

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING
SECTION 12-17 (PREFERENTIAL PARKING ZONES) OF ARTICLE
III (PERMIT PARKING) OF CHAPTER XII (DESIGNATED PARKING)
TO MODIFY THE PROCEDURES RELATING TO THE DESIGNATION
OF PREFERENTIAL PARKING ZONES

BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended to read as follows (additions are shown in underline):

12-17 PREFERENTIAL PARKING ZONES

12-17.1 - Purpose.

The Preferential Permit Parking Program is enacted to mitigate the serious adverse effects of motor vehicle congestion associated with longterm and nonresident motor vehicle parking in residential areas which make it difficult for residents to locate on-street parking within their neighborhood. The provisions of this Section set forth procedures for the establishment of Preferential Permit Parking areas within the City.

12-17.2 - Legislative Findings.

The City Council finds that the continued vitality of the City of Alameda depends on the preservation of its safe, healthy, and attractive neighborhoods and other residential areas therein. The Council further finds that there exists inadequate on-street parking to accommodate the convenient parking of motor vehicles by residents in the vicinity of their homes, owing to long term on-street parking and/or parking by non-residents. Moreover, certain parking "generators" within the City, such as hospitals, schools, shopping and employment centers, commercial districts, and locations convenient for commuter parking, increase parking demand in these areas which further exacerbates neighborhood parking issues. The spillover of longterm nonresidential parking into adjacent residential zones:

1. Displaces residential parking creating an excessive and undue burden upon their residents and detracting from the safety, health, and attractiveness of their neighborhoods.
2. Negatively impacts the City of Alameda's ability to efficiently manage commercial area parking.

A system of preferential permit parking will serve to alleviate the burdens upon residents of the City and thus promote the general public welfare.

12-17.3 - State Vehicle Code Provisions.

The provisions of this article are expressly enacted under California Constitution Article XI, Section 11, together with provisions of the California Vehicle Code, as amended. The provisions set forth in the Vehicle Code shall govern whenever this article fails to set forth any specific provision.

12-17.4 - Definitions.

As used in this Section:

- (a) Business shall mean an enterprise or establishment used for the purpose of conducting business located in a Preferential Parking Zone.
- (b) Dwelling Unit or Residence shall mean a house, apartment, condominium, or other types of residence, in conformance with the City's Zoning Ordinance. Apartments or other type of residence having numbers or letters assigned in addition to the street address shall be deemed a dwelling unit.
- (c) Guest shall mean any person visiting a dwelling unit located in a preferential parking zone.
- (d) Guest Permit shall mean a permit issued by the City of Alameda to residents of preferential parking zones, limited to use by guests of the resident within the zone to which it is issued.
- (e) Homeowner's Associations shall mean a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (f) Motor Vehicle shall include any licensed automobile, truck, recreational vehicle, motorcycle, or other motor-driven form of transportation.
- (g) Parking Permit or Preferential Parking Permit shall mean any valid resident, merchant, or guest permit issued by the City of Alameda.
- (h) Parking Generators shall mean land uses that generate significant parking demand. Such land uses may include, but are not limited to, schools, offices, shops, restaurants, movie theaters, and hospitals.
- (i) Preferential Parking Zone shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this Section.
- (j) Qualified Petition shall mean a City of Alameda approved petition that represents at least fifty-five percent (55%) of the residences and businesses in a residential area or one that has been submitted in conformance with subsection 12-17.6(f) or (g) below. Only one (1) signature per dwelling unit or business establishment will be counted toward meeting this requirement.
- (k) Resident shall mean any person eighteen (18) years of age or older whose residential or business address is in the designated Preferential Parking Zone.

- (l) Residential Area shall mean any area of the City that is predominantly residential with at least eighty five percent (85%) of addresses designated as residential dwelling units.
- (m) Spillover Parking shall mean a parking demand that is not satisfied by the parking supply from the area that created the parking demand.

12-17.5 - Parking Privileges for Permit Holders.

Any motor vehicle properly displaying a valid preferential parking permit for a street within a preferential parking zone may park on that street during the hours when parking on such street is prohibited to nonpermitted vehicles. Except as otherwise provided in this Section, all other motor vehicles parked within a preferential parking zone shall be subject to the parking restrictions and penalties as provided in this Section. A preferential parking permit shall neither guarantee nor reserve to the holder thereof any particular on-street parking space. A permitted vehicle shall obey all other parking rules, regulations, and restrictions.

