CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and
Members of the City Council

From: Lisa Goldman
Acting City Manager

Date: April 5, 2011

Re: Introduce an Ordinance to Amend the Alameda Municipal Code by Repealing Section12-17 (Preferential Parking Zones) of Article III (Permit Parking) of Chapter XII (Designated Parking) in its Entirety, and by Adding a New Section 12-17 (Preferential Parking Zones) to Establish a Citywide Permit Parking Program

BACKGROUND

The City recently completed a parking analysis that recommends reducing off-street parking requirements within Community Commercial (C-C) zoning districts to encourage economic development. The study assumed, however, that a Parking Permit Program (PPP) would be in place prior to, or as part of, the approval of the reduced off-street parking requirements. As indicated in the parking analysis, a PPP is needed to address the predicted increase of commercial parking spillover into residential areas. In addition, residents in several neighborhoods adjacent to business districts and other high parking demand generators (e.g. shops, schools, hospitals, medical offices, etc.) have reported an inadequate supply of on-street parking. Additional factors, such as the use of residential garages for storage, the large number of vehicles per household, and parking by casual carpoolers and transit riders near bus stops in residential neighborhoods, contribute to the increased demand for on-street parking spaces. This demand increases on days where parking restrictions are in effect to facilitate street sweeping.

DISCUSSION

The purpose of a PPP is to improve on-street parking availability for residents living in neighborhoods adjacent to non-residential land uses that create a high demand for parking and directly impact the ability of residents to park in close proximity to their residences. PPPs are commonly used in the Bay Area to address these concerns. A PPP imposes a maximum time limit for on-street parking within an established boundary, known as the parking permit zone, and exempts vehicles displaying a valid permit from the posted parking restrictions. The permit is made available to all residents that reside within the zone and have paid the appropriate fee. The program allows residents greater access to longer term parking in the vicinity of their residence. The parking restrictions associated with street sweeping would still remain in effect for permit holders.

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To develop the framework for a PPP in the City of Alameda, staff reviewed existing programs in the cities of Oakland, Berkeley, San Mateo, Walnut Creek, Pittsburg, Salinas, and Brisbane and in the County of Alameda. The program proposed by staff is generally consistent with a majority of these programs.

PPP Financing Mechanism and Initiation

Of the above jurisdictions that staff was able to contact directly, all reported that some level of financial subsidy from their general funds was required to maintain their programs. Because of the existing demands on the City's General Fund revenues, the inter-departmental staff team analyzing the impacts associated with reducing off-street parking requirements agreed that implementation of a PPP in Alameda should be cost neutral to the City. Before a PPP zone is recommended to the City Council for approval, staff would establish a reasonable permit cost to ensure it is self-supporting. To confirm that a PPP zone remains cost neutral, staff would annually review its expenses and revenues, and if the permit fees and citations collected in the previous year were insufficient to cover the cost of the program, staff would request the City Council to approve a resolution to increase the zone permit fee. Should it be determined that a PPP was not financially self-supporting due to the low number of permits issued, the City Council may dissolve the PPP zone by resolution. Procedures for coordinating with PPP zone residents and businesses prior to recommending changes to any PPP zone will be developed by staff as part of the program's implementation. Any permit fees will be incorporated into the master fee resolution and adjusted annually in accordance with the Consumer Price Index for the San Francisco Bay Area. Participants will be required to purchase a new permit every year.

Eligibility Criteria for a Preferential Parking Permit Program

A proposed PPP zone shall meet all of the following requirements:

1. Be located in close proximity (typically one to two blocks) to a C-C zoning district or major parking generators (e.g., schools, hospitals, offices).
2. Include a minimum of six contiguous blocks (assuming an approximate average length of 200 to 250 feet per block) or a minimum of 600 housing units. Staff has determined this to be a reasonable size for a PPP zone based on the estimated costs to create a PPP and upon a review of similar programs in other jurisdictions.
3. Be comprised of a minimum of eighty-five percent (85%) residential properties.
4. Demonstrate existing on-street parking occupancy for any three-hour period between 8:00 a.m. and 6:00 p.m. is at least 85%.

