



Council Meeting: February 9, 2010

SUBJECT: Bicycle and Pedestrian Advisory Commission (BPAC) Recommendation on Ordinance for Suspension of Timed Parking Enforcement during Special Events

REPORT IN BRIEF

The purpose of this report is to seek Council's approval to amend the City of Sunnyvale Municipal Code regarding parking restrictions in emergency and special event situations. The Council previously considered and approved an amendment at its April 29, 2008 meeting (Report to Council No. 08-127) to allow the suspension of parking enforcement in posted time restricted parking lots and streets during designated special events. This change was intended to encourage attendance at community oriented events and reduce the potential negative impact on surrounding neighborhoods during these events.

The Chair of the Bicycle and Pedestrian Advisory Commission (BPAC) testified at the April Council hearing that he believed the wording of the ordinance could potentially allow the implementation of regulations undesirable for safe bicycling and walking. As a result, City Council directed that staff bring the revised ordinance to the BPAC for review. This has occurred and the BPAC is requesting some wording changes to clarify that suspension of parking regulations shall apply to timed regulations during special events, but not to other parking regulations (such as no parking in bike lanes).

Staff recommends that Council approve a change to the Municipal Code to make the BPAC's requested clarifications.

BACKGROUND

In June of 2007, Council asked staff to consider the feasibility of changing the Municipal Code to waive timed parking during certain special events that are open to the public, and private events whether open to the public or not. The downtown was a particular focus for this change, and most of the City's timed parking restrictions are in the downtown area.

The timed restricted parking lots and streets serve the businesses and the community well on a day-to-day basis, however, they do limit the community's ability to stay and enjoy a special event in the downtown area due to the time limit imposed by the restricted parking. Events such as the Art and Wine Festival, St. Patrick's Day Festival, Farmers Market and Summer Concert

Series are good examples. For such large events, current parking restrictions force patrons who desire to stay longer at these events to park in the surrounding residential areas. Enforcement of the timed parking restrictions also places an additional burden on the Department of Public Safety.

The City Council acted to adopt proposed ordinance changes amending Chapter 10.16., allowing for the temporary suspension of timed parking for special events, and also directed staff to review the ordinance with the BPAC.

EXISTING POLICY

Land Use and Transportation Sub-Element

Action Statement: C1.1.1 Prepare and update land use and transportation policies, design guidelines, regulations and engineering specifications to reflect community and neighborhood values.

Public Safety Sub-Element: Law Enforcement Policy A.5 Facilitate the safe movement of pedestrians, bicyclists and vehicles.

Action Statement: A.5f Maintain liaison with the Traffic Engineering Department in studying and solving traffic problems.

DISCUSSION

Concerns with the ordinance language were scheduled to be reviewed as part of the BPAC's 2009 Work plan. Discussions took place during the BPAC meetings held on March 19, 2009, April 16, 2009, June 18, 2009, and August 20, 2009. Public Safety staff joined Public Works staff in attending the June meeting to provide the Commission members with the opportunity to have a dialogue with representatives of both departments. The BPAC's concerns are with the language of the ordinance, not the intent. The BPAC is concerned that the ordinance as currently drafted could allow the suspension of parking regulations that are in place for reasons other than encouraging parking turnover. For example, the BPAC cited that they believed that a full time parking restriction that is in place for reasons of traffic safety or bicycle circulation could be suspended under the ordinance to allow for special event parking. This was not the intent of the ordinance change and is not supported by staff. Staff and the Office of the City Attorney have prepared wording revisions to the ordinance to clarify that, temporary suspension of parking regulations for special events shall not include areas where parking restrictions are in place for reasons of traffic safety. Return of this issue to the City Council was delayed due to staff workload.

Staff is recommending a change to Municipal Code Section 10.16.030(a), as shown in italics:

10.16.030. Emergency parking signs—Signs indicating street repairs or cleaning.

(a) Whenever the traffic engineer shall determine that any traffic congestion is likely to result from the holding of public or private assemblages, special events, gatherings or functions, or for other reasons, the traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the traffic engineer shall direct during the time such temporary signs are in place. The traffic engineer shall also have power and authority to suspend or modify existing parking restrictions ~~limitations~~, consistent with applicable traffic safety considerations, by erecting temporary signs or modifying existing signs for the duration of the event. Signs shall remain in place only during the existence of the special event, and the traffic engineer shall cause such signs to be removed promptly thereafter, unless a traffic safety consideration exists.

(b) The power and authority of the traffic engineer to administratively suspend parking restrictions for public or private assemblages, special events, gatherings or functions, or for other reasons shall not apply to full-time and time-of-day parking restrictions that have been instituted for traffic safety reasons.

FISCAL IMPACT

None.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, 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 the Office of the City Clerk

ALTERNATIVES

1. Adopt the proposed ordinance amending Chapter 10.16., clarifying the intent of temporary suspension of time duration parking restrictions for special events (as depicted by Attachment A).
2. Do not adopt the ordinance.
3. Direct staff to do further study.

RECOMMENDATION

Staff recommends Alternative No. 1: adopt the proposed ordinance amending Chapter 10.16., clarifying the intent of temporary suspension of time duration parking restrictions for special events.

The proposed change will clarify that temporary suspension of parking regulations for special events shall not include areas where parking restrictions are in place for reasons of traffic safety. Staff and the BPAC support this modification.

Reviewed by:

Marvin A. Rose, Director of Public Works
Prepared by: Jack Witthaus, Transportation and Traffic Manager

Reviewed by:

Don Johnson, Director, Public Safety

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Ordinance amending Section 10.16.030 of Chapter 16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 10.16.030 OF CHAPTER 10.16 (PARKING REGULATIONS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO EMERGENCY OR SPECIAL EVENT PARKING SIGNS

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

SECTION 1. SECTION 10.16.130 AMENDED. Section 10.16.030 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.16.030. Emergency and special event parking signs—Signs indicating street repairs or cleaning.

(a) Whenever the traffic engineer shall determine that any traffic congestion is likely to result from the holding of public or private assemblages, special events, gatherings or functions, or for other reasons, the traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the traffic engineer shall direct during the time such temporary signs are in place. The traffic engineer shall also have power and authority to suspend or modify existing parking restrictions, consistent with applicable traffic safety considerations, by erecting temporary signs or modifying existing signs for the duration of the event. Signs shall remain in place only during the existence of the special event, and the traffic engineer shall cause such signs to be removed promptly thereafter, unless a traffic safety consideration exists.

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Signs shall remain in place only during the existence of the special event, and the traffic engineer shall cause such signs to be removed promptly thereafter, unless a traffic safety consideration exists.

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(b) The power and authority of the traffic engineer to administratively suspend parking restrictions for public or private assemblages, special events, gatherings or functions, or for other reasons shall not apply to full-time and time-of-day parking restrictions that have been instituted for traffic safety reasons.

(c) In the event of an emergency, signs shall remain in place only during the existence of the emergency and the traffic engineer shall cause such signs to be removed promptly thereafter.

(d) Whenever the traffic engineer shall determine that it is necessary for the cleaning, repair or construction of any street or alley that the operation, parking or standing of vehicles be prohibited thereon, the traffic engineer shall have the power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the traffic engineer shall direct during the time such temporary signs are in place. Signs shall be erected or placed at least twenty-four hours prior to the time during which operation, parking or standing of such vehicles is to be prohibited, and the traffic engineer shall cause such signs to be removed promptly after the time during which such operation, parking or standing is to be prohibited has expired.

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(e) Where signs are in place giving notice of the restrictions authorized under this section, it is unlawful for any person to operate, park or stand any vehicle contrary to the directions or provisions of such signs.

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SECTION 2. 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.

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SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, 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 adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney