

## Amendment 1: Establish Parking Authority

### Article 17: Parking Authority

#### Sec. 3-4.1701. Need for Parking Authority Expressed.

There is a need for a parking authority to function in the City under the provisions of the Parking Law of 1949 (codified as California Streets and Highways Code Sections 32500 et seq.).

#### Sec.3-4.1702. Parking Authority Created.

As prescribed by California Streets and Highways Code Sections 32500 et seq., the Parking Authority of the City of Hercules is hereby authorized to transact business and exercise its powers.

#### Sec. 3-4.1703. Powers of the Parking Authority.

The members of the City Council of the City of Hercules may by resolution declare themselves to be ex officio members of the Parking Authority, or the mayor, with the approval of the City Council, may appoint five electors of the city as members of the Parking Authority. Subject to the limitations set forth in this Ordinance, the Parking Authority of the City of Hercules shall have all of the rights, powers, duties, privileges, and immunities vested in members of a parking authority per California Streets and Highways Code Sections 32500 et seq.

#### Sec.3-4.1704. Submission of Budget.

The Parking Authority shall submit annual or supplemental budgets which shall include Parking Authority expenditures in the same manner, time, and subject to the same conditions as if the Parking Authority were a department of the City.

#### Sec.3-4.1705. Annual Reports.

The Parking Authority shall file, within 120 days after the close of each fiscal year, an annual report for the Parking Authority which shall include a statement of financial affairs for the Parking Authority audited by independent certified public accountants.

#### Sec. 3-4.1706. Officers and Employees Generally.

The powers of the Parking Authority under California Streets and Highways Code Section 32801(c) to select and appoint or remove such permanent and temporary officers, agents, counsel, and employees as it may require, and to determine their qualifications, duties, and compensation, shall be subject to all limitations, rights, and benefits applicable to similar employment by the City.

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### Sec. 3-4.1707. Administration and Management of Parking Authority.

- A. The Parking Authority is hereby directed to designate a Parking Manager, who shall institute parking programs within the Parking Authority's jurisdiction to ensure the efficient use of public parking resources and to mitigate parking demand and traffic concerns.
- B. The Parking Manager shall be responsible for overseeing administration and management of the Parking Authority, including financial activities and recordkeeping for the Parking Authority, consistent with applicable requirements and regulations for other City department/division budgets.
- C. Periodically, the Parking Manager shall conduct a review of the rates and charges imposed on the public for the use of Parking Facilities under the jurisdiction of the Parking Authority and shall render a written report and recommendations thereon to the Parking Authority.

The Parking Authority shall review the report and the recommendations and shall by resolution adjust the rates and charges and/or make other modifications of the lease or management agreement in order to provide an adequate return to the lessee or operator and to protect the public interest.

- D. The Parking Manager and each lessee or operator, through the Parking Manager, shall have the right at all times to apply to the Parking Authority for an adjustment of public parking rates and charges or other modifications of the lease or operating agreement for a parking facility. Applications by a lessee or operator shall be by written petition filed with the Parking Manager with copies delivered to the Parking Authority. The Parking Manager shall report thereon to the Parking Authority within 30 days of such filing or within such further time as may be allowed by motion of the Parking Authority. Parking rates and charges shall at all times be subject to review and revision by the Parking Authority, but only after the Parking Manager has made a recommendation.
- E. Notwithstanding the above, the Parking Manager shall have the authority to establish and implement new public parking rates at Parking Facilities under the jurisdiction of the Parking Authority on a 90-day trial basis. Upon termination of the 90-day period, the Parking Manager shall either rescind the interim rates or have obtained approval from the Parking Authority for an adjustment of the rates. When the Parking Manager requests Parking Authority approval for an adjustment of rates after a trial period, the Parking Manager shall provide a report analyzing the impact on City revenues from the parking rates charged during the trial period.
- F. The Parking Manager shall have the authority to establish public parking rates for special events not to exceed fourteen consecutive days. Notwithstanding the foregoing or any prior action of the Parking Authority, the Parking Manger may, on account of a special event and in its discretion, adjust rates and charges for parking at any public off-street parking facility for which the Parking Authority ordinarily fixes rates and charges; provided that:
  - 1. The rate adjustment is not in breach of any contractual obligations;
  - 2. The rate adjustment is only in effect on the day(s) and at the time(s) of the special event;
  - 3. When the special event came to the attention of the Parking Manager, there was not sufficient time prior to the special event to obtain the rate adjustment from the Parking Authority;
  - 4. If the primary sponsor or organizer of the special event requested the rate adjustment, then, in the opinion of the Parking Manager, that sponsor or organizer acted reasonably

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in bringing the request and did not delay in order to avoid seeking such an adjustment from the Parking Authority;

5. If the adjusted rates and charges are higher than the rates and charges as fixed by the Parking Authority, then:
  - (a) In light of anticipated demand for parking on the day(s) and at the time(s) of the special event, the Parking Manager does not expect that higher rates will result in a significant reduction in use of the parking facility; and
  - (b) The adjusted rates are competitive in light of the rates that are likely to be charged at other Parking Facilities in the area on the day(s) and at the time(s) of the special event; and
6. If the adjusted rates and charges are lower than the rates and charges as fixed by the Parking Authority; then:
  - (a) The primary sponsor or organizer of the special event is a not-for-profit, charity organization or association;
  - (b) On the day(s) and at the time(s) of the special event the garage would ordinarily be either closed or open but significantly less than full;
  - (c) In the opinion of the Parking Manager, lower rates are necessary in order to encourage the public to attend the special event;
  - (d) The adjusted rates are sufficient to cover the cost of operating the garage during the special event; and
  - (e) The adjusted rates apply only to those users of the garage that present evidence (in a form agreed to between the primary sponsor or organizer of the special event and the Parking Manager) that they are attending the special event.

### **Sec. 3-4.1708. Authority to Acquire and Operate Off-Street Parking Facilities.**

The Parking Authority may acquire—by purchase, lease, or otherwise—land, improvements, and other property as necessary and appropriate for use as parking lots, garages, public transportation terminal facilities, and other facilities related thereto (referred to in this Ordinance as "Parking Facilities") and may, for such use, lease or enter into management agreements with respect to property owned or controlled by it, in accordance with the provisions of this Ordinance. Any such lease of or management agreement for all or part of any such property may also provide for the performance thereon of services or undertakings for the public incidental or advantageous to such public parking project and which are reasonably necessary in order to use such property as a public parking facility for the purpose of regulating, controlling, and relieving the congestion of street traffic.

### **Sec. 3-4.1709. Jurisdiction over Parking Facility Sites; Administration of Leases and Management Agreements.**

The Parking Authority shall have jurisdiction and control over all Parking Facilities that are owned, leased, managed, or operated by the Parking Authority; provided that, regardless of such jurisdiction and control, the Parking Manager shall assist in the administration of all leases and management agreements with respect to such Parking Facilities. The Parking Facilities that are the subject of this Chapter are not public utilities and are not subject to the Public Utilities Commission's jurisdiction or control.

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### **Sec.3-4.1710. Procedure for Making Recommendations to Parking Authority.**

Recommendations for the procurement of sites for public Parking Facilities or for the leasing or use of City property for such purposes shall be made to the Parking Authority by the Parking Manager or Planning Commission following a study of the public necessity, convenience, and benefit thereof, and the approval of the City Manager or his or her designee. Such studies and recommendations shall be made by the Parking Manager or Planning Commission from time to time, either on its own initiative or by request of the Parking Authority, provided that funds are available therefor. Any such study shall include an investigation, consideration, and conclusion of the necessity for the City to accomplish the public purposes of the public parking facility to serve the area of the City in which such site is proposed to be located and the City as a whole.

### **Sec. 3-4.1711. Approval or Rejection of Recommendations by Resolution of the Parking Authority; Contents of Resolution of Approval.**

The Parking Authority, by resolution, shall approve or reject recommendations as submitted or in amended form, and in the event of approval, shall designate the property or site owned, controlled, or to be acquired for the purpose by the City, as a site for a public off-street parking facility and shall direct the method of operation, the leasing, or acquisition thereof for leasing or other operation to accomplish thereby the public purposes set forth in this Article.

### **Sec. 3-4.1712. Leases and Management Agreements for Parking Facilities.**

- A. The award of leases and management agreements for Parking Facilities shall require the approval of the Parking Authority by resolution. All leases and management agreements submitted to the Parking Authority for its approval shall be in substantially final form and shall contain provisions designed to assure that use of the parking facility in question will be in the public interest. Such leases and management agreements shall, among other things, set forth the following:
1. A covenant that the public shall be entitled, as a matter of right, to use the parking facility, subject to established rates and charges;
  2. A description of the public uses and purposes permissible on or in such parking facility;
  3. A schedule of the permitted rates and charges;
  4. A schedule of the minimally required hours and days of operation;
  5. A description of restrictions, if any, on all-day or monthly parking.
- B. Notwithstanding anything to the contrary elsewhere in this Ordinance, when authorized and directed by a resolution of the Parking Authority, a lease of or management agreement for a parking facility or a parking facility site may be awarded, without competitive process, to a nonprofit association or corporation, for the purpose of facilitating financing of a facility, on such terms and conditions as are approved by the Parking Authority by resolution.