Process for Initiating a PPP Zone

The following process is proposed for initiating a PPP Zone:

1. The Public Works Department receives a petition signed by at least 55% of the

residents and businesses on the street(s) requesting establishment of a PPP. A standard petition will be developed by staff for use by residents, and only one signature per dwelling unit or business establishment will be counted toward meeting this requirement.

2. The Public Works Department conducts a parking study or any other study that is needed to determine the eligibility (see eligibility criteria) of the proposed area.
3. If the area is determined to be eligible, the City will determine the cost of the program in a specific area and the amount of the permit fee.
4. The City Council considers a resolution creating a PPP in an area at a regularly scheduled meeting. If the resolution is approved, the City would proceed with the implementation of the PPP.

Any expansion to an existing PPP zone will require the same approval process described above; however, the Public Works Director may waive the parking study for an expansion at his or her discretion. A petition to dissolve a PPP zone will follow these same procedures.

Cost and Types of Permits

Similar to the existing programs in other jurisdictions, several types of permits would be available. The one-time cost for establishing a PPP zone amortized over five years, including yearly administration, enforcement, and maintenance costs, is included in Exhibit 1. The exact fee would be determined when a PPP zone is created and would be based on the size of the zone and the composition and number of residential and commercial properties. As with programs in other cities, having a parking permit would not guarantee an on-street parking space for all permit holders. The following permit types are recommended for the PPP.

1. Resident permits – The number of resident parking permits to be issued to each residence will be determined by the parking conditions within each zone and set forth by resolution of the City Council. The resident parking permit would not be transferable between vehicles. Staff estimates that the costs for a residential parking permit would range from $30 to $60 per vehicle per year. The cost for a typical parking permit in other Bay Area jurisdictions is about $40 per permit.
2. Business permits – Preferential parking permits may, in addition, be issued for each business address that actively engages in business activity within the designated preferential parking zone if it has no off-street parking lot. The number of business parking permits to be issued to each business for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. The permits must be associated to a vehicle owned, leased, or under the continuing custody of a person who is employed by or is a representative of a business located within the preferential parking zone. Staff estimates that the costs would range from $30 to $60 per permit per year.

3. Visitor permits – Two types of temporary visitor permits would be provided for each dwelling unit at an additional cost. Short-term permits will be valid for one day, while long-term guest permits will be valid for one to four weeks. The number of daily or weekly guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. Staff estimates that a one-day permit would be available for approximately $2.50 per permit, and weekly permits would be available for approximately $15 per permit.

Residents and businesses will be able to receive the permits in person at the Community Development Department's (CDD) Central Permit office or online through the City's web site. Visitor permits will be available only through the City's web site.

Permit Exemption Hours

All approved PPP zones will require the installation of signs prohibiting parking during certain hours. The specific times of day that permits would be required for vehicles parking on the street would be determined as part of the City Council resolution. PPP zones typically operate from 8:00 a.m. to 6:00 p.m., Monday through Saturday. Staff recommends that the parking restrictions in a preferential parking zone be no more than two hours. Accompanied by enforcement, this should effectively prohibit business employees, patrons, and commuters from parking for extended periods in the residential neighborhoods designated as part of the PPP zone.

Staffing Requirements

Staff from several departments would be required to implement the program. Based on discussions with other jurisdictions, administration of the PPP is typically combined with the processing of other permits, and enforcement is conducted as part of normal traffic patrol operations, so specific staffing requirements for the proposed program are difficult to determine at this time. However, based on the information collected from the jurisdictions contacted, as well as through consultation with the Alameda Police Department and the CDD, the following staffing tasks were developed.

Engineering and Maintenance – Public Works Department - Engineering staff would work with neighborhoods to assist with the petition process, evaluate parking usage in the proposed zone, recommend the boundaries of the zone, provide all public outreach, and prepare the City Council reports and draft resolutions. This work would be done when the PPP zone is established, as well as when the boundaries of the zone are re-evaluated or modified. In addition, Public Works would be responsible for installing and maintaining the signage for the permit zones.

