

RESOLUTION NO. 123-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ADOPTING
PROCEDURES AND REGULATIONS FOR PREFERENTIAL PARKING**

WHEREAS, the City Council has adopted Ordinance No. 1427 adding Article 16 to Chapter 2, Title III of the Arcata Municipal Code, authorizing the designation of Preferential Parking Areas and issuance of Preferential Permits to residents and businesses located within such areas; and

WHEREAS, this resolution is intended to establish rules and procedures for the designation, modification or dissolution of Preferential Parking Areas, and issuance and enforcement of Preferential Permits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arcata as follows:


1. The City Council hereby adopts Preferential Parking Rules and Procedures as set forth in Exhibit A, attached hereto and incorporated herein.

This resolution shall be effective upon its adoption.

Dated: January 16, 2013

ATTEST:

APPROVED:



City Clerk, City of Arcata



Mayor, City of Arcata

CLERK'S CERTIFICATE

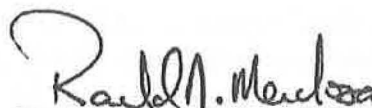
I hereby certify that the foregoing is a true and correct copy of **Resolution No. 123-18**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, held on the 16th day of January, 2013, by the following vote:

AYES: BRINTON, WHEETLEY, ORNELAS, STILLMAN, WINKLER

NOES: NONE

ABSENT: NONE

ABSTENTIONS: NONE



City Clerk, City of Arcata

EXHIBIT "A"

PREFERENTIAL PARKING PROCEDURES AND REGULATIONS (Resolution No. 123-18, Effective January 16, 2013)

1. Authority.

These Procedures and Regulations are adopted pursuant to Article 16, Chapter 2, Title III of the Arcata Municipal Code, and are intended to create a comprehensive protocol for the administration of the City's Preferential Parking program.

2. Definitions.

Terms having specific meaning are indicated throughout by initial capitalization, and defined as follows:

- (a) "Blockface" means one side of a city block between two intersections.
- (b) "Business" means a place of employment including but not limited to retail, commercial and professional establishments, non-profits, churches, medical facilities, etc. located within a Preferential Parking Area.
- (c) "Caregiver" means a person(s) who provides health care to a Resident within the Preferential Parking Area.
- (d) "Guest Permit" means a Preferential Permit provided to a Household within a Preferential Parking Area for the use by persons visiting a Resident.
- (e) "Household" means any legal dwelling unit where individual(s) reside under the same roof having a unique dwelling address.
- (f) "Motor Vehicle" means an automobile, truck, motorcycle, or other motor-driven form of transportation not in excess of ten thousand (10,000) pounds gross weight.
- (g) "Neighborhood Representative" means the individual(s) selected by the neighborhood to act on their behalf as the liaison between the City and the neighborhood for purposes of coordinating a Preferential Parking Area request and process.
- (h) "Non-Resident" means a person who does not live within the boundaries of a designated or proposed Preferential Parking Area.
- (i) "Nonresidential" means property other than housing, such as office buildings, shopping centers, industrial parks, churches, or hotels.
- (j) "Petitioner" means a person who resides in the City of Arcata who is petitioning to have the area in which he/she lives designated as a Preferential Parking Area.
- (k) "Property Owner" means a person owning at least a one-quarter fee interest in a parcel of real property located within a Preferential Parking Area.
- (l) "Resident" means a person who lives within a Preferential Parking Area on a permanent basis.
- (m) "Residential Area" means a contiguous or nearly contiguous area that contains dwelling units and which contains public streets and highways.
- (n) "Preferential Parking Area" means a Residential Area designated as provided herein in which Motor Vehicles displaying a valid Preferential Permit shall be exempt from those

specific parking regulations established for the pursuant to Article 16, Chapter 2, Title III of the Arcata Municipal Code.

- (o) "Preferential Permit," or "Permit" means a permit issued as provided herein allowing for parking in a Preferential Parking Area exempt from parking regulations established pursuant to Article 16, Chapter 2, Title III of the Arcata Municipal Code for that Area.
- (p) "Service Business" means any business that routinely provides a service to residential homes, such as cleaning companies, landscape businesses, flooring companies, property management companies within the Preferential Parking Area.

