

Agenda Report

March 14, 2016

TO: Honorable Mayor and City Council

THROUGH: Economic Development and Technology Committee (March 7, 2016)

FROM: Department of Transportation

SUBJECT: PROPOSED MODIFICATION TO PASADENA MUNICIPAL CODE TO PROVIDE EXEMPTION FROM THE OVERNIGHT PARKING PROHIBITION FOR BUSINESSES

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the following proposed actions are exempt from review pursuant to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061 (b) (3); and
2. Direct the City Attorney to draft an ordinance amending Chapter 10 of the Pasadena Municipal Code to provide an exemption from the overnight parking prohibition for businesses with early morning hours in business districts.
3. Adopt the proposed criteria to establish an exemption from the overnight parking prohibition and direct the City Attorney to prepare a resolution establishing those criteria.

OLD PASADENA PARKING METER ZONE ADVISORY COMMISSION RECOMMENDATION:

On July 16, 2015, November 3, 2015 and January 21, 2016, following an information-only presentation of the proposal on April 16, 2015, the Old Pasadena Parking Meter Zone Advisory Commission considered the proposed modification and recommended that the City Council not adopt staff's recommendation. Concern expressed by the Commission included too broad of a time span for the proposed exemption, too general regulations for establishing an exempt area and potential increased costs to Property-Based Business Improvement Districts (PBIDs) for added street cleaning.

SOUTH LAKE PARKING PLACE COMMISSION RECOMMENDATION:

On May 28, 2015, following an information-only presentation on April 9, 2015, the South Lake Parking Place Commission recommended that the City Council approve the proposed modification to the Pasadena Municipal Code to provide exemption from the overnight parking prohibition for businesses, as presented by the Department of Transportation staff.

EXECUTIVE SUMMARY:

The overnight ban on parking in Pasadena has a negative effect on a number of businesses that are open to the public in the early morning hours and do not have access to convenient off-street parking. Staff has researched potential approaches to providing on-street early morning parking and recommends a cost-recovery model that would allow for up to two spaces per business to be exempted from the overnight parking prohibition in business districts. The recommended approach would add the following to Section 10.44.010 of the Pasadena Municipal Code and would establish criteria that would be used to determine the hours, terms and suitability of a location for an exemption:

- D. This section shall not apply to the portion of a street or alley that the Director of Transportation, after an engineering study and with the concurrence of the Public Works Director and the Police Chief, has determined to be exempt. Such exemption may be for all or a portion of the 2:00 a.m. to 6:00 a.m. period.

BACKGROUND:

A ban on overnight parking on City streets in Pasadena was first enacted in 1921 and amended in 1948 to the current time period (2:00 a.m. to 6:00 a.m.) which is the maximum allowable under the California Vehicle Code. The reasons for the overnight parking ban over the years include the following:

- Facilitating street sweeping
- Identifying abandoned vehicles
- Crime detection
- Discouraging long-term on-street parking

Recognizing the hardship the ban imposes on residents and their visitors, particularly those in older housing with limited off-street parking space, the ban was further amended in 1971 to allow for overnight permits and in 2006 to provide for temporary overnight parking exemptions. Neither the overnight permits nor the temporary exemptions are valid in the commercial areas of the City of Pasadena. Overnight permits are obtained at the City's Parking Office through a process that evaluates the number of parking spaces and the number vehicles registered at an address in Pasadena. Temporary overnight parking exemptions are obtained via kiosks located at Fire and Police Stations in Pasadena or via a portal on the internet.

Section 17.40.070 of the Zoning Code requires a Conditional Use Permit for businesses that operate between the hours of 10:00 p.m. and 7:00 a.m. within 150 feet of residential districts. The CUP process provides a means of insuring consistency with the overnight parking ban. However, 17.40.070 does not apply in the Central District or to non-conforming land uses that predate the adoption of the ordinance. Accordingly, there are a number of businesses in the City that operate during the 2:00-6:00 a.m. period. The overnight parking ban eliminates on-street parking for customers and employees of these businesses. While many of the affected locations have off-street parking available, that parking is often at a distance from the business (as allowed by the Zoning Code). The net result is an increasing number of complaints from early morning patrons who receive citations for violating the overnight parking ban and from businesses who see the ban as restraint of trade. A lesser number of complaints involve public safety concerns related to traversing the distances to off-street locations where employees or patrons park their cars in the dark early morning hours.

Weighing against these complaints are concerns by the Police Department that the overnight parking ban is an important element in their ability to mitigate adverse quality of life issues such as homeless living in their cars, bar patrons causing disturbances at their vehicles after bar closings, vans that advertise on streets (sometimes with messages of questionable taste) and the taxis, shared-ride (TNC) vehicles and shuttle service vans that gather at the curb.

The Public Works Department views the overnight parking ban as underpinning its ability to sweep streets and keep areas clean in a cost effective manner. Street cleaning is a primary non-structural element in the City's plan to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES), a federal mandate enforced by the state that regulates the quality of water that flows into the nation's waterways. The number of vehicles parked on-street in early morning hours directly affects the effectiveness and cost of street sweeping, either requiring prohibition of parking during daytime hours to clear streets for street sweeping, multiple passes by the mechanical sweepers of the areas where parked cars are present or manual sweeping of the affected areas by hand. Over the years of the overnight parking ban, a patchwork of exempt blocks has been allowed to exist where daytime street sweeping is required, which has resulted in maintenance schedules which are extremely difficult to sustain.

As important are residents' concerns that business activities not be allowed to disrupt sleep patterns more than necessary during the early morning hours.

In attempting to balance the concerns about the overnight parking ban and address the business issues, the Department of Transportation considered a number of options:

- Exempting business districts from the overnight parking ban
 - This approach would exacerbate the burden on Public Works to clean streets and would ignore the concerns of the Police Department and nearby residents.
- Exempting business districts with PBIDs from the overnight parking ban

- This approach would resolve the Public Works issues (since PBIDs provide additional street cleaning services), but would also exacerbate the burden that the Police Department and residents already experience in the PBID areas from late night patrons and could necessitate additional sweeping by the PBIDs.
- Relaxing enforcement of the overnight ban in selected locations
 - Such a practice creates an unsustainable equity issue with the enforcement of the overnight parking ordinance.
- Designate a number of spaces in each PBID area for overnight parking
 - This approach, while feasible, places the cost to implement and maintain the exempt spaces on the General Fund or, where a parking meter district is present, on the parking meter district subject to City Council approval and exacerbates the burden on Public Works or PBIDs to clean the exempt areas.
- Extend the temporary overnight parking exemption to commercial areas
 - This approach would have the same drawbacks as designating exempt spaces as noted above and would have the added drawback of not allowing for control of the hours (i.e., the exemption would apply for the entire 2:00-6:00 a.m. period)
- Provide the requested zones of exempt spaces to the requesting businesses using a cost-recovery model.
 - This approach would have the same drawbacks as above, but would place the burden of the cost for the exemption on the requesting business.

After consideration of the above options, staff found the cost-recovery model to be the appropriate approach and recommends the following addition to Section 10.44.010 of the Pasadena Municipal Code:

- D. This section shall not apply to the portion of a street or alley that the Director of Transportation, after an engineering study and with the concurrence of the Public Works Director and the Police Chief, has determined to be exempt. Such exemption may be for all or a portion of the 2:00 a.m. to 6:00 a.m. period.

Further, the Department of Transportation recommends that the following criteria be adopted with regard to the administration of the added paragraph:

- Segment to be designated will be the block face of the street or alley adjacent to a business without off-street parking with permitted hours of operation between 2:00 a.m. and 6:00 a.m.
- Segment will be limited to two on-street parking spaces, but may be shorter as determined by an engineering study.
- Time of exemption will be 5:00 a.m. – 6:00 a.m. with additional time determined via engineering study.

- The engineering study will consider, at a minimum, the following:
 - a. the early morning patron demand for parking that is not satisfied by off-street parking,
 - b. unique goods movement requirements,
 - c. nearby land uses (particularly residential),
 - d. nearby activity patterns,
 - e. street cleaning operations,
 - f. public safety and
 - g. Conditions of Approval for use permits.
- Determination by the Public Works Director that the exemption will not adversely affect street cleaning operations.
- Determination by the Police Chief that the exemption will not adversely affect public safety or create or facilitate a public nuisance.
- Business will be required to apply in person to the Department of Transportation for the exemption and will be responsible for
 - a. the costs of installation and maintenance of the signage and markings necessary to designate the exempted area and
 - b. the cost of cleaning the exempted area.
- Approved overnight exemption areas will be reviewed by the Department of Transportation annually or more frequently as dictated by conditions and are subject to remediation and removal for lack of maintenance, nuisance, public safety or change of use.

COUNCIL POLICY CONSIDERATION:

The proposed action supports the City Council strategic planning goals to support and promote the quality of life and the local economy by providing more convenient access to businesses with early morning hours.

ENVIRONMENTAL ANALYSIS:

This action is exempt from CEQA per section 15061 (b) (3), the General Rule. The General Rule can be applied when it can be seen with certainty that the activity will not have a significant effect on the environment.

FISCAL IMPACT:

The costs for the administration of the exemption to the overnight parking prohibition is anticipated to be cost neutral as the costs for each exempted area would be recovered through the fees charged through the application process. Costs for the installation of the required signs are contained in the Fee Schedule and would be approximately \$400 for the two signs necessary to delineate the beginning and end of the area to be exempted. Costs for cleaning would be variable and would depend upon how often the

exempted areas are accessible for cleaning during scheduled street sweeping operations.

The spaces affected by the exemption would not affect revenues in the parking meter funds as the metered areas of the City are non-operational during the early morning hours.

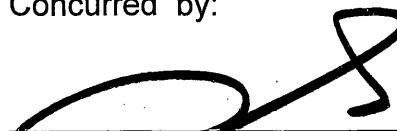
The exempted parking spaces would reduce the likelihood that parking citations would be issued at these locations which would reduce citation revenue to the General Fund. The change in citation revenue is expected to be minimal since the number of affected parking spaces is anticipated to be small.

Respectfully submitted,



FREDERICK C. DOCK
Director
Department of Transportation

Concurred by:



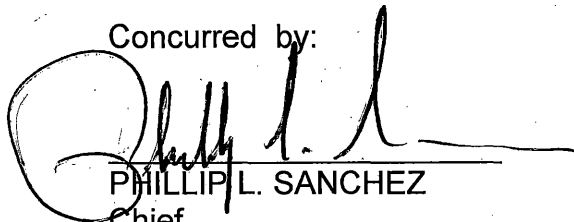
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