



City of Palo Alto

City Council Staff Report

(ID # 8775)

Report Type: Consent Calendar

Meeting Date: 2/5/2018

Summary Title: Relinquish Parking Enforcement: Stanford University

Title: Adoption of Resolution to Relinquish Enforcement of Parking Regulations to Stanford University of Off-street Parking Facilities Privately Owned and Maintained by Stanford University at the Following locations: 217 Quarry Road (Hoover Pavilion Garage), Sweet Olive Way (Hoover Pavilion Surface Lot 1), 215 Quarry Road (Arboretum Children's Center Surface Lot 1A), 800 Welch Road (Cancer Clinical Trials Office), 780 Welch Road (Asian Liver Center Surface Lot)

From: City Manager

Lead Department: Police

Recommendation

Staff recommends that Council adopt the attached resolution to relinquish Palo Alto enforcement of parking regulations in Stanford University's privately-owned parking facilities to Stanford Parking and Transportation Services.

Background

The City of Palo Alto has conducted enforcement of parking regulations at Stanford Hospital for many years using Community Service Officers employed by the Police Department. Staff enforce regulations in one off-street parking garage and four off-street surface lots. The lots are open to the public for vehicular parking and are privately-owned and maintained by Stanford University through its Office of Parking and Transportation Services (Stanford P&TS).

Discussion

Earlier this year, Stanford P&TS staff approached City staff to discuss changes to parking enforcement services in their privately-owned parking facilities. Stanford P&TS procured a new permit management system that utilized virtual permits which would necessitate a change in the type of enforcement conducted. The City of Palo Alto does not utilize the technology, such as an Automated License Plate Reader (ALPR), required to conduct enforcement under Stanford's new permit management system. Subsequent discussions with Stanford P&TS resulted in a mutual agreement that it would be beneficial to relinquish the privately-owned parking facility enforcement to Stanford at this time.

Historically, the City of Palo Alto had provided and paid for the parking enforcement at Stanford by Police Department Staff, an enforcement vehicle, and parking citation hardware and software. The City had also paid for the cost of processing parking citations and citation collection efforts. In return, the City of Palo Alto retained the revenue received from parking citation payments.

California Vehicle Code §21107.8 authorizes the private enforcement of parking in privately-owned facilities by the entity responsible for the facility if the City relinquishes their own authority to the private entity.

Under this arrangement, all responsibility for enforcement of parking regulations in the lots listed in the attached resolution will become the responsibility of Stanford University. Stanford will be responsible for the costs of staffing, vehicles, and parking citation hardware and software. Additionally, they will be responsible for processing any parking invoices issued and collection of parking fees. They will retain all revenue collected from parking fee notices.

Stanford University will be responsible for following all requirements in California Vehicle Code §22107.8 relating to the issuing of parking fee notices, and California Vehicle Code §40215 relating to dispute resolution of parking notices.

Timeline

Parking enforcement will be relinquished shortly after the approval of the attached resolution on a date mutually agreeable to both Stanford P&TS and the City of Palo Alto Police Department.

Resource Impact

The City may see a fiscal impact resulting in a loss of revenue from parking citation penalties from Stanford's privately-owned facilities. These facilities have been adequately covered by providing enforcement efforts approximately 20 hours per week. These enforcement efforts will be redirected to other parking related enforcement areas which staff has been unable to consistently enforce. These areas include the California Avenue lots, and increased complaints related to abandoned vehicles. Exact revenue numbers related to this reappropriation of enforcement efforts are not known at this time. Staff will monitor activity and bring forward any necessary adjustments as part of future budget cycles.

The costs of providing enforcement in Stanford's privately-owned lots are higher than the revenue received from citation penalties.

Attachments:

- ATTACHMENT A - Stanford Parking Resolution - AB 451

Resolution No. _____
Resolution of the Council of the City of Palo Alto
Authorizing Private Enforcement of Parking Regulations
at the listed off street parking facilities at Stanford

The Council of the City of Palo Alto RESOLVES as follows:

SECTION 1. Findings and Declarations.

- a. The off-street parking facilities located at
 - 217 Quarry Road, Stanford, CA 94305 (“Hoover Pavilion Garage”);
 - Sweet Olive Way, Palo Alto, CA 94304 (“Hoover Pavilion Surface Lot 1”);
 - 215 Quarry Road, Stanford, CA 94305 (“Arboretum Children’s Center Surface Lot 1A”);
 - 800 Welch Road, Palo Alto, CA 94305 (“Cancer Clinical Trials Office”); and
 - 780 Welch Road, Palo Alto, 94304 (“Asian Liver Center Surface Lot”)(collectively, the “Stanford Public Parking Facilities”) are generally held open for public vehicular parking and are privately-owned and -maintained by Stanford University, through its Office of Parking and Transportation Services.
- b. California Vehicle Code 21107.8 authorizes the private enforcement of unauthorized parking in such privately owned parking facilities.
- c. Stanford University has requested the ability to enforce parking regulations in the Stanford Public Parking Facilities.

SECTION 2. Authorization for Private Enforcement.

- a. Stanford University is hereby authorized to regulate unauthorized parking in the Stanford Public Parking Facilities and shall be solely responsible for issuing and processing parking violations, subject to the provisions Vehicle Code section 21107.8. Specifically, and without limitation:
 1. Stanford University shall provide all notices and instructions required under Vehicle Code section 21107.8.
 2. It shall be unlawful to offer incentives based on the number of invoices issued or the number or percent of disputed invoices adjudicated that uphold parking charges.
 3. Penalties for parking violations in the Stanford Public Parking Facilities shall not exceed the penalties applicable to similar violations in City-regulated parking areas, as provided in the most recently adopted Palo Alto Administrative and Civil Penalty Schedule, including, without limitation, the penalties applicable to overtime parking in a City lot and unpermitted parking in a City permit area.
 4. Parking fee invoices shall include a conspicuous statement to the effect that “This parking invoice fee notice is not issued by the City of Palo Alto.” It shall be unlawful for Stanford University or its agents to represent itself as a government

enforcement agency or to use terminology that is restricted to governmental law enforcement.

- b. Stanford University as the enforcement entity is the beneficiary of monies collected from parking invoice fees.

SECTION 3. Dispute Resolution.

- a. Stanford University shall adopt and publish dispute resolution procedures for parking penalties consistent with Vehicle Code 40215 and that shall include, at a minimum:
 - 1. Specified time periods for notifications, review, and appeal.
 - 2. The ability to request an administrative review.
 - 3. The ability to request an administrative hearing, in person or by mail, before a third-party examiner who has been adequately trained and who provides an independent, objective, fair, and impartial review.
 - i. The examiner shall be empowered to allow payment of the parking invoice fee in installments for persons showing evidence of inability to pay the parking invoice fee in full.
 - ii. The examiner's decision shall be delivered by personal delivery or by first-class mail.
- b. In the event Stanford University fails to adopt a policy as required by subsection (a), the following procedures shall apply:
 - 1. Within twenty-one calendar days of the issuance of a notice of parking violation or within fourteen calendar days from the mailing of a notice of delinquent parking violation (whichever is later), a person may request (by telephone, in writing, or in person) an initial review by Stanford University. Upon this review, the notice of parking violation or notice of delinquent parking violation and all penalties and fees based thereon may be canceled by Stanford University if a determination is made that either the violation did not occur, that extenuating circumstances make dismissal of the citation appropriate in the interest of justice, or that the registered owner was not responsible for the violation; however, under no circumstances shall a personal relationship with Stanford University or any of its agents be grounds for cancellation.
 - i. There shall be no charge for this review.
 - ii. The decision of Stanford University shall be mailed to the person requesting review.
 - iii. If the review does not result in cancellation, the decision shall include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedure for waiving prepayment of the parking penalty based upon an inability to pay.
 - 2. If the person is dissatisfied with the results of the initial review, the person may request an administrative hearing of the violation no later than 21 calendar days following the mailing of the results of the initial review.
 - i. The request may be made by telephone, in writing, or in person.
 - ii. The person requesting an administrative hearing shall deposit the amount of the parking penalty with the processing agency. If the person provides proof of financial inability to deposit the full amount of the

parking violation (according to standards developed and included in the Stanford University's notice of decision upon initial review), the requirement for payment of the parking penalty as a prerequisite to contesting it shall be waived.

- iii. The person requesting a hearing shall have the choice of a hearing by mail or in person. An in-person hearing shall be conducted within Stanford University's main campus.
- iv. The hearing shall be held before a third-party examiner who has been adequately trained and who provides an independent, objective, fair, and impartial review in accordance with Vehicle Code section 40215(c)(4).
- v. The examiner's decision following the administrative hearing may be personally delivered to the person by the examiner or sent by first-class mail, and, if the notice is not cancelled, include a written reason for that denial.
- vi. The examiner may allow deferred payment of the parking penalty, payment in installments, or the performance of community service in lieu of payment, if the person produces satisfactory evidence of inability to pay the penalty in full.

SECTION 4. Environmental Review. The Council finds that the adoption of this resolution is exempt from review under the California Environmental Quality Act because it can be seen with certainty that there is no possibility of a significant effect on the environment as a result of the transfer of enforcement parking authority from the City to Stanford University.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Deputy City Attorney

City Manager

Police Chief

Director of Administrative Services