

**Council Meeting: June 2, 2009****SUBJECT: Ordinance Designating Preferential Parking Zone on Alturas Avenue****REPORT IN BRIEF**

This report considers invoking the City's legal authority under Chapter 10.26 of the Sunnyvale Municipal Code (SMC), to designate Alturas Avenue as a preferential parking zone for the benefit of the residents adjacent thereto which will authorize the issuance of residential parking permits and posting of signs. Residential parking permits will allow only residents holding valid permits issued by the City to park their vehicles on Alturas Drive. No other vehicles will be allowed to park on the street. Issuance of permits and posting of signs shall be carried out by the Department of Public Works pursuant to SMC sections 10.26.050. *Preferential Parking on Residential Streets*; and, 10.26.070. *Location and Restrictions*, respectively.

**BACKGROUND**

The preferential parking zone designation is being considered based on resident input and requests for permit parking to relieve non-resident parking demand resulting from the elimination of parking on Ahwanee Avenue due to construction of the Borregas Bicycle and Pedestrian Bridges. In order to accommodate the width of the bridge ramp, Ahwanee Avenue was narrowed, which necessitated removal of approximately 23 on-street parking spaces. While the environmental analysis for the Borregas project determined that there was sufficient off-street parking adjacent to the area of the proposed parking removal to accommodate the demand for the on-street spaces, resident outreach and input during the planning process indicated significant concern from residents of Alturas Avenue. Residents believe that migration of parking onto their street would occur, and that the street already realizes significant non-residential parking demand from patrons of commercial establishments at the corner of Borregas Avenue and Alturas Avenue. At the time of certification of the environmental document and project approval, staff generally assessed the feasibility and impact of a permit parking program and recommended to the City Council that the City plan a permit parking program for Alturas Avenue. Staff recommends that the Council make the required findings and is recommending that the Council approve a permit parking program by ordinance per the SMC.

## **EXISTING POLICY**

Sunnyvale Municipal Code Chapter 10.26 (Preferential Parking on Residential Streets).

## **DISCUSSION**

The issue of existing impacted parking and the potential for migration of non-resident parking due to parking removals associated with the Borregas Avenue Bicycle and Pedestrian Bridges Project came to light during public outreach efforts for the Borregas Bridges project. Residents of Alturas Avenue expressed concern that parking conditions prior to contemplation of the bridge were poor due to intrusion of commercial parking demand, and that any reduction in the parking supply in the area would exacerbate conditions. The City proposed a residential permit parking program to address these concerns.

### Findings

According to the SMC, the City Council can establish preferential parking programs for residential streets by ordinance. Certain findings must be made to the satisfaction of the City Council to support the establishment of preferential parking. Staff has made the following findings:

- (a) Commuter and non-residentially oriented vehicles do, or may, substantially and regularly interfere with the use of the majority of available public street or alley parking spaces by adjacent residents:** Parking surveys conducted in February, 2009, found that on-street parking utilization is typically around 70%, and ranging from 55% to 90% occupancy, with higher occupancy on weekday afternoons and weekends. Residents indicated that commercial activity is greater on the weekends, when informal “flea markets” occur. Staff observed vehicles being parked for the purpose of accessing commercial property and residential properties not on Alturas Avenue. It should be noted that conditions in February, 2009 mimicked the Borregas Bridges project completion conditions, as parking on Ahwanee has been eliminated to accommodate the construction zone.
- (b) The interference by vehicles referred to in subsection (a) above, occurs at regular and significant intervals. For purposes of this chapter, such interference shall be presumed to be regular and significant if it occurs, under typical circumstances, not less frequently than three times per week, Monday through Friday:** Conditions were confirmed to occur at least three times per week by site observations.

- (c) **The establishment of the proposed zone would benefit a majority of the residents adjacent to the proposed zone. Written requests for such a zone by residents of not less than fifty percent of the residentially developed parcels adjacent to the proposed zone shall constitute rebuttable evidence of such benefit:** A poll of residents and property owners showed an approval rate of residential permit parking of 55% of all residents and/or property owners. Responses were received from 58% of residents and/or property owners. Of the ballots returned, only one was not in favor of residential permit parking, constituting a 94% approval rating among those residents and/or property owners that responded.
- (d) **No reasonable displacement of commuter or non-residentially oriented vehicles into surrounding residential areas will result. In making this determination, substantial weight shall be given to the availability of alternate public and private parking facilities, and in particular underutilized or underdeveloped facilities or areas:** As part of the environmental analysis, staff surveyed on and off street parking and availability. Staff found a significant number of available on and off street spaces in the general vicinity of Ahwanee Drive, Borregas Avenue, Hemlock Avenue and Alturas Avenue. Ninety-seven on and off street spaces were observed in the pre-project survey. Since that time, additional commercial parking has been constructed at the corner of Borregas Avenue and Ahwanee Avenue. The available on and off street parking in the area exceeds the total amount of parking available on Alturas Avenue. Staff finds that there is sufficient available supply in the area to absorb any displaced vehicles from Alturas Avenue.
- (e) **A shortage of reasonably available and convenient residentially related parking spaces exist in the area of the proposed zone:** Staff finds that the high parking occupancy numbers point to a shortage of residentially related parking spaces in the proposed zone.
- (f) **No alternative solution is feasible or practical:** The City could consider institution of restricted parking hours targeted at discouraging commercial parking, combined with an exemption to the regulation for permitted residents. Staff has not sensed support from residents for this type of program. This type of program would also place a greater strain on enforcement resources. The Department of Public Safety can absorb the enforcement requirements of the proposed permit program, but a timed parking restriction would require multiple visits to the zone per day of enforcement, which strains limited resources. The permit program will require single visits per day of enforcement, and the Department can enforce on a response-basis as well in order to flexibly allocate resources.

The City could elect not to institute any new parking controls on Alturas Avenue. Pre and post Borregas Bridges project parking surveys indicate that available on-street parking usually is 55% to 70% occupied, and at no time did staff observe 100% occupancy. Staff notes that on Alturas Avenue, off street parking was regularly found to be available at approximately ½ the homes on the street. Garage spaces were not considered. Not instituting new traffic controls would not address residents' expressed concerns and observed conditions that non-residential vehicles substantially and regularly interfere with resident use of a majority of the available on-street parking, nor would it address the demonstrated majority support for permit parking.

### Permits

The SMC further lays out permitting regulations with regard to proof of residence and vehicle registration to the residence, number of permits, exemptions, and guest permits. Such programs are to be run by the Department of Public Works. Staff would follow the criteria and procedures laid out by the SMC to institute a program. At the current time, the City does not have any residential permit programs, and staff is not aware that any residential permit parking programs have been initiated in the past.

### **FISCAL IMPACT**

Staff estimates that the annualized cost of a permit program for the streets in question will be in the range of \$1,000 to \$2,000 for printing and distribution of permits. Costs for the proposed program are proposed to be recovered through a permit fee. Costs of the permits would be established at \$12.50 per permit. Per the Municipal Code, permits would need to be renewed annually. Permit costs would be re-evaluated annually as part of the establishment of the City's fee schedule. Posting of signs will be a one-time cost of approximately \$1500 which would be absorbed by the Department of Public Works operating budget.

### **PUBLIC CONTACT**

The City Council was informed of plans to consider permit parking for Alturas Avenue in an April 11, 2006, information only Report to Council (RTC No. 06-108). In January, 2008, staff conducted a poll of residents and property owners to measure support for residential permit parking. For this Report to Council, public contact was made by posting the Council agenda on the City's official-notice bulletin boards outside City Hall, in the Council Chambers lobby, the City Clerk's office, at the Library, Senior Center, Community Center, and Department of Public Safety; posting the agenda and report on the City's Web site; and making the report available at the Library and Office of the City Clerk.

Notices of the meeting were direct mailed to residents and property owners of Alturas Avenue as well.

**ALTERNATIVES**

1. Adopt the proposed ordinance designating Alturas Avenue as a preferential parking zone.
2. Adopt, with amendments, the proposed ordinance designating Alturas Avenue as a preferential parking zone.
3. Do not adopt the proposed ordinance designating Alturas Avenue as a preferential parking zone.

**RECOMMENDATION**

Staff recommends Alternative No. 1: Council make the proposed findings and adopt the proposed ordinance designating Alturas Avenue as a Preferential Parking Zone.

Reviewed by:

Marvin Rose, Director of Public Works

Prepared by: Jack Witthaus, Transportation and Traffic Manager

Approved by:

Gary M. Luebbers

City Manager

**Attachments**

- A. Proposed Ordinance Designating Alturas Avenue as a Preferential Parking Zone for the Benefit of the Residents Adjacent Thereto.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DESIGNATING ALTURAS AVENUE AS A PREFERENTIAL PARKING ZONE FOR THE BENEFIT OF RESIDENTS ADJACENT THERETO**

WHEREAS, residents of Alturas Avenue have provided input and have requested permit parking to address the shortage of residential parking spaces; and

WHEREAS, staff has recommended designating Alturas Avenue as a preferential parking zone which would authorize the Department of Public Works to issue permits and install signs indicating restricted parking in the proposed zone; and

WHEREAS, under Section 10.26.020, the City Council has been given the authority to adopt ordinances to designate certain residential streets or alleys or any portions thereof as a preferential parking zone for the benefit of residents adjacent thereto.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

**SECTION 1. FINDINGS.** In accordance with Sunnyvale Municipal Code 10.26.030 and based upon staff's Report to Council, the Council finds and determines that a preferential parking zone on Alturas Avenue will enhance or protect the quality of life in the area of the proposed zone and that such zone is necessary to provide reasonably available and convenient parking for the benefit of the adjacent residents, based on the following criteria established to the satisfaction of the City Council:

(a) Commuter and non-residentially oriented vehicles do, or may, substantially and regularly interfere with the use of the majority of available public street or alley parking spaces by adjacent residents;

(b) The interference by vehicles referred to in subsection (a) of this section occurs at regular and significant intervals. For purposes of this chapter, such interference shall be presumed to be regular and significant if it occurs, under typical circumstances, not less frequently than three times per week, Monday through Friday;

(c) The establishment of the proposed zone would benefit a majority of the residents adjacent to the proposed zone. Written requests for such a zone by residents of not less than fifty percent of the residentially developed parcels adjacent to the proposed zone shall constitute rebuttable evidence of such benefit;

(d) No reasonable displacement of commuter or non-residentially oriented vehicles into surrounding residential areas will result. In making this determination, substantial weight shall be given to the availability of alternate public and private parking facilities, and in particular underutilized or underdeveloped facilities or areas;

(e) A shortage of reasonably available and convenient residentially related parking spaces exist in the area of the proposed zone; and

(f) No alternative solution is feasible or practical.

SECTION 2. PREFERENTIAL PARKING ZONES APPROVED. It is hereby found and determined that designating Alturas Avenue as a preferential parking zone is necessary and desirable; and staff is directed to incorporate Alturas Avenue into the City's traffic control regulations document as a preferential parking zone.

SECTION 3. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2009, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney