REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

Staff Report
January 5, 2012

Honorable Members of the
Law and Legislation Committee

Title: Residential Permit Parking Ordinance Amendment

Location/Council District: Citywide

Recommendation: Approve and forward to City Council for adoption, amendments to Chapter 10.48 of the Sacramento City Code, related to the City's Residential Permit Parking Program.

Contact: Matt Winkler, Operations General Supervisor, 808-5579; Howard Chan, Parking Services Manager, 808-7488

Presenters: Matt Winkler

Department: Transportation

Division: Parking Services

Organization No: 15001511

Description/Analysis

Issue: The Central City Parking Master Plan ("CCPMP") was adopted by City Council in September 2006 and serves as a strategic guide for the City's parking program. Goal 4 of the CCPMP contains the following recommendations for the existing residential permit parking program ("RPP"): 1) ensure the RPP program continues to protect the residential character of neighborhoods and provide adequate parking for residents while also supporting the needs of small, neighborhood-supporting businesses; and 2) adopt policies that provide greater consistency and clarity in the RPP program.

The following highlight the significant changes to Chapter 10.48 of the Sacramento City Code regarding residential permit parking.

- Parking Occupancy Study— A parking occupancy study will be conducted if the

parking services manager determines there is sufficient interest by residents to designate a new RPP area, modify an existing RPP area, or annex streets into an existing RPP area. Should the parking occupancy study validate the need for a RPP action, voting surveys will be distributed to affected property owners for consideration.

- Voting for Proposed RPP Changes—Only property owners will be allowed to vote on proposed parking modifications; 2/3 of total votes will be required to advance the proposal to the City Council for consideration; City Council approval will continue to be required for the creation and elimination of RPP zones, but the parking services manager will have authority to annex or modify existing RPP zones that meet voting requirements.
- Time Limit Restrictions—Time limit restrictions will be determined by a parking occupancy study.
- Permit Use Area—A vehicle displaying a valid residential parking permit may park in the designated residential permit parking area provided it is within three city blocks of the address the permit was issued to.

Policy Considerations: The recommendations are consistent with:

1) The City's strategic plan and the goal of the City Council to achieve sustainability and enhance livability.

2) Goal 4 of the Central City Parking Master Plan.

Environmental Considerations:

California Environmental Quality Act (CEQA): The proposed amendment of the Ordinance would not involve any physical changes to the environment, and would not result in actions that would require such changes. The action is exempt from the California Environmental Quality Act because it can be seen with certainty that there would no potential for causing a significant effect on the environment. CEQA Guidelines, section 15061(b)(3).

Sustainability Considerations: This ordinance supports the City of Sacramento's sustainability goals to improve and optimize transportation infrastructure.

Rationale for Recommendation:

The City's residential permit parking ("RPP") program was created in May 1979 to ensure residents and their guests have sufficient on-street parking near their homes and to be exempt from meter payments and/or time limits within a particular RPP area.

The Central City Parking Master Plan ("CCPMP") was adopted by City Council in September 2006 and serves as a strategic guide for the City's parking program. Goal 4 of the CCPMP recommends modifying the RPP ordinance to balance the parking needs of the retail community with those of residents. In fulfilling these goals, the recommended amendments to the RPP ordinance establish standardized criteria for creating, deleting, and modifying RPP zones; defines parking utilization requirements

and voting rights; and provides the parking services manager flexibility to modify existing RPP areas in response to changing parking demand. The proposed amendments were developed with significant input and support from the stakeholders who participated in the development of the Central City Parking Master Plan.

Financial Considerations: There is no financial impact with this ordinance.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: _____
Howard Chan
Parking Services Manager

Recommendation Approved:

_____
Jerry Way
Director of Transportation

Table of Contents:

Report	Pg 1
Attachments:	
Revised Ordinance	Pg 4
Redlined Ordinance	Pg 14

ORDINANCE NO. 2012-

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE SACRAMENTO CITY CODE RELATING TO RESIDENTIAL PERMIT PARKING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Chapter 10.48 of the Sacramento City Code is amended to read as follows:

Chapter 10.48 Residential Permit Parking Program

10.48.010 Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the city by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. As set forth in more specific detail in Section 10.48.020 of this chapter, such parking by nonresidents threatens the health, safety and welfare of all the residents of the city. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park near their homes. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring alternatives to automobile travel available to nonresidents who park in these areas. For the reasons set forth in this chapter and pursuant to the authority of Vehicle Code section 22507, a system of preferential resident parking is enacted for the city.

10.48.020 Legislative findings.

A. General Findings. The city council finds that serious adverse effects in certain areas and neighborhoods of the city result from motor vehicle congestion, particularly long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. The permit program established by this chapter will relieve these serious adverse affects by:

1. Reducing potential hazardous traffic conditions resulting from the long-term parking of commuter vehicles in neighborhoods;

2. Protecting such areas and neighborhoods from polluted air, excessive noise, trash and refuse caused by the entry and exit of such motor vehicles;

3. Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residence;

4. Preserving the character of such areas and neighborhoods as residential; promoting the efficiency of the maintenance of the streets of such areas and neighborhoods in a clean and safe condition;

5. Preserving the value of property in such areas and neighborhoods;

6. Preserving the safety of children and other pedestrians;

7. Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the city.

