



City of San Leandro

Meeting Date: September 4, 2018

Ordinance

File Number: 18-286

Agenda Section: ACTION ITEMS

Agenda Number: 10.C.

TO: City Council

FROM: Jeff Kay
City Manager

BY: Tom Liao
Community Development Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: ORDINANCE of the City Council for the City of San Leandro to Amend Title 6, Chapter 6-2 of the San Leandro Municipal Code Relating to San Leandro Parking Regulations for an Employee Parking Permit Program

WHEREAS, the San Leandro Downtown Parking Management Plan was funded by the Sustainable Communities Technical Assistance Program (SC-TAP) of the Alameda County Transportation Commission (ACTC); and

WHEREAS, the goal of the Downtown Parking Management Plan is to improve utilization by understanding how parking policies impact user groups in Downtown San Leandro and to adopt a strategy that will enhance future land-use and economic development decisions; and

WHEREAS, the City Council provided comments and feedback on the draft Downtown Parking Management Plan at a City Council Work Session on May 23, 2016; and

WHEREAS, the City Council approved the Downtown Parking Management Plan on July 17, 2017; and

WHEREAS, the City Council approved a Consulting Services Agreement between the City of San Leandro and Dixon Resources Unlimited to implement the Downtown Parking Management Plan; and

WHEREAS, staff recommends amendments and additions to the City of San Leandro Municipal Code to ensure adequate enforcement of local ordinances related to Employee Parking in Article 4 of Title 6, Chapter 6-2.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES ORDAIN as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this ordinance.

SECTION 2. CEQA. Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 3. AMENDMENT OF CODE. Title 6, Chapter 6-2 of the San Leandro Municipal Code are hereby amended to read as provided in Exhibit A, which is incorporated herein and made a part hereof, with additions in underline and deletions in strikethrough text and Chapter 6-2, Article 4. Electric Vehicle Charging Stations and Sections 6-2-400, 6-2-405, and 6-2-410 are renumbered as Article 5, Electric Vehicle Charging Stations and Sections 6-2-500, 6-2-505, and 6-2-510.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Cox and passed to print on this 16th day of July 2018 by the following called vote:

Members of the Council:

AYES: Councilmembers Cox, Lee, Lopez, Hernandez, Thomas: Mayor Cutter (6)

NOES: None (0)

RECUSED: Councilmember Ballew (1)

EXCUSED: None (0)

Exhibit A

ARTICLE 4. EMPLOYEE PARKING PERMIT PROGRAM

6-2-400 SHORT TITLE.

This Article shall be known as the “Employee Parking Permit Program.”

6-2-405 PURPOSE.

Convenient public parking in San Leandro should be accessible and available to customers and visitors. Utilization of these spaces by employees can cause congestion in commercial areas, specifically in retail centers. Long-term parking by non-customers threatens the access to and success of San Leandro businesses. In order to protect and promote the integrity of these businesses, it is necessary to enact parking regulations designating certain streets as employee parking permitted areas. The Employee Parking Permit Program is intended to regulate where employees can park long-term to allow convenient parking to remain available for customers.

6-2-410 DEFINITIONS.

Unless the context otherwise requires, the terms used in the Article shall have the following meanings:

(a) “Designated employee parking permit area” means any contiguous area upon which the City Manager or Engineering and Transportation Director imposes parking limitations pursuant to the authority granted by this Article.

(b) “Employee vehicle” means a motor vehicle that has been issued an employee parking permit, pursuant to the terms and conditions of this Article, for a specific designated employee parking permit area.

6-2-415 PARKING PERMIT EXEMPTION.

(a) An employee vehicle shall be permitted to stand or be parked in the designated employee parking permit area for which the permit has been issued with limited time restrictions established pursuant to this Article or any administrative guidelines adopted hereunder. Any vehicle that has not been issued a valid employee parking permit shall be subject to the employee parking permit regulations and consequent penalties in effect for such designated employee parking permit area.

(b) An employee parking permit or any other permit as designated by the City Manager shall not guarantee or reserve to the holder thereof an on-street parking space within the designated employee parking permit area.

(c) This Article shall not be interpreted or applied in a manner that shall abridge or alter regulations established by authority other than this Article.

6-2-420 DESIGNATION OF A DESIGNATED EMPLOYEE PARKING PERMIT AREA.

The City Council shall establish administrative guidelines for the consideration of the designation of designated employee parking permit areas.

6-2-425 ISSUANCE OF PERMITS.

(a) The City Council shall establish administrative guidelines for the issuance of permits for employee vehicles to utilize designated employee parking permit areas consistent with the requirements of this Article and any resolutions adopted by the City Council.

(b) Employee parking permits shall be issued in accordance with any administrative guidelines established by the City Council.

6-2-430 EMPLOYEE PARKING PERMIT.

(a) The City Manager or the Engineering and Transportation Director shall issue employee parking permits, with a term not to exceed one year, for employee vehicles to employees that are eligible for an employee parking permit.

(b) An employee parking permit shall only be issued to an applicant who is qualified under the administrative guidelines established pursuant to this Article for an employee vehicle in a designated employee parking permit area.

(c) Proof of motor vehicle ownership or vehicle use and control and valid registration shall be demonstrated in a manner acceptable to the City Manager or the Engineering and Transportation Director. Permits are not valid for non-motorized vehicles (i.e. trailers).

(d) The City Manager may limit the number of permits issued to any person if such limitation would further the goals of the Employee Parking Permit Program.

6-2-435 ESTABLISHMENT OF DESIGNATED EMPLOYEE PARKING PERMIT AREA.

Upon establishment of a designated employee parking permit area, street parking in the area shall be limited for a period designated by the City Manager or Engineering and Transportation Director; provided, however, that parking shall be allowed by employee vehicles in eligible designated employee parking permit areas.

6-2-440 POSTING OF DESIGNATED EMPLOYEE PARKING PERMIT AREA.

Upon establishment of a designated employee parking permit area, the Engineering and Transportation Director, or his or her designee, shall cause appropriate signs to be erected in the designated employee parking permit area, indicating prominently thereon the area prohibition or time limitation, period of its application, and conditions under which a vehicle shall be exempt therefrom.

6-2-445 PARKING PERMIT FEES.

The annual fee and renewal fee for parking permits for employee vehicles, or any other parking permit designated by the City Council shall be established by City Council resolution.

6-2-450 PENALTIES, LIABILITY AND ENFORCEMENT.

This Chapter shall be enforced pursuant to Chapter 1-12 of the San Leandro Municipal Code. The following acts shall constitute fraudulent use of a permit punishable by a fine to be prescribed by City Council resolution and/or revocation of any permit currently held. Violations of this Article shall include, but are not limited to, the following:

(a) Falsely representing oneself as eligible for a parking permit or furnishing false information in an application therefor.

(b) Knowingly committing any act that is prohibited by the terms of this Chapter or any ordinance, resolution, or administrative guidelines enacted by authority granted by this Chapter.

6-2-455 REVOCATION OF DESIGNATED EMPLOYEE PARKING PERMIT AREA.

A designated employee parking area may be revoked by the City Manager or Engineering and Transportation Director utilizing any administrative guidelines adopted by the City Council.

6-2-460 ADMINISTRATIVE REGULATIONS.

The City Manager and Engineering and Transportation Department are empowered to issue rules and regulations consistent with this Chapter.