REGULAR AGENDA

A. **Discussion of Parking Management Plan** – At its meeting of July 7, 2015, the City Council voted to amend Title 10 of the Chico Municipal Code regarding vehicles and traffic, incorporating an 85% parking occupancy rate. In addition, the overall Parking Management Plan was referred to the IAC for discussion. *(Report – Brendan Ottoboni, Acting Public Works Director – Engineering)*

**Recommendation:** The Acting Public Works Director-Engineering recommends the Committee discuss the overall Parking Management Plan and have staff return to the Committee at a later date to present the tabulated usage data and any parking management techniques for implementation.

B. **Discussion of Draft Administrative Procedure and Policy 11-66 regarding City Property Leases** – Staff will present a draft policy governing City Property Leases. The intent behind the policy is to inform future property negotiations as well as to provide guidance for renegotiating existing leases. *(Report – Chris Constantin, Assistant City Manager)*

REPORTS AND COMMUNICATIONS

C. **Update on Traffic Complaints on Cussick Avenue** - The City has received multiple complaints and safety concerns related to speed and traffic volume on Cussick Avenue between East and Shasta Avenues. Staff has implemented low-cost measures to curtail the problem, but acknowledge that a more pro-active approach may be necessary. *(Report - Brendan Ottoboni, Acting Public Works Director-Engineering)*

D. **Business from the Floor** - Members of the public may address the Committee at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Committee cannot take any action at this meeting on requests made under this section of the agenda.

E. **Adjournment and Next Meeting** - The meeting will adjourn no later than 10:00 a.m. The next regular Internal Affairs Committee meeting is scheduled for Wednesday, October 14, 2015, at 8:00 a.m. in Conference Rm. No. 1.

SPEAKER ANNOUNCEMENT

**NOTE:** Citizens and other interested parties are encouraged to participate in the public process and will be invited to address the Committee regarding each item on the agenda. In order to maintain an accurate and complete record, the following procedural guidelines have been implemented:

1. Speaker Cards – speakers will be asked to print his/her name on a speaker card to address the Committee and provide card to the Clerk prior to the completion of the Staff Report.
2. The Clerk will call speakers in the order the cards are received.
3. Speakers may address the Committee one time per agenda item.
4. Speakers will have three minutes to address the Committee.
Distribution available in the office of the City Clerk

Posted: 9/3/15 prior to 5:00 p.m. at 421 Main St. Chico, CA 95928 and www.ci.chico.ca.us

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Internal Affairs Committee

Agenda Report

Meeting Date: September 9, 2015

TO: Internal Affairs Committee

FROM: Brendan Ottoboni, Acting Public Works Director - Engineering

RE: Discussion Regarding Parking Management

REPORT IN BRIEF:

At its meeting of July 7, 2015 the City Council voted (6-0-1(Schwab recused)) to amend Title 10 of the Chico Municipal Code regarding vehicles and traffic, incorporating an 85% parking occupancy rate. In addition, the overall Parking Management Plan was referred to the Internal Affairs Committee for discussion.

Recommendation: The Acting Public Works Director – (Engineering) recommends the Committee discuss the overall Parking Management Plan and have staff return to the Committee at a later date to present the tabulated usage data and any parking management techniques for implementation.

FISCAL IMPACT:

N/A

BACKGROUND:

At its meeting of July 1, 2014, the City Council directed staff to draft potential modifications to the City’s parking management practices that would incorporate the City’s implementation of newer technology, develop a plan of action to make the transition and determine if a vendor should be hired to update the information in the City’s 2007 Downtown Access Parking Plan. In 2014 Nelson/Nygaard updated recommendations to the Parking Plan. (Exhibit ‘B’)

At its meeting of June 16, 2015, Council voted (6-0-1(Schwab recused)) to introduce an ordinance which would establish an 85% parking occupancy guideline for managing the Central Business District parking area. Staff included additional language that incorporates other areas encountering parking problems or with mounting complaints. In addition, Council referred the discussion of the overall Parking Management Plan to the Internal Affairs Committee.

The Downtown Access Plan study and the 2007charette was comprehensive, involved the community, and was developed over many months. The information it provided has been valuable in guiding the recent improvements in the downtown. One aspect of the recommendations in the study that has not been implemented is active parking management.

Today, the City has one single price for time, per space, across all parking. But, there are many different time limit restrictions and enforcements. The City has some low usage parking areas and some extremely high usage zones that can create negative impressions for downtown customers at peak times.

DISCUSSION:

Now that the 85% Parking Occupancy rate has been adopted, the Committee will discuss a plan of action and what the term, Parking Management means. From a baseline sense, parking management is needed in order to create parking availability so that there is a consistent rate of turnover and availability for citizens to enjoy highly concentrated areas of use. This is the primary reason why parking meters are utilized. As an industry, parking management has evolved with newer technology and implementation concepts to create a more efficient use of parking spaces. In the City of Chico, lack of funding and staffing levels have prevented us from fully executing an efficient system. Some general issues that have been noticed in the downtown core, is that there are areas that are over-utilized in core areas, while there are completely under-utilized areas on the perimeter of downtown. Complaints have been received that Chico State University students, as well as downtown employees, are using the prime parking spaces in...
downtown and ‘feeding the meter’ all day long. This prohibits citizens from having accessible parking options near the businesses that they utilize. There are multiple components that have allowed this type of activity to occur over time. Exhibit A" shows the variables that are typical parking management components. Through these management techniques, a parking management plan can be created that is efficient for all users (i.e. downtown employees, University students, downtown businesses and people using the downtown area for recreation, shopping and restaurants).

Parking Management has multiple components that are identified in Exhibit A. Below is the narrative of the components and how they contribute to overall parking management:

**Staffing to Manage the Program** – Like any program, in order to successfully implement, track, manage and make necessary changes, staff is needed to provide the time and attention necessary to accomplish this. Currently, our Traffic Engineering Department manages this program; however, our Traffic Engineering Department only consists of one individual. The traffic department also manages all traffic related systems (traffic signals, signage, roadway striping, etc.), as well as manage our bike path network and functionality. Through other parking management resources, the revenue generated should include costs for FTE staff to properly manage and implement these techniques. This also includes enforcement of the parking management areas.

**Hours of Operation / Enforcement** – Currently, hours of operation and enforcement occur from 7:30 a.m. and 6:00 p.m., Monday through Friday. Hours of operation and enforcement should be used to allow parking management implementation during the business hours, or the time frames with the heaviest use. Changing the hours of operation and enforcement will continue to encourage available parking options in the enforcement area during peak times. Based on the existing function, there appears to be a need for changes to our existing hours of operation and enforcement. This will most likely have to be performed in a phased approach, so that it does not become overly confusing or frustrating for the consumers.

**Rates** – Rates are implemented based on the supply and demand of parking, by street block. Per the 85% rule, staff can identify areas that are currently being over-used. Rates can be used to encourage a more widespread use of parking spaces, rather than a concentrated core of usage.

**Rate Zones** – Because there are different modes of usage, rate zones can be implemented to further encourage parking in a more efficient manner for the various stakeholders. For example, premium rates can be charged for the heavily used, core areas, standard rates for other areas and economy rates for the individuals that desire more low cost options. Typically, the economy rates will be in the least used parking areas usually provided as a cost effective option for employees of downtown businesses, or students that park in the downtown areas. By having these various options, usage of parking will be spread out over a greater area so that there are more available parking options. Further, if someone wants to park downtown for an extended period of time, this allows a more cost effective long term option.

**Time Limits** – Currently there are varying time limits throughout the downtown area. By properly using the other parking management techniques like rates and rate zones, time limits become less of an efficient technique. Further, this limits the consumer to a specific time that they can be downtown. However, there are a few businesses that have a business model of specific quick turnaround that currently have 36 minute parking. In these specific instances, it would be best if this limit is kept. For example, Colliers Hardware has been a long standing downtown business. Their business model includes people who need to buy a bolt or something quick. If there is no time limit, their consumers will be competing with people wanting to park and eat dinner out, which is a much longer event.

