

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Development Department

AGENDA DATE: February 5, 2013

CONTACT PERSON/PHONE: Mathew McElroy, 541-4193,
mcelroymx@elpasotexas.gov

DISTRICT(S) AFFECTED: District 8

SUBJECT:

An ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally) of the El Paso City Code, to add Section 12.44.290 (Restrictions On Parking in Downtown Parking Districts) to provide for the creation of downtown parking districts, issuance and revocation of temporary new resident and downtown parking permits and establishing fees; the penalty being as provided in Section 21.84 and Section 12.85 of the El Paso City Code.

BACKGROUND/DISCUSSION:

The City Development Department, in striving to fulfill goals and policies laid out in the city's comprehensive plan, *Plan El Paso*, is requesting Council action regarding the creation of a new residential parking permit program that is exclusive to the downtown area. The *Plan El Paso* states that City policies and programs will encourage the rehabilitation of upper stories of existing downtown buildings as office, retail, entertainment, and residential space, and that the City should encourage a wide mix of residential housing types downtown to encourage a diversity of ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave downtown. Furthermore, the *Plan El Paso* also states that the City should not require any on-site parking for buildings downtown, and that the accommodation of private cars should be provided through careful placement of public and private parking facilities to supplement downtown's status as the best transit-served area and the most convenient location in the region. In an effort to encourage the rehabilitation of existing downtown building stock, a downtown residential parking permit program will alleviate potential developers and residents of the costs and inconveniences of providing and/or searching for off-street parking, while more efficiently employing the on-street parking facilities already in place.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

To Be Determined

BOARD/COMMISSION ACTION:

N/A

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required)

FINANCE: (if required)

DEPARTMENT HEAD: Mathew S. McElroy
City Development Director

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY) OF THE EL PASO CITY CODE, TO ADD SECTION 12.44.290 (RESTRICTIONS ON PARKING IN DOWNTOWN PARKING DISTRICTS) TO PROVIDE FOR THE CREATION OF DOWNTOWN PARKING DISTRICTS, ISSUANCE AND REVOCATION OF TEMPORARY NEW RESIDENT AND DOWNTOWN PARKING PERMITS AND AUTHORIZING FEES; THE PENALTY BEING AS PROVIDED IN CHAPTERS 12.84 (VIOLATION – PENALTY) AND 12.85 (PARKING VIOLATIONS) OF THE EL PASO CITY CODE.

WHEREAS, the *Plan El Paso* was formally adopted by the City Council on April 6, 2012, pursuant to the provisions of Section 213.002 of the Texas Local Government Code as the Comprehensive Plan for the City; and

WHEREAS, the Comprehensive Plan serves as a general guide for the future growth and development of the City to promote public health, safety and welfare; and

WHEREAS, a stated goal of the *Plan El Paso* is to accommodate private cars through careful placement of public and private parking facilities to supplement Downtown’s status as the best transit-served area and the most convenient location in the region; and

WHEREAS, a stated policy of the *Plan El Paso* is that the City should not require any on-site parking for buildings downtown; and

WHEREAS, a stated policy of the *Plan El Paso* is that City policies and programs will encourage the rehabilitation of upper stories of existing downtown buildings as office, retail, entertainment, and residential space; and

WHEREAS, a stated policy of the *Plan El Paso* is to encourage a wide mix of residential housing types downtown to encourage a diversity of ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave downtown; and

WHEREAS, the City desires to establish a downtown parking district program to encourage the revitalization of downtown by offering a new parking alternative for residential tenants in the downtown area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), of the El Paso City Code is hereby amended to add Section 12.44.290 (Restrictions on parking in downtown parking districts), to read:

12.44.290 – Restrictions On Parking In Downtown Parking Districts

A. Policy.

It is the policy of the city to reduce hazardous traffic conditions and congested parking conditions resulting from the use of streets within designated downtown districts for the parking of vehicles by persons using commercial, industrial, governmental and education facilities; to protect the residents of designated downtown districts from unreasonable burdens in gaining access to their residences; to promote efficiency in the maintenance of those streets in a clean and safe condition; to preserve the value of the property in those districts; to preserve the safety of pedestrians and motorists; and to protect the peace, order, comfort, convenience and welfare of the inhabitants of the city.

B. Definitions.

The following definitions shall apply to this section:

“Block” means a continuous area adjacent to a street between street intersections on one or both sides of such street or, in the instance of a dead end street, the contiguous area from the last intersection of that street with another street to the end of such street on one or both sides of such street.

“Downtown parking district” means a contiguous area designated by the City for which a downtown parking district parking permit may be issued.

“Owner” means an owner of record in the El Paso County Clerk’s records of a property within a downtown parking district.

“Parking permit” means a parking permit authorizing a motor vehicle to park in a curbside metered parking space in a downtown parking district.

“Permit official” for purposes of this section means the person or persons designated by the City Manager as being responsible for issuing permits.

“Property” means a parcel of land containing at least one residential dwelling unit and has a property or parcel identification number issued by the central appraisal district.

“Resident” means the owner or tenant who occupies a residential dwelling unit in a downtown parking district. “Residential dwelling unit” means a premises designed primarily for living,

sleeping, cooking and eating therein, unless such premises are actually occupied and used exclusively for other purposes.

“Residential dwelling unit” means a unit that contains habitable rooms for no-transient occupancy and are designed primarily for living, sleeping, cooking and eating therein, unless such units are actually occupied and used exclusively for other purposes.

C. Parking permits.

1. Permit required. It shall be a violation for any person to park a motor vehicle on a city street in a curbside metered parking space on any day or during any hours in a downtown parking district unless a coin or coins of United States currency, tokens, a parking meter debit card, or other approved payment method of the appropriate denominations shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and such meter has been placed in operation, without the display, as required in this section, of a downtown parking district parking permit issued by the permit official pursuant to this chapter allowing the motor vehicle to be parked in the downtown parking district.
2. Effect on issuance of permit. A parking permit shall not guarantee or reserve to the holder a curbside parking space within a downtown parking district. A parking permit shall not authorize the holder to cause to stand or park a motor vehicle at such places where parking is prohibited or during such times as when the stopping, standing or parking of motor vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation including, but not limited to, vehicle abandonment laws or towing laws.
3. Temporary suspension of permit. The permit official or permit official may temporarily suspend the parking allowed pursuant to a downtown parking district parking permit for emergency or construction purposes within the downtown parking district by installing proper signage on such temporarily restricted curbside parking spaces.
4. Limitations on the issuance of parking permits.
 - a. The permit official may limit the parking permit to certain hours of the day and certain days of the week in any downtown parking district or a block within a district.
 - b. Only one permit shall be issued for each vehicle.
 - c. Permits may only be used in the downtown parking district for which they are issued.
 - d. The permit official may limit the number of vehicles that may be issued a permit for each household on each block or blocks within a downtown parking district

when such limitation is appropriate to accommodate the parking needs within the block or blocks in the downtown parking district.

- e. No parking permit shall be issued if the applicant has pending parking tickets issued in the city.

5. Prohibitions regarding the use of downtown parking district parking permits.

- a. The side of the permit showing the downtown parking district for which the permit was issued shall be displayed in the vehicle at all times the vehicle is parked in the downtown parking district for which it was issued in a manner that allows the entire permit to be viewed from outside the vehicle through the lower passenger side of the front windshield.
- b. Expired parking permits shall not be displayed in parked vehicles.
- c. Parking permits shall be returned to the permit official when said permit expires, the person to whom the parking permit was issued no longer resides in the downtown parking district, and when the vehicle to which the parking permit was issued is loaned (for more than thirty days) or is stolen, sold or traded.
- d. Parking permits shall not be transferred between vehicles.
- e. Parking permits shall not be displayed in a vehicle for which said permit was not issued.

D. Downtown parking district parking permit application requirements.

The permit official shall issue a Downtown parking district parking permit upon payment of the established fee and approval of a completed application showing the following:

- a. Each applicant shall present a valid driver's license or other government-issued identification showing the applicant's photograph.
- b. Each applicant shall demonstrate that he/she is a current resident of the downtown parking district for which the parking permit is to be issued by providing one of the following documents:
 - 1. A utility bill, including but not limited to, an electric, gas, telephone or water bill, in the applicant's name, for a residential dwelling unit located within the downtown parking district for which the parking permit is to be issued, that is dated within thirty days of the application for a downtown parking district parking permit; or
 - 2. A lease of premises or contract for sale in the applicant's name, for a residential dwelling unit located within the downtown parking district for which the parking permit is to be issued.

- c. Members of the Armed Forces whose home of record is outside El Paso County and currently reside in a downtown parking district are eligible to apply for a downtown parking permit provided they show a valid military identification card and one of the following which shows that the applicant resides in the downtown parking district:
1. A utility bill, including but not limited to, an electric, gas, telephone or water bill, in the applicant's name, for a residential dwelling unit located within the downtown parking district for which the parking permit is to be issued, that is dated within thirty days of the application for a downtown parking district parking permit; or
 2. A lease of premises or contract for sale in the applicant's name, for a residential dwelling unit located within the downtown parking district for with the parking permit is to be issued; or
 3. Any other current valid document issued by a government agency that shows that the applicant resides within the downtown parking district.

E. New resident temporary parking permit.

A new resident temporary parking permit may be obtained from the permit official by submitting an application in the same manner as is required in this section for applying for downtown parking permits except that no document shall be required that contains the address located within the downtown parking district. The new resident temporary parking permit shall expire at the end of the ninetieth day after its issuance and shall be subject to all other requirements and limitations of a downtown parking permit. No parking permit described under Subsection D of this Chapter shall be issued to the holder of new resident temporary parking permits until all new resident temporary parking permits issued to the applicant are returned to the permit official.

F. Downtown parking district parking permit and new resident parking permit fees.

The following fees are established and shall be charged: (1) a downtown parking district parking permit fee, assessed exclusively to the first permit issued to a residence, (2) a downtown parking district parking permit fee, assessed for each subsequent permit issued to a residence after the first, and (3) a new resident temporary parking permit fee. The downtown parking district parking permit fee and new resident temporary permit fee shall be charged for each authorized vehicle.

G. Parking permit term.

Parking permits shall be valid for a consecutive twelve-month period from the day they are issued by the permit official and shall be renewable annually provided that the applicant provides evidence that he/she is still eligible for the permit. The parking permit may be renewed by mail upon completion of a renewal application, payment of the established fee and proof of eligibility as established in Section 12.44.290.D.

H. Revocation of parking permits.

A parking permit may be revoked for the following reasons:

1. The transfer or assignment of a parking permit; or
2. The applicant for the parking permit falsely represented himself as being eligible for a parking permit, submits false documentation, or otherwise makes a false statement of a material fact on an application for a parking permit; or
3. The parking permit holder loses his status as a resident or other qualification to apply for a parking permit.

I. Lost or stolen parking permits.

The permit official may replace a lost, stolen or destroyed downtown parking permit. To be eligible to receive a replacement parking permit, the permit holder must submit a signed affidavit stating that the parking permit was lost, stolen or destroyed and pay the established parking permit replacement fee. The remaining part of a damaged parking permit shall be submitted to the permit official before receiving a replacement parking permit.

J. Signs.

The city shall cause appropriate signs to be placed in downtown parking districts that provide notice of the boundaries of each district. The signs placed in these areas shall be of such character as to readily inform an ordinarily observant person of the existence of the downtown parking district and that the area is part of a parking district and where downtown parking district permits are permitted.

K. Violations.

Any person who violates any provision of this chapter shall be subject to the penalties set forth in Section 12.84.010 B., except that a violation of the provisions of this Section related to the parking, standing or stopping of vehicles shall be a civil offense and violation of Section 12.84.010 A. and subject to the administrative procedures provided in Chapter 12.85 (Parking Violations).

Section 2. Except as expressly herein amended, that Title 12 (Vehicles and Traffic), of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Cynthia Osborn
Assistant City Attorney

APPROVED AS TO CONTENT:

Ted Marquez, Interim Director
Department of Transportation