12-17.6 - Designation of Preferential Parking Zones; Dissolution of Preferential Parking Zones.

- (a) The City Council may, by resolution, and at its discretion or upon receipt of a petition signed by at least fifty-five percent (55%) of the residences and businesses within a residential area, designate that area or areas to be a preferential parking zone.
- (b) A preferential parking zone shall be created only where the City Council has found that unrestricted parking creates a situation in which the streets cannot be used for parking by the residents or their guests and that such unrestricted parking substantially and unreasonably, regularly interferes with the use of 85% of the available public street parking.
- (c) Residents of any residential area may petition the City of Alameda Public Works Department to add or to remove areas from the City's preferential parking program. To add or remove an area, residents of the area must submit a general petition of interest representing at least fifty-five percent (55%) of the residences and businesses of the area in support of or in opposition to a preferential parking program. Based on the petition, the Public Works Department will evaluate the City's ability to serve the area and may include a wider range of adjacent streets or street segments in the program area that represent potential spillover parking impacts. Residents and businesses of the proposed area will be notified of the proposed preferential parking program at least thirty (30) days prior to its implementation.
- (d) Residents may submit a qualified petition to request adding or removing a street segment to an existing program area. These petitions must be submitted to the Public Works Department which will evaluate the City's ability to serve the area. Residents of the proposed street segment will be given at least thirty (30) days' notice prior to implementation of the preferential parking program.

- (e) The designation process set forth in this Section shall be utilized by the City Council in determining whether to dissolve a preferential parking zone.
- (f) Notwithstanding subparagraphs (a), (c), and (d) of this subsection 12.17.6, residents desiring to create a preferential parking zone within a residential area shall have the alternative option of submitting a petition that represents at least forty percent (40%) of the residences and businesses in a residential area, accompanied by a non-refundable deposit in accordance with the Master Fee Schedule, to the Public Works Department. If the Public Works Department determines that the proposed area is eligible for designation as a preferential parking zone and such zone is created by City Council resolution, the amount deposited with the petition will be credited pro rata towards the petitioners' first year's permit fees.
- (g) Notwithstanding subparagraphs (a), (b), (c), and (d) of this subsection 12.17.6, Homeowners' Associations seeking to create a preferential parking zone within a residential area at least partially comprised of public streets shall have the alternative option of submitting a request to the Public Works Department for consideration of creating a new preferential parking zone. If the Public Works Department determines that the proposed area is eligible for designation as a preferential parking zone, it may submit the request to the City Council for consideration. The request must be accompanied by a Resolution of Approval by the Homeowner Association's Board of Directors approving the creation of the preferential parking program consistent with section 12.17, as well as other information deemed necessary to evaluate the request, including but not limited to, evidence that the Board has authority to take this action on behalf of the HOA and that all members of the Homeowner's Associations were notified in writing 10 days prior to the Board taking action on the item. In addition, the Homeowner Association must enter into a binding agreement with the City of Alameda to cover the costs of installing the signs (12.17.8) and administering the application and issuance process (12.17.10) for the preferential parking program. The preferential parking program can be removed by Resolution of Approval of the Homeowner's Association and City Council Action. The City, at its sole discretion, shall have the right to inspect the Homeowner's Association's books and records relating to this program.

12-17.7 - Criteria To Be Used When Designating A Preferential Parking Zone.

The criteria for designation as a preferential parking zone shall include, but not be limited to, the following determinations:

- (a) Whether a proposed zone is of sufficient size to support the ongoing operation, maintenance and enforcement costs so that no subsidy by the City's General Fund is required;
- (b) The proximity of the proposed preferential parking zone to parking generator(s);
- (c) The proposed zone's on-street parking occupancy during peak hours;
- (d) Whether the proposed zone is predominantly residential with at least eighty-five percent (85%) of the addresses designated as residential dwelling units except as provided under 12.17.6 (g);

- (e) Whether the alternative solutions are not feasible or practical; and
- (f) Whether the area includes both sides of the street in any block.

12-17.8 - Installation of Signs.

The preferential parking designation shall not apply to any specific street within the zone until a sign giving adequate notice thereof has been installed on that street. The Public Works Director shall cause the installation of such signs on the streets in preferential parking zones, in an order and timing in his or her discretion according to sound traffic engineering principles, indicating that there is no or limited time parking between specified hours except for vehicles which display a valid preferential parking permit.

12-17.9 - Establishment and Enforcement of Hours.

