

# Attachment 3

## RESOLUTION 24-XXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
REAUTHORIZING A PREFERENTIAL PARKING PROGRAM FOR RESIDENT SENIORS  
WITHIN THE DOWNTOWN PARKING ZONE AND OFFERING CREDIT TOWARD THE NEW PERMIT FEE  
OR REIMBURSEMENT TO THOSE ELIGIBLE SENIORS THAT PARTICIPATED  
DURING THE 2023/2024 YEAR**

WHEREAS, the City Council has voted to approve an ordinance that amends Paso Robles Municipal Code Chapter 12.42, associated with downtown parking, which establishes a parking zone which shall include the area extending from 10<sup>th</sup> Street to 14<sup>th</sup> Street, from Spring Street to Pine Street, and the 900 block of both 12<sup>th</sup> and 13<sup>th</sup> Streets (from Pine Street to Railroad Street) (the “Downtown Parking Zone”); and

WHEREAS, California Vehicle Code Section 22507 provides that local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day, and designate certain streets upon which preferential parking privileges are given to specified groups, if the local authority determines the use of such permits will not adversely affect parking conditions for residents and merchants in the area; and

WHEREAS, such resolution may further include a designation of certain streets upon which preferential parking privileges are given to specified groups through issuance of a permit, exempting them from the prohibition or restriction of the parking ordinance or resolution, if the local authority determines the use of such permits will not adversely affect parking conditions for residents and merchants in the area; and

WHEREAS, pursuant to *Boccatto v. City of Hermosa Beach* (1984) 158 Cal.App.3d 804 and *Friedman v. City of Beverly Hills* (1996) 47 Cal.App.4th 436, such local resolution “may contain provisions reasonable and necessary to insure the effectiveness of a preferential parking program,” and “section 22507 must be read to provide localities with flexibility and power to adopt ordinances and resolutions which are reasonably intended and designed to reduce severe local parking problems”; and

WHEREAS, the City Council desires to reauthorize a program to provide preferential parking permits within the Downtown Parking Zone in the City of Paso Robles as necessary to provide reasonably available and convenient parking for the benefit of its senior residents, pursuant to the authority granted in California Vehicle Code Section 22507; and

WHEREAS, this resolution exempts qualifying Senior Residents with a valid Senior Resident Preferential Parking Permit from the paid parking restrictions that otherwise apply in the Downtown Parking Zone, under Paso Robles Municipal Code Chapter 12.42; and

WHEREAS, this action is not a project under the California Environmental Quality Act pursuant to State CEQA Guidelines §§ 15060, subd. (c)(2),(3) and 15378, because it can be seen with certainty the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

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Section 1. **Recitals.** All of the above recitals are true and correct and incorporated herein by reference.

Section 2. **Local Regulation – Senior Resident Preferential Parking Program.** The City Council hereby creates a Senior Resident Preferential Parking Program pursuant to Ordinance No. 1135 N.S., which codifies Municipal Code Section 12.42.070.D. The Parking Program as enacted by this Resolution in Sections 2, 3, and 4 shall become operative upon the effective date of Ordinance No. 1135.

Section 3. **Definitions.**

- a. For purposes of this resolution, the definitions contained in Ordinance No. 1135 N.S. amending Paso Robles Municipal Code Chapter 12.42, Parking Management, to clarify the process for setting parking rates, reestablishing the Downtown Parking Zone and adopting other clarifying provisions, applies.
- b. For purposes of this resolution, an eligible “Senior Resident” for purposes of a Senior Resident Preferential Parking Permit shall meet all of the following criteria:
  - i. Must be 65 years of age or older with a valid driver’s license; and
  - ii. Must be a Paso Robles resident (within City limits); and
  - iii. Must be the registered owner of the vehicle for which the permit will be used; and
  - iv. Must not be an employee or business owner of a business within the Downtown Parking Zone; and
  - v. Only 1 vehicle per household is eligible to receive a senior resident preferential parking permit .
- c. For purposes of this resolution, “Senior Resident Preferential Parking Permit” shall mean the valid, annual permit issued by the City that exempts Senior Residents from otherwise applicable paid parking requirements in the Downtown Parking Zone. The recipient of the Permit may not receive a physical permit from the City but the license plate number associated with the Permit will be stored in the City’s License Plate Recognition software as a recipient of the Senior Resident Preferential Parking Permit.

Section 4. **Authorization of Senior Resident Preferential Parking Permits.**

- a. If a physical permit is provided, any vehicle properly displaying, by placing on the front dashboard or hanging from the rearview mirror, a valid Senior Resident Preferential Parking Permit or a vehicle which has been designated in the City’s License Plate Recognition software as assigned a valid Senior Resident Preferential Park Permit may park within the Downtown Parking Zone free of charge, when parking on such street otherwise requires payment.
- b. Senior Resident Preferential Parking Permits shall be issued by the Paso Robles Parking Coordinator upon proof of eligibility as set forth herein, and shall be renewable annually, pursuant to this Resolution and any administrative guidance that shall be published on the City’s website under “Downtown Parking.”
- c. The City Manager or designee is authorized to issue new or amend the administrative guidance published on the City’s website under “Downtown Parking,” consistent with this Resolution.

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- d. Any Senior Resident Preferential Parking Permit shall become invalid and returned to the City when the permittee no longer meets the criteria set forth in this Resolution.

**Section 5. Refunds and Credits for Downtown Parking Program.** As part of the February 20, 2024, Council action regarding paid parking fee refunds, the City Council authorized the City to issue refunds to those people who are able to demonstrate they paid for parking in the Downtown Parking Zone between February 6, 2023 and February 6, 2024. The purchase of a Senior Resident Preferential Parking Permit in lieu of paying for individual parking sessions in the Downtown Parking Zone is included in the authorization for refunds provided on February 20, 2024. Senior residents with a permit were paying for downtown parking, through a different process.

Those Senior Residents who paid for and received a Senior Resident Preferential Parking Permit for the Downtown Parking Zone between February 6, 2023 and February 6, 2024, will be issued a refund for the cost for such permit. Alternatively, if a current Senior Permit holder is eligible for and applies for a Senior Resident Preferential Parking Permit for the time period between April 5, 2024 and April 4, 2025, in lieu of receiving a refund, they may request the 2023 fee previously paid be used as a credit toward the application fee for a Senior Resident Preferential Parking Permit. For those Senior Residents who paid for and received a Senior Resident Preferential Parking Permit for the Downtown Parking Zone between February 6, 2023 and February 6, 2024, who do not elect before April 30, 2024 to accept a credit toward the application fee for this coming year, they will automatically be issued a refund check and accompanying letter after April 30, 2024.

**Section 6. Severability.** If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

**Section 7. Effective Date.** This Resolution shall be effective immediately provided the City Council has adopted Ordinance 1135.

APPROVED this 5<sup>th</sup> day of March, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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John R. Hamon, Jr., Mayor

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Melissa Boyer, City Clerk