### **Sec. 3-4.1713. Modification of Leases and Management Agreements.**

All leases of or management agreements for Parking Facilities shall provide that the lessees or operators shall charge the public the rates and charges that are initially fixed or thereafter changed by the Parking Authority, and shall comply with any other modifications of the lease or operating agreement that are required or permitted by this Chapter.

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### **Sec.3-4.1714. Methods of Accounting; Inspection of Books and Records.**

Each lessee or operator of a parking facility shall comply with the directions of the Parking Manager and Director of Finance with respect to the forms and methods of accounting for the financial transactions of such parking facility. The Director of Finance and his or her authorized representatives shall have the right and the duty periodically to examine and inspect the books and other records of each lessee or operator that relate to the operations of such parking facility.

Each lessee or operator shall maintain on the premises or at such other location as is permitted by the Director of Finance all appropriate books and records, which shall be maintained on a current basis. The Director of Finance shall have the right at all reasonable times to make copies of such books and records.

### **Sec. 3-4.1715. Inspection of Parking Facilities.**

The Parking Manager and his or her authorized representatives shall have the right at any time to enter and inspect any parking facility in order to obtain information relative to the management and operation of the parking facility, the physical condition of the parking facility, and the satisfaction of the public interests and public purposes intended to be served by the parking facility.

### **Sec. 3-4.1716. Manner of Establishing Parking Zones**

Under the authority of California Vehicle Code Section 22508, the Parking Authority by resolution may establish Parking Zones covering streets, public rights-of-way, and publicly-controlled off-street Parking Facilities. Rates and regulations for use therein shall be established as provided for in this ordinance.

### **Sec. 3-4.1717. Administration and Management of Parking Zones**

- A. The Parking Manager is hereby authorized to institute a pay parking program in the Parking Zones to ensure the efficient use of public parking resources, and to mitigate parking demand and traffic concerns.
- B. The Parking Manager shall be responsible for overseeing administration and management of all Parking Zones, including financial activities and recordkeeping for the Parking Zones.
- C. The Parking Manager shall designate the public streets or public ways, or portions thereof, and off-street public Parking Facilities upon which parking fee collection devices shall be located and installed. To ensure the availability of convenient parking and to relieve traffic congestion, the Parking Manager shall determine how many parking fee collection devices shall be placed in any area designated as a Parking Zone.
- D. The Parking Manager is hereby authorized to purchase, lease, or otherwise acquire, install, operate, maintain, supervise, and regulate as many Parking Meters as may be necessary in designated on-street or off-street Parking Facilities to collect parking user fees as provided under this ordinance. Parking Meters can include, but are not limited to, the following:
  - Single-space Parking Meters;
  - Multi-space Parking Meters;

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- Spaces dedicated for pay-by-cellular phone systems or in-car Parking Meter devices;
  - Access control devices;
  - Automated parking fee collection equipment;
  - Cashier booths and parking fee computers.
- E. The Parking Manager shall prepare annual budgets for Parking Zones that conform to applicable requirements and regulations for other City department/division budgets.
- F. The Parking Manager shall be responsible for maintaining accurate parking inventory and occupancy counts, both on-street and off-street, in the Parking Zones. Parking inventory and occupancy counts shall be conducted at least annually.

### **Sec. 3-4.1718. Periodic Adjustment of Meter Rates within Parking Zones**

Under the authority of California Vehicle Code Section 22508, the Parking Authority hereby adopts the following process for adjusting from time to time both short-term and long-term parking rates to manage the use and occupancy of the parking spaces for the public benefit in all parking areas within the Parking Zone(s).

- A. To accomplish the goal of managing the supply of parking and to make it reasonably available when and where needed, a target occupancy rate of eighty-five percent (85%) is hereby established.
- B. At least annually and not more frequently than quarterly, the Parking Manager shall survey the average occupancy for each parking area within each designated Parking Zone that has Parking Meters. Based on the survey results, the Parking Manager shall adjust hourly rates up or down in twenty-five cent (\$0.25) increments and monthly rates in \$5.00 increments to seek to achieve the target occupancy rate. The base Parking Meter rate, and any adjustments to that rate made pursuant to this ordinance, shall become effective upon the programming of the Parking Meter for that rate. A current schedule of meter rates shall be available at the City Clerk's office.
- C. The Parking Manager is authorized to create, manage, and, when necessary, remove parking validation programs for businesses located within Parking Zones. Parking validation programs will provide a means for businesses located in the Parking Zones to validate customer parking, reducing the fee burden on visitors. When authorized by the Parking Manager, parking validations will be made available to local businesses for the full value of the parking validated.

### **Sec. 3-4.1719. Generation of Parking Zone Revenues**

Revenues generated from on-street and off-street parking within the boundaries of a given Parking Zone will include, but not necessarily be limited to, the following:

- A. Rates for parking in City-owned public parking spaces, including fees paid for parking in on-street parking spaces and off-street Parking Facilities;
- B. Parking fines collected from parking enforcement activities;
- C. Fees for monthly parking space rentals;
- D. Revenues derived from advertising in or on public parking spaces/facilities;
- E. Rental of air rights over public Parking Facilities;

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F. Interest earned from Parking Zone funds;

G. Other revenues/funds authorized by resolution of the Parking Authority;

Parking revenues generated within the boundaries of a given Parking Zone shall be accounted for separately from other City funds and revenues generated in other Parking Zones.

### **Sec. 3-4.1720. Use of Parking Zone Revenues**

Revenues generated from on-street and off-street parking within the boundaries of a given Parking Zone may be used only for purposes within the given Parking Zone as follows:

- A. All expenses for administering the parking program within the given Parking Zone, including but not limited to:
  - 1. Staffing costs (e.g., recruiting, training, pay);
  - 2. Parking enforcement expenses;
  - 3. Management fees;
  - 4. Administrative charges and banking fees;
  - 5. Expenses related to parking studies and other parking-specific consulting services.
- B. All expenses for installing, operating, and controlling parking equipment and facilities within or designed to serve the Parking Zone, including but not limited to:
  - 1. Parking equipment purchases or leases;
  - 2. Parking facility security expenses;
  - 3. Parking operations and office supplies;
  - 4. Expenses for necessary utilities;
  - 5. Parking Zone-related capital expenses;
  - 6. Parking maintenance expenses and reserve funds.
- C. All expenses for controlling traffic (including pedestrian and vehicle safety, comfort, and convenience) which may affect or be affected by the parking of vehicles in the Parking Zone, including the enforcement of traffic regulations as to such traffic.
- D. Expenses related to securing or constructing public Parking Facilities including, but not limited to, land costs, design fees, consultant fees, site studies, financing costs, construction costs, and construction reserves.
- E. Expenses related to public transportation services and systems.
- F. Expenses related to programs designed to encourage the use of alternative forms of transportation.
- G. Expenses related to cleaning and maintaining public areas, including streets, sidewalks, public parks, public landscaping, and other public amenities.
- H. Such other expenditures within or for the benefit of the Parking Zone as the Parking Authority may, by resolution, determine to be legal and appropriate.

Parking revenues from a Parking Zone may be used for parking-related purposes outside the designated Parking Zone only if the Parking Authority, at the time of establishing the Parking

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Zone, declares a percentage limit of the Parking Zone's revenues which may be used for such purposes.

### **Sec. 3-4.1721. Damaging or Tampering with Meters**

It shall be a misdemeanor offense for any person to tamper with or impair the usefulness of any Parking Meter or related signage installed under the provisions of this ordinance.

### **Sec. 3-4.1722. Enforcement of Pay Parking and Parking Time Limits**

- A. No person shall park a vehicle in any pay parking or time-limited parking space, as indicated by official signs, during the restricted and regulated time applicable to the parking area, unless the proper fee has been paid and the vehicle parked within the posted time limit (as applicable). Any vehicle parked in a public parking space shall be parked within a designated parking space, as may be indicated by official signs or pavement markings.
- B. If a vehicle parks in a public parking space without paying the posted parking fee, or beyond the authorized interval of time stated in the parking area (if applicable), such vehicle shall be in violation of this ordinance. Every additional period of parking equal to the period of parking authorized by time limit or purchase shall constitute a separate offense. Vehicles parked in violation of this section will be subject to receiving a parking citation and/or vehicle impoundment.
- C. Parking enforcement in the Parking Zones will be provided by the City police department, or other City-approved designee.
- D. It shall be the duty of each police officer or parking enforcement officer to take the state vehicle license and make of such vehicle, and the time, place, and date of such parking violation, and issue in writing a citation for illegal parking in the same form and subject to the same procedure provided for by the law of the State applicable to traffic violations within the City.
- E. Any operator or owner of a vehicle to whom a citation has been issued in accordance with the preceding subsection may, within fifteen (15) days of the time of the issuance of such citation, pay to the appropriate court, as a penalty for the full satisfaction of such violation, the sum of twenty-five dollars (\$25.00), or the unpaid parking amount plus 50%, whichever is greater. The Parking Manager shall establish the method(s) by which the penalty may be paid. The failure of such owner or operator to make such payment within said fifteen (15) days shall render such owner or operator subject to the penalties provided for violations of the provisions of this Ordinance.

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### Article 18: Residential Parking Permit Areas

#### Sec. 3-4.1801. Designation of Residential Parking Permit Areas

Under the authority of California Vehicle Code Section 22507.5(c), the Parking Authority by ordinance may establish Residential Parking Permit Areas covering residential streets, public rights-of-way, and publicly-controlled off-street Parking Facilities in which vehicles displaying a valid Residential Parking Permit may stand or be parked. The ordinance shall also state the applicable parking regulations and the rates of fees to be charged upon permit issuance.

A Residential Area shall be eligible for consideration as a Residential Parking Permit Area if the Residential Area is adversely affected by parked vehicles for any extended period during the day or night, on weekends, or during holidays, and the area consists of at least six contiguous block faces with on-street parking, or at least two contiguous block faces within or immediately adjacent a Parking Zone. In determining whether a Residential Area may be designated as a Residential Parking Permit Area, the Parking Authority shall take into account factors which include, but are not limited to, the following:

- A. The desire of the property owners and residents to create a Residential Parking Permit Area, as evidenced by a petition, signed by property Owners representing at least 33% of the residences in the proposed area (as verified by the City Clerk), requesting the creation of a Residential Parking Permit Area;
- B. The extent to which on-street parking is occupied by vehicles during the period proposed for parking regulations, as evidenced by parking occupancy exceeding 75% of on-street capacity for the proposed area;
- C. The extent to which vehicles parking in the area during the period proposed for parking regulations are Non-Resident Vehicles rather than Resident Vehicles, as evidenced by a license plate registration survey;
- D. The extent to which anticipated new development could impact parking demand in the Residential Parking Permit Area beyond current conditions.
- E. The lack of reasonable alternatives available to mitigate unfavorable parking conditions;
- F. The impact displacing Non-Resident Vehicles will have on other neighborhoods surrounding the proposed Residential Parking Permit Area;
- G. The financial feasibility of providing self-sufficient administration, management, and enforcement of the proposed Residential Parking Permit Area.

#### Sec. 3-4.1802. Process for Establishing Residential Parking Permit Areas

The process for establishing a Residential Parking Permit Area can be initiated by either of the following methods:

- A. A petition, verified by the City Clerk, requesting the creation of a Residential Parking Permit Area signed by property Owners representing at least one-third of the residences in the proposed area. Residents interested in instituting a Residential Parking Permit program in a Residential Area shall first consult with the Parking Manager to tentatively establish the boundaries of the area proposed for designation.

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- B. A proposal initiated by the Parking Authority and approved by resolution, following sufficient notification to affected property Owners and residents. Non-owner residents may petition the Parking Authority to initiate a proposal for a Residential Parking Permit Area; however, proposals initiated by the Parking Authority shall be terminated if property Owners representing over one-third of residences in the affected area object to the creation of the proposed Residential Parking Permit Area in writing or via a petition.

Once one of the initiation methods has been verified by the City Clerk and approved by the Parking Manager, the Parking Manager shall complete, or cause to be completed, parking occupancy surveys to determine parking demand and appropriate Residential Parking Permit regulations for the area. Parking occupancy surveys will be completed within a reasonable time unless otherwise directed by the Parking Authority. For further consideration, the parking occupancy in the proposed Residential Parking Permit Area must exceed 75% of the available parking supply. If parking occupancy is below 75% in the proposed area, the designation process will be terminated.

Within thirty (30) days of the completion of the parking occupancy survey, and if the parking survey finds parking occupancies greater than 75% of the available parking supply, the Parking Manager shall organize and provide due notice (consistent with California Government Code 65090 et seq.) of a public hearing or hearings on the subject of an ordinance to establish the proposed Residential Parking Permit. The hearing or hearings shall be conducted for the purpose of ascertaining boundaries for the proposed Residential Parking Permit Area, as well as the appropriate regulations on parking. The residential permit program for the area can only then be established by an ordinance approved by the Parking Authority.

### **Sec. 3-4.1803. Changes to Residential Parking Permit Areas**

The designation process and designation criteria set forth in Sections 3-4.1801 and 3-4.1802 shall also be used by the Parking Manager in determining whether to recommend either removing a Residential Parking Permit Area designation from a particular Residential Area or changing an existing Residential Parking Permit Area, including changes to boundaries and parking rates. However, a parking occupancy survey will not be required during the process of determining whether or not to remove a Residential Parking Permit Area designation.

### **Sec. 3-4.1804. Signage for Residential Parking Permit Areas**

Upon Parking Authority adoption of an ordinance designating a Residential Parking Permit Area, the Parking Manager shall erect appropriate signs, markings, and/or meters in the area, indicating prominently applicable parking regulations.

### **Sec. 3-4.1805. Issuance of Residential Parking Permits**

The Parking Manager shall be responsible for issuing Residential Parking Permits. Not more than one Residential Parking Permit shall be issued for any vehicle. At no time shall the total number of Residential Parking Permits issued (resident, nonresident, visitor, and temporary visitor combined) exceed the parking supply within a Residential Parking Permit Area, except as supported by findings that show that the available parking supply can meet the demand generated by the total number of Residential Parking Permits.

Parking permits may be issued for vehicles only upon application by the following persons:

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- A. A residential property Owner or resident within the Residential Parking Permit Area who owns a vehicle;
- B. A residential property Owner or resident within the Residential Parking Permit Area who has a leased or company-owned vehicle regularly parked in the area;
- C. A person who owns or leases commercial property and actively engages in business activity within a Residential Parking Permit Area;
- D. A nonresident of the Residential Parking Permit Area who pays the nonresident fee in those areas where the Parking Authority has authorized the use of Non-Resident Permits.

The Parking Manager may establish rules and regulations necessary or appropriate to carry out the purpose of this ordinance.

Each permit shall be designed to state or reflect the particular Residential Parking Permit Area, the license number of the vehicle for which it is issued, and any additional information required by the City to enforce the provisions of this ordinance. No more than one (1) parking permit shall be issued to each vehicle for which an application is made. The requirements governing the manner in which persons shall qualify for parking permits in each Residential Parking Permit Area shall be established by ordinance of the Parking Authority. The Parking Manager shall recommend appropriate requirements in each area.

The Parking Manager shall require each applicant for a Residential Parking Permit to establish proof of residency (except for approved Non-Resident Permits) and vehicle ownership, possession, or control in compliance with this ordinance. Satisfactory proof would include, but not necessarily be limited to, the following:

- E. Valid vehicle registration under the name of the applicant showing an address within the Residential Parking Permit Area;
- F. A current driver's license with the name of the applicant and showing an address within the Residential Parking Permit Area;
- G. A recent utility bill with the name of the applicant and showing an address within the Residential Parking Permit Area;
- H. A current lease or rental agreement naming the applicant, and showing an address within the Residential Parking Permit Area.

Permits may not be issued for vehicles with outstanding parking tickets that are not within appeal timeframes. Outstanding citations must be settled prior to being issued a parking permit.

### **Sec. 3-4.1806. Issuance of Visitor Parking Permits**

The Parking Manger is authorized upon application to issue Visitor Permits to residents and Owners of residential properties that are located within a Residential Parking Permit Area for use of bona fide transient visitors. Visitor parking permits shall have all the rights and privileges of a regular permit, except as limited in this ordinance. The requirements governing the manner in which persons shall qualify for Visitor Permits in each Residential Parking Permit Area shall be established by ordinance of the Parking Authority. The Parking Manager shall recommend appropriate requirements in each area.

A maximum of two visitor parking passes can be issued for each Dwelling Unit or approved commercial property.

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### **Sec. 3-4.1807. Issuance of Temporary Visitor Parking Permits**

The Parking Manager is authorized upon application to issue to residents Temporary Visitor Parking Permits for one-day special events. Temporary Visitor Parking Permits shall not be valid for more than 24 hours.

For each Residential Parking Permit Area established, the Parking Authority shall set a maximum number of Temporary Visitor Parking Permits that can be issued to any Dwelling Unit at one time and a maximum number of Temporary Visitor Parking Permits that can be issued to any single Dwelling Unit within a twelve-month period.

Residents must apply for Temporary Visitor Parking Permits at least seventy-two (72) hours prior to the event for which guest parking is needed.

### **Sec. 3-4.1808. Proper Display of Permits**

Permits shall be displayed in a manner determined by the Parking Manager, and will be dependant on the type of permits used.

### **Sec. 3-4.1809. Limitations of Residential Parking Permits**

Any vehicle displaying a valid parking permit as provided for herein shall be permitted to stand or be parked in the Residential Parking Permit Area for which the permit has been issued without being limited by parking regulations established pursuant to this ordinance. Said vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this ordinance. All other vehicles parked within a Residential Parking Permit Area shall be subject to the parking regulations adopted as provided in this ordinance, as well as the penalties provided for herein.

Notwithstanding the foregoing, upon recommendation by the Parking Manager, the Parking Authority may by resolution adopt regulations limiting the use of parking permits in a designated Residential Parking Permit Area as needed to clean streets and sidewalks, as well as to facilitate repairs to public infrastructure.

A Residential Parking Permit shall not guarantee or reserve to the holder thereof any specific on-street parking space within the designated Residential Parking Permit Area.

### **Sec. 3-4.1810. Parking Permit Duration**

Residential and visitor parking permits shall be valid for up to one calendar year, or such other period of time as designated by the Parking Manager from the date of issuance. Permits may be renewed annually, or for some other period of time as designated by the Parking Manager upon reapplication. Each reapplication for a parking permit shall be subject to the same criteria as the original application, as set forth herein.

### **Sec. 3-4.1811. Limit on Number of Residential Parking Permits to be Issued**

There shall be no more than three (3) Residential Parking Permits, including visitor parking permits, issued to any residential address within a Residential Parking Permit Area. A separate application shall be filed for each vehicle. The Parking Manager shall cause to be prepared and issued effective on or about January 1 of each year a distinctively colored sticker or other permitting device for issuance to permittees of Residential Parking Permits. Permit stickers or

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devices shall be affixed to and displayed for the vehicle for which the permit is issued as prescribed by the Parking Manager.

### **Sec. 3-4.1812. Parking Permit Fees**

The Parking Authority may establish by ordinance the fees for the issuance of residential, visitor, temporary, and non-resident parking permits and for the replacement of lost, damaged, or destroyed permits or stickers. The Parking Authority may subsequently adjust residential parking rates by resolution.

### **Sec. 3-4.1813. Use of Residential Parking Permit Fees**

All residential parking permit fees collected by the Parking Authority will be used to fund the continued management and operations of the Residential Parking Permit Area from which the fees were collected. Any funds left after covering expenses related to the continued management and operations of the Residential Parking Permit Area will be used by the Parking Authority for other approved public improvements in the area from which the fees were collected. Before approving any such public improvements, the Parking Authority shall notify all property owners and residents within the Residential Parking Permit Area and shall conduct a public hearing about the proposed improvements. The Parking Authority shall also make an annual finance report for the Residential Parking Permit Area available to all property owners and residents within the area.

### **Sec. 3-4.1814. Termination and Revocation of Parking Permits**

Permits shall terminate upon any of the following events:

- A. Upon the transfer or sale of the vehicle for which a permit has been issued.
- B. Upon the relocation of the permittee from his or her residence within a residential parking area to another residence, whether within or outside said area.
- C. Upon expiration of the calendar year for which a permit has been issued
- D. In the case of a temporary parking permit, 24 hours after it is issued.

The City is authorized to revoke the Residential Parking Permit of any person found to be in violation of this ordinance, and upon written notification thereof, the person shall surrender such permit to the City. Failure, when so requested, to surrender a Residential Parking Permit so revoked, shall constitute a misdemeanor offense.

In the event a Visitor Permit is being used in a manner which violates this ordinance, the City may cancel the permit by issuing notice to the holder of the permit. In addition to canceling any Visitor Permit used in violation of this ordinance, the City may deny any further application for a Visitor Permit by any person who has used a Visitor Permit in violation of this ordinance or any application for a Visitor Permit by any person for the residence in which such person resides as long as that person who used a Visitor Permit resides there.

In the event a resident or business owner moves out of the Residential Parking Permit Area, all assigned parking permits must be returned to the City. The failure to return a parking permit to the City within ten days after moving out of the Residential Parking Permit Area shall constitute the use of a revoked parking permit and cause a violation of this ordinance.

## **City of Hercules Amendments to Parking Regulations**

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Any person aggrieved by such a determination made by the City shall have the right to appeal to the Parking Authority within ten (10) days of such determination.

### **Sec. 3-4.1815. Applicability to Municipal Vehicles**

The provisions of this ordinance shall not be construed to prohibit the stopping, standing, or parking of municipal service vehicles in Residential Parking Permit Areas, while such vehicles are being used to provide City services.

### **Sec. 3-4.1816. Posting of Residential Parking Benefit District**

Upon the adoption of an ordinance by the Parking Authority designating a Residential Parking Permit Area, the Parking Manager shall order appropriate signs to be erected in such area, indicating prominently thereon the time limitation and the day(s) and hours during which parking shall be restricted.

### **Sec. 3-4.1817. Parking Permit Violations**

The following are misdemeanor violations of this ordinance:

- A. Unless expressly provided to the contrary herein, for any person to park a vehicle on a street in a Residential Parking Permit Area beyond the parking time limit, posted by signs giving notice thereof and erected pursuant to this ordinance, without a valid Residential, Visitor, or Temporary Visitor Parking Permit, issued by the Parking Authority and properly affixed to such vehicle.
- B. For any person to park a vehicle within a Residential Parking Permit Area with a residential parking permit affixed to such vehicle evidencing that such permit has expired or which has been terminated or is not valid for the area in which such vehicle has been parked beyond the parking time limit posted by signs giving notice thereof and erected pursuant to this ordinance.
- C. For any person to falsely represent himself or herself as eligible for a Residential Parking Permit or a temporary permit or to furnish false information in an application for any such permits.
- D. To use, or allow to be used, a Visitor Permit for commuter parking. Use of a Visitor Permit for commuter parking shall mean the use of a Visitor Permit for the purpose of parking to go to one's place of employment, educational institution, or transit facility. Use of a Visitor Permit for commuter parking shall constitute a violation of this ordinance both by the person to whom the Visitor Permit was issued and by the registered Owner of the vehicle upon which the Visitor Permit is displayed.
- E. To use or display, or permit the use or display of, a Residential Parking Permit or a temporary permit pertaining thereto on a vehicle other than that vehicle for which such permit was issued. Such conduct shall constitute a violation of the ordinance both by the person holding the valid parking permit and the person who so uses or displays the permit on a vehicle other than that for which it is issued.
- F. To copy, produce, alter, or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a Residential Parking Permit Area. It is also a violation to sell, transfer, exchange, or assign any residential, visitor, or temporary permit.

## **City of Hercules Amendments to Parking Regulations**

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- G. To use, or allow to be used, a parking permit that has been revoked by the City.
- H. To use, or allow to be used, a parking permit that has been reported lost or stolen. Permits that have been lost or stolen must be reported to the City within ten days of the loss or theft.

All unauthorized or invalid parking permits must be surrendered to the City.

### **Sec. 3-4.1818. Parking Permit Exemptions**

- A. Any vehicle on which is displayed a valid Residential Parking Permit or temporary permit pertaining thereto as provided for herein may be parked on a street in the Residential Parking Permit Area pertaining thereto without limitation of the time restrictions established by the Parking Authority. Such parking permit shall not guarantee or reserve the holder thereof an on-street parking space on a street in such Residential Parking Permit Area.
- B. This Ordinance does not apply to ambulances, fire department vehicles, police vehicles, public utility vehicles, or other official or emergency vehicles (as identified by an official seal, logo, plate, or other such device) parked for the purpose of emergency service or official business.
- C. Additional exemptions, including days of the week, holidays, and/or times, may be adopted for each Residential Parking Permit Area in the process of establishing or changing those areas, as provided in Sections 3-4.1802 and 3-4.1803.

### **Sec. 3-4.1819. Modifications of Regulations**

On-street parking regulations within a Residential Parking Permit Area may be changed by resolution of the Parking Authority based on recommendation by the Parking Manager.

*Amend Title 3 (Public Safety), Chapter 4 (Traffic), Article 1 (Definitions) by adding the following definitions (whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply):*

**Sec. 3-4.110. DWELLING UNIT:** A house, apartment, townhouse, condominium, or other residence with an assigned address as used by the U.S. Postal Service or as listed in a city directory.

**Sec. 3-4.111. NON-RESIDENT PERMIT:** A permit issued by the Parking Authority for use on a Non-Resident Vehicle in those Residential Parking Permit Areas where the Parking Authority has, by resolution, authorized the use of such permits.

**Sec. 3-4.112. NON-RESIDENT VEHICLE:** A vehicle parked in a Residential Parking Permit Area which is not owned, leased, or otherwise controlled by a person who resides in the area.

**Sec. 3-4.113. OPERATOR:** Every individual who operates a vehicle as the Owner thereof or as the agent, employee, licensee, or permittee of the Owner.

**Sec. 3-4.114. OWNER:** A person who has an ownership interest in a parcel of real property within a Residential Parking Permit Area as designated by the Parking Authority.

**Sec. 3-4.115. PARKING FACILITIES:** Parking lots, garages, public transportation terminal facilities, and other facilities related thereto.

**Sec. 3-4.116. PARKING MANAGER:** The person designated by the Parking Authority to oversee and manage the Parking Authority and Parking Zones, including monitoring the

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occupancy of parking areas and adjusting rates according to the provisions of Section Sec. 3-4.170.

**Sec. 3-4.117. PARKING PERMIT:** A permit, sticker, device, or system issued by the Parking Authority for use with vehicles where the Parking Authority has, by resolution, authorized the use of such permits.

**Sec. 3-4.118. PARKING METER:** Any device or system which accepts and records payment for the use of parking spaces as described in this Ordinance.

**Sec. 3-4.119. RESIDENT:** A person who lives in a Residential Parking Permit Area more than 1000 hours per year, either as a tenant or Owner.

**Sec. 3-4.120. RESIDENTIAL AREA:** A contiguous or nearly contiguous area where residents dwell and which contains public streets and highways.

**Sec. 3-4.121. RESIDENTIAL PARKING PERMIT:** A permit, sticker, or device issued by the Parking Authority for use on a Resident Vehicle while parked in a Residential Parking Permit Area.

**Sec. 3-4.122. RESIDENTIAL PERMIT PARKING AREA:** A Residential Area as designated by the Parking Authority in which vehicles displaying a valid permit ) shall be exempt from parking regulations established pursuant to this ordinance.

**Sec. 3-4.123. RESIDENT VEHICLE:** A vehicle owned, leased, or otherwise controlled by a resident.

**Sec. 3-4.124. TEMPORARY VISITOR PARKING PERMIT:** A temporary parking permit, valid for a maximum of twenty-four (24) hours, issued to vehicles of people visiting a residence or commercial area located in the Residential Parking Permit Area]for a special event of less than one day.

**Sec. 3-4.125. VISITOR PERMIT:** A permit, sticker, or device issued by the Parking Authority for use on a Visitor Vehicle while parked in a Residential Parking Permit Area.

**Sec. 3-4.126. VISITOR VEHICLE:** A vehicle owned, leased, or otherwise controlled by a person visiting a residence or commercial area located in the Residential Parking Permit Area.

**Sec. 3-4.127. VISITOR:** A person visiting a residence or commercial area located in a Residential Parking Permit Area.

## Amendment 2: Revise Time-Limit Parking

### Sec. 3-4.1101. Time-Limit Parking

The Parking Authority by resolution may establish time-limit parking zones. The Parking Manager shall place and maintain appropriate signs or curb markings to designate time-limit parking zones, and when such signs or curb markings are in place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle in excess of the time designated. . Unless otherwise specifically provided, time limit parking shall be in effect between the hours of 8:00 a.m. and 6:00 p.m. on all days except Sundays and holidays.

### Sec. 3-4.1202. Curb Markings

- (a) The Director of Public Works is hereby authorized, subject to the provisions and limitations of this section, to place, and when required herein shall place, the following curb markings to indicate the regulations of this article, and such curb markings shall have the meanings as set forth in this section:
- (1) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
  - (2) Yellow shall mean no stopping, standing or parking at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials provided that the loading or unloading of passengers shall not consume more than five (5) minutes nor the loading or unloading of materials more than twenty (20) minutes.
  - (3) White shall mean no stopping, standing or parking for any purpose other than loading or unloading passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed five (5) minutes, and such restrictions shall apply between the hours of 7:00 a.m. and 6:00 p.m. of any day except Sundays and holidays and except as follows:
    - A. When such zone is in front of a hotel or in front of a mail box the restrictions shall apply at all times.
    - B. When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.
  - (4) Green shall mean no stopping, standing, or parking for any purpose longer than the time limit designated and posted.
  - (45) When the Director of Public Works has caused such curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

## Amendment 3: Revise Parking Rules within Zoning Ordinance

Chapter 28 of the Hercules Zoning Ordinance, Regulating Code for the Central Hercules Plan Section K, "Parking," restate and amend Item 1 in its entirety as follows:

### "1. Parking Requirements

Parking requirements within the Central Hercules District must conform to the standards outlined in Chapter 32 of the Hercules Zoning Code."

Chapter 28, Central Hercules Plan Regulating Code, Section K, "Parking," delete Item 2 in its entirety.

### ~~2. On-Street Parking~~

~~The selection of diagonal or parallel parking along any section of road shall be determined in consultation with the Public Works Director. In the event that CDPS staff approves diagonal instead of parallel parking, dimensions should be adjusted in Chapter II.~~

### **32.100 Purpose**

The purposes of this chapter are to:

1. Provide safely accessible, aesthetically attractive, well landscaped, screened and maintained off-street parking facilities.
2. Alleviate or prevent traffic congestion and shortage of curb spaces, off-street parking and loading facilities for new land uses and major alterations and enlargements of existing land uses.
3. Provide for adequate off-street parking and loading area design to assure their usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from their impact.

### **32.200 Applicability**

All new uses, new structures, and major alterations or expansions of existing uses and structures shall provide off-street parking and loading facilities as per Table 32-1 and Table 32-2 of this chapter. No certificate of occupancy shall be issued until the parking facilities required in this chapter are provided. A use permit may be revoked if, at any time, adequate parking facilities are not provided and available for use as required.

1. No existing use of land or structure shall be considered a non-conforming use or a non-conforming structure solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this chapter, provided that facilities being used for off-street parking and off-street loading shall not be reduced in capacity to less than the number of spaces or berths required or reduced in area to less than the minimum standards.
2. No off-street parking facility or off-street loading facility provided for a use of land or structure shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this Article.

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3. Off-street parking facilities and off-street loading facilities shall be provided for a major alteration or enlargement of a site or structure which would increase the number of parking spaces required by 10% or more over existing levels of use or supply. The number of parking spaces or loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement, unless the preexisting number is greater than the number required, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement.
4. Off-street parking spaces or off-street loading berths provided for a use of land or a structure shall not be used to provide for required off-street parking spaces or off-street loading berths for another use or a structure on another site, except as allowed herein by approved shared parking solutions or by an easement or joint use agreement recorded in the office of the County Recorder designating the off-street parking facility or the off-street loading facility with legal descriptions of both sites, and certifying that the off-street parking facility or the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the Parking Authority. No certificate of occupancy shall be issued until a certified copy of the recorded easement or joint use agreement has been filed with the Building Official.

Upon submission of satisfactory evidence that other off-street parking facilities or off-street loading facilities have been provided in compliance with the requirements of this Article or that the use has ceased or the structure has been removed or altered so as no longer to require the off-street parking facility or the off-street loading facility, the Parking Authority may by resolution remove the restriction.

### **32.300 Parking Standards**

#### **1. Parking Spaces Required**

The minimum number of parking spaces that shall be provided for a development or use is set forth below in Table 32-1. If a use is not specified in Table 32-1 below, the same number of off-street parking spaces shall be provided as are required for the most similar specified use. For mixed-use developments, minimum parking requirements shall be the sum total of the requirements for each use in the building unless a shared parking solution is approved as set forth herein. The Planning Commission or Parking Authority may require a greater number of parking spaces than the minimum specified below in Table 32-1 in order to accommodate the parking demands of specific projects and uses.

For a use which operates on 2 or more shifts and the number of required off-street parking spaces is determined by the number of employees, the required off-street parking spaces shall be based upon the number of employees on the largest shift.

#### **2. Calculation of Parking Spaces**

The number of parking spaces required is calculated by determining the total size of the facility (such as dwelling units, seats, employees or 1,000 square feet of floor area, etc.) and multiplying this number by the number of spaces required per unit as shown in Table 32-1. If a fractional number of parking spaces result, one parking space shall be provided for a fraction of 1/2 space or more. No parking space shall be required for a fraction of less than 1/2 space.

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If more than one use is located on a site or within a building, the number of parking spaces provided shall be equal to the sum of the requirements prescribed in this Table 32-1 for each use. However, if the development is a shopping center then all uses that share common walls or roofs will be calculated on a shopping center use basis. If there are separate pads with free standing buildings, their parking requirements shall be calculated as individual uses and added to the other shopping center parking requirements.

### 3. Maximum Parking Allowed

The maximum amount of parking provided cannot exceed 125% of the minimum parking requirement without Planning Commission approval. Developments desiring to provide additional general public parking spaces, in addition to required parking, may provide more than 125% of the minimum parking requirement with Planning Commission approval.

### 4. Shared Parking Solutions

Shared parking solutions are encouraged for new facilities. Required parking minimums can be reduced with a shared parking solution approved by the Planning Manager. A qualified parking or traffic consultant shall provide to the Parking Authority a parking analysis justifying the proposed parking solution, including any necessary parking management strategies needed to support the solution. In permitting the shared parking solution, the Parking Manager shall find that the reduced parking requirement conforms with the latest version of the Urban Land Institute Shared Parking Model, using parking ratios defined herein when they differ from standard Urban Land Institute ratios.

Off-street parking facilities requirements may be provided by the permanent allocation of the prescribed number of spaces for each use in a common parking facility as long as the total number of spaces provided shall not be less than the sum of the individual requirements, except as allowed by an approved shared parking solution as provided for herein. An executed and recorded copy of an agreement or joint use easement for the joint use of a common parking facility shall be filed with the application for a certificate of occupancy.

