

Meeting Date: 7-15-03

# AGENDA REPORT

Agenda Item # 5B

Santa Clara



City of Santa Clara, California



**DATE:** July 9, 2003  
**TO:** City Manager for Council Action  
**FROM:** Director of Public Works  
**SUBJECT:** Establishment of Residential Permit Parking Program  
Final Passage of Ordinance No. 1781


**EXECUTIVE SUMMARY:** Proposed Ordinance No. 1781, which would amend the City Code by adding a Residential Permit Parking Program, was passed for the purpose of publication ("passed to print") on April 15, 2003. A summary of proposed Ordinance No. 1781 was published on April 23, 2003, and copies were posted. In addition, written Guidelines for designation of residential permit parking have been prepared and made available for public review. These Guidelines may be modified on an administrative level during implementation of permit parking in specific neighborhoods. The Ordinance and the Guidelines are attached to this agenda report along with materials explaining the process and answering frequently asked questions.

**ADVANTAGES AND DISADVANTAGES OF ISSUE:** Adopting the ordinance will establish a Residential Permit Parking Program. In order to establish a Program in a particular neighborhood, the neighborhood will have to vote to implement the Program in their neighborhood.

The disadvantages of the Program are that households in the neighborhood will be limited in the number of vehicles they can park on the public streets, and there is a cost associated with the City's implementation of the Program for a neighborhood.

**ECONOMIC/FISCAL IMPACT:** Cost impacts include material expenses and staff time to review and process permit-only parking requests, including conducting property-owner surveys, administration of permit issuance, and installing signage. A typical permit parking area on several streets in a neighborhood would require signage costing between \$1,000 and \$5,000, depending on the actual size of the area. Parking enforcement costs may increase if assignment of community service officers to night enforcement is necessary.

**RECOMMENDATION:** That the Council approve the final adoption of Ordinance No. 1781 which amends the City Code and establishes a Residential Parking Permit Program.

  
Steve Yoshino  
Director of Public Works

  
David Pitton  
Traffic Engineer

APPROVED:

  
Jennifer Sparacino  
City Manager

**Documents Related to this Report:**

- 1) Ordinance No. 1781
- 2) Guidelines for Designation of Residential Permit Parking Areas
- 3) Process Flowchart and Frequently Asked Questions

**DISCUSSION:**

**Supporting Documentation**

Attached to this agenda report are the following materials:

1. **Proposed Ordinance No. 1781 for establishment of the Residential Permit Parking Program**  
The proposed ordinance would amend the City Code by adding a Residential Permit Parking Program. The ordinance was passed to print on April 15, 2003 and a summary of it was published on April 23, 2003, with copies posted in at least three public places.
2. **Guidelines for Designation of Residential Permit Parking Areas**  
The Guidelines include a description of the process to designate permit-only parking areas and the types of permits to be made available. The Guidelines may be modified on an administrative level if it is determined necessary by Staff.
3. **A Process Flowchart explaining the process for Designation of Residential Permit Parking Areas**  
The flowchart summarizes in a graphical form the process as outlined in the Guidelines.
4. **Answers to Frequently Asked Questions about the proposed Program**  
Questions received from residents about the Program have been compiled, summarized, and answered.
5. **Chronology and Public Outreach**  
The table on the following page indicates dates and types of meetings held.

**DISCUSSION: (con't):**

**Chronology and Public Outreach**

Meeting Date	Meeting Description	Meeting Notice
April 15, 2003	<u>City Council Meeting</u> Ordinance passed for the purpose of publication.	<ul style="list-style-type: none"> <li>• Normal posting by City Clerk</li> </ul>
May 6, 2003	<u>City Council Meeting</u> Ordinance forwarded for adoption; (Item continued and referred to the City Manager for additional public outreach)	<ul style="list-style-type: none"> <li>• Residents attending the Parking Study public meetings in 2002 were notified of this meeting by U.S. mail</li> <li>• Meeting notice posted on the City's web site, through the City's cable channel, plus normal publishing and posting by City Clerk</li> </ul>
May 22, 2003	Neighborhood Meeting	<ul style="list-style-type: none"> <li>• Residents attending the Parking Study public meetings in 2002 were notified of this meeting by U.S. mail</li> <li>• Notice of this meeting was also posted on the City's web site, through the City's cable channel, and posted at City Hall</li> </ul>
June 3, 2003	<u>City Council Meeting</u> Update on public outreach process	<ul style="list-style-type: none"> <li>• Meeting notice posted on the City's web site, through the City's cable channel, plus normal posting by City Clerk</li> </ul>
June 12, 2003	Open House	<ul style="list-style-type: none"> <li>• Residents attending the Parking Study public meetings in 2002 were notified of this Open House by U.S. mail</li> <li>• Notice of this meeting was also posted on the City's web site, through the City's cable channel, and posted at City Hall</li> </ul>

# **Guidelines for Designation of Residential Permit Parking Areas**

**1. Process Initiation**

The process for designating a Residential Permit Parking Area, or for adding a street to an existing Residential Permit Parking Area, will be initiated by citizen request. The citizen request must be received from the property owner of a parcel with access to a street for which the parking restriction is being requested.

**2. Problem Identification**

Once the process is initiated by citizen request, staff from the Traffic Engineering Division will meet with the property owner to discuss the parking concerns and to identify all possible mitigation measures, including parking prohibition, restricted parking, and parking by permit only ("permit parking").

**3. Initiation of a Parking Needs Analysis – Initial Ballot**

Once staff has determined that alternative measures to permit parking will not adequately mitigate the parking concerns, staff will initiate a survey by mailing a ballot to property owners of parcels with access to the street for which the parking restriction is being requested.

For both designating a new Residential Permit Parking Area, or for adding a street to an existing Residential Permit Parking Area, the limits of the initial survey area would typically be the immediate street segment for which the parking restriction is being requested, plus adjacent street segments that may be affected, as determined by staff.

Simple majority concurrence [fifty percent plus one (50% + 1)] from all property owners within the initial survey area is necessary to initiate a parking needs analysis. Each parcel surveyed shall be allowed one vote. A sufficient time period will be allowed to receive ballots from property owners.

**4. Permit Parking Needs Analysis**

Once concurrence is achieved in the initial ballot pursuant to these guidelines, a permit parking needs analysis will be conducted by staff. The streets to be analyzed will be identified by City staff and will include the immediate street segment for which the parking restriction is being requested, and any nearby residential street segments that may be negatively impacted by the implementation of permit parking, as determined by staff.

The permit parking needs analysis will establish the boundaries of the potential residential permit parking area, or establish new boundaries if streets would be added to an existing residential permit parking area. The analysis should be conducted during the days of the week and the times of the day that the problem occurs. Where applicable, the results of the University Area Parking Study

approved by City Council in October 2002 may be used for data collection for the analysis. In order to establish a residential permit parking area the following factors should be considered:

- a) There is no feasible and/or reasonable alternative to mitigate the parking problem.
- b) Excessive numbers of vehicles parked in the proposed permit parking area cause regular, reoccurring and unreasonable inconvenience, noise, traffic hazards, or environmental pollution.
- c) The displacement of vehicles from the proposed residential permit parking area will not unduly impact other residential areas surrounding the proposed permit parking area.
- d) Minimum parking occupancy level criteria shall be used to determine whether the parking supply is either adequately, or not adequately, satisfying the demand on a particular residential street. The occupancy is defined as the ratio of total number of parked vehicles versus the total number of available spaces. A minimum parking occupancy level criteria of 80% must be consistently observed during the days and times that the parking problem is said to exist. Where applicable, the results of the University Area Parking Study approved by City Council in October 2002 may be used.

**5. Petition to Establish the Residential Permit Parking Area - Ballot**

Once staff has determined that the permit parking area criteria have been met through the permit parking needs analysis, staff will initiate a petition process by mailing a ballot to all property owners within the proposed permit parking area boundary, as said boundary is defined in the needs analysis. If streets are to be added to an existing permit parking area, staff will mail a ballot to all property owners of parcels on the streets proposed to be added to the permit parking area.

Simple majority concurrence [fifty percent plus one (50% + 1)] from all property owners within the proposed permit parking area boundary (or from all property owners on the street(s) to be added to an existing permit parking area) is required for establishment of residential permit parking within the boundaries as set forth in the permit parking needs analysis. Each parcel surveyed shall be allowed one vote. A sufficient time period will be allowed to receive ballots from property owners.

**6. City Council**

City Council shall approve the proposed permit parking area, or add a streets to an existing permit parking area, by adopting a resolution for this purpose. If a resolution is adopted, all property owners within the permit parking area will be notified of the adoption of said resolution. In addition, an attempt will be made to notify all tenants residing within the permit parking area adopted by resolution. The notifications will include information on when permit parking would begin and the process for obtaining the various types of parking permits. Implementation would not begin less than 90 days after adoption of said resolution.

**7. Parking Permits: Types, Application, Renewal, and Duration**

**Types:** The following types of permits will be available pursuant to these guidelines:

- A. Residential parking permit.
- B. Permanent non-resident owner parking permit.
- C. Temporary guest parking permit.
- D. Employee parking permit.
- E. Special use parking permit.

**A. Residential parking permits.**

Upon proper application by a resident of a single family dwelling unit, a condominium dwelling unit, a townhome dwelling unit, an apartment dwelling unit, or other multifamily dwelling unit, located on a street within a residential permit parking area, the Chief of Police or designee shall issue the resident a residential parking permit for up to two vehicles that are registered in such resident's name or that is under such resident's use and control. Each residential parking permit issued shall state the license plate number of the vehicle for which it is issued.

**B. Permanent non-resident owner parking permit.**

Upon proper application of a nonresident owner of residential property located on a street within a residential permit parking area, the Chief of Police or designee shall issue such owner a permanent non-resident owner parking permit. A permanent non-resident owner parking permit shall be for the exclusive purpose of inspecting, repairing, or maintaining the residence for which the permit was issued. No more than one permanent non-resident owner parking permit shall be issued per parcel within a permit parking area.

**C. Temporary guest parking permit.**

Upon proper application of a resident of property located on a street within a residential permit parking area, the Chief of Police or designee may, in his sole discretion, issue temporary guest parking permits to the resident to accommodate special circumstances or special events when a resident needs to secure additional on-street parking for guests. Temporary guest parking permits are valid up to 14 days. The number of temporary guest parking permits is at the sole discretion of the Chief of Police or designee. A temporary guest parking permit shall be for the exclusive use of a guest visiting the residence for which the permit was issued.

**D. Employee parking permit.**

Upon proper application of a business owner whose business is located on a street within a residential permit parking area, the Chief of Police or designee shall issue to the business owner employee parking permits based on the number of employees who require such permits. Each employee parking permit issued to a business owner shall be for the exclusive use of that business owner and his or her

employees. The determination of the appropriate number of employee parking permits to be issued to any one business owner shall be made by the Chief of Police. Such number shall not, however, exceed the lesser of the actual number of employees of the particular business or the number of employees identified on the business tax certificate application for that business. The business owner to whom any employee parking permit is issued shall be responsible for retaining such permit upon departure of an employee for whom a permit was issued.

**E. Special use parking permits.**

Upon proper application to and at the sole discretion of, the Chief of Police or designee, may issue special use parking permits for special uses not otherwise addressed in this chapter. Special use parking permits shall be issued exclusively for uses associated with properties located on a street within a residential permit parking area. The Chief of Police or designee may exercise the discretion to issue special use parking permits only if they determine that issuance of the permits will not adversely affect the overall availability of parking in the neighborhood within which the special use will occur. In making this determination, the Chief of Police shall consider the duration of the proposed special use, the number of special use parking permits requested, the number of available parking spaces on the days and hours for which the special use parking permits are requested, the impacts on traffic circulation, and any other factors that the Chief of Police or designee deems relevant. As a condition of issuing any special use parking permit, the Chief of Police or designee may set reasonable restrictions on the days and times of the week during which such permit will be valid. Any such restrictions shall appear on the face of the permit.

**Application, Renewal and Duration**

Any of the parking permits provided for in this chapter may be obtained or renewed upon application to the Chief of Police or designee. The Chief of Police or designee shall promulgate regulations for the determination of the manner in which proof of eligibility for parking permits shall be demonstrated and promulgate all other regulations necessary for governing the manner in which persons shall qualify for parking permits.

Each application for a residential, permanent non-resident owner, or temporary guest parking permit shall contain:

- A. The name of the applicant;
- B. Information sufficient to demonstrate that the applicant is a resident of property located on a street within a residential permit parking area, or, that the applicant is a nonresident owner of property located on a street within a residential permit parking area;
- C. If the application is for a residential parking permit, the license number of each vehicle for which a permit is sought and information sufficient to establish applicant's ownership or use and control over such vehicle;
- D. If the application is for a temporary guest parking permit, a brief, but detailed, statement of the reason that the applicant is seeking a temporary guest

parking permit and the length of time, not to exceed fourteen days, that the permit is needed;

E. If the application is for a permanent non-resident owner parking permit by a nonresident owner, information sufficient to demonstrate that the applicant is not a resident of property located on a street within a residential permit parking area; and

F. Such other information as may be deemed relevant by the Chief of Police or designee.

Each application for an employee parking permit shall contain:

A. The name of the applicant;

B. Information sufficient to identify that the business for which the permits are being sought is located on a street within a residential permit parking area;

C. The number of persons employed by applicant at the business located adjacent to a street or portion of street within a permit parking area and the number of commercial parking permits being requested; and

D. Such other information as may be deemed relevant by the Chief of Police or designee.

Each application for a special use parking permit shall contain:

A. The name of the applicant;

B. Information sufficient to identify that applicant is a resident or business located on a street within a residential permit parking area;

C. A detailed statement of the proposed special use, including, but not limited to, the duration of the proposed special use, the number of special use permits needed, and the days and hours of the special use; and

D. Such other information as may be deemed relevant by the Chief of Police or designee.

**Permit for replacement vehicle:** Whenever the holder of a valid residential parking permit replaces the vehicle for which the parking permit was issued with another vehicle, a new residential parking permit for the replacement vehicle shall be issued upon return of the old permit. The new residential parking permit shall have the same expiration date as the permit that it is replacing.

**Duration of permits:** The Chief of Police or designee shall fix the period during which all parking permits issued pursuant to this chapter shall be valid subject to the following limitations:

1. No residential, permanent non-resident owner, or employee parking permit shall be valid for more than two years;

2. No temporary guest parking permit shall be valid for more than fourteen consecutive days; and

3. No special use parking permit shall be valid for more than ninety consecutive days.

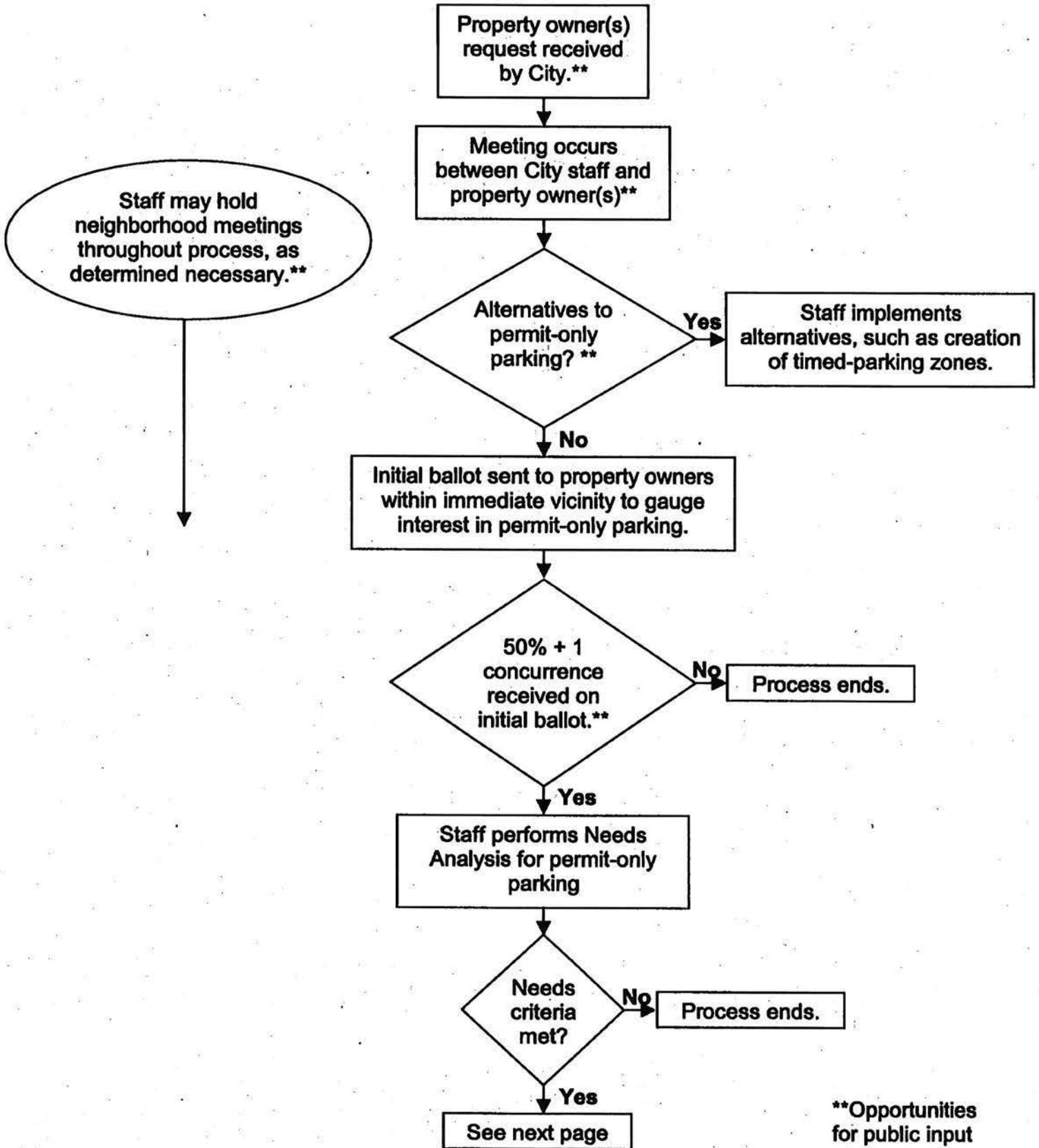


All parking permits issued shall clearly indicate the date upon which they expire and shall be issued or renewed in accordance with the rules established by the Chief of Police or designee.

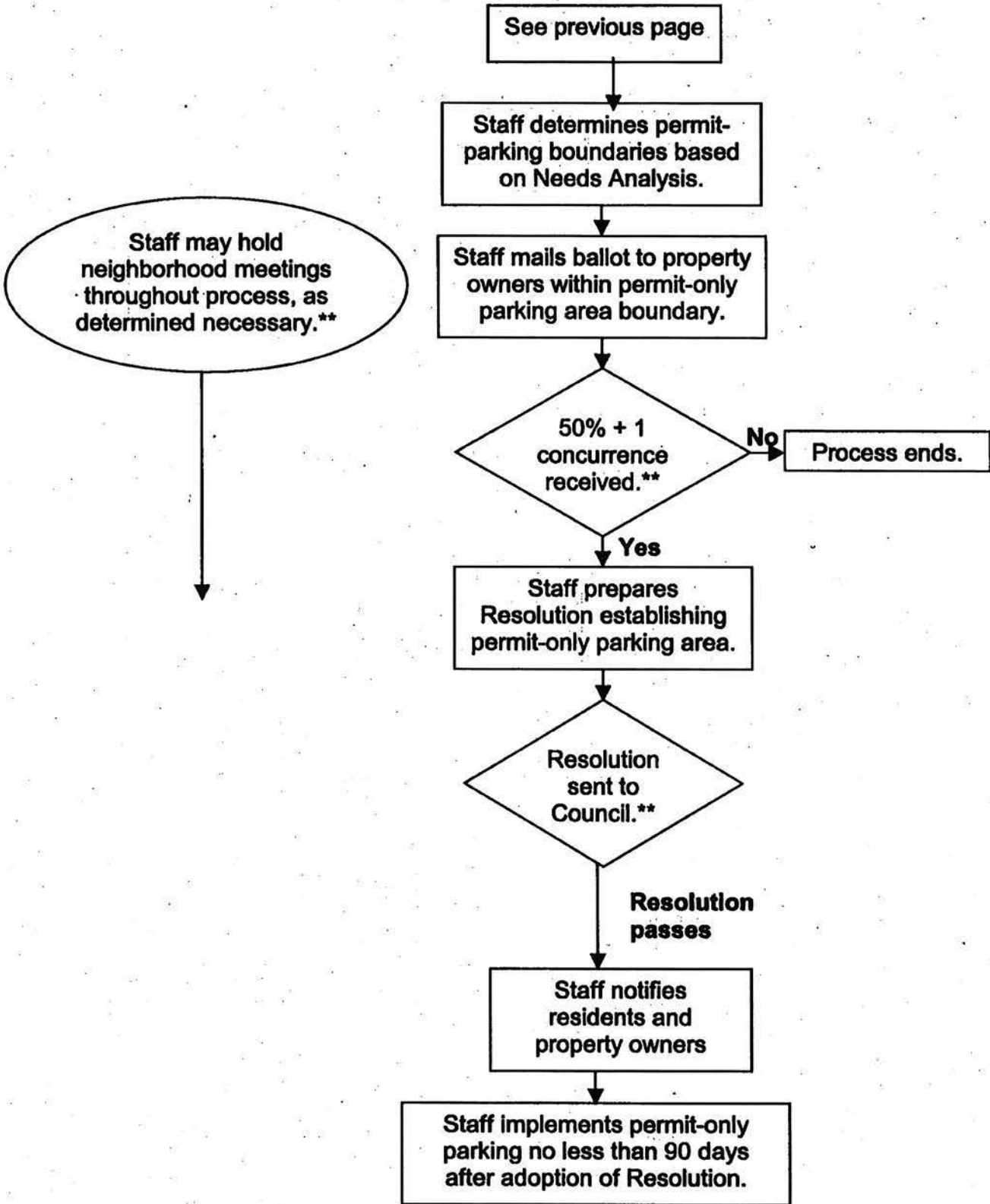
**Fees:** The fee for obtaining, replacing and renewing a parking permit shall be \$2.00 per permit. Parking permits that are lost by fire, vandalism, theft or accident shall be replaced upon presentation of evidence satisfactory to the Chief of Police or designee that such loss has occurred.

# RESIDENTIAL PERMIT-ONLY PARKING

## Process Flowchart (If Residential Permit Parking Ordinance Is Adopted):



\*\*Opportunities for public input



**\*\*Opportunities for public input**

## **RESIDENTIAL PERMIT-ONLY PARKING**

### **Frequently Asked Questions (FAQ's)**

1. May the City restrict parking so that parking permits are issued to residents for the area immediately in front of their residence?

