Ordinance No. 5294

Ordinance of the Council of the City of Palo Alto Amending Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code by Adding Chapter 10.50 (Residential Preferential Parking Districts) and Section 10.04.086 (Parking Enforcement Contractor)

The City Council of the City of Palo Alto does ORDAIN as follows:

Section 1. Chapter 10.50 (Residential Preferred Parking Districts) is hereby added to Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code to read as follows:

RESIDENTIAL PREFERENTIAL PARKING DISTRICTS

Sections:

10.50.010 Purpose
10.50.020 Definitions
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10.50.040 Initiation by City Council
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10.50.070 Administration of Districts
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10.50.100 Violations and Penalties

10.50.010 Purpose.
Residential preferential parking districts are intended to restore and enhance the quality of life in residential neighborhoods by reducing the impact of parking associated with nearby businesses and institutional uses. The procedures and standards in this chapter are intended to provide flexibility so that the city council may adopt, after consultation with residents and neighboring businesses and institutions, parking programs that appropriately protect each neighborhood's unique characteristics. Residential preferential parking districts should be designed to accommodate non-residential parking when this can be done while meeting the parking availability standards determined by the city to be appropriate for the district in question. Residential preferential parking programs may be designed to reduce non-residential parkers time to find other modes of transportation or parking locations.

10.50.020 Definitions.
The following words and phrases shall have the following meanings:
a) "Director" shall mean the director of planning and community environment.

b) "Dwelling unit" shall mean a self-contained house, apartment, stock cooperative unit, or condominium unit occupied by a single household exclusively for residential purposes. These residential purposes may include lawful home occupations.

c) "Employee permit" shall mean a permit issued to an employee working at a business located within an RPP District or as defined in an RPP district specific resolution.

d) "Guest permit" shall mean a permit issued to a Resident on an annual basis for use by a person visiting a residence in an RPP District or for workers providing services such as caregiving, gardening, repair maintenance and construction, to the Resident. The number of Guest permits issued to Residents shall be specified in administrative regulations adopted by the Director.

e) "Non-resident vehicle" shall mean a vehicle operated by a person whose destination is not to a residence within the Residential Preferential Parking District.

f) "Resident" shall mean a natural person living in a dwelling unit in an RPP District.

g) "Residential Preferential Parking District" or "RPP District" shall mean a geographical area in which the city council has established a preferential parking permit system pursuant to California Vehicle Code section 22507.

h) "Visitor permit" shall mean a temporary 24-hour permit issued to a Resident for use by a person visiting a residence in an RPP District.

10.50.030 RPP Designation Criteria
The council may designate an area as a Residential Preferential Parking District based upon the following criteria:

(1) That non-resident vehicles do, or may, substantially interfere with the use of on-street or alley parking spaces by neighborhood residents;

(2) That the interference by the non-resident vehicles occurs at regular and frequent intervals, either daily or weekly;

(3) That the non-resident vehicles parked in the area of the proposed district create traffic congestion, noise, or other disruption (including shortage of parking spaces for residents and their visitors) that disrupts neighborhood life;

(4) Other alternative parking strategies are not feasible or practical.

10.50.040 Initiation by City Council
The city council may, by motion, initiate consideration of a RPP District by directing staff to undertake the analysis and outreach process set forth in Section 10.50.050(d) and (e).

10.50.050 Initiation by Neighborhood Petition
Residents may request the formation of an RPP District in their neighborhood. The request shall be made, and considered, in the following manner:

(a) Form of Application.
(1) The director shall establish a standard form for the application for the formation of a new RPP District, as well as a list of submittal requirements for use by interested residents. These requirements shall include a narrative describing the nature and perceived source of non-residential parking impact, as well as suggested district boundaries. The director shall also approve a standard form for use in demonstrating resident support for the application.

(2) Residents shall initiate a request for establishment of an RPP District by neighborhood petition by completing the official application form.

(3) Residents are encouraged to consult with the employers and employees thought to be the source of the parking impact as they develop their proposals.

(b) Timing and Review of Applications. Each calendar year, the Director of Planning and Community Environment shall review all applications received prior to March 31st of that year to determine whether the RPP District criteria established in this Chapter are met.

(c) Prioritization of Applications. Applications determined by the Director to meet the criteria in paragraph (b) above shall be presented to the Planning and Transportation Commission. The commission shall review the requests and recommend to the director which proposal or proposals should be given priority for review and possible implementation in the current calendar year. In making its recommendations, the commission shall consider the severity of non-residential parking impact, the demonstrated level of neighborhood support, and the staff resources needed to process requests.

(d) Staff Review of Applications and Community Outreach.

