



File #: 20-0226, Version: 1

### REPORT TO COUNCIL

#### SUBJECT

Introduce an Ordinance to Amend Title 10 (Vehicles and Traffic); Sections 10.04.090 (General), 10.16.020 (Parking Regulations), 10.36.065 (Loading and Special Zones), and 10.56.140 (Bicycles) of the Sunnyvale Municipal Code for Clarification and Cleanup

#### DISCUSSION

The Department of Public Safety (DPS) staff conducts an ongoing review of Sunnyvale Municipal Code (SMC) sections that create problems or ambiguities in enforcement and consults with the City Attorney's Office and relevant departments to update the SMC to ensure that the Code is as clear as possible for citizens and DPS officers responsible for enforcement. DPS has identified the following provisions of Title 10 (Vehicles and Traffic) for updates:

- 1. SMC Section 10.04.090- Traffic direction by unauthorized person prohibited.** Current SMC provisions allow a person "deputized" by the director of public safety to direct traffic. Deputizing someone is generally interpreted to require written assignment and the person deputized to carry proof of such assignment. The California Vehicle Code (CVC) parallel provision to SMC section 10.04.090 is CVC section 21100.3, which allows persons "appointed or authorized by a local authority" to perform such duties. Consistent with the CVC, DPS currently assigns a variety of individuals to direct traffic when necessary and recommends aligning the SMC with the CVC language to ensure that the SMC is not interpreted to require the higher standard of "deputization."
- 2. SMC Section 10.16.020(b)- Signs or markings indicating restricted stopping, standing or parking.** SMC section 10.16.020(b) currently provides that it is unlawful to stop, stand, or park a vehicle in violation of any *legible* sign or curb marking. DPS has handled some cases where traffic commissioners overturned citations where people claimed signs or curb markings were not legible because, for example, the sun was shining on the sign or a car was blocking the curb marking. While DPS believes such interpretations are incorrect, it notes that the CVC typically refers to areas that are "clearly marked" for no stopping, standing, or parking, and that the City's use of the term "legible" could potentially be interpreted to create a higher and more subjective standard. The proposed amendments eliminate this ambiguity by requiring compliance with appropriate (rather than legible) signage.
- 3. SMC Section 10.36.065(b)- Disabled parking zones-Parking restricted.** SMC section 10.36.020(b) currently provides that it is unlawful to park a vehicle within three feet of an access ramp that has been constructed adjacent to a crosswalk. The wording "adjacent to the crosswalk" has created recent confusion in enforcement because the comparable provision in CVC section 22500(l) prohibits parking "In front of or upon that portion of a curb that has been cut down, lowered, or constructed to provide wheelchair accessibility to the sidewalk."

Although it is likely that the intent was for the SMC to parallel the CVC, the difference in language and more imprecise wording used in the SMC has led to questions. Therefore, DPS recommends amending the SMC with wording consistent with the CVC to promote clearer local enforcement of disabled parking zones.

- 4. SMC Section 10.56.140- Bicycles Prohibited on Sidewalks and Overhead Crossings.** SMC section 10.56.040(a) has long been interpreted to prohibit anyone over the age of 13 from riding a bicycle on an overcrossing or sidewalk. However, because of the way concepts are grouped in the existing language of section 10.56.140, DPS has occasionally had cases in which judges have expressed that the language is unclear as to who is permitted to ride on sidewalks and overcrossings. To eliminate the confusion about different concepts currently addressed in one paragraph, the proposed changes create subsections to more clearly define the following concepts: (1) no person (adult or child) may ride a bike on an overcrossing designated for pedestrian use only, (2) no one may ride a bike or motored device on a sidewalk, except for children or adults over the age of 62 subject to existing provisions for safety. These amendments do not represent a substantive change in the Code, the City's original intent, or existing enforcement practices but will make the concepts and intended interpretation clearer to decisionmakers when citations are challenged.

Based on the concerns and potential enforcement challenges discussed above, the fact that maintaining these ordinances without change will continue to cause confusion in DPS about whether to enforce, and that most of the changes will better align the SMC with relevant Vehicle Code provisions, staff is recommending the amendments discussed above. Although DPS has not received frequent complaints about these provisions, we believe the best practice is to update them to ensure that they are clear to the public and enforceable when necessary.

#### **ENVIRONMENTAL REVIEW**

Amending these sections of Title 10 is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

#### **FISCAL IMPACT**

No fiscal impacts are anticipated from these amendments.

#### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

#### **STAFF RECOMMENDATION**

Introduce an Ordinance to Amend Sections 10.04.090 (General), 10.16.020 (parking Regulations, 10.36.065 (Loading and Special Zones), and 10.56.140 (Bicycles) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code for Clarification and Cleanup

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**ATTACHMENT**

1. Draft Ordinance