

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE N1

In 1978, the Albany voters approved an initiative (Measure D) which, among other provisions, required that two (2) parking spaces be provided for each newly constructed residential unit within the City. Measure D authorized the Planning Commission to reduce this parking requirement to one and one-half (1-1/2) spaces upon a finding that sufficient on-street parking exists. Under California law, ordinances adopted by initiative can only be amended by the voters, unless the voters expressly authorize the City Council to approve amendments.

This measure would authorize the City Council to amend the residential parking requirements of Measure D from time to time, after following the normal procedures for amending City Zoning Ordinances. These procedures include compliance with the California Environmental Quality Act and conducting noticed public hearings before the Planning Commission and City Council. Authorized amendments to the Measure D parking requirements may include, but are not limited to, modifications to the number of parking spaces required per residential unit, as well as the provisions which allow the Planning Commission to reduce these residential parking requirements in particular circumstances. This measure was placed on the ballot by the City Council. A full copy of the ordinance text is printed in these ballot materials.

A "Yes" vote is a vote in favor of allowing the City Council to amend the Measure D parking regulations. A "No" vote is a vote against allowing the City Council to approve such amendments. This measure will be approved if a majority of the votes cast on it are "Yes" votes.

DATED: July 22, 2016

Craig Labadie, City Attorney