

Article 22. Preferential Residential Permit Parking Revised 1/12

3-5.2201 Purpose.

The provisions of this article set forth procedures for the establishment of permit parking areas within the City of Walnut Creek in order to alleviate, in certain residential areas, motor vehicle congestion caused by long-term parking by nonresidents of those areas. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2202 Definitions.

(a) *Business* means a commercial enterprise or establishment located in the designated preferential permit parking area.

(b) *Dwelling Unit* means two (2) or more connected rooms designed exclusively for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(c) *Guest Permit* means a valid parking permit issued pursuant to Section [3-5.2206](#).

(d) *Nonresident Vehicle* means a motor vehicle not registered to or otherwise properly maintained by a resident residing within the specific residential area in which it is parked.

(e) *Parking Permit/Permit* means a valid residential parking permit or guest parking permit, in the form of a decal, sticker, or similar device issued pursuant to the provisions of this article, which, when displayed upon a motor vehicle as described herein in the residential area for which it is issued, shall permit the motor vehicle for which it is issued to park in that residential area notwithstanding any parking prohibition in that area established pursuant to the provisions of this article.

(f) *Person* means as defined at Section [1-3.13\(m\)](#).

(g) *Preferential Residential Permit Parking Area/Permit Parking Area/Residential Area* means an area with streets and boundaries designated by the Traffic Engineer within which vehicles displaying a valid parking permit issued for that residential area shall be permitted to park notwithstanding any parking prohibition in that area established pursuant to the provisions of this article.

(h) *Traffic Engineer* means the person occupying the position of traffic engineer of the City of Walnut Creek. The Traffic Engineer shall designate permit parking areas, establish times and dates of restrictions, and define the boundaries of permit parking areas.

(i) *Valid Application* means a completed parking permit application obtained from the City Public Services Department on which a resident has provided all requested information and which is accompanied both by evidence of residency and vehicle ownership, with the vehicle registered at the resident's address, and by the required application fee. Appropriate evidence shall include, but not be limited to, a current vehicle registration, a current driver's license, and a recent utility bill. (§2, Ord. 1700, eff. 10/14/88 and §4, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2203 Designation of Preferential Residential Permit Parking Areas.

(a) An area shall be evaluated for preferential residential permit parking eligibility if, after meeting with staff and being informed of the criteria used in determining eligibility, residents of the area submit an application meeting the following requirements:

1. The application shall contain a description or a map showing the proposed residential permit parking area.
2. The application shall include a petition containing the signature, printed name, and address of residents of at least sixty-seven percent (67%) of the dwelling units in the proposed area.
3. At the top of each page of the petition shall appear the following statement, with the amounts of the residential and guest permit fees and proposed time restriction included:

"We, the undersigned, are residents of the proposed residential permit parking area described in this application. We request that it be designated a preferential residential permit parking area and, if it is, understand that the following restrictions will be placed upon on-street parking within the area:

_____ ; that residents of the area will be eligible to obtain permits exempting them and their visitors from such parking restrictions; that the annual fee for residential parking permits shall be _____ per permit. The fee may be adjusted annually by Council Resolution."

(b) An area for which an application meeting the above requirements has been received shall have its eligibility for permit parking determined on the basis of the criteria listed below. Residential areas that, at the time the preferential residential permit parking program is adopted, already have parking prohibitions or restrictions for the purpose of preventing all-day parking by nonresidents, will not be required to meet the second and third criteria.

1. A minimum of eighty percent (80%) of the property adjacent to the streets in the area must be zoned residential; and
2. A minimum of eighty percent (80%) of all on-street parking spaces within the area must be occupied during any two (2) peak parking hours of any three (3) days during a two (2) week period; and
3. A minimum of twenty-five percent (25%) of the vehicles parked on the street during the aforementioned time period must be registered to nonresidents of the area.
4. A determination by the Traffic Engineer that the size and boundaries of the identified area are such that designating it for permit parking would not result in shifting the parking problem to an adjacent area.
5. Such criteria which the Traffic Engineer deems necessary, which could include, but would not be limited to:

a. The extent to which vehicles owned by residents of the area could be accommodated by off-street parking spaces.

b. The location and number of parking spaces available for the vehicles of nonresidents that would be displaced in the proposed permit parking area.

(c) At the completion of surveys and studies to determine whether the criteria are satisfied, a decision shall be made by the Traffic Engineer as to the eligibility of the area for permit parking. If an area is deemed eligible, a map establishing it as a permit parking area shall be drafted. The map shall be kept as part of permanent City Records. The map shall specify the following:

1. The boundaries of the area.
2. The appropriate prohibition or restriction on parking for the area.
3. The period of the day and the days of the week of the parking prohibition or restriction's application.
4. The beginning and ending dates of the twelve (12) month period for which permits for the area shall be issued.

(d) The Traffic Engineer may conduct surveys and studies to evaluate the area's continuing eligibility for permit parking. Upon receipt of a petition signed by at least sixty-seven percent (67%) of the residents of any subarea within a designated permit parking area, the Traffic Engineer is hereby authorized to modify both the hours of restricted parking and the days of restricted parking for vehicles without parking permits within any such subarea. The Traffic Engineer may, at any time, redefine the area boundaries to accommodate new building, to alleviate impacts upon residents caused by overflow parking of an existing area, or to remove subareas that no longer desire permit parking. Such changes shall become effective upon the filing of a notice of such change with the City Clerk, and the posting of signs indicating the new hours and days during which parking without a permit is prohibited or any removal of such signs. (§2, Ord. 1700, eff. 10/14/88; and by §1, Ord. 1773, eff. 6/13/91; by §1, Ord. 1773, eff. 6/13/91; by §1, Ord. 1869, eff. 11/10/95; and by §6, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2204 Issuance of Residential Parking Permits.

The Public Services Department shall be responsible for the receipt of applications from and the issuance of parking permits to persons residing in or conducting business or other enterprises in a permit parking area designated in accordance with Section [3-5.2203](#).

(a) Each permit application received for the area shall be responded to within ten (10) working days of its receipt, either by issuing a permit or by providing the applicant with a written explanation of the reason(s) that the permit application is being denied.

(b) A residential parking permit may be issued for a motor vehicle upon receipt of a valid application from a resident of a designated permit parking area.

1. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued.

(c) No more than one (1) permit may be issued to each motor vehicle for which application is made.

(d) Permits shall be good for a twelve (12) month period and shall be renewable annually. Verification of current residency and of vehicle ownership shall be required for renewals.

(e) Each permit shall be valid only for the particular vehicle, twelve (12) month period, and permit area for which it is issued.

(f) No more than three (3) permits may be issued to any one (1) dwelling unit for vehicles owned by residents of that dwelling unit.

(g) A preferential residential parking permit may, in addition, be issued upon receipt of a valid application for any vehicle owned or leased by a person who owns or leases commercial property and engages in business activity within the particular preferential residential permit parking area. A business located in a residential permit parking area will be allowed to obtain one (1) permit for each motor vehicle it owns up to a maximum of three (3) parking permits per business.

(h) Each residential parking permit shall clearly display the expiration date, the permit parking area, and the number of the permit.

(i) Each residential parking permit shall be affixed to the vehicle for which it is issued in the location determined by regulations adopted pursuant to Section [3-5.2202\(h\)](#).

(j) Records of the number of parking permits issued to each dwelling unit, the names of permit holders, the license numbers of vehicles for which permits have been issued, the preprinted number of each permit, and the documents checked to establish residency and vehicle ownership for each permit shall be maintained by the Public Services Department. (§2, Ord. 1700, eff. 10/14/88; by §2, Ord. 1869, eff. 11/10/95 and by §7, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2205 Revocation of Residential Parking Permits.

The Public Services Director may revoke the parking permit of any person or for any vehicle known to the Public Services Department to no longer be eligible for a permit. Written notice stating the reason for the revocation and requesting removal of the permit from the vehicle shall be given to the permit holder. (§2, Ord. 1700, eff. 10/14/88; and §8, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2206 Guest Parking Permits.

(a) Each dwelling unit within a residential area which is the residence of one (1) or more valid permit holders shall be eligible to receive two (2) guest permits valid in the permit parking area in which the dwelling unit is located. A maximum of two (2) guest permits per dwelling unit may be issued to residents of such unit. One (1) additional guest permit may be issued to nonresident property owners for properties owned in that area upon submission of proof of ownership.

(b) The guest permits will be in the form designated by regulations adopted pursuant to Section [3-5.2202\(h\)](#). They will be valid for the entire permit year for the area for which they are issued and for all vehicles in which they are displayed.

(c) There will be a twenty-five dollar (\$25.00) charge to replace a lost guest permit. A signed affidavit stating that the original guest permit has been lost will be required before a replacement will be issued.

(d) Residents of designated permit parking areas who live in dwelling units in which no members have purchased resident parking permits can be issued two (2) guest permits by providing proof of residency of one (1) of its members and by paying the amount of the annual fee charged for a residential parking permit.

(e) A maximum of ten (10) free one (1) day guest parking permits, per special event, can be obtained by residents of designated permit parking areas by requesting them, in person, from the Public Services Department at City Hall. (§2, Ord. 1700, eff. 10/14/88; by §3, Ord. 1869, eff. 11/10/95; and by §9, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2207 Appeal.

(a) If an area has been deemed ineligible for permit parking by the Traffic Engineer, any resident of the area may appeal the decision to the Transportation Commission by filing with the City Clerk a written notice of appeal.

(b) Any person who has been denied a permit or had a permit revoked may appeal the decision to the Transportation Commission by filing with the City Clerk a written notice of appeal.

(c) In the event of a dispute by a resident or residents pertaining to parking restrictions, time or days, permit parking area boundaries, or requests to remove permit parking, the Transportation Commission shall hear all appeals. The Transportation Commission shall conduct a public hearing, consider the request and provide a final ruling on such issues. Notice of the hearing shall be posted at least ten (10) days prior to the hearing on all block fronts affected within the preferential residential parking permit area in question.

(d) Any person given the right by this section to appeal a matter to the Transportation Commission shall take such appeal by filing, in writing with the City Clerk, a written notice of such appeal setting forth the specific grounds of appeal. Upon receiving an appeal, the Transportation Commission may take one (1) of the following actions:

1. Adopt or affirm the action appealed from without hearing.
2. Refer the matter back to the body or person appealed from for further proceedings, with or without instructions, without hearing.
3. Decide the matter upon the record, with or without taking additional evidence. If the Transportation Commission decides a matter under this subsection, it shall allow the party or parties to present either oral or written argument before the Commission.
4. Decide the matter following a public hearing.

(e) Any notice of appeal under this section shall be filed with the City Clerk within fourteen (14) days after receipt of written notice of such action appealed from, but in no event later than thirty (30) days after the date of such action.

(f) The City Clerk shall set the matter for consideration before the Transportation Commission at a subsequent meeting and shall give notice to the parties not less than ten (10) days prior to such consideration unless such notice is waived in writing by the parties. The appellant shall bear the burden of proof, on the grounds specified in the notice of appeal, why the challenged action should be overturned. The Transportation Commission may continue the matter from time to time, and its findings and decision on the appeal shall be final and conclusive in the matter.

(g) Decisions, as defined in Code of Civil Procedure Section [1094.6\(e\)](#), made by the Transportation Commission shall be subject to judicial review only if the petition for writ of mandate is filed within the time limits specified in Code of Civil Procedure Section [1094.6](#). (§2, Ord. 1700, eff. 10/14/88 and §10, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2208 Permit Fees.

The annual fees for permits shall be established by resolution of the City Council. (§2, Ord. 1700, eff. 10/14/88; and by §4, Ord. 1869, eff. 11/10/89; §2, Ord. 2106, eff. 1/6/12)

3-5.2209 Permit Parking Exemptions.

(a) A motor vehicle on which is displayed a valid residential parking permit, as provided for herein, shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by prohibitions or restrictions established pursuant to this chapter.

1. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter.
2. This chapter shall not exempt the permit parking holder from other traffic controls and regulations existing in the designated preferential residential permit parking area.
3. This chapter shall not permit the parking permit holder to leave standing his or her vehicle for more than seventy-two (72) hours.

4. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

(b) 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 prohibitions or restrictions established pursuant to this chapter.

(c) 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 prohibitions or restrictions established pursuant to this chapter. Identification of such vehicle as a commercial, utility, or service vehicle shall be the responsibility of the driver of such vehicle.

(d) Any vehicle which is identified as used by a disabled or handicapped individual meeting the requirements of Section [22511.5](#) of the State of California Vehicle Code and displays a handicap plate or placard shall be permitted to stand or be parked on a street in the area without being limited by the prohibitions or restrictions established pursuant to this chapter. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2210 Posting of Permit Parking Areas.

(a) Upon establishing a preferential residential permit parking area, the Traffic Engineer shall direct the installation of appropriate signs in the area, indicating prominently thereon the parking time limitation or prohibition, the period of the day for its application, and the conditions under which permit parking shall be exempt therefrom.

(b) Once appropriate signs are erected in a permit parking area, a warning period of fourteen (14) days shall go into effect. During this warning period, motor vehicles not displaying permits that are parked on the street in violation of or in excess of the posted parking prohibition or time-limit restriction shall not be cited. (§2, Ord. 1700, eff. 10/14/88; and by §5, Ord. 1869, eff. 11/10/95; §2, Ord. 2106, eff. 1/6/12)

3-5.2211 Violations.

It shall be unlawful and constitute a violation of this chapter for any person to do, or cause to be done, any of the following:

(a) To stand or park a motor vehicle without a properly displayed current permit in violation of a signed parking prohibition or time-limit parking restriction on a street in a permit parking area;

(b) To falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application for a permit;

(c) To permit the use or display of, or to use or display, a valid parking permit issued under this chapter on a motor vehicle other than that for which the permit was issued;

(d) To copy, reproduce, or otherwise bring into existence a facsimile or counterfeit residential or guest parking permit;

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

(f) To sell, give, or exchange a valid parking permit issued under this chapter to any other person;

(g) To knowingly commit any act which is prohibited by the terms of this chapter. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2212 Review and Evaluation of the Preferential Residential Permit Parking Program.

The Traffic Engineer shall regularly evaluate the preferential residential permit parking program and any modifications to this article resulting from this review shall become effective upon the filing of a notice of such change with the City Clerk, and the posting of signs indicating the new hours and days during which parking without a permit is prohibited. (§2, Ord. 1700, eff. 10/14/88; by §6, Ord. 1869, eff. 11/10/95 and §11, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)