**Payment Options** – With the rollout of the new smart meters, additional payment options will be offered to the consumer. With modern smart phone technology, the option to ‘pay by phone’ will be explored in the future. This will provide additional convenience for the consumer. Ultimately, providing payment options more in line with our community payment usage will lessen the frustration of not being able to pay for parking, which ultimately leads to parking tickets.
Through these parking management techniques, the experience that consumers will have in the downtown area will be much more positive. This is a very large component to the downtown vitality that has been lacking in the past. The success of our downtown is important to the positive atmosphere that our community yearns for. Implementation of the various techniques should be done in a methodical, phased approach. It will be dynamic by nature and continually monitored to ensure that the changes made are effective and creating the intended positive results.

PUBLIC CONTACT:

Reviewed by:

Brendan Ottoboni, Acting Director of Public Works - Engineering

Approved by:

Mark Orme, City Manager

DISTRIBUTION:
City Clerk (3)

ATTACHMENTS:
Exhibit A – Parking Management Variables
Exhibit B – Nelson Nygaard Recommendations

FILE:
EXHIBIT A
PARKING MANAGEMENT
CITY OF CHICO - DOWNTOWN PARKING MANAGEMENT MAP

- Hours of Operation / Enforcement
- Rates
- Rate Zones - Premium, Standard, Economy
- Staff to Manage the Program
- Payment Options
- Time Limits
- Entice Employees to Park in Economy Lots
- Create Turnover
MEMORANDUM

To: Mr. Ruben Martinez, Director of Public Works
From: Patrick Siegman
Date: August 11, 2014
Subject: Chico Downtown Access Plan – Implementation Recommendations

Introduction

On July 16-18, I had the pleasure of visiting Chico once again to meet with you, your staff, and the interested citizens on the Parking Access Resource Committee (PARC) to discuss potential next steps for implementing Chico’s 2006 Downtown Access Plan. This follow-up memorandum summarizes the key topics discussed, and suggests next steps.

July 17 Presentation – Key Discussion Topics

On July 17, I participated in a Downtown walking tour with interested citizens; a subsequent meeting with yourself and several of your key staff involved in Downtown parking and access; and a regular weekly meeting of the Parking Access Resource Committee (PARC). At both meetings, I delivered a PowerPoint presentation (copy attached) which addressed the following key topics:

- project understanding: PARC and City goals for moving forward on implementation
- best practices in parking management and technologies for implementing those best practices, illustrated by relevant examples and case studies
- more specifically, the potential for using any new parking revenues (e.g., from extended hours of operation) to support better Downtown public services and/or facilities
- the potential for creating additional parking by implementing diagonal parking on streets such as Main and Broadway
- the potential for redesigning Main, Broadway and other streets to make Downtown a more attractive place to live, work and shop

Recommendations

The recommendations provided in the remainder of this memo are based upon my review of the 2006 Downtown Access Plan; my discussions during my July visit with you, your staff, and a variety of Downtown stakeholders; conditions observed during this visit; and my professional experience with recent advances in parking technology, parking management practices, and street design.
Key Conclusions & Recommendations from the 2006 Downtown Access Plan

In brief, key conclusions and recommendations in the 2006 Downtown Access Plan included the following:

**Regarding existing conditions:** Every parking system has two key parts: (1) quantity (the number of parking spaces), and (2) management (policies, regulations, prices).

- **In Downtown Chico, overall parking supply greatly exceeds existing demand, with 42% of spaces vacant even at the busiest hour.** Overall, a large surplus exists, with a few hot spots of high demand and many underutilized lots. In particular, prime, front-door curb parking spaces in front of popular shops and restaurants are often full, a condition which often leads to the perception of an overall parking shortage.

- **Improved management is therefore needed to make better use of Downtown’s large surplus, and to make prime spots available for customers.** Shifting a small number of price-sensitive parkers—mainly employees who currently park for an entire shift—from prime curb parking spaces to underutilized nearby lots and garages will ensure that front-door parking is always available for customers.

To accomplish this, the Plan recommended several key parking strategies, including the following:

1. Adopt a goal of 85% parking occupancy for each block (1 to 2 vacant spaces per block).
2. Charge the lowest price that will leave one or two vacant spaces on each block.
3. Return any new meter revenue that results to Downtown.
4. Install modern, wirelessly networked, credit card-accepting meters.
5. Redesign Downtown streets to:
   a. Convert parallel parking to diagonal
   b. Reduce excessive speeds
   c. Improve safety & comfort for walkers
   d. Improve safety & comfort for cyclists
   e. Improve transit conditions

**Overall, these key conclusions and recommendations in the 2006 Downtown Access Plan remain valid.** Indeed, given the increasing competition that Downtown merchants and property owners face from online retail, it is critical to move forward expeditiously to modernize Downtown Chico’s parking system, make prime parking spots more available to customers, and make its streets more comfortable places to stop, stroll and shop.

Lessons Learned from Some of the Leaders in Parking Reform & Street Design

Since 2006, much experience has been gained from some of the pioneers in “performance pricing” of parking (i.e., varying parking prices by time and block face, in order to meet an occupancy goal). Many cities have also adopted policies that return parking meter revenues to the blocks where it is collected, and many have implemented modern parking meter technologies. In
the past eight years, numerous American cities have also built excellent examples of more livable, walkable and customer-friendly streets, and both the California Department of Transportation (Caltrans) and the Federal Highway Administration have formally adopted new street design manuals that embrace this approach. From these examples, we can distill several lessons. The section below offers a few recommendations about implementing the key parking and access strategies mentioned earlier, organized by strategy.

1. **Adopt a goal of 85% parking occupancy for each block (1-2 vacant spaces/block).**

2. **Charge the lowest price that will leave one or two vacant spaces on each block.**

Cities and agencies that have adopted this strategy, in various forms, include Austin, Texas; the Bay Area Rapid Transit District (BART); and Berkeley, Glendale, Los Angeles, Redwood City, San Francisco, Ventura and Walnut Creek in California. Examples that are particularly worth studying include San Francisco (which originally used federally-funded parking occupancy sensors to monitor parking occupancy, but which is now moving to estimating occupancy using a combination of manual counts and meter-by-meter revenue data), and Ventura, which has shown how a small city, using entirely manual counts, can successfully implement performance pricing.

Taking a data-driven approach, and clearly documenting the before and after results of these strategies is important for success. In order to ensure that parking prices are right — not too high, and not too low, on each block — and in order to document success once prices have actually achieved the desired goal, it is important to implement a regular, and consistent, program of monitoring parking occupancy, and then adjusting parking rates and/or hours of operation until parking on each block is well-used, but readily available.

To do this, successful cities:

- Develop a consistent methodology for conducting parking counts and calculating parking occupancy
- Identify the funding and staffing necessary to conduct regular counts
- Collect data regularly
- Evaluate the data and then adjust parking prices and parking meter hours of operation as needed

Additionally, it can be extremely helpful to document additional performance metrics, such as retail sales, building occupancy rates, parking search times, and levels of parking infractions that commonly occur when prime parking is underpriced, such as double parking, parking in red zones, and parking on sidewalks.

Based upon the City's most recent parking data, as well as our site observations and conversations with both City Staff and Downtown retailers, property owners and citizens, it appears very likely that to achieve the goal of ensuring availability in prime parking spaces, parking meter hours of operation should be extended into the evening and to Saturdays. To know exactly where (i.e., on which block faces and in which lots), and when extended hours are needed, an important first step will be to collect new parking occupancy data.

However, new policy and ordinance provisions to implement the twin policies of setting an occupancy goal for each block, and charging the lowest price that will leave one or two vacant spaces on each block, could and should be drafted and presented to Council for adoption, as a high-priority early implementation step.
Use time-of-day parking rates, not “progressive pricing”

Many cities now have years of experience with adjusting parking rates to achieve the goal of ensuring that parking on each block is well-used, but still readily available. Their collective experience shows that to achieve this goal, it is better to use rates that vary by time of day, rather than what is known as “progressive pricing”. Both Redwood City and Ventura, for example, tested progressive pricing in the early days of their performance parking pricing policies, but found it not particularly helpful for achieving their parking availability goals and abandoned it.

Progressive pricing charges motorists higher parking rates for longer stays (e.g., $1 for the first hour and $2 for the second hour) with the goal of increasing turnover at curb parking spaces. Turnover, however, is not the key metric that customers care about. Customers care about availability. Customers want to find a space available near their destination when they arrive. As long as a space is available for the customer to use, he or she doesn’t care how long other people on the block may have parked.

To achieve the desired level of availability, particularly at busy hours such as lunchtime and dinnertime, rates that vary by time of day and by location have proven to be more effective than progressive prices. New York City’s PARK Smart program, for example, has set parking meter prices in Greenwich Village at $3.75 per hour from noon to 4 PM, and $2.50 per hour at all other times. This rate structure responds well to observed curb parking demand, helping ensure vacancies when the lunch crowd and afternoon shoppers arrive. By contrast, progressive pricing—with a low rate for the first hour or two—often does little to create vacancies during the lunch hour rush.

Progressive pricing would also be a poor approach for managing demand in Downtown Chico during the evening hours. Parking surveys in Chico show that in the evenings, curb parking occupancy rates are generally highest during the early evening (just after the meters turn off) and that by late evening, there are often ample vacancies. With this demand pattern, it makes little sense to charge the typical evening customer (e.g., a patron coming Downtown for dinner and the theater) a low rate for the first hour, and a very high rate for the last hour that they are parked, later in the evening. Instead, appropriate pricing for the evening hours would be a higher rate during the early evening, and a very low rate or even free parking during the late evening hours.

3. Return any new meter revenue that results to Downtown.

Cities that have adopted this strategy, in various forms, include Austin, Texas; Boulder, Colorado; the Lloyd District in Portland, Oregon; and Berkeley, Glendale, Pasadena, Redwood City, San Diego, Ventura and Walnut Creek in California. Examples of the success of this strategy in Pasadena and San Diego are well documented in UCLA Professor Donald Shoup’s The High Cost of Free Parking. The attached PowerPoint presentation also briefly describes the benefits achieved in Boulder, Pasadena and Ventura by establishing this policy (an approach commonly referred to as establishing a “parking benefit district”).

As with policy and ordinance provisions to set new parking occupancy and pricing goals, policy and ordinance language for implementing this policy could and should be drafted and presented to Council for adoption, as a high-priority early implementation step.

4. Install modern, wirelessly networked, credit-card-accepting meters.

Since 2006, single space parking meters which are wirelessly networked and accept credit cards, and which are integrated with pay-by-cell-phone systems, have appeared on the market and
become widespread. These meters have numerous advantages. Because they generally make use of existing parking meter poles and housings, requiring only that the meter head be switched out and replaced, they can usually be quickly and readily installed using existing parking meter poles. For Downtown shoppers, the configuration is familiar (i.e., just as before, there is a single meter next to each space). Because there is one meter per space, shoppers need not walk down the block to a pay station, and similarly, with one meter per parking space, customers never need to wait in line behind a new customer who is unfamiliar with the system. However, single space meters are generally more expensive on a per parking space basis than multi-space meters (a.k.a. pay stations).

Given the advantages mentioned above, for Downtown Chico, I recommend that the City strongly consider replacing all curb parking meters – and especially those on prime blocks – with modern, wirelessly networked, credit-card-accepting single space meters. For off-street lots and garages, which generally serve longer-stay customers and employees, and where pay stations can be strategically located and grouped together in ways that minimize walk distances and provide customers with multiple machines to choose from (minimizing potential problems with lines and/or machines out of service), pay stations (i.e., multi-space meters) can be both sufficiently convenient, less costly to install, and can provide larger displays for customers.

Finally, I recommend moving as quickly as possible to replace all of the City’s existing obsolete coin-operated meters with modern, credit-card accepting meters. One potential method of financing new meters would be to issue a revenue bond, secured by meter revenues. Given that the Downtown parking structure, payments on which formerly absorbed a significant share of Downtown parking revenues, has now been paid off, it appears likely that the City parking fund would have ample capacity to take on this relatively modest modernization investment.

