

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: December 9, 2014

**SUBJECT: INTRODUCE ORDINANCE NO. 14-10 TO AMEND THE CITY OF CONCORD MUNICIPAL CODE TO ALLOW PARKING PERMITS IN NEIGHBORHOODS DESIGNATED AS PERMIT PARKING AREAS TO BE PLACED EITHER ON THE LEFT REAR BUMPER OR THE BOTTOM LEFT REAR WINDOW OF THE VEHICLE FOR WHICH THE PERMIT HAS BEEN ISSUED**

**Report in Brief**

The Concord Municipal Code mandates that parking permits in neighborhoods designated as permit parking areas be placed on the left rear bumper of the vehicle for which the permit has been issued. Over the years, concerns have been raised by residents about potential damage to the vehicle as a result of the permit sticker being placed on the bumper of the vehicle.

City Staff from the Community and Economic Development (CED) Department and Concord Police Parking Enforcement have reviewed this policy and determined that residents and guests of permit parking areas should be given the option of placing the parking permit on the bottom left rear window of the vehicle to alleviate this concern.

Staff recommends that the City Council introduce Ordinance No. 14-10 to amend the City of Concord Municipal Code to allow parking permits in neighborhoods designated as permit parking areas to be placed either on the left rear bumper or the bottom left rear window of the vehicle for which the permit has been issued.

**Background**

Sections 10.30.420 and 10.30.440 of the Concord Municipal Code specify that resident and guest parking permits in neighborhoods designated as permit parking areas shall be affixed to the left rear bumper of the vehicle for which the permit has been issued. This policy has raised concerns in the Sun Terrace neighborhood where residents recently petitioned the City to establish permit parking in certain areas of this neighborhood to address parking spillover impacts from the adjacent North Concord BART station.

**Discussion**

City staff from the CED Department and the Concord Police Parking Enforcement recently reviewed the current City policy on placement of the parking permit sticker on the vehicle for which the permit has been issued. Based on this review, it was determined that residents and guests of permit parking areas should be given the option of placing the parking permit on the bottom left rear window of the vehicle to alleviate the above concern.

Furthermore, the Police Department has concluded that enforcement can be supported with the parking permit being placed either on the left rear bumper or the bottom left rear window of the vehicle.

**INTRODUCE ORDINANCE NO. 14-10 TO AMEND THE CITY OF CONCORD  
MUNICIPAL CODE TO ALLOW PARKING PERMITS IN NEIGHBORHOODS  
DESIGNATED AS PERMIT PARKING AREAS TO BE PLACED EITHER ON THE  
LEFT REAR BUMPER OR THE BOTTOM LEFT REAR WINDOW OF THE  
VEHICLE FOR WHICH THE PERMIT HAS BEEN ISSUED**

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The City Attorney has reviewed the proposed amendment to the City's Municipal Code and provided positive feedback.

**Fiscal Impact**

There would be no fiscal impact to the City as a result of allowing parking permits in neighborhoods designated as permit parking areas to be placed either on the left rear bumper or the bottom left rear window of the vehicle for which the permit has been issued. To the contrary, placement of the permit on the bottom left rear window of the vehicle may improve police staff's ability to visually locate the permit on the vehicle as they conduct parking enforcement in permit parking areas.

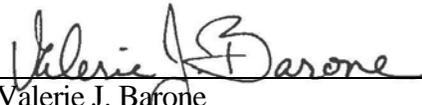
**Public Contact**

The posting of the Council Agenda and the publishing of a Public Hearing Notice in the newspaper provide information to the public.

**Recommendation for Action**

Staff recommends that the City Council introduce Ordinance No. 14-10 to amend the City of Concord Municipal Code to allow parking permits in neighborhoods designated as permit parking areas to be placed either on the left rear bumper or the bottom left rear window of the vehicle for which the permit has been issued.

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**Attachment 1** – Proposed Revisions to the City of Concord Municipal Code

**Attachment 2** – Proposed Ordinance No. 14-10

## Article VI. Permit Parking Areas

### 10.30.370 Purpose.

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This division sets forth procedures for the establishment of permit parking areas within the city in order to alleviate, in certain areas and neighborhoods, motor vehicle congestion caused by longterm parking by nonresidents of those areas and neighborhoods. In order to protect the health, safety, and welfare of residents of areas and neighborhoods affected by longterm parking and to protect and promote the integrity of these areas and neighborhoods, it is necessary to establish the procedures herein.

(Code 1965, § 3940; Code 2002, § 106-441. Ord. No. 1186)

### 10.30.380 Definitions.

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*Director of Finance or Director.* The person occupying the position of Director of Finance in the city organization or his designee.

*Parking permit or permit.* A decal, sticker, or similar device to be affixed to a vehicle containing specific information required by section(s) 10.30.420 and/or 10.30.440, as applicable.

*Permit parking area.* An area with streets and boundaries designated by the City Council by resolution within which vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this division.

*Valid application.* A resident parking permit application obtained from the city Finance Department which contains all information requested by the application, including: (1) evidence of residency within the permit parking area, and (2) evidence of vehicle ownership with the vehicle registered to the same address as the resident. Appropriate evidence shall include, but not be limited to, a current vehicle registration, a current driver's license, a recent utility bill, or photocopies of these items, and the appropriate application fee, if any, established in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Code 1965, § 3941; Code 2002, § 106-442. Ord. No. 1186)

Cross references: Definitions generally, § 1.05.100.

### **10.30.390 Areas eligible for designation.**

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Areas meeting and satisfying the objective criteria established in these procedures shall be considered for designation as a permit parking area. Permit parking areas may be designated by resolution in which motor vehicles displaying a valid parking permit may stand or be parked without limitation as to the parking time restrictions established by the resolution. Said resolution shall also state the applicable time limitation and the period of the day and days of the week for its application.

(Code 1965, § 3942; Code 2002, § 106-443. Ord. No. 1186)

### **10.30.400 Designation criteria.**

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(a) An area shall be deemed eligible for consideration as a permit parking area if data for surveys and studies prepared at the direction of the Director of the responsible City Department or his/her designee satisfy the objective criteria that the area is impacted by vehicles belonging to nonresidents for any extended period during the day or night, on weekends, or during holidays.

(b) In determining whether an area identified as eligible for permit parking may be designated as a permit parking area, the following factors shall be included in the review and consideration:

- (1) The extent of the desire and need of the residents for permit parking and their willingness to bear the costs associated therewith;
- (2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
- (3) The extent to which vehicles parking in the area during the period proposed for parking restriction are vehicles belonging to nonresidents rather than vehicles of residents;
- (4) The extent to which motor vehicles registered to persons residing in the area cannot be accommodated by the number of available off-street parking spaces; and
- (5) The location and number of spaces available as alternative parking locations for vehicles of nonresidents which are to be displaced in the proposed permit parking area.

(Code 1965, § 3943; Code 2002, § 106-444. Ord. No. 1186; Ord. No. 14-7 § 2)

### **10.30.410 Designation process and recommendations.**

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(a) Upon receipt of a verified petition signed by at least 50 percent of the residents in the area proposed for designation and which represents at least 50 percent of the residential units in the area proposed for designation, the Director of the responsible City Department or his/her designee shall undertake such surveys or studies as are deemed necessary to determine whether an area is eligible for permit parking.

(b) At the completion of surveys and studies to determine whether designation criteria are met, a determination shall be made by the Director of the responsible City Department or his/her designee as to the eligibility of the area under consideration for permit parking, the boundaries for the proposed permit parking area, the appropriate time limitation on parking, and the period of the day and days of the week for its application.

(c) A written report shall be submitted by the Director of the responsible City Department or his/her designee to the City Council, including a recommendation whether to designate the area under consideration as a permit parking area based upon the surveys and studies performed.

(d) In the report, evidence generated as a result of surveys and studies performed, the findings relative to the designation criteria deemed applicable to the area, conclusions as to whether the findings justify preferential parking for that particular area, the proposed boundaries of the permit parking area, the proposed time limitations, period of the day, and days of the week for its application, and the availability of alternate parking spaces or areas, shall be presented.

(e) The designation process and designation criteria shall also be utilized by the Director of the responsible City Department or his/her designee and the City Council in determining whether to remove the designation of an area as a permit parking area.

(Code 1965, § 3944; Code 2002, § 106-445. Ord. No. 1186; Ord. No. 14-7 § 2)

### **10.30.420 Issuance of resident parking permits.**

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(a) The Director of Finance shall be responsible for the issuance of parking permits to persons residing in a permit parking area designated in accordance with section 10.30.390. A permit shall be issued by the Director only upon receipt of a valid application.

(b) The Director may issue permits only to residents of a permit parking area.

(c) The Director may not issue more than four permits to any one address for residents at that address, unless the Director finds more than four licensed drivers residing at one address with more than four vehicles registered to that address.

(d) The Director shall either grant or deny a resident parking permit within ten working days from the receipt of a valid application. If the permit is granted, the Director shall issue it in accordance with this division and the permit shall be valid for the calendar year for which it is issued, unless a different period is established in the resolution creating the permit parking area. If the Director denies a permit, the written reasons for the denial shall be provided to the applicant, in person or by mail, within the time period specified herein.

(e) The permit shall be affixed either to the left rear bumper or the bottom left rear window of the vehicle for which it has been issued.

(f) The Director shall maintain a record of the number of parking permits issued to each residence, the names of permit holders, the license numbers of vehicles for which a permit has been issued, the preprinted number of the permit, and a notation of the documents checked to establish residency and vehicle ownership.

(Code 1965, § 3945; Code 2002, § 106-446. Ord. No. 1186)

#### **10.30.430 Revocation of resident parking permits.**

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The Director may revoke the parking permit(s) of any person known to the Director to no longer be eligible for permit(s). The Director shall give written notice to the permit holder of said revocation, the reasons therefor, and that the permit shall be removed from the individual vehicle.

(Code 1965, § 3946; Code 2002, § 106-447. Ord. No. 1186)

#### **10.30.440 Guest parking permits.**

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(a) The Director may issue one guest parking permit per resident in a designated permit parking area upon receipt of a completed application for a guest permit. Among the items required in said application shall be:

- (1) Evidence of the applicant's residency within a designated permit parking area;
- (2) The license plate number of the guest's vehicle; and
- (3) The address of the residence being visited, which must coincide with the applicant's address.

(b) The guest permit shall be of a different color than resident parking permit(s) and shall be valid for a period of 14 consecutive days, unless written proof acceptable to the Finance Director has been submitted to show that such a 14-day period would be a detriment to the health or welfare of the guest or resident whom the guest is visiting, in which case the permit shall be valid for a period of 30 consecutive days. The first and last day of the permit shall be written upon it, together with the license plate number of the guest's vehicle. There is no restriction on the number of times a guest permit may be obtained.

(c) The guest parking permit shall be affixed either to the left rear bumper or the bottom left rear window of the guest's vehicle.

(d) The Director shall maintain, or cause to be maintained, a record of the number of guest parking permits issued to each residence within a designated permit parking area and the vehicle license plate numbers for which guest parking permits have been issued.

(Code 1965, § 3947; Code 2002, § 106-448. Ord. No. 1186; Ord. No. 1224)

#### **10.30.450 Appeal.**

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Any person who has been denied a permit(s) or had permit(s) revoked by the Director may appeal that decision to the City Council within ten days after the decision of the Director has been given or sent to the appellant in accordance with section 2.05.050 of this Code. An appeal shall be set forth on a form provided by the City Clerk and shall be accompanied by a fee, if any, as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Code 1965, § 3948; Code 2002, § 106-449. Ord. No. 1186)

#### **10.30.460 Exemptions.**

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(a) *Emergency vehicles.* Any emergency vehicle, including but not limited to an ambulance, fire engine, or police vehicle, which is under the control of an individual providing service to a property located in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the time restrictions.

(b) *Delivery and service vehicles.* Any vehicle, including but not limited to a delivery, utility, or service vehicle, which is under the control of an individual providing service to property located on a street in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the time

restrictions. Identification of such vehicle as commercial, utility, or service vehicles shall be the responsibility of the driver of such vehicle.

(c) *Vehicles displaying handicap plates.* Any vehicle which is identified as used by disabled or handicapped individuals meeting the requirements of Vehicle Code § 22511.5, and displaying the handicap plates, shall be permitted to stand or be parked on a street in the area without being limited by the time restrictions.

(Code 1965, § 3949; Code 2002, § 106-450. Ord. No. 1186)

### **10.30.470 Installation of signs; warning period.**

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(a) Upon the designation of an area as a permit parking area, the Director of the responsible City Department or his/her designee shall cause appropriate signs to be erected in the area.

(b) Once appropriate signs are erected in a permit parking area, a warning period not to exceed 15 days shall go into effect. During this warning period, motor vehicles not displaying a permit which are parked on the street in excess of the posted time limit shall not be ticketed.

(Code 1965, § 3950; Code 2002, § 106-451. Ord. No. 1186; Ord. No. 14-7 § 2)

### **10.30.480 Violations.**

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Any person that does or causes to be done any of the following shall be deemed guilty of a misdemeanor punishable pursuant to section 1.05.230 of this Code:

- (1) To stand or park a motor vehicle without a current permit properly displayed on a street within the permit parking area for a period of time exceeding the posted time limit hours during the effective times and days of the permit parking system;
- (2) To falsely represent himself as eligible for a parking permit or to furnish false information in an application for a permit;
- (3) To permit the use or display of, or to use or display, a valid parking permit issued under this division on a motor vehicle other than that for which the permit was issued;
- (4) To copy, reproduce, or otherwise bring into existence a facsimile or counterfeit resident or guest parking permit;

(5) To knowingly use or display a facsimile or counterfeit resident or guest parking permit in order to evade time limitations on parking applicable in the permit parking area;

(6) To knowingly commit any act which is prohibited by the terms of this division.

(Code 1965, § 3951; Code 2002, § 106-452. Ord. No. 1186; Ord. No. 17; Ord. No. 07-12)

ORDINANCE NO. 14-10

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE TITLE 10 (TRAFFIC AND VEHICLES), CHAPTER 10.30 (STOPPING, STANDING, AND PARKING), ARTICLE VI (PERMIT PARKING AREAS), SECTION 10.30.420 (ISSUANCE OF RESIDENT PARKING PERMITS) AND SECTION 10.30.440 (GUEST PARKING PERMITS)

WHEREAS, Sections 10.30.420 and 10.30.440 of the Concord Municipal Code specify that resident and guest parking permits in neighborhoods designated as permit parking areas shall be affixed to the left rear bumper of the vehicle for which the permit has been issued; and

WHEREAS, over the years, concerns have been raised by residents and guests of permit parking areas regarding said policy and potential damage to the vehicle as a result of the parking permit being affixed to the bumper of the vehicle; and

WHEREAS, the City of Concord Police Department has reviewed said policy and concluded that enforcement can be supported with the parking permit being affixed either on the left rear bumper or the bottom left rear window of the vehicle.

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Concord Municipal Code Section 10.30.420 (Issuance of resident parking permits) is hereby amended to read as follows:

10.30.420 Issuance of resident parking permits.

(a) The Director of Finance shall be responsible for the issuance of parking permits to persons residing in a permit parking area designated in accordance with section 10.30.390. A permit shall be issued by the Director only upon receipt of a valid application.

(b) The Director may issue permits only to residents of a permit parking area.

(c) The Director may not issue more than four permits to any one address for residents at that address, unless the Director finds more than four licensed drivers residing at one address with more than four vehicles registered to that address.

(d) The Director shall either grant or deny a resident parking permit within ten working days from the receipt of a valid application. If the permit is granted, the Director shall

1 issue it in accordance with this division and the permit shall be valid for the calendar year  
2 for which it is issued, unless a different period is established in the resolution creating the  
3 permit parking area. If the Director denies a permit, the written reasons for the denial  
4 shall be provided to the applicant, in person or by mail, within the time period specified  
5 herein.

6 (e) The permit shall be affixed *either* to the left rear bumper *or the bottom left rear*  
7 *window* of the vehicle for which it has been issued.

8 (f) The Director shall maintain a record of the number of parking permits issued to each  
9 residence, the names of permit holders, the license numbers of vehicles for which a  
10 permit has been issued, the preprinted number of the permit, and a notation of the  
11 documents checked to establish residency and vehicle ownership.

12 **Section 2.** Concord Municipal Code Section 10.30.440 (Guest parking permits) is hereby  
13 amended to read as follows:

14 **10.30.440 Guest parking permits.**

15 (a) The Director may issue one guest parking permit per resident in a designated permit  
16 parking area upon receipt of a completed application for a guest permit. Among the items  
17 required in said application shall be:

- 18 (1) Evidence of the applicant's residency within a designated permit parking area;
- 19 (2) The license plate number of the guest's vehicle; and
- 20 (3) The address of the residence being visited, which must coincide with the  
21 applicant's address.

22 (b) The guest permit shall be of a different color than resident parking permit(s) and shall be  
23 valid for a period of 14 consecutive days, unless written proof acceptable to the Finance  
24 Director has been submitted to show that such a 14-day period would be a detriment to the  
25 health or welfare of the guest or resident whom the guest is visiting, in which case the permit  
26 shall be valid for a period of 30 consecutive days. The first and last day of the permit shall be  
27 written upon it, together with the license plate number of the guest's vehicle. There is no  
28 restriction on the number of times a guest permit may be obtained.

1 (c) The guest parking permit shall be affixed *either* to the left rear bumper *or the bottom*  
2 *left rear window* of the guest's vehicle.

3 (d) The Director shall maintain, or cause to be maintained, a record of the number of guest  
4 parking permits issued to each residence within a designated permit parking area and the  
5 vehicle license plate numbers for which guest parking permits have been issued.

6 **Section 3.** This Ordinance No. 14-10 shall become effective thirty (30) days following its  
7 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire  
8 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City  
9 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,  
10 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's  
11 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and  
12 once within fifteen (15) days after its passage and adoption, including the vote of the  
13 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of  
14 Concord.

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18 Tim S. Grayson  
19 Mayor

20 ATTEST:

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22 Joelle Fockler, CMC  
23 City Clerk

24 (Seal)

25 Ordinance No. 14-10 was duly and regularly introduced at a regular meeting of the City  
26 Council of the City of Concord held on December 9, 2014, and was thereafter duly and regularly  
27

1 passed and adopted at a regular meeting of the City Council of the City of Concord on January 6,  
2 2015, by the following vote:

3 **AYES:** Councilmembers -

4 **NOES:** Councilmembers -

5 **ABSTAIN:** Councilmembers -

6 **ABSENT:** Councilmembers -

7 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and  
8 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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Joelle Fockler, CMC  
City Clerk

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