Preferential parking referenced in this Section shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council and established by resolution, based upon sound traffic engineering principles, traffic investigation, and surveys made, and shall be posted upon such streets. Nothing in this Section shall be construed as permitting parking during times or hours or by type of vehicle otherwise prohibited in the Alameda Municipal Code or by and provision of state law.

12-17.10 - Preferential Parking Permit—Application and Issuance.

- (a) Parking permits for preferential parking zones shall be issued by the Director of the Community Development Department or his/her designee, except as provided under 12.17.6 (g).
- (b) The City shall make available preferential parking permit applications and shall issue permits upon proper application therefor. Each application and reapplication shall be on a form provided by the City and shall contain sufficient information to satisfy the City as to the identity the applicant including: the address and daytime telephone number of the applicant; the applicant's driver's license number; the license number, make, model, and year of the vehicle; proof of current vehicle insurance and current registration; and such other information as deemed necessary by the City. Permits shall be issued within thirty (30) days of the City's receipt of a complete and conforming application.
- (c) Each application, reapplication, and renewal application shall be accompanied by the nonrefundable fees specified by resolution of the City Council.
- (d) Parking permits shall not be issued to any person who has outstanding parking tickets.
- (e) Parking permits become invalid and shall be returned to the City when the permit holder moves out of a preferential parking zone.

12-17.11 - Resident Parking Permits.

- (a) The number of resident parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. Resident parking permits are issued to the resident for the resident's vehicle. The resident parking permit is not transferable between vehicles. The resident permit is valid for one year after the date of issuance.
- (b) Resident parking permits shall be affixed to the inside bottom left of the front windshield or hung from the rear view mirror.

12-17.12 - Guest Parking Permit—Daily or Weekly.

- (a) The number of daily or weekly guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. Two (2) types of temporary guest permits shall be available for residents at an additional cost. Short-term permits shall be valid for one (1) day, while long-term guest permits shall be valid for one (1) to four (4) weeks. The cost of the guest permit shall be established by the City Council resolution that creates the Preferential Parking Zone. Daily guest permits are valid only on the day for which they are issued and shall expire at 8:00 a.m. following the effective date thereof. Guest parking permits are to be used only by a resident's guests.
- (b) Daily guest parking permits shall be displayed by hanging the same from the rear view mirror.

12-17.13 - Business Parking Permits.

Preferential Parking Permits may, in addition, be issued for each business address that actively engages in business activity within the designated preferential parking zone and has no off-street parking lot for use by its employees. The number of business parking permits to be issued to each business for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. The permits must be associated with a vehicle owned, leased, or under the continuing custody of a person who is employed by or who is an agent of a business located within the preferential parking zone.

12-17.14 - Limits on the Use of the Permits.

The establishment of a preferential parking zone and the receipt of a Permit pursuant to this Section do not:

1. Guarantee or reserve to the holder thereof an on-street parking space within the designated preferential parking zone.
2. Authorize the permit holder to leave his or her vehicle standing in the zone to which the permit applies for more than seventy-two (72) hours.

3. Authorize the abridgment or alteration of regulations established by authority other than this Section.
4. Exempt the permit parking holder from other traffic controls and regulations existing in the designated preferential parking zone.
5. Constitute a permit for, or approval of, any violation of any provision of this code, the California Vehicle Code, or any other law or regulation. For example, this permit does not exempt vehicles from regulations or laws such as those pertaining to no parking zones, including street sweeping or loading zones.

12-17.15 - Permit Content.

Each preferential parking permit shall state the preferential parking zone in which it is valid, the expiration date, and any additional information required by the City.

12-17.16 - Replacement Parking Permits.

The City may issue a replacement parking permit to any person who has qualified for and who has been issued a parking permit under the provisions of this Section. To receive a replacement parking permit, the permit holder must furnish proof that said permit has been lost or destroyed or, if the permit is the type that is affixed, proof that the vehicle to which the original permit was affixed has been transferred or disposed of, in which case new vehicle registration must be provided. The replacement parking permit will be reissued at the standard cost of the original parking permit that it replaces. The cost of the replacement permit will not be pro-rated. Permit holders shall report to the City a lost, stolen, or missing parking permit within five (5) days of loss, at which time that permit shall be cancelled and a new permit issued for a replacement fee. Homeowner's Association issued permit holders will need to contact their Homeowner's Association for replacement of lost or destroyed permits or for other issues.

12-17.17 - Preferential Parking Permit Exemptions.

