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Ordinance No. _____

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

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

SECTION 1. Findings and Recitals. The Council of the City of Palo Alto finds and declares as follows:

- A. Residential Preferential Parking Districts are appropriate to help preserve the quality and character of neighborhood streets.
- B. Residential Preferential Parking may serve as a useful Transportation Demand Management strategy to encourage employees of adjacent business parks or community facilities to plan for and take advantage of alternative transportation modes such as transit, carpooling, ridesharing, bicycling, or walking.
- C. The City of Palo Alto downtown and California Avenue areas have seen an increase in development and have experienced increases in parking demand, as documented in downtown and California Avenue monitoring reports produced in the past five years.
- D. No new parking structures have been added to the City's inventory since 2003.
- E. The overall vacancy rate within the Commercial Downtown (CD) zoning district has dropped from a high rate of 6.39 percent in 2008-2009 to 2% in 2014.
- F. The 2013 and 2014 On-Street Parking Surveys show that compared to previous years, on-street parking use has increased in the Downtown North, Professorville and South of Forest Avenue neighborhoods.
- G. The 2014 garage and lot occupancy studies and data from the Downtown Development Cap Studies show that Downtown lots are generally around 70% utilized, with visitors preferring first to park curbside, then in lots, then in garages.

SECTION 2. Chapter 10.50 (Residential Preferential Parking Zones) of Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code is hereby added to read as follows:

RESIDENTIAL PREFERENTIAL PARKING DISTRICTS

10.50.010 Purpose.

The residential preferential parking requirements established in this Chapter are intended to provide a process for residents wishing to preserve the quality of life in their neighborhoods by reducing the intrusion of parking associated with nearby businesses, while also recognizing the parking needs of business employees and customers. The requirements are designed to provide

a flexible approach so that residents may propose and the City may enact residential preferential parking programs that appropriately address each neighborhood's unique characteristics.

10.50.30

The request for designation of residential preferential parking districts within the City may be resident-initiated or City Council-initiated. The following section outlines the process for residents to use when requesting establishment of an RPP District, or modification of an existing RPP District, within the City of Palo Alto. This section also provides a process for the City to prioritize the evaluation and possible implementation of resident requests.

10.50.020 Definitions.

The following words and phrases as used in this Chapter shall have the following meanings.

(a) **Dwelling Unit.** "Dwelling Unit" shall mean any self-contained house, apartment, stock cooperative, or condominium occupied solely for residential purposes.

(b) **Residential Preferential Parking District.** "Residential Preferential Parking District" shall mean a residential area with streets and boundaries designated by the City Council where vehicles displaying a permit issued pursuant to this Chapter shall be exempt from parking restrictions established pursuant to this Chapter.

(c) **Resident.** "Resident" shall mean any person who lives in a dwelling unit located in a residential preferential parking zone.

(d) **Visitor.** "Visitor" shall mean a person visiting residents living in a residential preferential parking zone.

10.50.30 Request for Designation of Residential Preferential Parking (RPP) District.

The following steps outline the process by which residents shall propose to establish an RPP District, or modify an existing RPP District, within the City of Palo Alto.

1. **Resident Proposal.** To request establishment of an RPP District, residents from the proposed District shall submit an application to the Director of Planning and Community Environment explaining the need for a District and the source of non-residential parking intrusion into the residential neighborhood.
 - a. The Department of Planning and Community Environment shall establish a standard form for the application, as well as a list of submittal requirements for use by interested residents. Submittal requirements shall include a narrative describing the perceived source of non-residential parking

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intrusion, suggested district boundaries, and a standard petition form for use in demonstrating neighborhood support for the application.

- b. Along with an application for establishment of an RPP District, residents may submit additional materials, including but not limited to the following:
 - i. Resident-collected parking occupancy data
 - ii. Photographs
 - iii. Any other data which substantiates their proposal
 - c. Residents are encouraged to consult with the employers and employees thought to be the source of the parking intrusion as they develop their proposals.
2. **Timing and Review of Applications.** All applications for establishment of RPP districts received prior to June 30th of each calendar year will be reviewed to determine whether the following criteria are met:
- a. That non-resident vehicles, defined as those vehicles operated by persons whose destinations are to nonresidential areas, do or may substantially and regularly interfere with the use of the majority of available on-street or alley parking spaces by adjacent residents;
 - b. That the interference by the non-resident vehicles occurs at regular and significant daily or weekly intervals;
 - c. That the non-resident vehicles parked in the area of the proposed zone cause or are the source of unreasonable noise, traffic hazards, environmental pollution, or devaluation of real property in the area of the proposed zone;
 - d. Alternatives parking strategies to Residential Preferential Parking strategies are attempted first and evaluated for a period defined by the City, up to one year. After implementation of the alternative solutions, Residential Preferential Parking strategies may be considered.
3. **Prioritization of Applications.** Applications determined to meet all of the above criteria will be provided to the Planning and Transportation Commission for review and prioritization. The PTC will evaluate the proposals and determine which one or more should be prioritized for review and possible implementation in the current calendar year. Prioritization will be based on the severity of the non-residential parking intrusion, the demonstrated level of neighborhood support, and staff resources available to process the application(s).

4. **Review of Applications and Community Outreach.** Application(s) prioritized for implementation by the Planning Commission shall be subject to public outreach and a data collection process.
- a. Parking occupancy studies shall be completed during normal traffic data collection periods when schools at Palo Alto Unified School District and Stanford University are in session. Data shall not be collected on city holidays, Mondays, Fridays, summer recess from schools, and periods of inclement weather. The City may collect parking occupancy data beyond the proposed RPP District Boundary to help establish pre-project data and to help evaluate impacts of the RPP District if implemented.
 - b. City Staff shall organize at least two (2) community outreach meetings with residents of the proposed RPP District Boundary and the source of the parking intrusion into the proposed RPP District Boundary, if possible.
 - c. Stakeholders may be appointed by staff to serve as a working group to advise staff on the design of the RPP District program.
 - d. The first community meeting shall serve as an educational meeting to inform residents about the request to establish an RPP District within their neighborhood, and the process the City will use to evaluate and consider the proposal. Findings from the parking occupancy study will be shared at the meeting, together with any initial recommendations by staff regarding the size and boundary limits of the District.
 - e. The second and subsequent community meetings, if appropriate, will be dedicated to finalizing the boundary and other implementation aspects of the RPP District for consideration by the PTC and the City Council. Implementation aspects of the district shall include the following:
 - i. Hours of enforcement and target level of on-street parking occupancy
 - ii. Number of resident permits per household
 - iii. Number of employee or non-resident permits
 - iv. Prerequisite actions, if necessary
 - v. Boundaries of the district
 - vi. Costs of permits
 - vii. Number of guest permits or other special permits
 - f. Once the district boundaries and implementation design have been developed, City staff shall prepare a draft resolution implementing the RPP District and undertake a postal survey to validate resident support for the RPP District. The postal survey will provide one post card survey in a self-addressed stamped envelope to households within the proposed RPP District Boundary. A Super Majority (70%) support from returned surveys must be

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received in order for the RPP District to be considered by the PTC and the City Council, with at least a 50% response rate within the District. The postal survey may include an online option with registration and passcode for households to respond online instead of through the self-addressed stamped envelope. Only one response shall be accepted per household. In the event that more than one response is received, the first shall be retained. The proposed boundaries of the proposed RPP District may be amended based on the results of the postal survey to eliminate areas where there is not sufficient resident support

5. **PTC and City Council Review.** The Planning & Transportation Commission shall review the draft resolution establishing the proposed RPP District and make a recommendation to the City Council regarding implementation of the RPP District on a trial basis.

The City Council shall consider the PTC's recommendation and make a final decision whether to adopt the proposed resolution and establish the RPP District for a one-year trial evaluation.

6. **Evaluation and Monitoring:** If approved by the City Council, a one year trial of the RPP District shall be implemented. During the trial period, Staff will collect occupancy data within the RPP district and monitor the sales of permits to the level of occupancy defined as being appropriate for the District. Near the end of the trial period (after approximately 9-10 months) City Staff shall administer a second postal survey soliciting public input for permanent retention or removal of the trial RPP District. The City Council shall determine whether to permanently adopt, remove, or modify the RPP District based on staff's analysis and results of the postal survey.

10.50.060 Dissolution process.

After final adoption of an RPP District. Residents may request to opt out on a block-by-block basis or as a district as a whole. Once the RPP District size is less than 50% of the initial implementation, staff may consider dissolution of the RPP District if the remaining streets within the RPP District are disjointed from one another or cause confusion regarding permitted parking versus parking controlled boundaries. Dissolution of an RPP District shall be via resolution of the City Council:

- (a) Upon receipt and verification of a petition signed by 50% or more of all the households within an approved RPP District Boundary,
- or
- (b) Upon findings by the City Council that the criteria for designating the residential preferential parking zone are no longer satisfied.

10.50.070 Citywide Requirements

All RPP Districts shall share certain common elements, and shall be subject to certain requirements as outlined in this section.

- (a) **Issuance and Fees.**
 - a. 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.
 - b. A residential parking permit may be issued for a motor vehicle if the following requirements are met:
 - i. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued by producing at least one of the following documents:
 1. Copy of City of Palo Alto Utilities bill
 2. Current vehicle insurance policy
 3. Bank statement or pre-printed check with the resident's name and address
 4. Rental/lease agreement
 - ii. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued.
 - iii. 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.
 - c. An employee parking permit may be issued for an employee vehicle if the applicant can demonstrate that their place of employment is a valid District address and they meet any other criteria established within the resolution establishing the specific RPP District.
- (b) **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 pursuant to this Chapter:

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- a. A vehicle owned or operated by a public or private utility, when used in the course of business.
 - b. A vehicle owned or operated by a governmental agency, when used in the course of official government business.
 - c. 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.
 - d. A vehicle parked or standing while actively delivering materials or freight.
 - e. A vehicle displaying an authorized exemption permit issued by the City of Palo Alto.
 - f. A vehicle displaying a State of California or Military-issued Accessible Placard.
 - g. 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, provided that the vehicle is parked within two blocks of the school, the school has requested and received approval from the City at least fourteen days before the event date, and the school distributes notices to all addresses within a two-block radius of the school. Exempt parking pursuant to this subsection (a)(6) is available for no more than five events per school year for each school.
 - h. 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 of Planning and Community Environment is authorized to adopt administrative regulations that are consistent with the purposes of this Chapter.
 - b. The Police Department shall have the authority to enforce the administrative regulations established pursuant to this Chapter.
- (f) **Prohibitions and fines.** No person shall stop, stand or 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 for that vehicle, or is otherwise exempt to the extent authorized by law.

10.50.120 Transfer of Residential Preferential Parking Permits Prohibited.

(a) No person shall sell, rent, or lease, or cause to be sold, rented, or leased for any value or consideration any residential preferential parking permit. Upon the conviction of a violation of this subsection, all permits issued to, or for the benefit of, the dwelling unit for which the sold, rented, or leased permit was authorized shall be void.

(b) No person shall buy or otherwise acquire for value or use any residential preferential parking permit, except as provided for in this Chapter.

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(c) Any person violating this Section shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

SECTION 3. 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 permit violations.

SECTION 4. 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 Permit violations (as permissible by the Palo Alto Municipal Code).

SECTION 5. 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, 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 6. CEQA. The proposed Ordinance eliminates certain exemptions to the parking regulations within the Downtown and California Avenue areas of the City of Palo Alto, which will result in projects that will comply with the remaining parking regulations established in the Palo Alto Municipal Code. Further, each individual project submitted under the revised regulations will be subject to its own environmental review. Consequently, this ordinance is

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

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Assistant City Attorney

City Manager

Director of Planning &
Community Environment