3. Designation of Preferential Parking Areas.

A Preferential Parking Area shall be designated by resolution of the City Council which shall state the boundaries of the Preferential Parking Area, applicable parking regulations, and fees, if any, to be charged for a Preferential Permit.

4. Designation Process.

The process for designating an area as a Preferential Parking Area may be initiated by motion of the City Council or by the filing of a petition by City of Arcata residents meeting the criteria specified in Section 5. A request to designate an area as a Preferential Parking Area, whether made by a Petitioner or by City Council motion, shall be reviewed and processed by the Chief of Police in the manner set forth herein. The Chief of Police shall make a recommendation to the City Council whether to approve, deny or modify before approving, any request to designate an area as a Preferential Parking Area.

The following procedures will be used in establishing, designating, modifying or eliminating Preferential Parking Areas.

- (a) The Chief of Police will receive and review all petitions requesting the establishment, modification, or elimination of a Preferential Parking Areas.
- (b) All petitions shall meet all the criteria identified in Section 5.
- (c) Upon acceptance of a petition or upon motion by the City Council, the Chief of Police or designee, will conduct an informal meeting with the designated Neighborhood Representative(s) and abutting Nonresidential interests, if any, to discuss impacts and potential remedies, and to disseminate information on the purpose, criteria and operational requirements of preferential parking.
- (d) After meeting with Neighborhood Representative(s) and abutting Nonresidential interests, the Chief of Police shall determine whether an area meets the requirements of Section 5(g) (Designation Criteria) and is, therefore, eligible to be designated as a Preferential Parking Area, and shall recommend boundaries and parking restrictions for the Preferential Parking Area under consideration.
- (e) If the Chief of Police determines that the criteria required in Section 5(g) (Designation Criteria) have been met, the Preferential Parking Area request along with appropriate boundaries and parking restrictions shall be submitted to the Traffic Safety Committee for any additional modifications or recommendations for the Chief of Police to bring forward to the City Council.
- (f) If the Chief of Police determines that the criteria specified in Section 5(g) (Designation Criteria) have not been met, the Chief of Police will notify the Petitioners that the request

has been denied. The Petitioners may appeal a determination or decision of the Chief of Police to the City Manager, or designee, within ten (10) days of such determination.

- (g) Notice that a request for a Preferential Parking Area designation will be considered by the Traffic Safety Committee shall be provided to affected property owners and residents in the manner set forth in Title III, Chapter 2, Article 16, Section 3749 of the Arcata Municipal Code for the noticing of City Council hearings.
- (h) The Chief of Police's recommendation to the City Council shall set forth the findings relative to Section 5(g) (Designation Criteria), other factors and conclusions which justify establishment of the Preferential Parking Area for the particular area.

5. Designation criteria.

In determining whether a Residential Area is suitable for designation as a Preferential Parking Area or annexation into an existing Preferential Parking Area, the Chief of Police shall take into account the desire and need of the Petitioners for preferential parking and the extent that Non-Resident Motor Vehicles are parked in the proposed Preferential Parking Area during the period proposed for parking regulations. The Chief of Police will use the following objective criteria to determine if the area is suitable for designation:

- (a) The submitted petition shall be signed by at least two-thirds of the Households in each block in the area described in the petition. Only one valid signature per Household will be counted towards establishing the two-thirds of Households' threshold.
- (b) All Petitioners shall reside within the proposed Preferential Parking Area.
- (c) The petition shall identify a designated Neighborhood Representative(s).
- (d) The petition shall include the printed name, signature, and complete address of each Petitioner and also include all license plate numbers of all Motor Vehicles used by each Household listed on the petition.
- (e) In order to qualify for establishment of a Preferential Parking Area, the proposed Preferential Parking Area shall contain at least one Blockface and be adjacent to residential uses.
- (f) Upon receipt of a petition signed by Petitioners, or upon adoption of a motion by the City Council, the Police Chief or designee shall undertake such parking occupancy surveys as deemed necessary to determine whether an area should be designated as a Preferential Parking Area. In the case of adoption of a motion by the City Council, the Police Chief or designee shall contact impacted Residents and request they submit a petition with the information outlined above Section 5 (subsections a through d). The parking occupancy surveys shall occur within the time periods when the impact is occurring, as specified in the neighborhood's petition. In order to be considered as excessively impacted by Non-Resident parking, the parking utilization shall meet the minimum standards specified in Section 5(g) on at least four (4) occasions during a three (3) week period.
- (g) For the purpose of establishing a Preferential Parking Area, more than seventy-five (75%) of the legal on-street parking spaces must be occupied by Petitioners and Non-Resident Motor Vehicles; and more than fifty percent (50%) of the legal on-street parking spaces must be occupied by Non-Resident Motor Vehicles.
- (h) Notwithstanding the foregoing criteria, the Chief of Police, in determining whether an area is eligible to be designated as a Preferential Parking Area, may consider factors which include but are not limited to the following:

- i. The extent to which legal on-street parking spaces are available for the use by Petitioners and their guests. Typically this may occur when physical development or topography has resulted in limited curb space availability for on-street parking.
- ii. Whether other measures would better solve the problem.
- iii. Whether the boundaries of the proposed Preferential Parking Area should include not only those areas that experience the greatest parking congestion, but also those areas that would likely experience congestion due to future relocation of the existing parking demand.

6. Modification or Elimination of a Preferential Parking Area.

Modification or elimination of a Preferential Parking Area may be requested by Residents or upon adoption of a motion by the City Council. Modification or elimination of any approved Preferential Parking Area shall be considered at a noticed public meeting following the same criteria and procedures used herein for establishment of a Preferential Parking Area. Notice shall be provided per Title III, Chapter 2, Article 16, Section 3749 of the Arcata Municipal Code.

7. Preferential Permit Applicant Qualifications.

Preferential Permits may be issued upon application by the following persons:

- (a) Residents;
- (b) Business owners;
- (c) Service Business Owners; and
- (d) Property Owners.

8. Issuance of Preferential Permits.

- (a) No Preferential Permits will be issued to any applicant until that applicant has paid all of his or her outstanding City of Arcata parking citations, if any, including all civil penalties and related fees.
- (b) Residents—The Chief of Police shall determine whether a Resident qualifies for a Preferential Permit based on a review of such factors including, but not be limited to, current California Department of Motor Vehicle registration, current California Department of Motor Vehicle license, and proof of current residency, all of which shall reflect the address of the Resident to whom the Preferential Permit will be issued. The Chief of Police may accept vehicle registrations that do not reflect the address of the Resident in where Residents use Motor Vehicles with confidential or non-local registration of military or law enforcement personnel, leased or company vehicles, and students. In these cases additional information may be requested by the Chief of Police to determine residency.
- (c) Businesses—The Chief of Police shall determine whether a Business qualifies for a Preferential Permit based on a review of such factors including, but not limited to, proof of current Arcata business license and a current list of employees. If a business is not required to obtain an Arcata business license per Section 6030 or 6031 of the Arcata Municipal Code the Chief of Police may require documentation verifying the business or organization's status i.e. non-profit or charitable group status. The permits issued shall not exceed the number of full-time employees or full-time equivalent listed on the business license.

- (d) Service Businesses—The Chief of Police shall determine whether a Service Business qualifies for a Preferential Permit based on a review of such factors including, but not be limited to, proof of current Arcata business license, proof of work within a Preferential Parking Area, and current California Department of Motor Vehicle registration. The vehicle must be registered to the Business and Preferential Permits will be limited to one permit per registered vehicle. If a business is not required to obtain an Arcata business license per Section 6030 or 6031 of the Arcata Municipal Code the Chief of Police may require documentation verifying the business or organization's status i.e. non-profit or charitable group status.
- (e) Property Owners—The Chief of Police shall determine whether a Property Owner qualifies for a Preferential Permit based on a review of such factors including, but not be limited to, current property tax statement reflecting name of Property Owner and permit address. Property Owners will be limited to one Preferential Permit per year which will not count towards the Household's maximum number.
- (f) Each Preferential Permit shall state the specific Preferential Parking Area, the license number of the Motor Vehicle for which it is issued, if required, and any additional information required by the Chief of Police to enforce the provisions of this chapter. Only one Preferential Permit shall be issued for each Motor Vehicle.
- (g) Applicants requesting more than five Preferential Permits for their Household may be granted additional permits by the Chief of Police upon showing that there are more than five vehicles registered at the Household, that sufficient off-street parking is not available to the applicant, and that to deny additional Preferential Permits would constitute a hardship.
- (h) Guest Permit. Any Household may obtain one Guest Permit per year. Each Preferential Permit shall have the address of the Permit holder imprinted.
- (i) Caregiver Permits. Residents who require a health care provider to visit their residence on a regular basis may be eligible for one additional Preferential Permit per Household. Permits are to be issued only under certification from a licensed physician under penalty of perjury that such services are required. Each Permit shall have the address of the Permit holder imprinted.
- (j) A Preferential Permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated Preferential Parking Area.
- (k) Each Permit issued pursuant to this Section shall be subject to each and every condition and restriction set forth in these Regulations, Article 16, Chapter 2, Title III of the Arcata Municipal Code, all applicable state and local law, and as specified for the Preferential Parking Area for which the Permit was issued, including conditions or restrictions which may be altered or amended from time to time. The issuance of a permit shall not be construed to be a permit for, or approval of, any violation of any provision of the Arcata Municipal Code or any other law or regulation.

9. Display of Permit; Permit Transfer.

Permits shall be displayed in a visible manner determined by the Chief of Police. A Motor Vehicle displaying a valid Preferential Permit may park in the Preferential Parking Area for which the Permit has been issued. Upon the sale of a Motor Vehicle with a Preferential Permit, the Resident shall be responsible for removing the Permit from the sold Motor Vehicle. If the Resident wishes to transfer a Permit to a new Motor Vehicle, the old Permit must be turned

into the Police Department. Transfer of a Permit from one Motor Vehicle to another shall be allowed only in the case of a Motor Vehicle no longer in regular use, or sale of a Motor Vehicle and purchase of a replacement Motor Vehicle within a Household.

10. Duration of Permit.

Except as otherwise provided, each Preferential Permit shall be valid for no more than one year based on the Permit renewal cycle, or as long as the Permit holder continues to reside in the Household for which the Permit was issued, or until the Preferential Parking Area for which the Permit was issued is eliminated, whichever period of time is less. Permits may be renewed upon reapplication in the manner required by the Chief of Police.

11. Permit fees.

The fee, if any, for a Preferential Permit shall be established by resolution of the City Council.

12. Revocation of Permits.

In the event a Preferential Permit is used in a manner which violates these Regulations or Article 16, Chapter 2, Title III of the Arcata Municipal Code, the Chief of Police may revoke the Permit after notice to the Permit holder. In addition to revoking a Preferential Permit, the Chief of Police may deny a further application for a Preferential Permit by such Permit holder or by any person within the Household in which such Permit holder resides as long as that person resides there.

Any person aggrieved by a determination made by the Chief of Police to revoke a Permit shall have a right to appeal to the City of Arcata City Manager within ten (10) days of such determination.

13. Restrictions on parking within designated Preferential Parking Areas—Exemptions from restrictions.

No person shall stop, stand or park a vehicle on any street within an area designated as a Preferential Parking Area, when authorized signs are in place, on the days and during the hours set forth in the resolution of the City Council except:

- (a) A Motor Vehicle lawfully displaying a Preferential Permit in accordance with these Regulations and Article 16, Chapter 2, Title III of the Arcata Municipal Code;
- (b) A vehicle owned or operated by a utility whether privately or publicly owned, when used in the course of business occurring in the Preferential Parking Area.
- (c) A vehicle that is under the control of a person providing services to a real property located in a designated Preferential Parking Area, including but not limited to a delivery vehicle.
- (d) A vehicle owned or operated by a governmental agency when used in the course of official government business.
- (e) An emergency vehicle, including but not limited to an ambulance, fire engine or police vehicle.
- (f) A vehicle registered to or used by disabled persons when such vehicle displays a distinguishing license plate or placard issued by the California Department of Motor Vehicles.

14. Rules and Regulations.

The Chief of Police shall have authority to administer these procedures and regulations for purposes of implementing and enforcing the Preferential Parking program, including the implementation and enforcement of the Preferential Permits program and the collection of fees for these Permits.