

**ORDINANCE NO. 2897-09**

**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 June 2, 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