Administration – Community Development Department - As is typical in other jurisdictions, the Central Permit office, which is already setup to receive applications and process permits, will provide this service. The CDD will determine the type of database system needed to track parking permits. Online permit sales and renewals could reduce the projected costs for permit processing.

Enforcement – Alameda Police Department - The enforcement component of a PPP is typically implemented as part of other parking enforcement activities. As a result, jurisdictions that were contacted regarding their programs were unable to provide a specific cost for this portion of their program. The Alameda Police Department estimates that a traffic technician working approximately 15 hours per week could meet the enforcement needs for one permit parking zone, assuming a posted two-hour parking restriction.

FINANCIAL IMPACT

The total annualized cost to create a PPP zone is estimated to be $45,150 (Exhibit 1). This cost includes establishment, administration, enforcement, and maintenance of an individual PPP zone and will be completely recovered through the permit cost and will be reviewed annually to ensure that the permit cost adequately covers expenses. The one-time costs associated with the program, including the development of program handouts, a standard petition, tracking system, and the purchase of a parking enforcement vehicle, as needed, will be funded through the Parking Meter and In-Lieu Parking Fee Funds. These costs are estimated to be $31,000. Staff estimates that revenue from citations (about 525 citations issued for $19,950) and the purchasing of permits will be sufficient to fully cover the costs of the PPP. Staff assumes 60% of the residents per zone will participate and permits will cost $40 each. Should more residents participate or more citations be issued, the permit cost would be less. Typical costs for a parking permit in the Bay Area are approximately $40. There will be no impact to the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This project supports the General Plan Objective 4.2.5 "Manage both on-street and off-street parking to support access and transportation objectives," and the General Plan Policy 4.2.5.a: "Consider a fully-funded on-street permit parking program in neighborhoods with chronic parking problems and new developments".

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), the preferential parking permit program is Categorically Exempt under CEQA Guidelines Section 15305, Minor Alterations to Land Use Limitations.

RECOMMENDATION

Introduce an Ordinance to amend the Alameda Municipal Code by repealing Section 12-17 (Preferential Parking Zones) of Article III (Permit Parking) of Chapter XII (Designated Parking) in its entirety, and by adding a new Section 12-17 (Preferential Parking Zones) to establish a citywide permit parking program.

Respectfully submitted,

Matthew T. Naclerio
Public Works Director

By:

Obaid Khan
Supervising Civil Engineer

Approved as to funds and account,

Fred Marsh
Controller

Exhibit:
1. PPP Cost Breakdown

Exhibit 1

Estimated One-Time Costs to Establish Preferential Parking Permit Program (Citywide)

Category	Task	Estimated Cost
Publicity	Web site, press release	$ 1,000
Develop program materials	Program handout, petition and application forms, permits and tracking system	$ 2,000
	Develop and approve guidelines	$ 1,500
Enforcement	Purchase vehicle	$26,500
	TOTAL	**$31,000***

* Paid from In-Lieu Parking Fee Fund and Parking Meter Fund

Estimated One-Time Costs to Establish an Individual PPP Zone

Category	Task	Estimated Cost
Engineering	Correspondence, review petition	$ 2,000
	District evaluation	$ 3,000
	Potential appeal	$ 1,000
Implementation	City Council Report/Resolution	$ 1,000
	Signage	$ 7,000
	Postage	$ 500
	Contingency	$ 500
	SUB-TOTAL	**$15,000***

* Costs to be annualized over seven years (assume $2,150 per year)

Estimated Annual Costs to Administer an Individual Six-Block PPP Zone

Category	Task	Estimated Cost
Administration - Permit Center	Process permits (10 minutes per permit)	$20,000
	Printing	$ 2,000
	Postage	$ 500
Enforcement	Parking technician (approx 15 hours per week per zone)	$20,000
	Contingency	$ 500
	SUB-TOTAL	**$43,000**

	GRAND TOTAL ANNUAL COSTS	**$45,150**

Estimated Annual Revenue for an Individual Six-Block PPP Zone

Source	Amount
Citations	$19,950
Permits – 630 Permits @ $40/permit	$25,200
TOTAL	**$45,150**

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Approved as to Form
City Attorney

CITY OF ALAMEDA ORDINANCE NO._____

New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY REPEALING SECTION 12-17 (PREFERENTIAL PARKING ZONES) OF ARTICLE III (PERMIT PARKING) OF CHAPTER XII (DESIGNATED PARKING) IN ITS ENTIRETY, AND BY ADDING A NEW SECTION 12-17 (PREFERENTIAL PARKING ZONES) TO MODIFY THE PROCEDURES RELATING TO THE DESIGNATION OF PREFERENTIAL PARKING ZONES

BE IT ORDAINED by the Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by repealing Section 12-17 (Preferential Parking Zones) in its entirety and by adding a new Section 12-17 (Preferential Parking Zones) to read as follows:

12-17 PREFERENTIAL PARKING ZONES

12-17.1 Purpose.

The Preferential Permit Parking Program is enacted to mitigate the serious adverse effects of motor vehicle congestion associated with long term and nonresident motor vehicle parking in residential areas which make it difficult for residents to locate on-street parking within their neighborhood. The provisions of this Section set forth procedures for the establishment of Preferential Permit Parking areas within the City.

12-17.2 Legislative Findings.

The City Council finds that the continued vitality of the City of Alameda depends on the preservation of its safe, healthy, and attractive neighborhoods and other residential areas therein. The Council further finds that there exists inadequate on-street parking to accommodate the convenient parking of motor vehicles by residents in the vicinity of their homes, owing to long term on-street parking and/or parking by non-residents. Moreover, certain parking "generators" within the City, such as hospitals, schools, shopping and employment centers, commercial districts, and locations convenient for commuter parking, increase parking demand in these areas which further exacerbates neighborhood parking issues. The spillover of long-term non-residential parking into adjacent residential zones:

(a) Displaces residential parking creating an excessive and undue burden upon their residents and detracting from the safety, health, and attractiveness of their neighborhoods.

(b) Negatively impacts the City of Alameda's ability to efficiently manage commercial area parking.

A system of preferential permit parking will serve to alleviate the burdens upon residents of the City and thus promote the general public welfare.

12-17.3 State Vehicle Code Provisions.

The provisions of this article are expressly enacted under California Constitution Article XI, Section 11, together with provisions of the California Vehicle Code, as amended. The provisions set forth in the Vehicle Code shall govern whenever this article fails to set forth any specific provision.

12-17.4 Definitions.

As used in this Section:

(a) "Business" shall mean an enterprise or establishment used for the purpose of conducting business located in a Preferential Parking Zone.

(b) "Dwelling Unit" or "Residence" shall mean a house, apartment, condominium, or other type of residence, in conformance with the City's Zoning Ordinance. Apartments or other type of residence having numbers or letters assigned in addition to the street address shall be deemed a dwelling unit.

(c) "Guest" shall mean any person visiting a dwelling unit located in a preferential parking zone.

(d) "Guest Permit" shall mean a permit issued by the City of Alameda to residents of preferential parking zones, limited to use by guests of the resident within the zone to which it is issued.

(e) "Motor Vehicle" shall include any licensed automobile, truck, recreational vehicle, motorcycle, or other motor-driven form of transportation.

(f) "Parking Permit" or "Preferential Parking Permit" shall mean any valid resident, merchant, or guest, permit issued by the City of Alameda.

(g) "Parking Generators" shall mean land uses that generate significant parking demand. Such land uses may include but are not limited to; schools, offices, shops, restaurants, movie theaters, and hospitals.

(h) "Preferential Parking Zone" shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this Section.

(i) "Qualified Petition" shall mean a City of Alameda approved petition that represents at least fifty-five percent (55%) of the households on a block segment. Each household shall have one vote whether owner or renter occupied.

(j) "Resident" shall mean any person eighteen (18) years of age or older whose residential or business address is in the designated Preferential Parking Zone.

(k) "Residential Area" shall mean any area of the City that is predominantly residential with at least eighty five percent (85%) of addresses designated as residential dwelling units.

(l) "Spillover Parking shall mean a parking demand that is not satisfied by the parking supply from the area that created the parking demand.

12-17.5. Parking Privileges for Permit Holders.