Surplus parking at existing facilities may be offered, sold, leased, or otherwise provided for offsite uses provided that a shared parking solution (as described above) is approved by the Planning Manager. Property owners wishing to take advantage of shared parking solutions shall obtain an administrative use permit and, if selling or leasing the surplus spaces, a valid business license.

### 5. Use of On-Street Parking

Available on-street parking immediately surrounding a development may be used to reduce on-site parking requirements with Planning Commission approval. On-street parking that can be used is generally limited to immediately adjacent block faces. On-street parking spaces located directly across the street from a development may be counted toward required parking if the parking abuts property that is not developable because of physical constraints.

An on-street parking inventory and occupancy survey shall determine the number of available on-street parking spaces that can be used to reduce minimum parking

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requirements. Using on-street parking to reduce on-site parking requirements may require applicants pay the Parking Authority an in-lieu fee, as set and approved by the Parking Authority.

### 6. Additional Opportunities to Reduce Parking Requirements

Parking requirements for a development can be reduced through demonstrated parking demand reductions achieved through any one or combination of the following methods (but not limited to):

- A. Site-specific parking demand studies that show additional parking requirement reductions are warranted;
- B. Shared use of nearby underutilized private parking spaces (within 800 ft of the development, unless otherwise approved by the Parking Manager);
- C. Use of available nearby public parking spaces (within 800 ft of the development, unless otherwise approved by the Parking Manager);
- D. Proximity of mass transit stops/stations to the land use;
- E. Car sharing programs;
- F. Bicycle parking/storage;
- G. Transportation Demand Management programs (e.g., telecommuting, carpool programs, transit passes, bicycling incentive programs);
- H. Secured use of off-site parking facilities.

An applicant desiring to reduce parking requirements through one of these methods must provide a site-specific parking study, performed by a qualified parking or traffic consultant, justifying the requested parking requirement reductions.

The use of underutilized private parking facilities to reduce on-site parking requirements must include a binding shared parking agreement. This agreement must ensure any shared parking provided to the applicant is provided for the anticipated duration of the applicant's land use. The applicant must agree to provide the required parking, or pay the appropriate in-lieu fee, if the shared parking spaces are no longer available due to any change in conditions.

### 7. Parking In-Lieu Fees

To encourage the construction of shared parking facilities, the Parking Authority shall have the discretion of determining whether developments have the option of paying an in-lieu fee instead of providing the parking required by code for non-residential land uses. The in-lieu fee program is only available to projects within an established parking zone; all parking in-lieu fees collected for a project would be placed within its parking zone's fund. The Planning Commission shall determine the amount of required parking spaces that can be provided by paying the in-lieu fee. The Parking Authority will maintain a record of all properties that have met their parking requirements by paying the

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appropriate in-lieu fee. Payment of the in-lieu fee shall not require that parking spaces be constructed for the sole use of, or in the immediate vicinity of, the development paying the fee.

Fees for all applicants participating in the in-lieu fee program shall be paid to the Parking Authority prior to planning approval. Collected fees will be placed into a parking fund reserved for the following uses:

- I. Purchasing land for future parking facilities;
- J. Constructing future parking facilities;
- K. Maintaining parking facilities created using funds from collected in-lieu fees;
- L. Funding other parking and transportation initiatives to improve parking within a Parking Zone as designated by the Parking Authority.

The fee amount will be set by the Parking Authority. The fee will reflect the estimated annualized capital and operating costs to provide the required parking. The fee will be revised annually by the Parking Authority to account for inflation, but will not exceed the estimated cost to provide the parking spaces necessary to serve the anticipated land uses.

The program may be suspended by the Parking Authority if it is determined that the Parking Authority is not able to find or develop adequate alternative parking facilities to fulfill the goals of this program. All in-lieu fees collected at the time the program is discontinued would remain with the district zone account(s) for which they were originally collected.

### 8. Valet Parking

The Parking Authority shall have the discretion of determining whether developments may be allowed to incorporate valet parking into a site's parking management plan to improve the efficiency of parking facilities. The implementation of valet parking would permit the use of tandem parking spaces (configuration where one space blocks another), as long as the tandem parking spaces are designated for valet use only. The applicant must prepare a valet parking plan for approval by the Parking Manager. The applicant must also provide sufficient evidence that adequate liability insurance for valet operations has been acquired, and that the insurance will remain in effect while valet parking services are provided.

### 9. Handicapped Spaces

Accessible parking spaces for the disabled shall be provided as follows:

- A. The minimum number of accessible parking spaces required is based on the number of parking spaces provided in each individual parking facility (not the total sum of all parking provided). Parking spaces used exclusively for buses, trucks, delivery vehicles, law enforcement vehicles, or vehicular impound storage shall not be included in determining accessible parking space requirements.

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- B. Accessible parking spaces shall be provided as part of the required off-street parking spaces according to the standards set forth in Table 32-2 below [except as required in Items N(1),( 2), and (3) below]:
- (1) Ten percent of patient and visitor parking spaces provided to serve hospital outpatient facilities shall be accessible. Hospital outpatient facilities do not include doctors' offices, independent clinics, or other facilities not located in a hospital.
  - (2) Twenty percent of patient and visitor parking spaces provided to serve rehabilitation facilities specializing in treating conditions that affect mobility and outpatient physical therapy facilities shall be accessible.
  - (3) Two percent of parking spaces provided for multi-family residential land uses shall be accessible.
  - (4) For every six accessible parking spaces, or fraction of accessible spaces, at least one shall be van accessible.
- C. Accessible parking spaces that serve a particular building or facility shall be located on the shortest accessible route from parking to an Americans with Disabilities Act (ADA)-compliant entrance. Where parking serves more than one accessible entrance, accessible parking spaces shall be dispersed and located on the shortest accessible route to accessible entrances. In parking facilities that do not serve a particular building or facility, accessible parking spaces shall be located on the shortest accessible route to an accessible pedestrian entrance of the parking facility. Van accessible parking spaces shall be permitted to be grouped on one level within a multi-story parking facility.
- D. Accessible parking spaces shall be permitted to be located in different parking facilities if equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances, parking fee, and user convenience.
- E. In multi-family residential facilities containing residential dwelling units providing specially designed ADA accessible units, accessible parking spaces shall be located on the shortest accessible route to the residential dwelling unit entrance they serve. Parking spaces provided for general residential parking in multi-family developments shall be dispersed throughout all types of parking provided for the residential dwelling units.
- F. Accessible parking spaces in multi-family residential developments shall not be required to be dispersed throughout all types of parking if equivalent or greater accessibility is provided in terms of distance from an accessible entrance, parking fee, and user convenience.
- G. Accessible parking spaces must adhere to the following design standards:
- (1) Car parking spaces shall be 8-feet-wide minimum and van parking spaces shall be 11-feet-wide minimum, shall be marked to define the width, and shall have an adjacent access aisle with a minimum width of 5 feet. Van parking spaces shall be permitted to be 8 feet wide minimum where an adjacent access aisle of 8 feet

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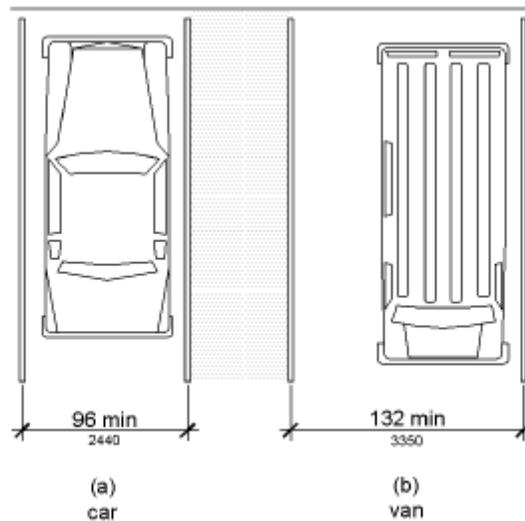
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wide minimum is provided. Parking space length shall be 18 feet. Two parking spaces shall be permitted to share a common access aisle.

Parking spaces for vans and access aisles, and vehicular routes serving them, shall provide a minimum vertical clearance of 8 feet and 2 inches.

Minimum space dimensions are illustrated in the following figure:

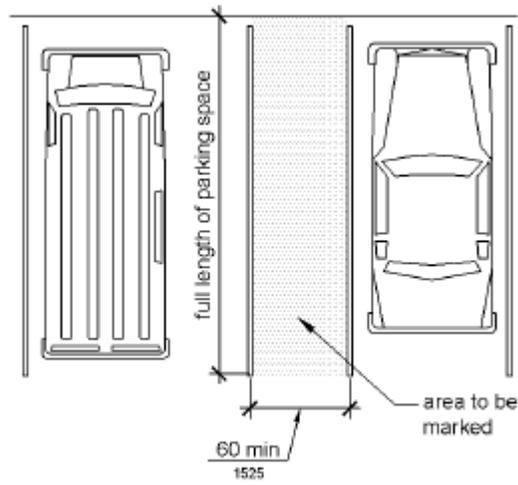
**Figure 32-1**  
**ACCESSIBLE PARKING DIMENSIONS**



- (2) Where parking spaces are marked with lines, width measurements of parking spaces and access aisles shall be made from the centerline of the markings. Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.
- (3) Access aisles shall adjoin an accessible route. Accessible routes must connect parking spaces to accessible entrances. In parking facilities where the accessible route must cross vehicular traffic lanes, marked crossings shall be provided. Access aisles shall be at the same level as the parking spaces they serve, and changes in level with slopes steeper than 1:48 are not permitted.