B. Specific Findings. The following specific legislative findings of the city council in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this chapter. These findings do not exhaust the subject of the factual basis supporting the enactment of this preferential resident parking program.

1. The safety, health, and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;

2. A large number of Sacramento residents possess automobiles and, as a result, are daily faced with the need to store these automobiles at or near their residences;

3. Certain neighborhoods and areas of the city have marginally sufficient or insufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents in the vicinity of their homes;

4. Some neighborhoods and areas as described in subsection (B)(3) of this section are often burdened by the parking in such neighborhoods and areas of motor vehicles owned by nonresidents which compete for the available on-street parking spaces;

5. There exists certain parking "generators" within the city, i.e., hospital and university complexes, and large public office buildings, which attract nonresidents to residential areas to seek parking which increases the severity of the shortage of space for resident parking in such neighborhoods and residential areas;

6. Unnecessary vehicle miles, noise, pollution, and strain on interpersonal relationships caused by the conditions set forth herein create unacceptable hardships on residents of these neighborhoods and areas by causing the deterioration of air quality, safety, tranquility, and other values of the urban residential environment;

7. If allowed to continue, these adverse effects on the residents of the city will contribute to a decline of the living conditions therein, a reduction in the attractiveness of residing within the city, and consequent injury to the general public welfare; and, enacted in this chapter will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvement in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by preserving a more stable and valuable property tax base in order to generate the revenues required to provide essential public services.

10.48.030 Definitions.

"Annexation" means adding additional blockfaces to an existing residential permit parking area.

"Blockface" means one side of a city block between two intersections.

"Motor vehicle" includes an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds gross weight.

"Occupancy rate" means the ratio of available parking spaces to the number of vehicles parked in such spaces.

"Owns" means that a person has at least one-quarter of the fee interest in a parcel of real property within a residential permit parking area.

"Parking manager" means the person designated by the city manager to administer the provisions of this chapter.

"Parking study" means the counting of vehicles parked in a selected area during selected days and times to evaluate the ratio of available parking spaces to the number of vehicles parked in the area.

"Resident" means a person who lives in the residential area on a permanent basis.

"Residential area" means a contiguous or nearly contiguous area where residents live and which contains public streets and highways.

"Residential permit parking area" means a residential area designated as provided for in this chapter in which motor vehicles displaying a valid permit shall be exempt from parking regulations established pursuant to this chapter.

"Resident permit" means any vehicle, visitor or temporary permit issued for the purpose of parking in a residential permit parking area.

10.48.040 Designation of residential permit parking areas.

The city council may, by resolution, designate any residential area as a residential permit parking area. The resolution shall state the boundaries of the area, applicable parking regulations, and fees, if any, to be charged upon permit issuance.

10.48.050 Designation and annexation criteria.

In determining whether a residential area may be designated as a residential permit parking area or annexed into an existing residential permit parking area, the parking manager shall take into account factors which include, but are not limited to:

A. The desire and need of the residents for residential permit parking;

B. The extent that motor vehicles are parked in the residential area during the period proposed for parking regulations;

10.48.060 Designation/Annexation process.

A. Persons desiring the designation of a residential permit parking area or annexation of an area to an existing residential permit parking area shall consult with the parking manager to tentatively establish the boundaries of the area proposed for designation or annexation.

B If the parking manager determines there is a significant show of interest by the residents in the residential area proposed for designation or annexation, the parking manager shall undertake a parking study to determine the appropriate residential permit parking regulations for the area.

C. The parking study occupancy rates shall determine the parking restrictions as follows: occupancy rates of eight-five percent (85%) or more shall support a parking limitation of one hour or less; occupancy rates of more than fifty percent (50%) but less than eighty-five percent (85%) shall support a parking limitation of more than one hour; and occupancy rates of fifty percent (50%) or less, shall result in no change to the current parking restrictions. In addition, if occupancy rates are fifty percent (50%) or less the parking manager shall decline a request to designate or annex the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the

character of the residential area that impacts the need and desire for residential permit parking.

D. If the parking study shows more than a fifty percent (50%) occupancy rate, the parking manager shall undertake voting surveys of the owners of the properties located on the blockface(s) for the areas proposed for designation or annexation to determine support or opposition to the proposed designation or annexation. Unless a majority of voting surveys are returned with at least two-thirds of the returned surveys showing support for the designation or annexation, the area shall not be designated or annexed as a residential permit parking area.

E. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation or annexation of the area as a residential permit parking area, the parking manager shall mail notices to the residents of the proposed new or annexed residential permit parking area setting forth the proposed location and boundaries of the area, the proposed residential permit parking regulations, and the fees, if any, to be charged upon permit issuance.

F. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed annexation of an area to an existing residential permit parking area, the parking manager shall have the authority to annex the area into an existing residential permit parking area.

10.48.070 Recommendation of the parking manager to designate an area as a residential permit parking area.

A. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation of an area as a residential permit parking area, the parking manager shall recommend by written report to the city council, whether to designate the residential area under consideration as a residential permit parking area.

B. The report of the parking manager shall set forth the results of the parking study, the voting survey, and the proposed boundaries and regulations of the residential permit parking area.

10.48.080 Issuance of vehicle parking permits.

A. Vehicle parking permits shall be issued by the parking manager. Each permit shall state the specific residential permit parking area, the license number of the motor vehicle for which it is issued, and any additional information required by the parking manager to enforce the provisions of this chapter. Only one parking permit shall be issued for each motor vehicle. The requirements governing the manner in which persons qualify for vehicle parking permits in each residential permit parking area shall be established by the parking manager and may include but not be limited to,

current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit will be issued.

B. Vehicle parking permits may be issued for motor vehicles only upon application of the following persons:

1. A resident of the residential permit parking area who owns a motor vehicle registered with the California Department of Motor Vehicles at the address where the resident lives;

2. A resident of the residential permit parking area who has a company leased or company-owned vehicle regularly parked in the area;

3. A person who owns or leases commercial property located in the residential permit parking area, who actively engages in business activity at the property and uses a motor vehicle for such business activity which is registered with the California Department of Motor Vehicles in the name of the business and the address of the commercial property;

4. A resident of the residential permit parking area on active military duty with the United States Armed Forces who maintains a separate vehicle registration address.

10.48.090 Visitor permits.

The parking manager is authorized upon application to issue visitor permits to residents and owners of residential properties that are located within a residential permit parking area for use by transient visitors. The requirements governing the manner in which persons shall qualify for visitor permits in each residential permit parking area shall be established by the parking manager and may include but not be limited to current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit is issued.

10.48.100 Modification of regulations in existing residential permit parking areas.

A. Person(s) desiring to modify the parking regulations of an existing residential permit parking area shall consult with the parking manager to establish the proposed changes and blockface(s) impacted.

B. If the parking manager determines there is a significant show of interest by the residents in a residential area to modify the parking regulations in an area, the parking manager shall undertake a parking study to determine if the parking regulations for the area should be modified.

C. The parking study occupancy rates shall determine the parking restrictions as set forth in section 10.48.060(c).

D. In the event that the parking study demonstrates an occupancy rate of fifty percent (50%) or less, the parking manager shall decline a request to modify parking regulations for the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for a modification of regulations.

E. If the parking study occupancy rate is more than fifty percent (50%), the parking manager shall mail out notices to the residents of the area proposed for modification. The notices shall set forth the parking regulation modifications and the boundaries of the area. The parking manager shall have the authority to cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently the parking regulations and conditions and the terms of use for permit parking.

10.48.110 Display of permit

Permits shall be displayed in a manner determined by the parking manager.

10.48.120 Residential permit parking terms of use.

A motor vehicle displaying a valid residential parking permit may park in the residential permit parking area for which the permit has been issued and within three city blocks from the end of the city block of the address to which the permit is issued without being limited by parking regulations established pursuant to this chapter. The motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this chapter. All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations established pursuant to this chapter.

A residential parking permit shall not guarantee or reserve to the holder an on-street parking space within the designated residential permit parking area.

10.48.130 Application for and duration of permit.

Except as otherwise provided, each vehicle parking permit or visitor parking permit issued by the parking manager shall be valid for no more than two years based on the permit renewal cycle. Permits may be renewed upon reapplication in the manner required by the parking manager. Each application or reapplication for a residential parking permit shall contain information sufficient to identify the applicant, his or her residence address or address of real property owned or leased within residential permit parking area, the license number of the motor vehicle for which application is made (for

vehicle parking permits), and such other information that may be deemed relevant by the parking manager.

10.48.140 Permit fees.

The fee, if any, for eligible residents or businesses within the residential permit parking area for a residential parking permit shall be established by resolution of the city council.

10.48.150 Penalty provisions.

A. It is a violation of this chapter, unless expressly provided to the contrary, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter. A violation shall be subject to civil penalty as specified in the resolution by the city council pursuant to Section 10.56.010 of this title.

B. It is unlawful and a violation of this chapter for a person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in order to obtain a permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars ($500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

C. It is a violation of this chapter, unless expressly provided to the contrary, for a person holding a valid residential parking permit issued pursuant to this chapter, to permit the use or display of the permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of the chapter both by the person holding the valid residential parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 10.56.010 of this title.

D. It is a violation of this chapter to use, or allow to be used, any residential parking permit for commuter parking. Use of any residential parking permit for commuter parking shall mean: (i) use of a residential parking permit more than three city blocks from the address for which it is issued; or (ii) use of a residential parking permit for the purpose of parking to go to one's place of employment or educational institution. Use of a residential parking permit for commuter parking shall constitute a violation of this chapter both by the person to whom the residential parking permit was issued and by the registered owner of the vehicle upon which the residential parking permit is displayed. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 10.56.010 of this title.

E. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking

regulations applicable in a residential permit parking area. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars ($500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

10.48.160 Revocation of permits.

In the event a residential parking permit is being used in a manner which violates this chapter, the parking manager may cancel the permit by issuing notice to the holder of the permit. In addition to canceling any residential parking permit used in violation of this chapter, the parking manager may deny any further application for a residential parking permit by any person who has used a residential parking permit in violation of this chapter or any application for a residential parking permit by any person for the residence in which such person resides as long as that person who used a residential parking permit resides there. Any person aggrieved by such a determination made by the parking manager shall have the right to appeal to the city of Sacramento department of transportation director within ten (10) days of such determination.

10.48.170 Applicability to parking control vehicles.

The provisions of Sections 10.36.020, 10.36.030, 10.36.040, 10.36.130(A), 10.36.130(B), 10.36.130(C), 10.36.130(D), 10.36.130(E), 10.36.170, 10.36.180, 10.36.190, 10.36.210, 10.36.240, 10.36.280, 10.36.290, 10.40.080, 10.40.090, 10.44.030, 10.48.150(A), and 12.44.050 of this code shall not be construed to prohibit the stopping, standing or parking of parking control vehicles while such vehicles are being used in parking control enforcement, provided, however, that this section shall not supersede provisions of this title, which expressly refer to or regulate parking control vehicles.

As used in this section the term "parking control vehicles" means:

Any vehicle used by an authorized official of the city during the enforcement of parking and registration regulations pursuant to the chapters of this code and the California Vehicle Code.

Section 10.48.180 Deletion of residential streets from residential permit parking areas.

A. Persons desiring the deletion of a residential permit parking area or portion of a residential permit parking area shall consult with the parking manager to tentatively establish the boundaries of the area proposed for deletion.

B. If the parking manager determines there is a significant show of interest by the residents in a residential permit parking area for deletion of the area as a residential permit parking area, the parking manager shall undertake a parking study to determine

whether deletion of the area is appropriate. In the event that the parking study demonstrates an occupancy rate of more than fifty percent (50%), the parking manager shall decline a request to delete the residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for deletion of the residential permit parking area or a portion of the residential permit parking area.

C. If the parking study shows a fifty percent (50%) or less occupancy rate, the parking manager shall undertake voting surveys to determine support or opposition to the proposed deletion by property owners of the properties located on the blockface(s) for the area proposed for deletion. Unless a majority of voting surveys are returned with at least two-thirds voting in favor of the deletion, the area shall not be deleted as a residential permit parking area.

D. After determining that a majority of the voting surveys are returned with at least two-thirds voting in support of deletion of the area as a residential permit parking area, the parking manager shall mail notices to the residents of the residential permit parking area. The notices shall set forth the proposed location and boundaries of the area to be deleted.

E. If it appears, based on the parking study and the voting survey, that the general consensus within the proposed residential permit parking area is in favor of deleting a residential area as a residential permit parking area, the parking manager shall provide his or her recommendations by written report to the city council, whether to delete the residential area under consideration as a residential permit parking area.

ORDINANCE NO. 2012-

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING CHAPTER 10.48 OF THE SACRAMENTO CITY CODE RELATING TO RESIDENTIAL PERMIT PARKING

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Chapter 10.48 of the Sacramento City Code is amended to read as follows:

Chapter 10.48 Residential Permit Parking Program

10.48.010 Legislative purpose.

This chapter is enacted in response to the serious adverse effects caused in certain areas and neighborhoods of the city by motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents ~~thereof~~ who do not visit or conduct business with residents. As set forth in more specific detail in Section 10.48.020 of this chapter, such parking by nonresidents threatens the health, safety and welfare of all the residents of the city. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents ~~therein~~, while providing the opportunity for residents to park near their homes. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring alternatives to automobile travel available to nonresidents who park in these areas. For the reasons set forth in this chapter and pursuant to the authority of Vehicle Code section 22507, a system of preferential resident parking is enacted for the city.

10.48.020 Legislative findings.

A. General Findings. The city council finds that serious adverse effects in certain areas and neighborhoods of the city result from motor vehicle congestion, particularly long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents ~~thereof~~ who do not visit or conduct business with residents. The permit program established by this chapter will relieve these serious adverse affects by:

1. Reducing potential hazardous traffic conditions resulting from the long-term parking of commuter ~~motor~~ vehicles in neighborhoods;

2. Protecting such areas and neighborhoods from polluted air, excessive noise, ~~and~~ trash and refuse caused by the entry and exit of such motor vehicles;

3. Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residence;

4. Preserving the character of such areas and neighborhoods as residential; promoting the efficiency of the maintenance of the streets of such areas and neighborhoods in a clean and safe condition;

5. Preserving the value of property in such areas and neighborhoods;

6. Preserving the safety of children and other pedestrians; ~~and~~

7. Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the city.

B. Specific Findings. The following specific legislative findings of the city council in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this chapter. These findings do not exhaust the subject of the factual basis supporting the enactment of this preferential resident parking program.

1. The safety, health, and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;

2. A large number of Sacramento residents possess automobiles and, as a result, are daily faced with the need to store these automobiles at~~in~~ or near their residences;

3. Certain neighborhoods and areas of the city ~~either~~ have marginally sufficient or insufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents ~~thereof~~ in the vicinity of their homes ~~or have insufficient space therefor~~;

4. Some neighborhoods and areas as described in subsection (B)(3) of this section are often burdened by the parking in such neighborhoods and areas of motor vehicles owned by nonresidents which compete for the available on-street parking spaces;

5. There exists certain parking "generators" within the city, i.e., hospital and university complexes, and large public office buildings, which attract nonresidents to residential areas to seek parking which increases the severity of the shortage of space for resident parking in such neighborhoods and residential areas;

6. Unnecessary vehicle miles, noise, pollution, and strain on interpersonal relationships caused by the conditions set forth herein create unacceptable hardships on residents of these neighborhoods and areas by causing the deterioration of air quality, safety, tranquility, and other values of the urban residential environment;

7. If allowed to continue, these adverse effects on the residents of the city will contribute to a decline of the living conditions therein, a reduction in the attractiveness of residing within the city, and consequent injury to the general public welfare; and, enacted in this chapter will serve to promote the safety, health and welfare of all the residents of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvement in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by preserving a more stable and valuable property tax base in order to generate the revenues required to provide essential public services.

10.48.030 Definitions.

"Annexation" means adding additional blockfaces to an existing residential permit parking area.

"Blockface" means one side of a city block between two intersections.

~~"Commuter vehicle" means a motor vehicle parked in a residential area in which it is not registered with the state of California, Department of Motor Vehicles.~~

~~"Dwelling unit" means a house, apartment or other residence with an assigned address as used by the U.S. Postal Service or as listed in the city directory.~~

~~"Lease" means that a person pays rent or other remuneration for use of a parcel of real property at his or her residence or place of business.~~

"Motor vehicle" includes an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds gross weight.

~~"Nonresident permit" means a permit issued by the parking manager for use on a commuter vehicle in those residential permit parking areas where the city council has, by resolution, authorized the use of such permits.~~

"Occupancy rate" means the ratio of available parking spaces to the number of vehicles parked in such spaces.

"Owns" means that a person has at least one-quarter of the fee interest in a parcel of real property within a residential permit parking area.

"Parking manager" means the person designated by the city manager to administer the provisions of this chapter.

"Parking study" means the counting of vehicles parked in a selected area during selected days and times to evaluate the ratio of available parking spaces to the number of vehicles parked in the area.

"Resident" means a person who ~~dwells~~ lives in the residential area on a permanent basis.

"Residential area" means a contiguous or nearly contiguous area where residents ~~dwell~~ live and which contains public streets and highways.

"Residential permit parking area" means a residential area designated as ~~herein~~ provided for in this chapter in which~~wherein~~ motor vehicles displaying a valid permit ~~as described herein~~ shall be exempt from parking regulations established pursuant to this chapter.

"Resident permit" means any vehicle, visitor or temporary permit issued ~~by the parking manager for use on a resident vehicle while parked~~ for the purpose of parking in a residential permit parking area.

~~"Resident vehicle" means a motor vehicle owned or under the control of a resident and regularly parked in the residential area in which the resident resides.~~

~~The masculine form as used in this chapter is applicable as shown by the context thereof shall apply to a female person.~~

10.48.040 Designation of residential permit parking areas.

The city council may, by resolution, ~~in its discretion~~ designate ~~by resolution,~~ any residential area as a residential permit parking area. The resolution shall state the boundaries of the area, applicable parking regulations, and fees, if any, to be charged upon permit issuance. ~~in which motor vehicles displaying a valid parking permit may stand or be parked without limitation by parking regulations established by this chapter. Said resolution shall also state the applicable parking regulations and the fees to be charged upon permit issuance~~.

10.48.050 Designation and annexation criteria.

~~A. A residential area shall be deemed eligible for consideration as a residential permit parking area if the residential area is adversely affected by commuter vehicles for any extended period during the day or night, on weekends, or during holidays.~~

~~B.~~ In determining whether a residential area may be designated as a residential permit parking area or annexed into an existing residential permit parking area, the parking manager ~~and the city council~~ shall take into account factors which include, but are not limited to ~~the following~~:

~~1~~A. The ~~extent of the~~ desire and need of the residents for residential permit parking;

~~2~~B. The extent that motor vehicles are parked in the residential area ~~to which on-street parking is occupied by motor vehicles~~ during the period proposed for parking regulations;

~~3 The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles.~~

10.48.060 Designation/Annexation process.

A. Persons desiring the designation of a residential permit parking area or annexation of an area to an existing residential permit parking area ~~program in a residential area~~ shall consult with the parking manager to tentatively establish the boundaries of the area proposed for designation or annexation.

B If the parking manager determines there is a ~~Upon receipt of a letter from a group of neighborhood residents or appropriate neighborhood association indicating a~~ significant show of interest by the residents in the residential area proposed for designation or annexation, the parking manager shall undertake a parking study ~~or cause to be undertaken surveys~~ to determine the appropriate residential permit parking regulations for the area. ~~Such surveys shall be completed within a reasonable time unless otherwise directed by the city council.~~

C. The parking study occupancy rates shall determine the parking restrictions as follows: occupancy rates of eight-five percent (85%) or more shall support a parking limitation of one hour or less; occupancy rates of more than fifty percent (50%) but less than eighty-five percent (85%) shall support a parking limitation of more than one hour; and occupancy rates of fifty percent (50%) or less, shall result in no change to the current parking restrictions. In addition, if occupancy rates are fifty percent (50%) or less the parking manager shall decline a request to designate or annex the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for residential permit parking .~~Within thirty (30) days of the completion of surveys to determine appropriate residential permit parking regulations for the area, the parking manager shall notice as herein provided a public hearing or hearings on the subject of the proposed residential~~

~~permit parking area. Said hearing or hearings shall be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate regulations on parking.~~

D. If the parking study shows more than a fifty percent (50%) occupancy rate, the parking manager shall undertake voting surveys of the owners of the properties located on the blockface(s) for the areas proposed for designation or annexation to determine support or opposition to the proposed designation or annexation. Unless a majority of voting surveys are returned with at least two-thirds of the returned surveys showing support for the designation or annexation, the area shall not be designated or annexed as a residential permit parking area. ~~Notice of the public hearing or hearings provided for herein shall be published in the official newspaper of the city at least ten (10) days before the hearing date, circularized generally in the neighborhood, and mailed to those institutions generating a significant volume of all-day commuter parking in the neighborhood. The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the approximate permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to appropriate rules of order adopted by the parking manager.~~

E. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation or annexation of the area as a residential permit parking area, the parking manager shall mail notices to the residents of the proposed new or annexed residential permit parking area setting forth the proposed location and boundaries of the area, the proposed residential permit parking regulations, and the fees, if any, to be charged upon permit issuance. ~~Within thirty (30) days after completion of the public hearing(s) the parking manager shall mail out return notices to the residents of the proposed residential permit parking area. Said notices shall provide information on the proposed location and boundaries of the area and the proposed residential permit parking regulations therein. Residents of the proposed residential permit parking area may return the return portion of the notices indicating thereon their support or opposition to the area.~~

F. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed annexation of an area to an existing residential permit parking area, the parking manager shall have the authority to annex the area into an existing residential permit parking area.

10.48.070 Recommendation of the parking manager to designate an area as a residential permit parking area.

A. After determining that a majority of the voting surveys are returned with at least two-thirds of the returned surveys showing support for the proposed designation of an area as a residential permit parking area, ~~If it appears that the general consensus within the proposed residential permit parking area is in favor of the program,~~ the parking manager shall ~~within sixty (60) days~~ recommend by written report to the city

council, ~~based on the record of the hearing or hearings, the surveys performed, and the returned notices received from the residents indicating support for or opposition to the program,~~ whether to designate the residential area under consideration as a residential permit parking area.

B. The report of the parking manager shall set forth the results of the parking study, the voting survey,~~surveys performed, significant subjects and concerns and comments raised at the public hearing or hearings conducted,~~and the proposed boundaries and regulations of the residential permit parking area~~,~~. ~~the proposed parking regulations, and the support for the program shown by the returned notices from the residents.~~

~~C. If the city council concurs, it shall adopt a resolution establishing the program for the area including the boundaries, parking regulations, fees, if any, etc.~~

~~D. The designation process and designation criteria set forth in this chapter shall also be utilized by the parking manager in determining whether to remove recommend removal of designation as a residential permit parking area from a particular residential area.~~

10.48.080 Issuance of vehicle parking permits.

A. Vehicle p~~P~~arking permits shall be issued by the parking manager. ~~administration office.~~ Each ~~such~~ permit shall state the specific residential permit parking area, ~~be designed to state or reflect thereon the particular residential permit parking area~~, the license number of the motor vehicle for which it is issued, and any additional information required by the parking manager to enforce the provisions of this chapter. Only one ~~No more than one~~ parking permit shall be issued for ~~to~~ each motor vehicle. ~~for which application is made.~~ The requirements governing the manner in which persons ~~shall~~ qualify for vehicle parking permits in each residential permit parking area shall be established by the parking manager and may include but not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit will be issued. ~~resolution of the city council. The parking manager shall recommend appropriate requirements in each area.~~

B. Vehicle p~~P~~arking permits may be issued for motor vehicles only upon application of the following persons:

1. A resident of the residential permit parking area who owns a motor vehicle registered with the California Department of Motor Vehicles at the address where the resident lives;

2. A resident of the residential permit parking area who has a company leased or company-owned vehicle regularly parked in the area;

3. A person who owns or leases commercial property located in the residential permit parking area, who ~~and~~ actively engages in business activity at the property and uses a motor vehicle for such business activity which is registered with the California Department of Motor Vehicles in the name of the business and the address of the commercial property; ~~within a residential permit parking area. However, no more than one parking permit may be issued for each motor vehicle registered to the business establishment at the address in the designated area;~~

4. A resident of the residential permit parking area on active military duty with the United States Armed Forces who maintains a separate vehicle registration address. ~~A nonresident of the residential permit parking area who pays the nonresident fee in those areas where the city council has authorized the usage of nonresident permits by resolution;~~

~~5. An owner of residential property that is located within the residential permit parking area.~~

10.48.090 Visitor permits.

The parking manager is authorized upon application to issue visitor permits to residents and owners of residential properties that are located within a residential permit parking area for use by~~of bona fide~~ transient visitors ~~therein~~. ~~Such a visitor permit shall have all the rights and privileges of a regular permit except as provided in Sections 10.48.150 and 10.48.160 of this chapter~~. The requirements governing the manner in which persons shall qualify for visitor permits in each residential permit parking area shall be established by the parking manager and may include but not be limited to current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit is issued. ~~resolution of the city council. The parking manager shall recommend appropriate requirements in each area.~~

~~10.48.100 Posting of residential permit parking area.~~

~~Upon the adoption of the city council of a resolution designating a residential permit parking area, the parking manager shall cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently thereon the parking regulations, and conditions under which permit parking shall be exempt therefor.~~

10.48.100 Modification of regulations in existing residential permit parking areas.

A. Person(s) desiring to modify the parking regulations of an existing residential permit parking area shall consult with the parking manager to establish the proposed changes and blockface(s) impacted.

B. If the parking manager determines there is a significant show of interest by the residents in a residential area to modify the parking regulations in an area, the

parking manager shall undertake a parking study to determine if the parking regulations for the area should be modified.

C. The parking study occupancy rates shall determine the parking restrictions as set forth in section 10.48.060(c).

D. In the event that the parking study demonstrates an occupancy rate of fifty percent (50%) or less, the parking manager shall decline a request to modify parking regulations for the same residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for a modification of regulations.

E. If the parking study occupancy rate is more than fifty percent (50%), the parking manager shall mail out notices to the residents of the area proposed for modification. The notices shall set forth the parking regulation modifications and the boundaries of the area. The parking manager shall have the authority to cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently the parking regulations and conditions and the terms of use for permit parking.

10.48.110 Display of permit

Permits shall be displayed in a manner determined by the parking manager.

10.48.120 Residential p~~P~~ermit parking ~~exemption~~terms of use.

A ~~resident~~ motor vehicle ~~or nonresident motor vehicle on which is displayed~~ displaying a valid residential parking permit may park in the residential permit parking area for which the permit has been issued and within three city blocks from the end of the city block of the address to which the permit is issued without being limited by parking regulations established pursuant to this chapter. The ~~as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by parking regulations established pursuant to this chapter. Said~~ motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this chapter. All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations established pursuant to this chapter. ~~adopted as provided in this title as well as the penalties provided for herein.~~

~~Notwithstanding the foregoing, upon recommendation by the parking manager, the city council may by resolution adopt regulations limiting the use of parking permits in an existing residential permit parking area to the parking of motor vehicles not more than two city blocks from the city block where the address for which the permit is issued is located. Such regulations may be adopted if the city council finds that such limitation~~

~~is necessary in order to decrease on-street parking congestion and effectively regulate residential permit parking. Upon adoption by the city council of such regulations for an existing residential permit parking area, the parking manager shall cause written notification of such limitation, either by reissuance of permits or by other appropriate means, to be mailed to all persons holding parking permits for the residential permit parking area designated in the resolution. Following such notification, no motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in such residential permit parking area more than two city blocks from the city block where the address for which the permit has been issued is located. Such limitation may also be adopted when a new residential permit parking area is established by resolution of the city council.~~

A residential parking permit shall not guarantee or reserve to the holder ~~thereof~~ an on-street parking space within the designated residential permit parking area.

10.48.130 Application for and duration of permit.

Except as otherwise provided ~~otherwise herein~~, each vehicle parking permit or visitor parking permit issued by the parking manager ~~administration office~~ shall be valid for no more than two years based on the permit renewal cycle. ~~one year or such other period of time as designated by the parking manager from the date of issuance.~~ Permits may be renewed ~~annually or for some other period of time as designated by the parking manager~~ upon reapplication in the manner required by the parking manager. Each application or reapplication for a residential parking permit shall contain information sufficient to identify the applicant, his or her residence address or address of real property owned or leased within residential permit parking area, ~~and~~ the license number of the motor vehicle for which application is made (for vehicle parking permits), and such other information that may be deemed relevant by the parking manager.

10.48.140 Permit fees.

The fee, if any, for eligible residents or~~f~~ businesses within the residential permit parking ~~permit~~ area for a residential parking permit ~~or a visitor permit and the fee for non-residential parking permits~~ shall be established by resolution of the city council.

10.48.150 Penalty provisions.

A. It is a violation of this chapter, unless expressly provided to the contrary ~~herein~~, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter~~pursuant hereto~~. A~~Said~~ violation shall be subject to civil penalty as specified in the resolution by the city council pursuant to Section 10.56.010 of this title.

B. It is unlawful and a violation of this chapter for a person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false

information in order to obtain a permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars ($500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.
~~It is unlawful and a violation of this chapter for a person to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in order to obtain a permit. ASaid violation shall by punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for a period not exceeding six months, or both.~~

C. It is a violation of this chapter, unless expressly provided to the contrary ~~herein~~, for a person holding a valid residential parking permit issued pursuant to this chapter, to permit the use or display of the~~such~~ permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of the chapter both by the person holding the valid residential parking permit and the person who ~~so~~ uses or displays the permit on a motor vehicle other than that for which it is issued. This ~~Said~~ violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 10.56.010 of this title.

D. It is a violation of this chapter to use, or allow to be used, any residential parking permit ~~visitor permit~~ for commuter parking. Use of any residential parking permit ~~visitor permit~~ for commuter parking shall mean: (i) u~~U~~se of a residential parking permit ~~visitor permit~~ more than ~~three times in a three month period more than~~ three ~~two~~ city blocks from the address for which it is issued; ~~provided, however, that any single use of a visitor permit in this manner shall constitute prohibited commuter parking in a residential permit parking area where permitted parking has been limited to an area of no more than two city blocks from the city block where the address for which a permit has been issued is located, as provided in Section 10.48.120 of this chapter;~~ or (ii) u~~U~~se of a residential parking permit ~~visitor permit~~ for the purpose of parking to go to one's place of employment or educational institution. Use of a residential parking permit ~~visitor permit~~ for commuter parking shall constitute a violation of this chapter both by the person to whom the residential parking permit ~~visitor permit~~ was issued and by the registered owner of the vehicle upon which the ~~visitor permit~~ residential parking permit is displayed. This ~~Said~~ violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section 10.56.010 of this title.

E. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. Any such violation shall subject the violator(s) to a parking penalty not to exceed five hundred dollars ($500.00) and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

~~It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a residential permit parking area. It is also a violation to sell, transfer, exchange or assign any residential, visitor or temporary permit. Upon conviction thereof, the person shall be punishable by a fine not exceeding five hundred dollars ($500.00) or be imprisoned for a period not exceeding six months, or both.~~

10.48.160 Revocation of permits.

~~A. The parking manager is authorized to revoke the residential parking permit of any person found to be in violation of this chapter and upon written notification thereof, the person shall surrender such permit to the parking manager. Failure, when so requested, to surrender a residential parking permit so revoked, shall constitute a violation of law and this chapter; and~~

~~B.~~ In the event a residential parking permit ~~visitor permit~~ is being used in a manner which violates this chapter, the parking manager may cancel the permit by issuing notice to the holder of the permit. In addition to canceling any residential parking permit ~~visitor permit~~ used in violation of this chapter, the parking manager may deny any further application for a residential parking permit ~~visitor permit~~ by any person who has used a residential parking permit ~~visitor permit~~ in violation of this chapter or any application for a residential parking permit ~~visitor permit~~ by any person for the residence in which such person resides as long as that person who used a residential parking permit ~~visitor permit~~ resides there. Any person aggrieved by such a determination made by the parking manager shall have the right to appeal to the ~~city council manager~~ city of Sacramento department of transportation director within ten (10) days of such determination.

10.48.170 Applicability to parking control vehicles.

The provisions of Sections 10.36.020, 10.36.030, 10.36.040, 10.36.130(A), 10.36.130(B), 10.36.130(C), 10.36.130(D), 10.36.130(E), 10.36.170, 10.36.180, 10.36.190, 10.36.210, 10.36.240, 10.36.280, 10.36.290, 10.40.080, 10.40.090, 10.44.030, 10.48.150(A), and 12.44.050 of this code shall not be construed to prohibit the stopping, standing or parking of parking control vehicles while such vehicles are being used in parking control enforcement, provided, however, that this section shall not supersede provisions of this title, which expressly refer to or regulate parking control vehicles.

As used in this section the term "parking control vehicles" means:

Any vehicle used by an authorized official of the city during the enforcement of parking and registration regulations pursuant to the chapters of this code and the California Vehicle Code.

~~10.48.180 Annexation of residential streets to residential permit parking areas.~~

~~Whenever the city council finds that residential streets adjacent to a residential permit parking area have all-day, on-street parking congestion, then upon recommendation by the parking manager, such residential streets may be added by resolution to said residential permit parking area. A petition of over fifty (50) percent of the residents of said streets shall be required prior to implementation of residential permit parking regulations.~~

Section 10.48.180 Deletion of residential streets from residential permit parking areas.

A. Persons desiring the deletion of a residential permit parking area or portion of a residential permit parking area shall consult with the parking manager to tentatively establish the boundaries of the area proposed for deletion.

B. If the parking manager determines there is a significant show of interest by the residents in a residential permit parking area for deletion of the area as a residential permit parking area, the parking manager shall undertake a parking study to determine whether deletion of the area is appropriate. In the event that the parking study demonstrates an occupancy rate of more than fifty percent (50%), the parking manager shall decline a request to delete the residential area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for deletion of the residential permit parking area or a portion of the residential permit parking area.

C. If the parking study shows a fifty percent (50%) or less occupancy rate, the parking manager shall undertake voting surveys to determine support or opposition to the proposed deletion by property owners of the properties located on the blockface(s) for the area proposed for deletion. Unless a majority of voting surveys are returned with at least two-thirds voting in favor of the deletion, the area shall not be deleted as a residential permit parking area.

D. After determining that a majority of the voting surveys are returned with at least two-thirds voting in support of deletion of the area as a residential permit parking area, the parking manager shall mail notices to the residents of the residential permit parking area. The notices shall set forth the proposed location and boundaries of the area to be deleted.

E. If it appears, based on the parking study and the voting survey, that the general consensus within the proposed residential permit parking area is in favor of deleting a residential area as a residential permit parking area, the parking manager

shall provide his or her recommendations by written report to the city council, whether to delete the residential area under consideration as a residential permit parking area.

~~10.48.190 Modifications of regulations.~~

~~On-street parking regulations within a residential permit parking area may be changed by resolution of the city council based on recommendation by the parking manager.~~

~~10.48.200 Deletion of residential streets from residential permit parking areas.~~

~~A. The city council may initiate a proceeding to delete a street from a designated residential permit parking area by adopting a resolution of intention to delete.~~

~~B. The resolution shall include:~~

~~1. A declaration of intention by the city council to delete;~~

~~2. A description of the street or streets to deleted; and~~

~~3. The date, time and place of a public hearing to consider the proposed deletion.~~

~~C. At least ten (10) days before the hearing, notice of the hearing shall be published in an official newspaper of the city, posted not more than two hundred (200) feet apart along the street or streets proposed for deletion, and mailed to all persons who testified before the city council at public hearings in which the establishment of the residential parking permit area was considered.~~

~~D. At the hearing, the city council shall take into account the factors specified in Section 10.48.050(B) of this chapter. The city council may adopt a resolution deleting the street or streets described in the resolution of intention.~~