Once an application has been selected for council consideration during the current calendar year, staff shall promptly review the application, gather additional information and conduct a community outreach program. At a minimum the review process shall include the following:

(1) The City shall complete parking occupancy studies to quantify the nature of the problem identified in the petition. Data shall be collected when schools in the Palo Alto Unified School District and Stanford University are in session, unless these institutions are irrelevant to the problem to be addressed.

(2) Upon completion of the consultation and outreach process, the city attorney shall prepare a draft resolution containing the proposed boundaries and hours of enforcement. Staff shall undertake a survey of resident support within the RPP District. The results of this survey shall be included in and reported to the planning and transportation commission and the city council.

(e) Planning and Transportation Commission Review. Staff shall bring the proposed RPP District to the planning & transportation commission no later than September of the calendar year in which consideration began. The commission shall review the draft resolution at a noticed public hearing and make a recommendation to the city council regarding the RPP District. This recommendation may include
proposed modifications of the boundaries. The commission's recommendation shall be forwarded to the city council no later than September 30th.

10.50.060  Establishment of Residential Preferential Parking Districts

(a) Adoption of Resolution Establishing District. Following the completion of the procedures described in Section 10.50.050, the City Council shall hold a public hearing on a proposed resolution to establish the residential preferential parking district. The resolution may specify a trial period of up to two years. Any such trial period shall begin running after the signs have been posted and permits issued. The council may adopt, modify, or reject the proposed resolution.

(b) Resolution. The resolution shall specify:

(1) The findings that the criteria set forth in Section 10.50.030 have been met.
(2) The term of the trial period, if applicable.
(3) The boundaries and name of the residential preferential parking district. The boundary map may also define areas which will become subject to the regulations of the residential preferential parking district in the future if the council approves a resident petition for annexation as provided in Section 10.50.080 below.
(4) Hours and days of enforcement of parking regulations and other restrictions that shall be in effect for non-permit holders, such as two-hour parking limits, overnight parking limits, or "no re-parking" zones.
(5) The number of permits, if any, to be issued to merchants or other non-residential users, which number may be scheduled to reduce over time.
(6) Resident permit rates which are set by City Council policy will be uniform across each district.
(7) Such other matters as the Council may deem necessary and desirable, including but not limited to fee rates and whether non-residential parking permits are allowed to be issued and transferred.

(c) Permanent Adoption. Before the expiration of the trial period, if applicable, the city council shall hold a noticed public hearing and determine whether the RPP District should be made permanent as originally adopted, modified or terminated. The council's action shall be in the form of a resolution.

10.50.070  Administration of Districts

(a) Issuance and Fees.

(1) No permit will be issued to any applicant until that applicant has paid all of his or her outstanding parking citations, including all civil penalties and related fees.
(2) A residential parking permit may be issued for a motor vehicle if the following requirements are met:
   A. The applicant demonstrates that he or she is currently a resident of the area for which the permit is to be issued.
B. The applicant demonstrates that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued.

C. Any motor vehicle to be issued a permit must have a vehicle registration indicating registration within the area for which the permit is to be issued.

(3) Visitor or guest parking permits may be issued for those vehicles or to those individuals or households that qualify for those permits under the resolution establishing the RPP District.

(4) Employee parking permits may be issued to those individuals and for those vehicles that qualify for such permits under the resolution establishing the RPP District.

(b) No Guarantee of Availability of Parking. A parking permit shall not guarantee or reserve to the permit holder an on-street parking space within the designated residential preferential parking zone.

(c) Restrictions and Conditions. Each permit issued pursuant to this Section shall be subject to each and every condition and restriction set forth in this Chapter and as provided for in the resolution establishing the specific RPP District, as may be amended from time to time. The issuance of such permit shall not be construed to waive compliance with any other applicable parking law, regulation or ordinance.

(d) Exemptions. The following vehicles are exempt from RPP District parking restrictions in this Chapter:

(1) A vehicle owned or operated by a public or private utility, when used in the course of business.
(2) A vehicle owned or operated by a governmental agency, when used in the course of official government business.
(3) A vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol, when used in the course of business.
(4) A vehicle parked or standing while actively delivering materials or freight.
(5) A vehicle displaying an authorized exemption permit issued by the City of Palo Alto.
(6) A vehicle displaying a State of California or military-issued disabled person placard or license plates.
(7) A vehicle parked for the purpose of attending or participating in an event taking place at a school within the Palo Alto Unified School District or another event venue within the RPP District, provided that the vehicle is parked within two blocks of the venue, the venue has requested and received approval from the City at least fourteen days before the event date, and the venue distributes notices to all addresses within a two-block radius of the venue. The RPP District Resolution shall specify the covered venues and number of permitted events per year.
(8) All vehicles are exempt from parking restrictions pursuant to this Chapter on the following holidays: January 1, July 4, Thanksgiving Day, and December 25.
(e) Authority of Staff

a. The director is authorized to adopt administrative regulations that are consistent with the purposes of this Chapter. Prior to adoption the director shall conduct a noticed public meeting soliciting input on such guidelines.

b. The Police Department or private parking enforcement contractor as approved by the Chief of Police shall have the authority to enforce the administrative regulations established pursuant to this Chapter.

