

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 10.26 (PREFERENTIAL PARKING ON RESIDENTIAL STREETS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, the City of Sunnyvale desires to amend certain sections of the Sunnyvale Municipal Code Chapter 10.26 (Preferential Parking on Residential Streets).

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

SECTION 1. Section 10.26.010 AMENDED. Section 10.26.010 of Chapter 10.26 (Preferential Parking on Residential Streets) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.26.010. Definitions.

The following words and phrases and their derivations when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them.

~~"Commuter and non-residentially oriented vehicles" means any motor vehicles operated by persons whose destinations are to non-residentially developed properties.~~

"Frontage" means the property line, or length thereof, of any parcel adjoining a street or other public right-of-way, whether said property line is a front or side property line.

"Non-residential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked.

"Residential street or alley" means any street or alley or portion thereof, at least six hundred feet in length or extending between two intersecting streets or alleys, if both of the following conditions are met:

- (A) Not less than seventy-five percent of the total frontage along both sides of said street or alley or portion thereof is within a residential or public facilities zone designation; and
- (B) Not less than fifty percent of all of the parcels having frontage on either side of said street or alley or portion thereof are residentially developed. For purposes of

this subsection, parcels combined in a single integrated use shall be deemed to be a single parcel.

~~"Residential zone designation" means any of the following zoning districts, as defined in Title 19, whether or not combined with any district set forth in Chapter 19.20:~~

~~(A) R-0, R-1, R-1.5, R-1.7/PD (Low density residential)~~

~~(B) R-2 (Low-medium density residential)~~

~~(C) R-3 (Medium density residential)~~

~~(D) R-4 (High density residential)~~

~~(E) R-5 (High density residential and office)~~

~~(F) R-MH (Residential mobile home).~~

~~"Residentially developed Parcel" means a parcel which has constructed on it one or more dwelling units, the use of which for residential occupancy purposes constitutes the primary use of the property.~~

SECTION 2. Section 10.26.020 AMENDED. Section 10.26.020 of Chapter 10.26 (Preferential Parking on Residential Steets) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.26.020. Establishment of residential preferential parking zones.

The city council may designate by ordinance or resolution 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 residential preferential parking zone for the benefit of residents living within the preferential parking zone adjacent thereto, in which zone vehicles displaying a permit or other authorized indicia may be exempt from parking prohibitions or restrictions established pursuant to Section 10.24.010, 10.24.020, or 10.24.030 and otherwise posted, marked or noticed.

The city council shall establish the Residential Preferential Parking Zone by ordinance or resolution which shall specify:

- (a) The findings set forth in section 10.26.030 have been met;
- (b) The boundaries and name of the Residential Preferential Parking Zone;
- (c) Hours and days of enforcement of parking regulations and other restrictions that shall be in effect for non-permit holders, such as two-hour parking limits, overnight

- parking limits, or "no re-parking" zones; zones.
- (d) The number of permits to be issued per parcel; and
 - (e) Such other matters as the city council may deem necessary and desirable.

SECTION 3. Section 10.26.030 AMENDED. Section 10.26.030 of Chapter 10.26 (Preferential Parking on Residential Steets) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.26.030. Findings.

The city council may designate an area as a Residential Preferential Parking Zone based upon the following criteria~~Each preferential parking zone may be designated only upon findings that such zone is required to 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. Such findings shall be based upon the following criteria established to the satisfaction of the city council:~~

- (a) Non-residential Commuter and non-residentially oriented~~vehicles do, or may, substantially and regularly interfere with the use of the majority of available public on-street or alley parking spaces by residents living within the proposed residential preferential parking zone~~adjacent residents;
- (b) The interference by non-residential 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 non-residential vehicles parked within the area of establishment of the proposed zone create traffic congestion, noise, or other disruption (including shortage of parking spaces for residents and their visitors) that disrupts neighborhood lifewould 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)(d) A shortage of reasonably available and convenient residentially related parking spaces exists~~s~~ in the area of the proposed zone; and

~~(f)~~(e) No alternative solution is feasible or practical.

SECTION 4. Section 10.26.040 AMENDED. Section 10.26.040 of Chapter 10.26 (Preferential Parking on Residential Steets) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.26.040. Notice of residential preferential parking zone.

No residential preferential parking ordinance or resolution shall apply until signs or markings giving adequate notice thereof have been placed.

SECTION 5. Section 10.26.050 AMENDED. Section 10.26.050 of Chapter 10.26 (Preferential Parking on Residential Steets) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.26.050. Issuance of permits.

- (a) The department of public works shall be responsible for the issuance of permits pursuant to this chapter. Applicants for such permits shall present such proof, as may be required by said department, of residence adjacent in to the area designated as a residential preferential parking zone and of the number of vehicles registered at said residence regularly used by the applicant. ~~Not more than one permit shall be issued for each such motor vehicle. Not more than three permits shall be issued for each qualified dwelling unit parcel to any qualified applicant or applicants. The occupants of an accessory dwelling unit shall be entitled to one permit in addition to any permits issued to the occupants of the primary residence. Applicants may be granted additional permits by the department of public works upon a showing that additional vehicles are registered at the address of such dwelling unit or regularly used by residents thereof and that insufficient off street parking is available to the applicant during the effective hours of the residential preferential parking zone.~~ The department of public works shall prescribe appropriate application forms and procedures with respect to such permits. The form of the permit shall be prescribed by the department of public works. The department of public works may also issue to qualified applicants one or more temporary guest permits upon a showing of need therefor and in such form as may be prescribed by the department of public works. Such temporary permits shall be valid only for the date and time shown on the face of such permits.
- (b) Permits issued pursuant to this section shall remain effective for a period of one (1) calendar year or fraction thereof, or so long as the applicant continues to reside in a qualified dwelling unit parcel for such permit or until the residential preferential parking zone for which such permit was issued is eliminated,

whichever period of time is less; provided, that any temporary guest permits issued hereunder shall be effective for a period not to exceed twenty-four (24) hours.

(c) Each permit shall be subject to all conditions and restrictions set forth in this chapter and in the ordinance or resolution establishing of the residential preferential parking zone for which it was issued, including conditions or restrictions which may be altered or amended from time to time. The issuance of such permit shall not be construed to be a permit for, or approval of, any violation of any provisions of this code or any other laws or regulations.

(c)(d) The director of the department of public works is authorized to adopt administrative regulations that are consistent with the purposes of this Chapter 10.26.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. 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 _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney