

**Council Meeting: June 2, 2009****SUBJECT: Ordinance Designating Certain Streets in the Area of the Caltrain Station as Preferential Parking Zones****REPORT IN BRIEF**

This report considers invoking the City's legal authority under Chapter 10.26 of the Sunnyvale Municipal Code (SMC), to designate all or portions of Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street as preferential parking zones for the benefit of the residents adjacent thereto which will authorize the issuance of parking exemption permits. Parking exemption permits exempt the holder of the permit from posted time limited parking regulations. They differ from residential parking permits in that the general public will still be allowed to park in areas designated for issuance of exemption permits, so long as timed parking restrictions are adhered to. Issuance of permits shall be carried out by the Department of Public Works pursuant to SMC sections 10.26.050 and 10.26.070, respectively.

BACKGROUND

The preferential parking zone designations are being considered based on resident input and requests for modifications or other relief to the 7-hour parking restrictions in the area of the Sunnyvale Caltrain station. These regulations have been in place for many years as a means to deter Caltrain patrons from parking in the neighborhood. However, enforcement of these regulations has resulted in residents of the neighborhood being cited, which runs contrary to the original intent of the regulation. Outreach to residents regarding other modifications to parking controls has not determined a more effective way of deterring non-resident parking while providing the benefit of convenient public parking for the availability of residents. Recent resident outreach and input has demonstrated significant support for instituting an exemption from parking regulations, which is allowable per the SMC.

EXISTING POLICY

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

DISCUSSION

For at least 40 years, several streets in the area of the Sunnyvale Caltrain station have had parking regulated to no more than 7 consecutive hours. While records of the original establishment of this regulation no longer exist, available documentation shows that the purpose was to discourage commuters using the commuter rail service from parking for long periods in the residential areas surrounding the station.

Surveys indicate that this regulation works fairly well in discouraging long term parking; however, any resident of the area is also subject to the regulation, which limits the convenience of use of public on-street parking for residents. Increases in parking enforcement resources in recent years have resulted in increased enforcement of the 7-hour restriction. This has resulted in more residents receiving citations. The City has received a number of complaints from residents regarding enforcement of the 7-hour regulation upon area residents.

The City could consider a residential permit parking only program, modification of the hours of restriction, elimination of the restriction, or granting an exemption to the regulation for permitted residents by designating the subject streets as a preferential parking zone. Past investigations have not found sufficient support or other evidence to make findings for a residential permit parking only program. Staff has not devised nor sensed support from residents for changes to the hours of restriction. A recent survey showed little support for elimination of the regulations.

In recent months several residents have requested a parking regulation exemption program. This can be accomplished by designating the subject streets in the area of the Caltrain station as preferential parking zones and would allow regulation of non-resident parking, while increasing access to on-street parking for residents and reducing the chances of residents being cited. Section 10.26.020 of the Municipal Code allows for granting of exemptions to parking regulations, as follows:

10.26.020. Establishment of preferential parking zones.

The city council may designate by ordinance certain residential streets or alleys or any portions thereof not less than one hundred fifty feet in length, or either or both sides thereof, as a preferential parking zone for the benefit of residents adjacent thereto, in which zone vehicles displaying a permit or other authorized indicia *may be exempt* from parking prohibitions or restrictions established pursuant to Sections 10.24.010, 10.24.020, or 10.24.030 and otherwise posted, marked or noticed. (emphasis added)

Chapter 10.26 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. At the current time, the City does not have any exemption programs, and staff is not aware that any parking exemption programs have been initiated in the past.

The proposed preferential parking zone would include the following street segments:

- Angel Avenue between Beemer Avenue and Murphy Avenue
- Beemer Avenue between Angel Avenue and Murphy Avenue
- Charles Street between McKinley Avenue and Evelyn Avenue
- Florence Street between Evelyn Avenue and McKinley Avenue
- Frances Street between Hendy Avenue and California Avenue
- Hendy Avenue between Taaffe Street and Murphy Avenue
- Murphy Avenue between Hendy Avenue and California Avenue
- Taaffe Street between Hendy Avenue and Beemer Avenue
- Washington Avenue between Charles Street and Waverly Street
- Waverly Street between Evelyn Avenue and McKinley Avenue

Findings

Section 10.26.040 provides that Council may designate a preferential parking zone by ordinance and Section 10.26.030 states certain findings must be made to the satisfaction of the City Council to support such a designation. Therefore, staff recommends that the City Council consider the following findings for adoption:

- (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:** Staff believes that it can be reasonably concluded that commuter and non-residentially oriented vehicles may substantially and regularly interfere with the use of available public street parking. With the 7 hour regulation in place, intrusion of non-residential vehicles is minimal. However, there is evidence that the 7 hour regulation was established due to commuter vehicle intrusion, and given that commuter parking demand has increased substantially since the regulation was placed, it is likely that commuters would return if there were no regulation in place. Also, commuter parking demand is very high in nearby areas with convenient train station access and no parking regulations. For example surveys of the south side of Hendy Avenue show almost 100% parking occupancy over the course of a typical weekday.

- (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:** Commuter parking demand is observed to be present every weekday. It is reasonable to conclude that if commuters could park in the residential areas, they would do so at least three days a week.
- (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:** Residents of the area have completed a poll, drafted by City staff, of neighborhood interest in a parking exemption program. The poll demonstrates support of greater than 50% of residents in the areas proposed for the program. The polling covered all of the streets proposed for the program.
- (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:** Because the existing regulations are relatively successful at keeping commuter parking low to non-existent on many of the subject streets, there are very few vehicles that would be displaced. Therefore, staff concludes that the potential for displacement of commuter or non-residential vehicles by establishment of an exemption program would be practically non-existent.
- (e) **A shortage of reasonably available and convenient residentially related parking spaces exist in the area of the proposed zone:** On-street parking occupancy in the proposed zone is observed to be relatively low, so there is not a shortage of available residentially related on-street parking. However, a majority of residents believe that the 7 hour restriction makes on-street parking unduly inconvenient. It should be noted that many of the homes in the area feature older style single-loaded driveways, so the off-street residential parking supply is lower than most residential neighborhoods, and vehicles must be parked in tandem if attempting to park more than one vehicle off-street. This could constitute a shortage of residentially-related off-street parking, and could be considered inconvenient.

- (f) **No alternative solution is feasible or practical:** The City could elect not to institute any new parking controls in the 7 hour regulated areas around the Caltrain station. Staff observed that on-street parking supply in the predominance of the proposed parking exemption zone is adequate. Although no comprehensive surveys of either on or off-street parking were taken to support this report, examination of aerial photography from three different time periods confirms lower on-street parking occupancies, likely not more than 30% to 40%. The same aerial photography survey shows off street parking available at most homes during the time of the restriction; staff estimates that off-street parking was available at better than 80% of homes. Garage spaces were not considered. Not instituting new traffic controls would not address residents' expressed concerns that the 7 hour restriction is inconvenient, nor would it address the demonstrated majority support for a parking exemption program

The City could lift all parking restrictions. This would allow unlimited parking for residents, which would address the issue of the inconvenience of the 7 hour restriction. However, it is likely that commuter parking intrusion would occur, and the impact on the available on-street parking supply could be equally or more inconvenient to residents.

The City could consider residential permit parking. This differs from parking exemption in that only vehicles with permits would be allowed to park in the area. The general public is not allowed to park in areas designated and permitted for residential parking only. Staff does not believe that findings can be made to support permit parking only, specifically that 50% +1 of residents would support permit parking only. Residents support a parking exemption program, which will exempt residents from timed restrictions but still allow the general public to park, subject to the timed restrictions.

FISCAL IMPACT

Staff estimates that the annualized cost of an exemption permit program for the streets in question will be in the range of \$ 3,000 to \$ 10,000 for printing and distribution of permits. Costs will be dependent upon the number of participants in the program. Participation in the program will be voluntary, but residents electing not to participate will be subject to the time-restricted parking. 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.

One resident has requested that the City Council consider making permits valid for two years. Staff is not recommending that the Code be changed to make permits valid for two years.

PUBLIC CONTACT

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.

ALTERNATIVES

1. Adopt the proposed ordinance designating Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street as preferential parking zones.
2. Adopt, with amendments, the proposed ordinance, designating Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street.
3. Do not adopt the proposed ordinance designating Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street as preferential parking zones.

RECOMMENDATION

Staff recommends Alternative No. 1: Council Adopt the proposed ordinance designating Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street, and Florence Street as preferential parking zones.

By designating the subject streets in the area of the Caltrain station as preferential parking zones, this would allow regulation of non-resident parking, while increasing access to on-street parking for residents and reducing the chances of residents being cited.

Reviewed by:

Marvin A. 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 certain streets in the area of the Caltrain Station as preferential parking zones

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE DESIGNATING CERTAIN STREETS IN
THE AREA OF THE CALTRAIN STATION AS
PREFERENTIAL PARKING ZONES FOR THE BENEFIT
OF RESIDENTS ADJACENT THERETO**

WHEREAS, residents of Charles Street between McKinley Avenue and Evelyn Avenue, Hendy Avenue between Taaffe Street and Murphy Avenue; Frances Street between Hendy Avenue and California Avenue, Taaffe Street between Hendy Avenue and Beemer Avenue, Angel Avenue between Beemer Avenue and Murphy Avenue, Beemer Avenue between Angel Avenue and Murphy Avenue, Murphy Avenue between Hendy Avenue and California Avenue, Washington Avenue between Charles Street and Waverly Street, Waverly Street between Evelyn Avenue and McKinley Avenue, and Florence Street between Evelyn Avenue and McKinley Avenue have provided input and have requested modifications to the 7-hour parking restrictions in the area of the Sunnyvale Caltrain Station; and

WHEREAS, staff has recommended modification of the City's traffic control regulations document to allow for an exemption of the 7-hour limited parking regulations for residents of Charles Street between McKinley Avenue and Evelyn Avenue, Hendy Avenue between Taaffe Street and Murphy Avenue; Frances Street between Hendy Avenue and California Avenue, Taaffe Street between Hendy Avenue and Beemer Avenue, Angel Avenue between Beemer Avenue and Murphy Avenue, Beemer Avenue between Angel Avenue and Murphy Avenue, Murphy Avenue between Hendy Avenue and California Avenue, Washington Avenue between Charles Street and Waverly Street, Waverly Street between Evelyn Avenue and McKinley Avenue, and Florence Street between Evelyn Avenue and McKinley Avenue; 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 each preferential parking zone 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 an exemption of the 7-hour limited parking regulations for the residents of Charles Street, Hendy Avenue, Frances Street, Taaffe Street, Angel Avenue, Beemer Avenue, Murphy Avenue, Washington Avenue, Waverly Street and Florence Street in the area of the Caltrain Station is necessary and desirable; and staff is directed to incorporate the exemptions into the City's traffic control regulations document as preferential parking zones.

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 Kahn, City Attorney