Access aisles shall extend the full length of the parking spaces they serve, and shall be marked so as to discourage parking in them. Minimum access aisle dimensions are illustrated in the following figure:

**Figure 32-2**  
**ACCESSIBLE AISLE DIMENSIONS**



- (4) Access aisles shall be permitted on either side of a parking space, except for angled van parking spaces which shall have access aisles located on the passenger side of the parking spaces.
- (5) Parking spaces and access aisles shall be designed so that cars and vans, when parked, cannot obstruct the required clear width of adjacent accessible routes.
- (6) Accessible parking space identification signs shall include the International Symbol of Accessibility complying with all applicable City codes. Signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be 5 feet minimum above the finish floor or ground surface measured to the bottom of the sign."

7. Parking Space and Parking Lot Design Standards

Off-street parking facilities provided in compliance with this ordinance shall meet the following standards:

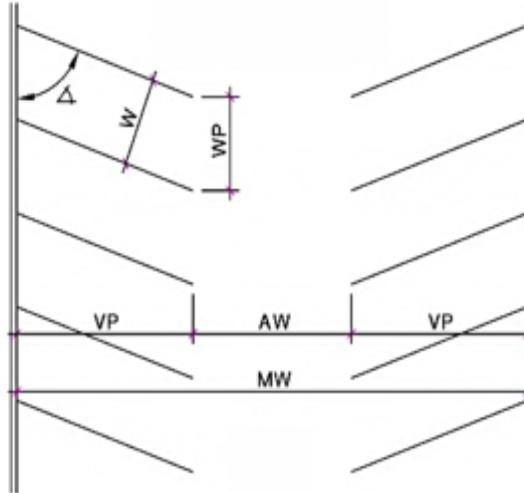
- A. Each standard parking space shall be not less than 18 feet in length and 9 feet in width, exclusive of aisles and access drives. Angled parking spaces and drive aisles shall comply with the dimensions set forth in Table 32-3. Aisle widths noted Table 32-3 assume two-way traffic flow for 90 degree parking and one-way traffic flow for angled parking between 45 and 75 degrees. For two-way traffic flow and angled parking, a minimum 20-foot-wide aisle is required.

- (1) The minimum length of a parking space may include a maximum overhang into adjoining landscaping of 18 inches;
- (42) Where a fence, wall or supports for a carport adjoin the length of a parking space, the width of that space shall be increased by 2 feet in addition to the width required by this section.

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- (3) Parallel parking spaces shall be a minimum of 22 feet in length and 8 feet in width, with a minimum drive aisle of 10 feet for one-way traffic and 20-feet for two-way traffic.

**Figure 32-2  
DEPICTION OF PARKING LOT DIMENSIONS**



**Table 32-3  
PARKING SPACE AND AISLE DIMENSIONS**

Parking Angle	Stall Width Projection (WP)	Module Width (MW)	Vehicle Projection (VP)	Aisle Width (AW)
45°	12' 9"	48' 0"	17' 8"	12' 9"
50°	11' 9"	49' 9"	18' 3"	13' 3"
55°	11' 0"	51' 0"	18' 8"	13' 8"
60°	10' 5"	52' 6"	19' 0"	14' 6"
65°	9' 11"	53' 9"	19' 2"	15' 5"
70°	9' 7"	55' 0"	19' 3"	16' 6"
75°	9' 4"	56' 0"	19' 1"	17' 10"
90°	9' 0"	60' 0"	18' 0"	20' 0"

- B. The minimum parking space design standards for parking structures, either above ground or below ground, shall be as required for surface parking as specified in this ordinance, except that additional minimum dimensions may be required to address specific circulation conditions or structural impediments created by the parking structure.

The clearance heights of overhead obstructions shall be clearly marked. Required height clearances are 8 feet and 2 inches for the first level of parking

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and 7 feet and 2 inches for all other parking levels.

Parking structure ramps that include parking spaces shall not exceed a slope of 6.0%. Parking structure ramps that do not include parking spaces shall not exceed a slope of 12%. Parking structure ramps with slopes greater than 10% must provide two 10-foot long transitional ramps, one at the bottom of the ramp and one at the top, of one-half the slope of the ramp.

- C. Aisles and access drives for access, turning and maneuvering of vehicles at public and private parking areas shall be provided in conformance with the following standards:
- (1) Access drives providing for vehicular traffic in one direction and access drives to parking facilities for single-family dwellings shall have a width of not less than 10 feet, except as may be required by the Rodeo Fire Protection District for emergency access;
  - (2) Access drives provided for vehicular traffic in 2 directions shall have a width of not less than 20 feet;
  - (3) A one-way access drive providing access to 10 or more parking spaces shall have a width of not less than 20 feet;
  - (4) Aisles providing access to parking shall conform to the standard set forth in Table 32-3.
  - (5) Aisles providing access to parking angles other than those specified in this Chapter shall have such dimensions as may be prescribed by the Planning Commission.
- D. No off-street parking area shall be designed or laid out so as to require the operator of a vehicle to drive upon any portion of a street in order to drive or maneuver from one aisle of the off-street parking area to another aisle.
- E. Each parking space shall be accessible from a street or alley.
- F. Entrances and exits shall be provided at locations approved by the City Engineer.
- G. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water. Pavement shall conform with either of the following minimum standards:
- (1) Asphalt paving: 2 inches of asphalted concrete on 4 inches of aggregate base material or equal as determined by the City Engineer.
  - (2) Concrete paving: 4 inches of Portland Cement Concrete on 3 inches of aggregate base material or equal as determined by the City Engineer.
- H Bumper rails or curbs shall be provided where needed for safety or to protect property.
- I. Parking facility lighting shall be sufficient to help avoid vehicle accidents, provide visibility of pedestrian hazards, deter criminal activity, and meet parking industry lighting standards. Parking facility lighting shall meet the minimum maintained illuminance

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values for the type of parking provided as defined by the Illuminating Engineering Society of North America. To reduce the amount of light scatter, fixtures that direct light downward onto the parking lot (such as cutoff luminaire) are required.

- J. No access drive shall be located closer than 2 feet to any property line and no access drive or parking area shall be located closer than 3 feet to any wall of a main structure, except in a commercial or industrial district where no access drive or parking area shall be located closer than 5 feet to any property line which adjoins a residential district nor closer than 5 feet to any property line which adjoins a street.
- K. Parking in setback areas shall not be located in a required front yard, in a required side yard adjoining a street on a corner site, or in a required rear yard on a double frontage lot. Parking areas, including parking spaces located in a carport, which are located in a front yard, in a side yard adjoining a street on a corner site, or in a rear yard on a double frontage lot shall be screened from view from public rights-of-way by a wall, hedge or fence not less than 4 feet in height. The Parking Manager may determine on a case-by-case basis that tandem parking is not feasible and therefore not permissible. That determination may be based upon specific site or regional topographical conditions, or on fire and life safety conditions, or on evidence that tandem parking is not permitted in existing residential subdivisions elsewhere in the City.
- L. No repair work or servicing of vehicles shall be conducted on a parking area.
- M. Off-street parking spaces located in a garage or carport shall comply with the following standards:
  - (1) A parking space located in a single garage or carport shall be not less than 20 feet in length and 10 feet in width:
  - (2) Parking space located in a garage or carport for more than one car shall be not less than 20 feet in length and shall have a minimum width of 10 feet for the first space and 9 feet for each additional space.
- N. Off-street parking facilities shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required, except as permitted by an approved shared parking solution.
- O. The pavement of an off-street parking facility shall be striped with paint or otherwise marked to delineate the boundaries of each area intended to be used as a parking space.
- P. In addition to minimum vehicle parking requirements, a minimum number of bicycle parking spaces (racks/lockers) must be provided to encourage the use of bicycles. The minimum number of bicycle spaces per land use is set at 10% of the required amount of vehicle parking spaces, or 20 bicycle spaces, whichever is less. This amount may be adjusted based on available public bicycle parking spaces with the approval of the Parking Manager.
- Q. Parking signs shall conform to the standards of the Manual on Uniform Traffic Control Devices (MUTCD).



## City of Hercules Amendments to Parking Regulations

**Table 32-1  
OFF-STREET PARKING AND LOADING REQUIREMENTS**

USE	PARKING SPACES	LOADING SPACES	COMMENT - PARKING
<b>Residential</b>			
Studio unit	1.0 per unit		
1-Bedroom unit	1.5 per unit		
2-Bedrooms or more	2.0 per unit		
Guest parking	0.15 per unit		
Second residential unit	1.0 per unit	None	
Senior housing	0.5 per unit + 1.0 per employee	1.0 per additional 100 units	2 tandem spaces allowed
<b>Commercial Lodging</b>			
Hotel/motel	1.2 per guest room	1.0 after 5,000 sf GFA + 1.0 per additional 200,000 sf GFA	1.5 per room if restaurant part of hotel/motel
Lodge/club	1.0 per guest room or 1.0 per 2 beds	1.0 after 5,000 sf GFA + 1.0 per additional 200,000 sf GFA	Whichever amount is more shall be provided
<b>Public/Quasi Public</b>			
Transit centers/facilities	The parking requirement for transit centers will be based on the Urban Land Institute's shared parking model, using transit user data and estimates from transit providers. The parking accumulations for each individual land use on a projected weekday and weekend day (from 6:00 a.m. to 12:00 a.m.) will be calculated to determine the overall peak parking demand. The shared parking study must be performed by a qualified parking or traffic consultant. The parking requirement for transit facilities will equal the shared parking calculation, plus an additional 10% for effective supply.		
Public, government and utility offices and buildings	1.0 per employee	1.0 after 5,000 sf GFA + 1.0 per additional 200,000 sf GFA	Additional spaces provided for visitors as Commission requires
Parks, playgrounds & public recreation facilities	1.0 per employee		Additional spaces provided for visitors as Commission requires
General public assembly	0.25 per seat	1.0 after 5,000 sf GFA	According to permitted occupancy
Church	0.5 per seat	1.0 after 5,000 sf GFA	According to permitted occupancy
Libraries, museums & art galleries	1.0 per employee	1.0 after 5,000 sf GFA	Additional spaces provided for visitors as Commission requires
Day care center	1.0 per employee + 0.1 per student	None	
Elementary and middle schools	1.0 per employee	1.0 per 100,000 sf GFA	Additional spaces provided for visitors as Commission requires

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USE	PARKING SPACES	LOADING SPACES	COMMENT - PARKING
High School	1.0 per employee + 0.25 per student of driving age	1.0 per 100,000 sf GFA	Additional spaces provided for visitors as Commission requires
Colleges & instructional schools	1.0 per employee + 0.6 per student	1.0 per 100,000 sf GFA	Employees for schools include teachers, administrators, and all other personnel
<b>Medical treatment</b>			
Hospitals	2.0 per bed	1.0 per 100,000 sf GFA + 1.0 per additional 200,000 sf GFA	Or 0.4/employee + 0.33/bed+ 0.2/outpatient treatment +0.25/physician, whichever requires more
Convalescent/nursing care	0.3 per bed	1.0 per facility	
Medical and dental offices	5.0 per 1,000 sq ft	1.0 after 5,000 sf GFA	Except area used for storage only
<b>Business Offices</b>			
General & professional offices	3.0 per 1,000 sq ft	1.0 after 5,000 sf GFA & 1.0 per additional 200,000 sf GFA	Includes insurance, finance, real estate, lawyer, engineer, accountant, and other professional services
<b>Commercial</b>			
Banks	5.0 per 1,000 sf GFA	1.0 per facility	Not in a shopping center
Convenience retail	4.0 per 1,000 sf GFA	1.0 per 50,000 sf GFA	Not in a shopping center
Retail stores/sales	3.0 per 1,000 sf GFA	1.0 required after 5,000 sf GFA	Not in a shopping center
Services and repair	2.5 per 1,000 sf GFA	1.0 required after 5,000 sf GFA	Not in a shopping center
Wholesale & large hard goods stores/sales	2.5 per 1,000 sf GFA	1.0 per 50,000 sf GFA & 1.0 per additional 100,000 sf GFA	Not in a shopping center
Live-Work or Mixed-Use	Refer to Section 32.300 (4) for Shared Parking Solutions		Mixed-use is defined as any project with any combination of commercial, business, residential, industrial, medical, public/quasi-public, or other uses
Shopping centers	The parking requirement for shopping centers will be based on the Urban Land Institute's shared parking model, using parking ratios defined in this Ordinance when they differ from standard Urban Land Institute ratios. The parking accumulations for each individual land use on a projected weekday and weekend day (from 6:00 a.m. to 12:00 a.m.) will be calculated to determine the overall peak parking demand. The shared parking study must be performed by a qualified parking or traffic consultant. The parking requirement for shopping centers will equal the shared parking calculation, plus an additional 10% for effective supply.		

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USE	PARKING SPACES	LOADING SPACES	COMMENT - PARKING
Fitness center/gym	7.0 per 1,000 sf GFA	1.0 per facility	Additional spaces provided as Commission requires
Theaters	0.33 per seat	1.0 per facility	According to permitted occupancy
Restaurants			
Regional/national	18.0 per 1,000 sf GLA	1.0 per facility	
Local/family	12.0 per 1,000 sf GLA		
Fast food	15.0 per 1,000 sf GLA		
Storage areas for	1.0 per 1,000 sf GFA	As per main use	Area within a commercial commercial uses use designated for storage only
<b>Industrial</b>			
General Industrial	1.5 per 1,000 sf GFA	2.0 per 50,000 sf GFA & 1.0 per additional 100,000 sf GFA	Additional spaces provided as Commission requires
Industrial park/R&D	2.0 per 1,000 sf GFA	2.0 per 50,000 sf GFA & 1.0 per additional 100,000 sf GFA	Additional spaces provided as Commission requires
<b>Other uses</b>			
Mortuary	0.25 per seat	1.0 per 5,000 sf GFA	According to permitted occupancy
Unspecified	1.0 per employee	As per Commission	Additional spaces provided as Commission requires

**Table 32-2  
HANDICAPPED PARKING REQUIREMENTS**

<u>Total Number of Parking Spaces Provided in Parking Facility</u>	<u>Minimum Number of Required Accessible Parking Spaces</u>
<u>1 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1,000</u>	<u>2 percent of total</u>
<u>1,001 and over</u>	<u>20, plus 1 for each 100, or fraction thereof, over 1,000</u>

### 32.400 Loading Standards

#### 1. Loading Spaces Required

The minimum number of loading spaces that shall be provided for a development or use is set forth in Table 32.1. If a use is not specified in Table 32.1, the same number of loading spaces shall be provided as are required for the most similar specified use. Required loading spaces for medical facilities are in addition to any ambulance spaces that are to be provided. Off-street loading berths in addition to those prescribed in this section shall be

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provided if the Planning Commission finds that such additional berths are necessary to assure that trucks will not be loaded, unloaded or stored on public streets. A finding of the Planning Commission shall be based on an investigation of the anticipated frequency of truck pick-ups and deliveries, and of the truck storage requirements of the use.

### 2. Calculation of Loading Spaces

The number of loading spaces required is calculated by dividing the total amount of a use unit in terms of the noted of measure, by the amount required for each parking space. If a fractional number of parking spaces is required, one loading space shall be provided for a fraction of 1/2 space or more, and no loading space shall be required for a fraction of less than 1/2 space. If more than one use is located on a site or within a building, the number of loading spaces provided shall be equal to the sum of the requirements prescribed in this Section for each use.

### 3. Loading Space Design Standards

Off-street loading facilities provided in compliance with subsection 1 above shall meet the following standards:

- A. Each loading berth shall be not less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet except that for mortuaries, cemeteries, columbariums and crematories, a loading berth used exclusively for hearses shall be not less than 24 feet in length and 10 feet in width and shall have an overhead clearance of not less than 8 feet.
- B. Sufficient room for turning and maneuvering vehicles shall be provided on the site so it is not necessary for any vehicle to back onto the site from a public street.
- C. Each loading berth shall be accessible from a street or alley.
- D. Entrances and exits shall be provided at locations approved by the City Engineer.
- E. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water. Pavement shall conform with either of the following minimum standards:
  - (1) Asphalt paving: 2 inches of asphaltic concrete on 4 inches of aggregate base material or equal as determined by the City Engineer.
  - (2) Concrete paving: 4 inches of Portland Cement concrete on 3 inches of aggregate base material or equal as determined by the City Engineer.
- F. Bumper rails or curbs shall be provided where needed for safety or to protect property.
- G. If the loading area is illuminated lighting shall be deflected away from abutting streets and residential sites so as to cause no dangerous or annoying glare.
- H. A loading area shall not be located in a required front side or rear yard in any district. A loading area located outside of a building shall be screened from public view by a solid

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wall or fence, a vine-covered chain-link fence with slats or a compact evergreen hedge, (with solid gates where necessary), not less than 6 feet in height.

- I. No repair work or servicing of vehicles shall be conducted in a loading area.
- J. Off-street loading facilities shall be located on the same site with the use for which the berths are required or on an adjoining site.
- K. The pavement of an off-street loading facility shall be striped with paint or otherwise marked to delineate the boundaries of each area intended to be used as a loading space.