

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Amendments to Title 10 "Vehicles and Traffic" of the Municipal Code

DATE: October 20, 2016

City Council Goals:

To promote economic development that stabilizes and diversifies the tax base. (#4)

Purpose:

The changes proposed in this ordinance will formalize an on-street parking permit program in the city's commercial and industrial areas.

Recommendation:

Introduce Ordinance 609, waiving first reading, amending Title 10 of the Municipal Code concerning "Commercial and Industrial Parking Permit Program".

Background:

Within the last three to five years, the make-up of businesses operating in the city, particularly within Crocker Industrial Park, have changed from a low employee per square foot density to a high employee per square foot density. In several circumstances, businesses that meet or exceed the city's zoning requirements for onsite parking still do not have enough available parking for employees.

Recognizing the challenge this posed to new and to some existing businesses, the City Engineer, working in conjunction with the City Manager's office, relied upon the general authority currently in Title 10 of the Municipal code to allow on-street parking in four areas; the south side of Park Lane between Park Place and Lettieri & Company's business, the north side of South Hill Drive between BiRite and Dolby Laboratories, the south side of South Hill Drive adjacent to Sheng Kee Bakery, and the north side of West Hill Place adjacent to Kuehne & Nagel. The City Engineer does not envision ever permitting regular parking on any portion of Valley Drive.

Discussion:

The City Attorney drafted the proposed new Chapter 10.27, Commercial and Industrial Parking Permit Program generally following the language in existing Chapter 10.26, Residential Parking Permit Program. The proposed ordinance simply formalizes a parking program in our commercial areas that is nearly identical to the program in our residential areas.

Fiscal Impact:


This item is not intended to be revenue producing. A distinguishing feature of the commercial/industrial parking permit program is that the permittee is required to provide a public benefit in addition to paying all costs associated with establishing the program. Staff currently envisions that the public benefit will be enhanced and focused cleanup of the roadway adjoining the permitted area. This private cleanup may result in slightly lower costs to the city's NPDES and street sweeping programs.

Measure of Success

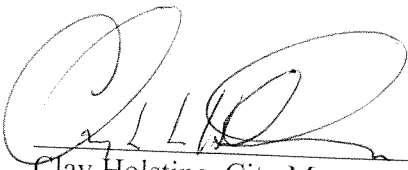
The formalization of the process by which business owners, who are in compliance with the city's zoning requirements for onsite parking, may petition to have on-street parking available for their employees in a location generally contiguous to their business address.

Attachments:

Ordinance No. 609



Director of Public Works/City Engineer



Clay Holstine, City Manager

ORDINANCE NO. 609

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING TITLE 10 OF THE MUNICIPAL CODE
PERTAINING TO A COMMERCIAL AND INDUSTRIAL
PARKING PERMIT PROGRAM**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Chapter 10.27 is added to Title 10 of the Municipal Code:

§10.27.010 - Purpose of chapter.

This chapter has been adopted for the following purposes:

A. To create a voluntary program that will enable certain employers in the city to request the establishment of on-street parking restrictions within the area where they have their businesses which are in addition to, and likely to be more restrictive than, the city's standard parking regulations for such area.

B. Upon an employer's showing of the need for street parking in excess of the onsite parking requirements under the city's zoning ordinance and/or in excess of the available onsite parking, and the employer's providing to the city a community benefit, to provide for the issuance of a certain number of parking permits to the employers in such designated areas, the display of which will serve to exempt the vehicles of their employees from the operation of the parking restrictions; provided however, that no on-street parking permits shall be counted toward meeting the onsite parking requirements for the property under the City's zoning ordinance.

§10.27.020 - Definitions.

As used in this chapter, the following words and phrases shall have the meanings:

A. "Designated permit area" means a contiguous area of a commercial or industrial zoning district, upon which the city traffic engineer imposes parking restrictions in response to a petition to do so submitted by an employer in such area in accordance with this chapter.

B. "Motor vehicle" means automobile, three-wheel motorcycle, truck, or other motor driven vehicle, not exceeding six thousand (6,000) pounds unladen weight.

C. "Non-exempt vehicle" means a motor vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued the city pursuant to this chapter. A motor vehicle parked or left standing in a designated permit

area displaying a parking permit for a different designated permit area shall be treated as a non-exempt vehicle.

D. "Parking permit" means a permit issued by the city pursuant to this chapter to an employer in a designated permit area for display on a vehicle owned or used by such employer or the employer's employees which is parked or left standing within the boundaries of such area.

§10.27.030 - Parking permit exemption.

A. A motor vehicle on which is displayed a valid, unexpired parking permit shall be permitted to stand or be parked in the designated permit area for which such permit has been issued without being subject to the commercial or industrial parking restrictions established for such area pursuant to this chapter.