While the City has substantial authority through the California Vehicle Code to craft preferential parking programs to address parking problems, it must also stay in compliance with the legislative intent of the Vehicle Code which requires the City to take the least restrictive measures that are reasonable and necessary when crafting a parking permit program. The City cannot create a parking program in which permits are issued to residents to park in the area immediately in front of their residence because it would be restrictive, it would not be reasonable, and it would unnecessarily restrict the use of public streets by the public.

2. May the City restrict the vote to establish permit parking to only resident owners, thereby excluding non-resident property owners (landlords) from voting?

The City cannot prohibit non-resident landlords from voting on establishment of permit parking in a neighborhood which affects their tenants, since the non-resident landlords have a substantial property interest in the implementation of this permit parking.

3. What are the costs associated with the establishment, administration and enforcement of a permit-only parking area?

Staff time and material expenses will be expended on installing permit parking signs and issuing permits. Permit sticker material costs are nominal. A typical permit parking area on several streets in a neighborhood would require signage costing between \$1,000 and \$5,000, depending on the actual size of the area.

Staff time will also be expended on enforcement. If an officer is dispatched on a complaint, there would not be an additional cost as it becomes just another call for service. If a number of neighborhoods had permit parking and violations were common, enforcement costs would increase. Also, if after-hours, night, or weekend violations are significant, overtime work by Community Service Officers would be required; enforcement costs are difficult to estimate at this time.

4. How would a permit-only parking area be enforced?

Community Service Officers would patrol the permit parking area and issue tickets to vehicles parked without a valid permit. Also, an officer could be dispatched on a complaint and also issue a ticket to a vehicle parked without a valid permit. Officers will not have to mark tires of vehicles within a permit parking area, since any vehicle not displaying a

valid permit is in violation of the permit-parking regulation. Illegally parked vehicles are not typically towed unless the vehicle is in violation of the city's abandoned vehicles regulations in which vehicles are parked on the street for longer than 72 hours.

5. How will permit parking areas be enforced after-hours, at night, or on weekends?

An officer would be dispatched on a complaint to ticket a vehicle parked without a valid permit. If after-hours, night, or weekend violations are significant, overtime work by Community Service Officers would be required to enforce permit-only parking.

6. What different types of permits are going to be made available?

The following types of permits are proposed:

- a. Resident parking permit for permanent residents (2 per dwelling unit; valid for 2 years from date of issuance)
- b. Non-resident owner parking permit for short-term visits to property by owner for property maintenance, repairs, and inspection. (1 per property; valid for 2 years from date of issuance)
- c. Temporary guest parking permit (Number of permits per household at discretion of Police Department; valid for no more than 14 days from date of issuance).
- d. Employee parking permit for employee parking on public streets adjacent to businesses. (Number of permits per business shall not exceed the number of employees and is at the discretion of the Police Department; valid for 2 years from date of issuance)
- e. Special use parking permit for special parking requests not covered under other permits (Number of permits per household at discretion of Police Department; valid for no more than 90 days from date of issuance).

7. Why are permanent residents of single family homes, apartment units, and townhomes allowed two permits per household?

Two permanent resident permits per household will allow the greatest flexibility to all affected residents while preventing high occupancy parking rates from overwhelming a neighborhood.

8. How will 14-day guest permits be enforced?

All the types of permit stickers will have the date of expiration on the face of the sticker. The different types of permit stickers will also be color coded for ease of enforcement.

**9. Why are non-resident owners allowed a parking permit?**

Non-resident owners are given one permit each for the purpose of visiting their property in order to inspect, maintain, or repair the property on an occasional basis.

**10. What are other alternative solutions or mitigations other than permit-only parking?**

In neighborhoods with parking problems, timed parking zones (1, 2 or 4-hours) may mitigate high parking demand. Parking problems in some neighborhoods may be resolved by obtaining a voluntary reduction in on-street parking by a high parking generator, such as a business, school, or church. There also may be a variety of other ways to mitigate or solve parking problems in other neighborhoods, depending on each situation.

**11. What happens to current timed parking on streets where permit parking is established?**

If permit-only parking is established on a street with existing timed parking (1, 2 or 4-hours), then the existing timed parking will be repealed on those streets. If permit-only parking is not established, then the timed parking zone would remain.

**12. Is there a minimum geographic size and/or minimum number of properties for each permit parking area?**

There is no minimum size or minimum number of properties for a permit parking area. The size of the permit parking area and the number of properties within the area will be established through the Needs Analysis. The Needs Analysis will determine which properties are affected by high parking demand and will establish a boundary in order to address the parking problem. The boundary area will need to be large enough so that the parking problem is not shifted to adjacent streets.

**13. May a small number of property owners on a short segment of street have a permit parking area established for only their properties?**

A minimum number of property owners (50%+1) within a proposed permit parking area, as determined by a Needs Analysis, must approve of the establishment of a permit parking area. The permit parking area must be of sufficient size to solve the parking problem without shifting it to adjacent streets. A small number of property owners on a short segment of a street will not be allowed permit-only parking for their respective short segment of street since establishment of too small a zone would simply shift the parking problem to adjacent properties and streets.

**14. Why was 50%+1 of all affected property owners chosen as the concurrence rate?**

50%+1 of all property owners was chosen as the preferred concurrence rate because it is a simple majority of property owners, which is fair and reasonable.

**15. How will notification to property owners occur during the process?**

Notification to property owners may occur at the following times:

(1) When an initial request is received, a meeting with City staff and the property owner could include several affected and interested property owners

(2) A detailed and comprehensive description of permit-only parking will be provided with the initial ballot that is sent to property owners within the immediate vicinity

(3) A detailed and comprehensive description of permit-only parking will be provided with the second ballot that is sent to property owners to establish permit-only parking

(4) If a resolution is passed by Council establishing a permit parking area, all residents and property owners within the area will be notified with a detailed and comprehensive description of permit-only parking

(5) Neighborhood meeting(s) would be offered at appropriate times during the process if determined that they are necessary

**16. Who will be allowed to vote on the initial ballot to gauge interest as well as the ballot to establish a permit parking area?**

All property owners of both owner-occupied and non-owner occupied properties are given the opportunity to vote.

5. B

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JUL 15 2003

City Clerk's Office  
City of Santa Clara

Tuesday, July 15, 2003  
Ms. Joanne G. Bruna, Homeowner and divorced single woman  
Home Residence)  
Santa Clara, California 95050-5903  
\_\_\_\_\_  
(by Home Telephone)

To: Mayor Patricia M. Mahan, Dominic Caserta, Rod Diridon, Jr., Patrick Kolstad,  
Jamie L. Matthews, John L. McLemore, Aldyth Parle  
To: City Manager Jennifer Sparacino  
To: Steve Yoshino, City Director of Public Works; Dave Pitton, City Traffic Engineer  
To: Steve Lodge, SCPD Police Chief To: Geoffrey Goodfellow, Director Planning  
Hand Delivered on July 15, 2003  
Received by \_\_\_\_\_  
Date Received \_\_\_\_\_

**Re: City Wide Proposed Residential Permit Parking Ordinance**  
(Page One of Five Pages)

**The Proposed Ordinance**

It is the understanding in which the parking study has resulted in said proposed ordinance:

- the proposed "ordinance"**, which sets up the formal framework and legal basis for the "program", described, and if approved by City Council, would officially become part of City Code.
- the proposed "program"** itself would be the contained "guidelines", which would involve further City Council action: as the proposed "guidelines" require passage of a Resolution to implement the said "program".

**Noticing City Residents To The Effect**

1. In year 2002, attention to on-street parking matters, appeared to become more pronounced. Hence, the City and University "parking study" was implemented to address issues in the surrounding City of Santa Clara residential neighborhood areas.
2. By May 2003, a proposed "parking ordinance" reached the "pass to print" proposal stage at the May 6, 2003 City Council meeting, whereby given attending Santa Clara residents, raised concern to fully notify the neighborhood to the effect first, regarding the actual City-wide proposed ordinance and proposed guidelines. City Council and City Administration returned the proposals to staff. In turn, small attended outreach meetings were held: appearing that very limited direct notices were mailed.
3. July 15, 2003. Currently, the proposed ordinance is on agenda for 07/15/03 City Council meeting.
4. Concerns raised:
  - a. A larger scope of official direct mailings by City to residents, as to directly and individually inform residents, with sufficient timeframe to review pertaining material proposals, and subsequently, engage interested residents to attend outreach meetings.
  - b. To inform residents to the subsequent steps taken in 2003: the actual proposed ordinance presented at the April 15, 2003 City Council meeting; the May 6, 2003 City Council meeting, for proposed final adoption, where concern was raised as to how many residents that would be affected, were aware of the fine points of proposed ordinance/proposed guidelines.



Ms. Joanne G. Bruna, Homeowner and divorced single woman  
455 Alviso Street (My Owned Home and My Home Residence) Santa Clara, California 95050-5903  
My Home Telephone is (408) 296-3126  
Page Three of Five Pages Hand-Delivered to City of Santa Clara City Clerk's Office on July 15, 2003  
Re: for July 15, 2003 Council Meeting--Agenda Item on Proposed City Wide Residential Permit Parking Ordinance

**Effective Safety Measures In Implementing  
Combined T-Marks and Red Curb Designations**

Red curb designations at each driveway that accesses the public street; red curb designations at each corner; and, coupled with effectively spaced t-marks results in increased safety measures for all neighbors.

1. Safety for all neighbors, as to safely view the neighborhood streets for any suspicious or unusual night activities, as in our neighborhood, collectively we continue to work for safety of neighbors, from day to night.
2. Would clearly define the number of premium parking spaces available on the neighborhood public street. Starting with a base figure and working from this point, would bring awareness to available spaces when individuals are interested in renting or leasing in neighborhood. This could result in an proactive approach among landlords and tenants. For example: if a landlord rents to eleven tenants, and each are with vehicle, the impact is immediate. However, if the base figure for spaces available are implemented and designated by t-marks/red curb designations--this possible could be a measure to lessen said impact.
3. Safety for all neighbors, as a clearer visibility to access out of driveways; to resolve the bumper-to-bumper adverse impact, caused by congested on-street parked vehicles.
4. In my neighborhood, "the Alviso Street neighborhood", making best use of on-street parking spaces, with the focus of a defined safe and orderly designation, (versus maximizing how many vehicles can be packed in), is crucial to safety and balance.
5. Along these same lines: neighbors, from residing homeowners to student neighbors, to to neighbors who are long time residents, should be given the first priority to said premium on-street public neighborhood street parking.
6. Along these same lines: a defined safe and orderly designation of available on-street parking spaces, can further entail the continued collaboration with SCU.
7. Along these same lines: a defined safe and orderly designation of available on-street parking spaces, further strengthens the continued collaboration with SCPD and existing enforcement measures.

**Regarding Proposed Parking Ordinance/Guidelines Comments**

1. **Note:** given comments regarding the proposed ordinance and guidelines suggested the need to increased SCPD enforcement personnel to the effect, while City is in a "budget crisis".
2. **Note:** Other comments suggesting demolishing existing structures in the Alviso Street neighborhood, as to construct slabs of cement for parking; adds further congestion/traffic, raising issue to land use/zone; and is not viewed as an beautification effort to a neighborhood.