The vehicles listed in this Section may park in a preferential parking zone without a preferential parking permit: vehicles lawfully displaying a special identification license plate or placard issued to a disabled person; vehicles of disabled veterans; vehicles readily identifiable as emergency or government vehicles; and vehicles readily identifiable as commercial, delivery, service, utility, or construction vehicles while actually engaged in providing maintenance, repair, or service work to a residence or business within the preferential parking zone.

12-17.18 - Preferential Parking Permit Revocation.

- (a) The Chief of Police, the Public Works Director, the Director of the Community Development Department, or their designees, are authorized to revoke the parking permits of any person on any of the following grounds:
 1. Ineligibility for a permit at the time of the application, reapplication, or renewal application;

2. Ceasing to be eligible during the term of the permit;
3. Failing to comply with or violating any condition imposed on the issuance of a permit; or
4. Failing to comply with or violating any provision of this Section or any related law or regulation.

Upon written notification, the permit holder shall surrender such permit to the requesting authority. The permit shall be considered void on the tenth day after the date of notification. Failure to surrender a revoked parking permit when requested shall constitute a violation of this subsection. Upon revocation, parking permit fees will not be refunded.

- (b) Any person whose permit has been revoked shall not be issued a new permit without reapplying and establishing eligibility pursuant to this Section.
- (c) The action of the Chief of Police, the Public Works Director, the Director of the Community Development Department, or their designees, to revoke a parking permit may be appealed to the City Manager or his/her designee. Notice of such an appeal shall be filed with the City Clerk within ten (10) days after the revocation. If such an appeal is timely filed, revocation shall be stayed until the City Manager or designee's decision is made. Upon failure of the permit holder to file such notice within the ten (10) day period, the action of the Chief of Police, the Public Works Director, or the Director of the Community Development Department shall be final and conclusive. The hearing on the appeal shall be conducted pursuant to rules and procedures established by the City. The City Manager's determination shall be the City's final and conclusive determination on the matter and shall be subject to review only as provided in the California Code of Civil Procedure. The failure of the permit holder to appeal as provided in this Section shall be considered an exhaustion of their administrative remedies.

12-17.19 - Parking Permit Fees.

The parking permit fees for all City parking permit programs shall be established by resolution of the City Council, except as provided under 12.17.6(g). Separate rates may be established for different permit types and/or permit locations.

(Ord. No. 3031 N.S., § 1, 5-3-2011)

12-17.20 - Permit Parking Penalty Provisions.

It is unlawful and a violation of this Section to do any of the following, which violations shall be subject to the civil parking penalties established by the City Council:

- (a) Unless exempted by the provisions of subsection 12-17.17, no person shall stand or park a motor vehicle in any preferential parking zone in violation of any parking restrictions established pursuant to this Section. A violation of this subsection shall constitute an infraction which shall be punishable by a fine established by resolution of the City Council.

- (b) No person shall falsely represent him or herself as eligible for a parking permit or furnish false information to the City in an application for a preferential parking permit.
- (c) No permit issued pursuant to this Section shall thereafter be assigned, transferred, or used for any consideration, monetary or otherwise.
- (d) No person shall copy, produce, create a facsimile of, or counterfeit, a parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking permit.
- (e) No person shall hold a valid parking permit and allow the use or display of such permit on a motor vehicle other than that for which the permit was issued. Such conduct shall constitute an unlawful act both by the person who holds the valid parking permit and the person who displays the parking permit. No person shall alter or deface a parking permit, intentionally conceal an expiration date or otherwise attempt to present false information as true and genuine on the face of a parking permit which is displayed in a vehicle parked on a City street.
- (f) No person shall improperly display or fail to display a parking permit required and issued pursuant to this Section.
- (g) It shall be the sole responsibility of the owner, operator, manager, or driver of a vehicle for which a parking permit has been issued to become familiar with the provisions for and limitations on the use of the parking permits. Ignorance of these provisions and limitations shall not be claimed as a defense in any action brought for illegal or improper use of the parking permit and shall not be sufficient grounds to void any citation issued for any violation of this Section.

12-17.21 - Authority of City Staff.

- (a) The Public Works Director shall have the authority to promulgate rules and administer policies designed to implement the Preferential Parking Program as set forth herein.
- (b) The Director of the Community Building Department shall have authority to promulgate rules and administer policies designated to implement the collection of fees and issuance of permits for Preferential Parking Program as set forth herein.
- (c) The Police Chief shall have the authority to enforce the rules and regulations established pursuant to this Section.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the ____ day of _____, 201__, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____, 201__.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Janet C. Kern, City Attorney
City of Alameda