Any motor vehicle properly displaying a valid preferential parking permit for a street within a preferential parking zone may park on that street during the hours when parking on such street is prohibited to nonpermitted vehicles. Except as otherwise provided in this Section, all other motor vehicles parked within a preferential parking zone shall be subject to the parking restrictions and penalties as provided in this Section. A preferential parking permit shall neither guarantee nor reserve to the holder thereof any particular on-street parking space. A permitted vehicle shall obey all other parking rules, regulations, and restrictions.

12-17.6. Designation of Preferential Parking Zones; Dissolution of Preferential Parking Zones.

(a) The City Council may, by resolution, and at its discretion or upon receipt of a petition signed by at least fifty-five percent (55%) of the dwelling units and businesses within a residential area, designate that area or areas to be a preferential parking zone.

(b) A preferential parking zone shall be created only where the City Council has found that unrestricted parking creates a situation in which the streets cannot be used for parking by the residents or their guests and that such unrestricted parking substantially and unreasonably, regularly interferes with the use of 85% of the available public street parking.

(c) Residents of any residential area may petition the City of Alameda Public Works Department to add or to remove areas from the City's preferential parking program. To add or remove an area, residents of the area must submit a general petition of interest representing at least fifty-five percent (55%) of the residences of the area in support of or in opposition to a preferential parking program. Based on the petition, the Public Works Department will evaluate the City's ability to serve the area and may include a wider range of adjacent streets or street segments in the program area that represent potential spillover parking impacts. Residents and businesses of the proposed area will be notified of the proposed preferential parking program at least thirty (30) days prior to its implementation.

(d) Residents may submit a qualified petition to request adding or removing a street segment to an existing program area. These petitions must be submitted to the Public Works Department which will evaluate the City's ability to serve the area. Residents of the proposed street segment will be given at least thirty (30) days' notice prior to implementation of the preferential parking program.

(e) The designation process set forth in this Section shall be utilized by the City Council in determining whether to dissolve a preferential parking zone.

12-17.7 Criteria To Be Used When Designating A Preferential Parking Zone.

The criteria for designation as a Preferential Parking Zone shall include, but not be limited to, the following determinations:

(a) Whether a proposed Zone is of sufficient size to support the on-going operation, maintenance and enforcement costs so that no subsidy by the City's General Fund is required;

(b) The proximity of the proposed Preferential Parking Zone to parking generator(s);

(c) The proposed Zone's on-street parking occupancy during peak hours;

(d) Whether the proposed Zone is predominantly residential with at least eighty-five percent (85%) of the addresses designated as residential dwelling units;

(e) Whether the alternative solutions are not feasible or practical; and

(f) Whether the area includes both sides of the street in any block.

12-17.8. Installation of Signs.

The preferential parking designation shall not apply to any specific street within the zone until a sign giving adequate notice thereof has been installed on that street. The Director of Public Works Department will cause the installation of such signs on the streets in preferential parking zones, in an order and timing in his or her discretion according to sound traffic engineering principles, indicating that there is no or limited time parking between specified hours except for vehicles which display a valid preferential parking permit.

12-17.9. Establishment and Enforcement of Hours.

Preferential parking referenced in this Section shall be in effect and enforced on such days of the week and during such time periods as shall be determined by the City Council and established by resolution, based upon sound traffic engineering principles, traffic investigation, and surveys made, and shall be posted upon such streets. Nothing in this Section shall be construed as permitting parking during times or hours or by type of vehicle otherwise prohibited in the Alameda Municipal Code or by and provision of state law.

12-17.10. Preferential Parking Permit—Application and Issuance.

(a) Parking permits for preferential parking zones shall be issued by the Director of Community Development Department or his/her designee.

(b) The City shall make available preferential parking permit applications and shall issue permits upon proper application therefor. Each application and reapplication shall be on a form provided by the City and shall contain sufficient information to satisfy the City as to the identity the applicant including: the address and daytime telephone number of the applicant; the applicant's driver's license number; the license number, make, model, and year of the vehicle; proof of current vehicle insurance and current registration; and such other information as deemed necessary by the City. Permits shall be issued within thirty (30) days of the City's receipt of a complete and conforming application.

(c) Each application, reapplication, and renewal application shall be accompanied by the nonrefundable fees specified by resolution of the City Council.

(d) Parking permits shall not be issued to any person who has outstanding parking tickets.

(e) Parking permits become invalid and shall be returned to the City when the permit holder moves out of a preferential parking zone.

12-17.11. Resident Parking Permits.

(a) The number of resident parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. Resident parking permits are issued to the resident for the resident's vehicle. The resident parking permit is not transferable between vehicles. The resident permit is valid for one year after the date of issuance.

(b) Resident parking permits shall be affixed to the inside bottom left of the front windshield or hanging from the rear view mirror.

12-17.12. Guest Parking Permit—Daily or Weekly.

(a) The number of daily or weekly guest parking permits to be issued to each residence for which application is made shall be determined by the parking conditions within each zone and set forth by resolution of the City Council. Two types of temporary guest permits shall be available for residents at an additional cost. Short-term permits shall be valid for one day, while long-term guest permits shall be valid for one to four weeks. The cost of the guest permit shall be established by the City Council resolution that creates the Preferential Parking Zone. Daily guest permits are valid only on the day for which they are issued and shall expire at 8:00 a.m. following the effective date thereof. Guest parking permits are to be used only by a resident's guests. (b) Daily guest parking permits shall be displayed by hanging the same from the rear view mirror.

12-17.13. Business Parking Permits.

Preferential Parking Permits may, in addition, be issued for each business address that actively engages in business activity within the designated Preferential Parking Zone and has no off-street parking lot for use by its employees. The number of business parking permits to be issued to each business for which application is made shall be determined by the parking

conditions within each zone and set forth by resolution of the City Council. The permits must be associated with a vehicle owned, leased, or under the continuing custody of a person who is employed by or an agent of a business located within the Preferential Parking Zone.

12-17.14 Limits on the Use of the Permits.

The establishment of a Preferential Parking Zone and the receipt of a Permit pursuant to this Section do NOT:

1. Guarantee or reserve to the holder thereof an on-street parking space within the designated Preferential Parking Zone.
2. Authorize the permit holder to leave his or her vehicle standing in the zone to which the permit applies for more than 72 hours.
3. Authorize the abridgment or alteration of regulations established by authority other than this Section.
4. Exempt the permit parking holder from other traffic controls and regulations existing in the designated Preferential Parking Zone.
5. Constitute a permit for, or approval of, any violation of any provision of this code, the California Vehicle Code, or any other law or regulation. For example, this permit does not exempt vehicles from regulations or laws such as those pertaining to no parking zones, including street sweeping or loading zones.

12-17.15. Permit Content.

Each preferential parking permit shall state the preferential parking zone in which it is valid, the expiration date, and any additional information required by the City.

12-17.16. Replacement Parking Permits.

The City may issue a replacement parking permit to any person who has qualified for and who has been issued a parking permit under the provisions of this Section. To receive a replacement parking permit, the permit holder must furnish proof that said permit has been lost or destroyed or, if the permit is the type that is affixed, proof that the vehicle to which the original permit was affixed has been transferred or disposed of, in which case new vehicle registration must be provided. The replacement parking permit will be reissued at the standard cost of the original parking permit that it replaces. The cost of the replacement permit will not be pro-rated. Permit holders shall report to the City a lost, stolen, or missing parking permit within five (5) days of loss, at which time that permit shall be cancelled and a new permit issued for a replacement fee.

12-17.17. Preferential Parking Permit Exemptions.

The vehicles listed in this section may park in a preferential parking zone without a preferential parking permit: vehicles lawfully displaying a special identification license plate or placard issued to a disabled person; vehicles of disabled veterans; vehicles readily identifiable as emergency or government vehicles; and vehicles readily identifiable as commercial, delivery, service, utility, or construction vehicles while actually engaged in providing maintenance, repair, or service work to a residence or business within the preferential parking zone.

12-17.18. Preferential Parking Permit Revocation.

(a) The Chief of Police, the Director of Public Works, and the Director of Community Development Department and their designees are authorized to revoke the parking permits of any person on any of the following grounds:

(1) Ineligibility for a permit at the time of the application, reapplication, or renewal application;
(2) Ceasing to be eligible during the term of the permit;
(3) Failing to comply with or violating any condition imposed on the issuance of a permit; or
(4) Failing to comply with or violating any provision of this Section or any related law or regulation.

Upon written notification, the permit holder shall surrender such permit to the requesting authority. The permit shall be considered void on the fifth day after the date of notification. Failure to surrender a revoked parking permit when requested shall constitute a violation of this subsection. Upon revocation, parking permit fees will not be refunded.

(b) Any person whose permit has been revoked shall not be issued a new permit without reapplying and establishing eligibility pursuant to this Section.

(c) The action of the Chief of Police, the Director of Public Works, or the Director of Community Development Department, or their designees, to revoke a parking permit may be appealed to the City Manager or his/her designee. Notice of such an appeal shall be filed with the City Clerk within ten (10) days after the revocation. If such an appeal is timely filed, revocation shall be stayed until the City Manager or designee's decision is made. Upon failure of the permit holder to file such notice within the ten (10) day period, the action of the Chief of Police,

the Director of Public Works, or the Director of Community Development Department shall be final and conclusive. The hearing on the appeal shall be conducted pursuant to rules and procedures established by the City. The City Manager's determination shall be the City's final and conclusive determination on the matter and shall be subject to review only as provided in the California Code of Civil Procedure. The failure of the permit holder to appeal as provided in this Section shall be considered an exhaustion of their administrative remedies.

12-17.19. Parking Permit Fees.

The parking permit fees for all City parking permit programs shall be established by resolution of the City Council. Separate rates may be established for different permit types and/or permit locations.

12-17.20. Permit Parking Penalty Provisions.

It is unlawful and a violation of this Section to do any of the following, which violations shall be subject to the civil parking penalties established by the City Council:

(a) Unless exempted by the provisions of subsection 12-17.17, no person shall stand or park a motor vehicle in any preferential parking zone in violation of any parking restrictions established pursuant to this Section. A violation of this subsection shall constitute an infraction which shall be punishable by a fine established by resolution of the City Council.

(b) No person shall falsely represent him or herself as eligible for a parking permit or furnish false information to the City in an application for a preferential parking permit.

(c) No permit issued pursuant to this Section shall thereafter be assigned, transferred, or used for any consideration, monetary or otherwise.

(d) No person shall copy, produce, create a facsimile of or counterfeit a parking permit, nor shall any person use or display a facsimile or counterfeit preferential parking permit.

(e) No person shall hold a valid parking permit and allow the use or display of such permit on a motor vehicle other than that for which the permit

was issued. Such conduct shall constitute an unlawful act both by the person who holds the valid parking permit and the person who displays the parking permit. No person shall alter or deface a parking permit or intentionally conceal an expiration date or otherwise attempt to present false information as true and genuine on the face of a parking permit which is displayed in a vehicle parked on a City street.

(f) No person shall improperly display or fail to display a parking permit required and issued pursuant to this Section.

(g) It shall be the sole responsibility of the owner, operator, manager, or driver of a vehicle for which a parking permit has been issued to become familiar with the provisions for and limitations on the use of the parking permits. Ignorance of these provisions and limitations shall not be claimed as a defense in any action brought for illegal or improper use of the parking permit and shall not be sufficient grounds to void any citation issued for any violation of this Section.

12-17.21 Authority of City Staff.

(a). The Public Works Director shall have the authority to promulgate rules and administer policies designed to implement the Preferential Parking program as set forth herein.

(b). The Director of the Community Building Department shall have authority to promulgate rules and administer policies designated to implement the collection of fees and issuance of permits for Preferential Parking program as set forth herein.

(c). The Police Chief shall have the authority to enforce the rules and regulations established pursuant to this Section.

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda herby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after expiration of thirty (30) days from the date of its final passage.

_____
Presiding Officer of the Council

Attest:

_____
Lara Weisiger, City Clerk
City of Alameda

* * * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____day of _____, 2011, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2011.

_____
Lara Weisiger, City Clerk
City of Alameda