Ms. Joanne G. Bruna, Homeowner and divorced single woman  
(idence) Santa Clara, California 95050-5903

My Home Telephone is \_\_\_\_\_  
Page Five of Five Pages Hand-Delivered to City of Santa Clara City Clerk's Office on July 15, 2003  
Re: for July 15, 2003 Council Meeting--Agenda Item on Proposed City Wide Residential Permit Parking Ordinance

**In Closing**

1. The ramification of this proposed ordinance/guidelines, holds many unknown variables.
2. One neighbor, upon verbally hearing of this proposed ordinance/guidelines, emphasized that the neighborhood streets are public streets; that the primary users are the residing residents; and further suggested the 10% ratio as added suggestion.
3. In turn the following points:
  - a. Implement of red curb and t-marks to define base figure of safe, orderly on-street parking spaces available.
  - b. Primary users (residing residents, from student, homeowners, long time neighbors)
  - c. Sufficient special parking spaces for handicapped individuals.
  - d. 10% allocated for special needs.

\*Could a pilot program be implemented to the above, prior to passing the proposed ordinance/guidelines, as to assess if this would commence to resolve said parking congestion? Assessing further the successful collaboration of neighbors with City and the cost effective measure to the effect?
4. The Alviso Street neighborhood area, segment of street areas, has already commenced successful implementation of red curbs/t-marks. This is due to successful collaboration among neighbors and with their City.

Thank you, for your review of this correspondence,

*Joanne G. Bruna*

Joanne G. Bruna

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JUL 15 2003

City Clerk's Office  
City of Santa Clara

**ORDINANCE NO. 1781**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, ADDING CHAPTER 10.40 [ENTITLED "RESIDENTIAL PERMIT PARKING"] TO TITLE 10 [ENTITLED "VEHICLES AND TRAFFIC"] OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA" TO PROVIDE A RESIDENTIAL PARKING PERMIT PROGRAM**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

**WHEREAS**, a City of Santa Clara and Santa Clara University Parking Study Report was prepared to address the university area parking issues; and,

**WHEREAS**, recommendations described in the Report included the adoption of an ordinance for implementation of a full time residential parking permit program where it is appropriate and supported by the residents.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA, CALIFORNIA, AS FOLLOWS:**

**SECTION 1:** That "The Code of the City of Santa Clara, California" ("City Code" or "SCCC") is in the process of recodification. The new City Code will have a completely new numbering system. The section numbers in this ordinance utilize the new numbering system. Until the new City Code is adopted in its entirety, sections that are amended are enacted with the new numbering system. In instances where it is necessary (or convenient) for enforcement and/or fee collection purposes, resort may be made to a conversion table, which correlates the new section numbers to the old section numbers, and either section number (new or old) may be utilized.

**SECTION 2:** That a new Chapter is added to Title 10 (entitled "Vehicles and Traffic ") of "The Code of the City of Santa Clara, California," to read as follows:

## **CHAPTER 10.40. RESIDENTIAL PERMIT PARKING**

### **10.40.010. Definitions**

- (a) **Business owner.** "Business owner" means the owner of a business with access to a street within a residential permit parking area, and such owner's agent.
- (b) **City Manager.** "City Manager" means the City Manager or designee.
- (c) **Residential permit parking area.** "Residential permit parking area" means any area designated by resolution of the City Council where a permit is required to park on the street.
- (d) **Residence.** "Residence" means each single family dwelling unit, condominium dwelling unit, townhome dwelling unit, apartment dwelling unit, or other multifamily dwelling unit with access to a street within a permit parking area.

### **10.40.020. Designation of Residential Permit Parking Areas**

- (a) **Guidelines for Designation of Residential Permit Parking Areas**

City Manager shall prepare guidelines for the designation of residential permit parking areas setting forth process and criteria. Those guidelines, and any revisions thereto, shall be effective upon approval by the City Manager.

- (b) **Resolution for Designation of Residential Permit Parking Area**

Residential Permit Parking Areas may be designated or dissolved by resolution of the City Council. The City Council shall, pursuant to the guidelines for the designation of residential permit parking areas then in effect, consider for designation those areas satisfying the criteria set forth in the guidelines. If the City Council determines that the criteria have been met and that the procedures have been followed, it may designate by resolution a Residential Permit Parking Area with appropriate boundaries.

### **10.40.030. Adding Streets to Residential Permit Parking Areas**

- (a) Pursuant to the guidelines for the designation of residential permit parking, a street or portion of street not currently within a residential permit parking area may be added to a residential permit parking area.
- (b) The City Council may designate by resolution that such street or portion of street be added to the residential permit parking area pursuant to this chapter.

**10.40.040. Residential Permit Parking Prohibitions**

**(a) Posting.**

- (1) The City Manager shall cause appropriate signs to be erected and maintained on all streets and portions of streets within each residential permit parking area.
- (2) The signs that the City Manager causes to be erected pursuant to this section shall provide clear notice of the days and times of the parking prohibition applicable to the street upon which the sign is erected.
- (3) The parking prohibition set forth in this Section shall not be effective and enforceable on any street or on any portion of street within a residential permit parking area unless the signs required by this section have been erected.

**(b) Display of permits.**

- (1) Parking permits shall be displayed in a manner determined by the City Manager.
- (2) The City Manager shall notify each permittee of the proper manner in which to display a parking permit.
- (3) The proper display on a vehicle of a valid parking permit issued pursuant to this chapter grants only the privilege of parking the vehicle in the residential permit parking area for which the permit was issued.
- (4) Each vehicle displaying a parking permit shall be parked in a manner that conforms to all other parking and vehicle regulations and laws established by this code and by the California Vehicle Code.
- (5) A valid parking permit issued under this chapter shall not guarantee or reserve to the holder an on-street parking space on any street or portion of street within the residential permit parking area for which the permit was issued.

**(c) Prohibition.**

Except as otherwise specified in this chapter, no person shall park a vehicle on any street or any portion of any street within a residential permit parking area on the days and during the times posted unless such vehicle has a properly displayed and valid parking permit issued pursuant to this chapter.

#### **10.40.050. Exceptions to Residential Permit Parking Prohibition**

The following types of vehicles may park within a residential permit parking area without a parking permit:

- (a) Any commercial vehicle while making a pickup or delivery of goods, wares or merchandise from or to any building or structure located adjacent to any street or portion of street within a permit parking area;
- (b) Any commercial vehicle while under the control of a person involved in, or while delivering materials to be used in the maintenance, repair, alteration, remodeling or construction of any property that is located adjacent to any street or portion of street within a permit parking area;
- (c) Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility located adjacent to any street or portion of street within a permit parking area;
- (d) Any vehicle owned and operated by a government agency while engaged in government business;
- (e) Any emergency vehicle, including, but not limited to, an ambulance, fire engine or police vehicle, while being operated on official business; or
- (f) Any vehicle that displays the identifying disabled person's license plate or the disabled person's placard issued by the department of motor vehicles.

#### **10.40.060. Types of Residential Parking Permits**

- (a) Residential parking permit.

A Resident may obtain a residential parking permit upon proper application pursuant to the guidelines for the designation of residential permit parking areas then in effect.

- (b) Permanent non-resident owner parking permit.

A non-resident owner of a Residence may obtain a permanent non-resident owner parking permit upon proper application pursuant to the guidelines for the designation of residential permit parking areas then in effect. A permanent non-resident owner parking permit issued to a nonresident owner shall be for the exclusive purpose of inspecting, repairing, or maintaining the residence for which the permit was issued.

(c) Temporary guest permits.

A Resident may obtain a temporary guest permit upon proper application pursuant to the guidelines for the designation of residential permit parking areas then in effect, to accommodate guest parking. A temporary guest parking permit shall be for the exclusive use of a guest visiting the residence for which the permit was issued.

(d) Employee parking permits.

A business owner whose business is located adjacent to a street within a permit parking area may obtain employee parking permits upon proper application pursuant to the guidelines for the designation of residential permit parking areas then in effect, based on the number of employees who require such permits. Each employee parking permit issued to a business owner shall be for the exclusive use of that business owner and his or her employees.

(e) Special use parking permits.

Residents may obtain a special use parking permit upon proper application pursuant to the guidelines for the designation of residential permit parking areas then in effect, for special uses not otherwise addressed in this chapter. Special use parking permits shall be issued exclusively for uses associated with Residences.

**10.40.070. Issuance and Renewal of Residential Parking Permits**

Any of the parking permits provided for in this chapter may be obtained or renewed upon application to the City Manager, pursuant to the guidelines for the designation of residential permit parking areas then in effect. The City Manager shall:

- (a) Promulgate regulations for the determination of the manner in which proof of eligibility for residential parking permits shall be demonstrated; and
- (b) Promulgate all other regulations, not inconsistent with this chapter, that the City Manager determines are necessary for governing the manner in which persons shall qualify for residential parking permits.

**10.40.080. Prohibition on sale or transfer.**

- (a) No person shall sell, transfer or allow another person to use a residential parking permit issued pursuant to this chapter unless authorized to do so by this chapter.

- (b) No person shall purchase, transfer, acquire or obtain a residential parking permit described in this chapter unless otherwise authorized to purchase, transfer, acquire or obtain such parking permit by this chapter.

**10.40.090. Fees.**

- (a) The fees for obtaining, replacing and renewing a residential parking permit shall be as set forth in the guidelines for designation of a residential permit parking area.
- (b) Residential parking permits that are lost by fire, vandalism, theft or accident shall be replaced upon presentation of evidence satisfactory to the City Manager that such loss has occurred.

**10.40.100. Denial or Revocation of Residential Parking Permits**

- (a) The City Manager may deny an application for issuance or renewal of a residential parking permit described under this chapter, or revoke a residential parking permit issued under this chapter, upon determining that the applicant or permittee has:
  - (1) Supplied the City Manager with incorrect information;
  - (2) Violated any conditions placed upon the residential parking permit; or
  - (3) Otherwise failed to comply with the provisions of this chapter or any rules or regulations promulgated by the City Manager pursuant to this chapter.
- (b) With regard to a special use permit, the City Manager shall revoke such permit upon determining that it adversely affects the availability of parking in the neighborhood within which the special use will occur or is occurring. In determining whether the special use parking adversely impacts the availability of parking, the City Manager shall consider:
  - (1) Complaints by persons issued residential and employee parking permits regarding the availability of parking;
  - (2) Increased traffic congestion in the area resulting from motorists searching for parking; and
  - (3) Any other factors that the City Manager deems relevant.
- (c) Appeals of decisions on permits to the City Manager.

An applicant may appeal a decision on any permit provided for in this chapter to the City Manager or designee. The applicant must file such appeal with the City Manager or designee within ten business days of the decision. The City Manager or designee shall



hold a hearing within forty-five business days of the filing of such appeal, at which time applicant may present any evidence relevant to the application. The City Manager or designee shall within ten business days of such hearing issue a decision either affirming the denial of the application, or shall issue a permit. The decision of the City Manager or designee shall be in writing, shall specify the grounds therefore, and shall be final.

(Section 3, 4 and Signature Follows on Page 8)

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**SECTION 3: Constitutionality, severability.**


If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

**SECTION 4: Effective Date. (Unless it is adopted by 5 votes as an emergency measure.)**

This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

**PASSED FOR THE PURPOSE OF PUBLICATION** this 15<sup>th</sup> day of April, 2003, by the following vote:

AYES: COUNCILORS: Diridon, Kolstad, Matthews, McLemore, Parle and Mayor Mahan  
NOES: COUNCILORS: None  
ABSENT: COUNCILORS: Caserta  
ABSTAINED: COUNCILORS: None

ATTEST:   
J. E. BOCCIGNONE  
City Clerk  
City of Santa Clara