



DATE: October 4, 2016

CATEGORY: Public Hearing

DEPT.: Public Works

TITLE: **Ordinance Amending Chapter 19 of the Mountain View City Code to Create a Residential Parking Permit Program**

RECOMMENDATION

1. Introduce an Ordinance Amending Chapter 19 to Create a Residential Parking Permit Program, to be read in title only, further reading waived, and set second reading for October 25, 2016 (Attachment 1 to the Council report).
2. Adopt a Resolution Authorizing the City Manager to Promulgate Residential Parking Permit Program Guidelines, to be read in title only, further reading waived (Attachment 2 to the Council report).
3. Appropriate and transfer \$332,100 from the General Fund Reserve to the General Fund Non-Operating Fund, Public Works Department (\$138,500) and Police Department (\$193,600). (Five votes required)

BACKGROUND

California Vehicle Code (CVC) Section 22507 allows local authorities to establish a Residential Parking Permit (RPP) Program by adoption of an ordinance or resolution.

On February 23, 2016, Council discussed the draft RPP Program guidelines (Attachment 3—Study Session Memo). While Council concurred with the general concept of establishing RPP zones, Councilmembers provided the following direction:

1. Include Planned Unit Developments (PUDs) within RPP zones.
2. Residents of less than five contiguous blocks may initiate an RPP Program request.
3. A 75 percent parking occupancy rate is too restrictive of a criterion for an RPP zone designation, and this should be deleted or made more flexible.

4. Cost recovery options ranged between full cost recovery and 30 percent cost recovery.

In response to the Council's direction, staff drafted the proposed ordinance amending the City Code to create an RPP Program and a resolution to create guidelines detailing the process for how a neighborhood can request designation as an RPP zone, based on Council discussion and direction.

The attached ordinance also requires the City Council to adopt neighborhood-specific resolutions to establish individual RPP zones tailored to the circumstance of the particular neighborhood, such as parking restrictions, hours of enforcement, RPP zone boundaries, etc.

ANALYSIS

In accordance with the direction provided by the Council, staff proposes the following RPP Program guidelines for establishing neighborhood-specific zones:

Criteria for Establishing an RPP Zone

1. Residents can initiate a request to designate an RPP zone by submitting a City-provided RPP Program Petition Form signed by at least 51 percent of all the residences within each block of the proposed RPP zone.
2. While it is preferred that a proposed RPP zone be five or more contiguous blocks, a minimum of three blocks can be considered (if the resident parking impacted area does not have five contiguous blocks). A block is a public street segment intersected by two other public streets. Street segments over 600' in length but less than 1,200' in length shall be considered two blocks; street segments over 1,200' shall be considered three blocks. The blocks could be in any orientation and in most cases shall include both sides of the street.
3. The petition shall identify source(s) of nonresident parking that intrudes into the neighborhood such as a school, transit center, or business(es).
4. Only one vote per residence, whether owner- or renter-occupied, will be considered. Residence means a legal, residential dwelling, including single-family homes, companion units, apartments, rowhomes, townhomes, and condominiums.

Discussion: Councilmembers expressed interest in including PUDs and other multi-family housing within RPP zones. Thus, staff has included all residences within the scope of the proposed ordinance. Some considerations about including PUDs and other higher-density residents in the permit parking program include:

- With a higher density than single-family dwellings, PUDs and other multi-family housing could consume a disproportionate share of on-street parking in an RPP zone compared with the frontage of the development. If all residences are covered by the ordinance, the demand for parking permits could exceed the overall parking capacity of the street. If this is the case, permit holders may not find available parking on the street and parking problems may shift to the other streets where none exist today.
- Older multi-family developments, such as apartments built in the 1960s, provide a smaller amount of on-site parking compared with similar developments built in the 1990s or after.
- Newer PUDs, particularly near transit, are often developed with a lower on-site parking count to encourage the use of alternative transportation modes. Providing permitted off-site, on-street parking could work against this goal.

In view of the above, Council may wish to consider adding only the older apartment buildings and PUDs that received Certificates of Occupancy before 2006 (in addition to the single-family residential homes, duplexes, and fourplexes) and exclude PUDs and newer apartment buildings which are intentionally planned with a relatively low parking count to encourage transit use.

5. A substantial amount of parking occurs and regularly impacts the area based on parking surveys conducted by staff during the peak parking periods (preferably 70 percent of the on-street parking occupancy or higher). Peak periods may differ from neighborhood to neighborhood.

Discussion: Initially, staff suggested 75 percent parking occupancy to qualify for implementation of an RPP zone. Councilmembers commented that the parking occupancy criterion should be more flexible, increasing the ability of neighborhoods to qualify for an RPP zone. Most other cities surveyed either require 75 percent or higher parking occupancy before establishing an RPP zone. The primary reason to require this criterion is to avoid establishing RPP zones in areas where no substantial nonresident parking problem exists and guard against proliferation of RPP zones.

In view of the above, staff still favors including an on-street parking occupancy criterion in the guidelines and has reduced it to a more permissive 70 percent instead of 75 percent or higher as required by most cities.

6. The proposed RPP zone should be within an area which is primarily residentially zoned. In the case of mixed-use streets, only the residential households will be able to participate in the RPP Program and RPP Program signs shall only be posted in front of residential properties.

Process for Establishing an RPP Zone

1. Upon receipt of a valid petition of 51 percent of the residents of each block, the City would survey the number of on-street parking spaces and occupancy over the course of five to seven days during the peak parking periods and define RPP zone boundaries. During this stage, staff would inform area residents, plus those within two adjoining blocks of the proposed RPP zone, about the possible implementation of the RPP Program and provide an opportunity for residents within the two adjoining blocks of the proposed RPP zone to participate in the designation process.
2. If the RPP request does not meet the established criteria, staff would send a letter to the petitioners declining the request.
3. If the RPP request meets the established criteria, staff would finalize RPP zone details, including: (1) the RPP boundary; (2) parking time restrictions; and (3) hours of parking restriction.
 - a. The RPP would be in effect during the hours the area is impacted by nonresidential parking.
 - b. The on-street parking would be restricted to two or three hours during the impacted hours for the public (nonpermit holders).
 - c. Parking time restrictions and hours of operation may differ from one RPP zone to another depending on the parking issues in the particular neighborhood requesting the designation; staff will propose days and hours of parking restrictions based on impacted hours.

- d. The cost of the permits is proposed later in this report for the first year of implementation of the RPP zone and adjustable thereafter on an annual basis by the Council as part of the budget process.
4. Once the details of the RPP zone are determined, staff will conduct a postcard survey of the properties within the proposed zone regarding the RPP Program details. Postcard surveys would be mailed to both owners and renters.
5. A minimum of 51 percent of the surveys (simple majority) must be returned by the residences in the zone in order for the RPP zone designation process to continue.
6. Both property owners and residents may participate in the survey. The purpose of the survey is to determine whether there is adequate support for the creation of an RPP zone. If both the owner and the resident complete a survey and vote the same way, their surveys will be counted as a single survey. If the votes differ, only the owner's survey will be counted.

At least 67 percent of the returned surveys must support the RPP in order for the RPP zone designation to be presented to the Council Transportation Committee (CTC) for public input, discussion, and recommendation to the Council.

7. The CTC recommendation is forwarded to the Council to consider designation of the RPP zone. If the CTC does not recommend to the Council designation of the RPP zone meeting the guidelines, petitioners can appeal to the Council to consider designation of the RPP zone.
8. Following Council approval, the Public Works Director (Director) shall cause appropriate signs to be erected in the zone.
 - a. Staff generally anticipates installing three parking restriction signs (12"x18" in size) on existing or new poles per block face (total of six signs per block) or signs about 150' apart for longer blocks.
 - b. RPP zone designation on parking signs may be shown in different colors for different zones such as blue, red, purple, etc.
 - c. Prior to implementation, staff would send another notice informing residents about implementation of the RPP Program and its details.

Initiation by City Council

The City Council may initiate consideration of an RPP zone without receipt of a petition and subject to meeting the above criteria. For example, Council may direct staff to process an RPP zone designation in any area and staff will study the area to see if it meets the above criteria and report back to Council.

The City Council may terminate or modify an established RPP zone when the criteria for designating the RPP zone are no longer satisfied or upon determination that the established zone is not in the best interest of the City.

Annexation, Modification, or Termination of an RPP Zone

Requests for annexation (addition of new blocks to an existing RPP zone) should be considered following the same criteria and process as a new RPP zone.

Requests for removal of a block(s) from the established RPP zone or the entire zone follow the same process. The removal process is initiated upon receipt of a petition signed by at least 51 percent of all households within each block requesting removal. The City will conduct a follow-up postcard survey of the residences in the zone. At least 51 percent of the surveys must be returned in order for the removal process to continue. A minimum of 67 percent of the returned surveys must support removal of the neighborhood from the RPP zone. If the requisite support for removal is demonstrated, staff will present the request to the CTC for discussion and recommendation to the Council. As with the designation, removal is effectuated by the adoption of a resolution by the Council. A minimum size of three to five blocks of RPP zone shall remain, or the zone shall be removed entirely.

Requests for modification or termination of an RPP zone should only be considered once every two years and not until at least two years after the zone is established, unless some major changes occur in and around the RPP zone. Those blocks or zones that qualify to opt out of the program should not be allowed to rejoin the program for a period of at least two years to minimize the impact on the neighborhoods and staff resources. For these purposes, a two-year period starts from the date the signs are installed. The City may consider modification or termination as well as allow blocks to rejoin earlier than two years due to unforeseen major changes in the area affecting parking.

Parking Permits

1. The RPP Program shall not be applicable to the Downtown Parking District (DPD). No RPP Program permits would be sold to residents or businesses within the existing DPD.
2. Permits would be sold to each residence. Staff may consider issuing one annual residential parking permit to a small business owner within the RPP zone with no on-site parking available.
3. Upon submitting a completed City-provided application, each residence within the RPP zone would be able to purchase up to: (a) three annual residential parking permits (vehicle-specific and stick-on type); (b) two guest permits (transferable between guests and hanger type) for the use of guests, caregivers, repair and maintenance personnel, and contractors providing services at the residence, etc.; and (c) up to 20 one-day visitor or special-case permits at any one given time for use by a person visiting a residence. If a residence requests extra permits, the Director may consider issuing extra annual residential parking permits only subject to the resident providing a justifiable reason for the additional permits, such as having more than three registered vehicles.
4. Initially, permits would be sold in person or by mail. Staff will also work toward selling permits online.
5. Residents would be allowed to use the guest permit for caregivers if a resident has different caregivers or the City would sell an annual residential permit to a caregiver upon proper documentation at the same cost as a guest permit.
6. Residents could use guest permits for contractors working on the residence within the RPP zone. Contractors and their employees working within an RPP zone could also be able to purchase one-day, weekly, or quarterly permits upon application and proper documentation at the same rate as permits sold to downtown employees and residents within the DPD, which is higher than the cost of RPP Program permits, to discourage contractors and their employees from parking their vehicles for a longer time frame than is necessary within an RPP zone.
7. Each owner of the rental property within the RPP zone, but living outside of the RPP zone, would be able to purchase one annual residential permit and one-day

visitor permits at the same cost as permits are sold to the residents within the RPP zone.

8. Applicants must demonstrate they are a current resident or owner of property within the RPP zone for which the permit is issued by providing proof of address as part of the permit application, such as utility bill, rental agreement, photo identification, property tax bill, etc., and vehicle registration.
9. Possession of an RPP Program permit does not guarantee or assign a specific on-street parking space.
10. RPP Program permit holders are restricted to parking within the same RPP zone for which the permit is issued. Permits issued for one zone shall not be valid in any other zone or the DPD.
11. Parking permits shall not be sold for any type of recreational vehicle, including trailers, boats, motorhomes, RVs, commercial vehicles, taxis and limousines, etc.

Permit Cost

1. The cost of an annual residential permit, an annual guest permit, and an annual caregiver permit is proposed to be \$62 per permit (50 percent cost recovery) and the cost of a daily permit is proposed to be \$2 per permit.
2. The above permit fees are proposed for the first year of the program implementation and could be adjusted annually as part of the budget process after the implementation of the first RPP zone. Permit fees will also be specified in the neighborhood-specific Council resolution(s) as applicable during that time.
3. Permit cost shall not be prorated or refunded.
4. Residents would be allowed to replace a lost or stolen permit at the same cost as a new permit since lost or stolen permits can be misused and reused.
5. Damaged permits are proposed to be replaced at \$10 per permit upon residents submitting a damaged permit.

Parking Violations

1. Any willful misuse of the permits, selling permits to others, copying permits, and providing false information to obtain permits or violation of the ordinance may result in revocation of the permits for the residence. Following a revocation, no permits would be issued to the residence for a period of one year. A revocation could be appealed to the Director within 21 calendar days. The appeal must state why the permit should not be revoked. The Director would respond within 21 calendar days and the decision shall be final.
2. RPP Program permit holders must comply with traffic and parking rules. For example, the permit does not excuse the requirement that a vehicle may not park in the same space for more than 72 hours without moving the vehicle or park in a no-parking red curb zone.
3. Vehicles parked in violation of other parking restrictions such as red curb or “no parking anytime” signs within an RPP zone will be subject to a citation, including RPP Program permit holders.

Exemptions

Emergency vehicles, vehicles with *disabled* placards, public utility vehicles, government vehicles when used in the course of business, and vehicles actively delivering materials, loading/unloading activity, and freight are exempt from RPP zone parking time restrictions.

FISCAL IMPACT

For cost-estimating purposes, staff created a hypothetical area for the RPP Program (Attachment 4). The hypothetical area includes approximately 50 street blocks and 1,300 residences. Staff is not suggesting implementing an RPP Program in this area – the area is for cost-estimating purposes only. The total cost of the program is estimated to be a net \$363,500, including a start-up cost of \$153,500 for enforcement vehicles and signage. Staff earlier proposed to amortize the start-up cost over five years. Thus, the annual cost of the program is estimated to be approximately \$240,700 (refer to Attachment 5 for cost details). This cost is \$40,000 higher than reported to Council in February due to deleting revenue from citations.

It is estimated that 50 percent of the residences (650) would purchase a total of 1,950 permits (1,300 annual residential permits and 650 guest permits). Based on these

estimates, staff developed six alternatives for the cost of permits, including full cost recovery, 50 percent cost recovery, and 30 percent cost recovery (Attachment 6). Based on the alternatives, the estimated cost of an annual permit varies between \$123 and \$32 with varying degrees of City subsidy.

During the Council Study Session on February 23, Councilmembers expressed interest in a range of cost recovery options from full cost recovery (\$123 per permit) to 30 percent cost recovery (\$32 per permit). In view of Council discussion, staff proposes a minimum of 50 percent cost recovery which results in the City setting the annual residential, guest, and caregiver permits at \$62 per permit and the City subsidizing a projected \$120,350 annually from the General Operating Fund. Staff will return with an amendment to the fee schedule to formally set the fee.

At this stage, program costs and the General Fund subsidy are estimates and could be adjusted on an annual basis as part of the budget process based on actual experience and City-established policies, after establishment of the first RPP zone.

Currently, no funds are budgeted to implement an RPP Program and the capital and operating expenses associated with the implementation of an RPP Program cannot be absorbed within existing staffing and budget resources. Therefore, should the Council wish to adopt the program, a budget amendment in the amount of \$332,100 is needed to fund the start-up capital costs and operating resources for the Public Works and Police Departments to manage and administer the program, handle permit issuance, and enforcement. Staffing does not currently exist to implement the program, so implementation would not begin until staffing is secured. Some staffing for the program is estimated to be less than a full-time equivalent employee, so contract staffing may be used until there is more data on actual needs and permanent staff are authorized through the budget process.

OTHER CONSIDERATIONS

While establishment of RPP zones has many advantages, Council may also wish to consider potential drawbacks to the program, including:

1. RPP zone parking restrictions may result in some inconvenience to residents and their guests.
2. Vehicles not displaying valid permits are subject to citation when parked in a designated RPP zone.

3. Applications for annual resident and guest permits must be submitted to City Hall during business hours and require proof of residency.
4. Replacement of lost or damaged permits requires payment of a fee.
5. One-day visitor permits must be obtained in advance from City Hall.
6. Having a permit allows, but does not guarantee, an on-street parking space.
7. Some residents may find the installations of “No Parking” signs to be a visual nuisance and an obstruction on the sidewalk or parkway in front of their properties.
8. Parking may spill over onto nearby streets that did not previously experience any problems.

CEQA DETERMINATION

The ordinance to establish an RPP program is not subject to the California Environmental Quality Act (CEQA) since the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment and the activity is not a project as defined in Section 15378 of the CEQA Guidelines.

CONCLUSION

In response to Council direction, staff drafted the proposed ordinance amending the City Code to create an RPP Program and guidelines setting the general process for how a neighborhood can request designation as an RPP zone. RPP zones should be carefully established in areas with substantial on-street parking occupancy and majority resident support such as 67 percent as used by most cities. The proposed fee is \$62 per permit, which is an estimated 50 percent cost recovery rate.

ALTERNATIVES

1. Adopt the ordinance with modifications.
2. Do not adopt the ordinance.
3. Provide other direction to staff.

PUBLIC NOTICING

Agenda posting and notices were sent to all neighborhood association representatives, Central Business Association, Chamber of Commerce, Mountain View High School, and the members of the public who spoke at the February 23 Council Study Session. Social media, including Next Door, will also be used to get the word out.

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- Attachments:
1. Ordinance
 2. Resolution
 3. [Study Session Memo Dated February 23, 2016](#)
 4. Hypothetical Residential Permit Parking Zone
 5. RPP Program – Estimated Cost
 6. Cost of Annual Permit Alternatives