B. All non-exempt vehicles which are parked or left standing in violation of any parking restriction established pursuant to this chapter for any designated permit area shall be subject to the same fines and penalties as applied for violation of restrictions pertaining to no parking areas other than special zones.

C. Nothing contained in this chapter shall be interpreted in a manner that will affect, impair, or supersede the enforcement of any other state or local laws, ordinances, or regulations, whether pertaining to parking or otherwise, and the same shall continue to be applied with full force and effect in all designated permit areas. In the event of any conflict or inconsistency with the parking restrictions established pursuant to this chapter, such other laws, ordinances and regulations shall be controlling.

§10.27.040 - Establishment of designated permit area.

A. Employers desiring to create a designated permit area may submit an application to the city traffic engineer containing the following information:

1. A description or a map showing the proposed boundaries of the designated permit area. Both sides of the street must be included within the boundaries of any proposed area;

2. The name and address of the place of the business within the proposed designated permit area;

3. An identification of any other properties located within the proposed designated permit area, such as churches, schools, public facilities, or other commercial or industrial establishments;

4. A statement of the proposed parking restrictions desired by the employer, including days of the week, times during the day, and the length of time for the restriction. (For

example, a two (2) hour maximum time limit during the hours of five p.m. to ten p.m. on Mondays through Fridays, holidays exempted.);

5. The suggested maximum number of parking permits that may be issued to the employer located within the proposed boundaries of the designated permit area;

6. A detailed explanation as to why the employer needs on-street parking for its employees;

7. What benefit or program the employer is prepared to provide to the city or the community in order for the city to create the designated permit area;

8. The application shall include the following statement:

“The undersigned is an employer in the proposed designated permit area described in this petition. I understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) I will be entitled to obtain a limited number of permits exempting my employees’ vehicles from such parking restrictions, but if an employee owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and will need to be renewed each year; (iv) the cost of installing and maintaining the parking restriction signs and the cost of issuing the annual parking permits will be paid by me.”

B. The application must be signed by the employer of a business located within the boundaries of the proposed designated permit area.

C. The application shall be accompanied by the payment of a processing fee in such amount as established from time to time by resolution of the city council.

D. The city traffic engineer shall mail to all businesses within 300 feet of the applicant’s business notice that the city traffic engineer has received an application for an on-street parking permit and provide an opportunity for the owners of such businesses to provide comments on the application before the city traffic engineer makes a decision concerning the application.

E. After considering the comments, if any, of owners of businesses within 300 feet of the applicant’s business, the city traffic engineer may, approve, reject or modify the application in any manner the city traffic engineer deems appropriate including, but not limited to, the exact boundaries of the permit parking area, the specific parking restrictions applicable to such area, the initial cash contribution required for the cost of installing parking restriction signs, and the maximum number of parking permits that may be issued to each employer located within the designated permit area.

§10.27.050 - Appeals.

A. An applicant may appeal to the city manager any decision of the city traffic engineer concerning the application. The applicant must file such appeal with the city clerk not

more than ten (10) days after the date on which the city traffic engineer has made a final decision. The appellant may also appeal the decision of the city manager to the city council by filing a notice of appeal with the city clerk not more than ten (10) days after the date on which the city manager has made a final decision.

B. The appellate authority may uphold, reverse or modify the decision which is the subject of the appeal, and may refer the matter to the city manager or the city traffic engineer for such further action as may be directed by the appellate authority.

§10.27.060 - Issuance of parking permits.

A. Employers within a designated permit area may apply to the city traffic engineer for parking permits, which shall be granted upon payment of the application fee and submitting documentation acceptable to the city traffic engineer showing the employer has a business within the designated permit area. The issuance of a parking permit shall not constitute the reservation or guaranty of any on-street parking spaces for the exclusive use of the permit holder.

B. The number of permits that may be issued to an employer located within the designated permit area shall not exceed the maximum number of permits as approved by the city traffic engineer; provided, however, that the city traffic engineer, upon the showing of special circumstances or unavoidable hardship, shall have authority to issue a greater number of parking permits to an employer within the designated permit area. The additional permits issued by the city traffic engineer may be either temporary or renewable.

C. Parking permits shall be issued for a term of one year and may be renewed for additional terms of one year upon payment of the renewal fee and, if requested by the city traffic engineer, upon resubmittal of the applicant's proof that the employer is still in the designated area.

§10.27.070 - Posting of signs.

The parking restrictions established for a designated permit area shall become effective and enforceable upon the posting of street signs giving notice of such restrictions to the public in the manner prescribed by the California Vehicle Code. The city traffic engineer shall have the responsibility of installing and maintaining such signs, but only after receipt of payment for the cost thereof made by or on behalf of the employers in the designated permit area. Failure to make such payment within the time to do so shall operate to nullify approval of the permit.

SECTION 2: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such

decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 3: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

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The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Clifford R. Lentz, Mayor

ATTEST:

Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM: