



DATE: April 16, 2015

TO: Old Pasadena Parking Meter Zone Advisory Commission

FROM: Frederick C. Dock, Director *F.C. Dock*

SUBJECT: **ITEM VI-A: Proposed Modification to Pasadena Municipal Code to Provide Exemption from the Overnight Parking Prohibition for Businesses**

RECOMMENDATION:

Information only.

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.

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 at those locations where off-street parking is not available. 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 employees or patrons park their cars in the early morning dark 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 and shuttle service vans that gather. Similarly, the Public Works Department views the overnight parking ban as underpinning their ability to sweep streets and keep areas clean in a cost effective manner. 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 created an environment of boutique pocket 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 recommends that the following addition be made 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 with the concurrence of the Public Works Department and the Police Department, after an engineering study, has determined to be exempt. Such exemption may be for all or a portion of the 10 p.m. to 6 a.m. period.

Further, the Department of Transportation recommends that the following rulemaking 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 longer as determined by an engineering study.
- Time of exemption will be determined via engineering study.
- Determination by the Department of Public Works that the exemption will not adversely affect street cleaning operations.
- Determination by the Police Department that the exemption will not adversely affect public safety.
- Determination through an engineering study that late hour goods movement is necessary at the location and that no off-street loading access is present at the location.
- The engineering study will consider, at a minimum, the early morning patron demand for parking that is not satisfied by the business's off-street parking, unique goods movement requirements, nearby land uses (particularly residential)

and activity patterns, street cleaning operations, public safety and conditions of approval for use permits.

- Business will be required to apply to the Department of Transportation for the exemption and will be responsible for the costs of installation and maintenance of the signage and markings necessary to designate the exempted area.
- Approved overnight exemption areas will be reviewed annually by the Department of Transportation and are subject to remediation and removal for lack of maintenance, nuisance, public safety or change of use.