10.50.080 Annexation of New Areas to Existing Districts
Residents of any block may petition the director for annexation into a contiguous RPP District. The petition shall be on forms provided by the department. If the petition meets the criteria established in administrative regulations adopted by the director, a resolution annexing it to the RPP District shall be prepared by the city attorney and submitted to the city council, together with the director's recommendation on the proposed annexation. The city council may approve, deny, or modify the annexation.

10.50.090 Modification or Termination of Districts

(a) Opting out. After final adoption of an RPP District, Residents may file an application with the director to opt out of the RPP District. The minimum number of blocks and percentage of units supporting the opt-out shall be specified by the director in the administrative guidelines. Applications for opting out shall be made in the form and manner prescribed by the director and shall be acted up on by the director. Any opt out application shall be filed within ninety (90) days after council adoption of the resolution establishing the RPP District.

(b) Dissolution. The city council following a noticed public hearing may adopt a resolution dissolving the RPP District:

(1) Upon receipt and verification of a petition signed by 50% or more of all the households within an approved RPP District boundary, or

(2) Upon findings by the City Council that the criteria for designating the RPP District are no longer satisfied.

10.50.100 Violations and Penalties

(a) No person shall park a vehicle adjacent to any curb in a residential preferential parking zone in violation of any posted or noticed prohibition or restriction, unless the person has a valid and current residential preferential parking permit, visitor permit, guest permit or employee permit for that vehicle, or is otherwise exempt. Violations of this sub-section shall be punishable by a civil penalty under Chapter 10.60.010.

(b) No person shall sell, rent, or lease, or cause to be sold, rented, or leased for any value or consideration any RPP District parking permit, visitor permit or guest permit. Upon violation of this subsection, all permits issued to for the benefit of the
dwelling unit or business establishment for which the sold, rented, or leased permit was authorized shall be void. Violation of this sub-section (b) shall be punishable as an infraction.

(c) No person shall buy or otherwise acquire for value or use any RPP District parking permit, guest permit or visitor permit except as provided for in this chapter. Violation of this sub-section (c) shall be punishable as an infraction.

SECTION 2. Section 10.04.086 (Parking Enforcement Contractor) of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code is hereby added to read as follows:

10.04.086 Parking Enforcement Contractor

"Parking Enforcement Contractor" means any duly qualified company that the City has entered into a contract with and that has been approved by the Chief of Police to provide enforcement of Chapter 10.50 relating to Palo Alto Municipal Code infractions only in parking zones. Enforcement includes both the issuance and processing of citations for RPP District parking violations.

SECTION 3. Section 10.08.015 (Authority of Parking Enforcement Contractor) of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code is hereby added to read as follows:

10.08.015 Authority of Parking Enforcement Contractor

The City may enter into a contract with a duly qualified company, approved by the Chief of Police, to provide enforcement of Chapter 10.50 relating to RPP District parking violations (as permissible by the Palo Alto Municipal Code).

SECTION 4. Section 10.60.010 (Parking violations punishable as civil penalties) of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code is amended to read as follows:

10.60.010 Parking Violations Punishable as Civil Penalties

Except as otherwise provided, violations of any provision of Chapters 10.36, 10.40, 10.44, 10.46, and 10.47, and 10.50 of this Title 10 (hereinafter referred to as a "parking violation") shall be punishable by a civil penalty (hereinafter referred to as a "parking penalty"). These parking penalties, together with any late payment penalties, administrative fees, and other related charges shall be established by ordinance or resolution of the city council.

SECTION 5. CEQA. This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations since it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have
a significant effect on the environment and Section 15301 in that this proposed ordinance will have a minor impact on existing facilities.

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED: December 2, 2014

PASSED: December 15, 2014

AYES: BERMAN, BURT, HOLMAN, KLEIN, KNISS, PRICE, SCHARFF, SCHMID SHEPHERD

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

Interim City Clerk

APPROVED AS TO FORM:

Senior Assistant City Attorney

APPROVED:

City Manager

Director of Planning & Community Environment