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

RESOLUTION NO. 2026-29

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

The 1st day of June, 2026, by the following votes:

AYES: Council Members Hansen-Romero, Jordan, López, and Mayor McQuaid

NOES: none

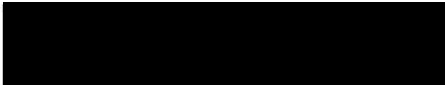
ABSENT: Council Member Miki

ABSTAINED: none

RECUSED: none

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

This 2nd day of June, 2026.


Anne Hsu
CITY CLERK