The single most important reason for implementing modern meters – a reason which would remain valid even in the absence of implementing any changes to parking prices and/or hours – is to improve the customer experience for Downtown shoppers, diners, employees and other visitors. In today’s world, shoppers are less and less likely to carry stacks of quarters, and even less likely to carry cash. When would-be shoppers arrive, they sometimes receive parking citations as a result of dropping whatever coins they have in the parking meter, and then hoping to return before time runs out.

By contrast, installing wirelessly-networked and credit-card accepting meters improves the customer experience in several ways. Customers with credit cards – who often care more about avoiding a ticket than saving a few nickels – frequently pay for the maximum time allowed, and/or extend time by cell phone payment, and as a result, are more able and more likely to pay at the parking meter, and receive substantially fewer parking citations. (Cities installing modern meters generally experience a large increase in revenue from parking meter payments, which is usually offset by an approximately equal decline in revenue from parking meter citations.) Additionally, customers are less likely to encounter broken or jammed meters (since technicians are alerted to out-of-order meters by wireless alerts). The overall result is happier customers, who are more likely to stay and shop (or dine) for a longer period, and who are more likely to return. In turn, this can be expected to lead to higher retail sales, more occupied storefronts, greater sales tax revenues, and higher property values.

5. Redesign Downtown streets to:
   - Convert parallel parking to diagonal
   - Reduce excessive speeds
- Improve safety & comfort for walkers
- Improve safety & comfort for cyclists
- Improve transit conditions

The 2006 Access Plan recommended redesigning Downtown streets – especially Broadway and Main – to make them into streets which do more to support the economic health of Downtown, and which do more to support Downtown as a safe and welcoming place to live, work, and shop. Currently, Downtown streets – especially Broadway and Main – appear to have been designed primarily to move motor vehicle traffic through and out of Downtown as quickly as possible. The result is that the streets are frequently perceived as more highway than Main Street.

To create the best shopping environment, transportation engineers normally seek to reduce motor vehicle speeds on downtown streets to 20 mph or less. At this speed, just 5% of pedestrians struck by motor vehicle will be killed, and many will escape serious injury. By contrast, at 30 mph, half of all pedestrians struck by motor vehicles are killed, and many more are seriously injured. Shoppers, residents, and vulnerable road users (such as cyclists and pedestrians) understand this intuitively, and therefore prefer Downtowns where motor vehicle traffic moves at a steady, but safer pace.

Additionally, bringing traffic speeds down to a more appropriate pace for a downtown shopping and residential district has the benefit of making storefronts more visible to passing motorists. As motorists’ speeds decrease, their field of vision widens, since drivers no longer need to narrow their focus to the distant obstacles which are rapidly approaching. At 20 mph or less, motorists’ field of vision is significantly wider than at 30 mph or greater, making them more likely to notice the goods, services, and dining on offer.

These concepts are at the heart of the recommendations to redesign Broadway, Main, and other Downtown streets with fewer travel lanes, which in turn will allow additional room for improvements such as additional (diagonal) parking, bicycle lanes, and/or additional sidewalk space. While the additional parking spaces that would be gained by reducing excess travel lanes are a benefit, in our opinion, the gains from bringing speeds down to more appropriate levels are the most significant benefit of redesigning the streets.

When redesigning Downtown streets, particularly prominent ones such as Broadway and Main, it is worth remembering how the 2006 Plan’s recommendations were formed. The 2006 Access Plan was the result of an extensive community outreach and consensus building project. The plan’s recommendations developed majority support in large part because they offered something for everyone, including merchants, property owners, employees, nearby residents, environmental activists, and users of all the different transportation modes (motorists, transit riders, cyclists, etc.). The plan was designed to ensure that, as urban designer Allan Jacobs once put it, “Nobody got everything they wanted, but everybody got something.” In order to confirm, and if necessary to reestablish, this level of majority support that was achieved eight years ago, I recommend doing enough outreach to ensure majority support for implementing new designs on Broadway and Main, especially if a proposed design differs from the preferred alternative in the 2006 Plan. On other, less prominent streets, this may not be necessary, but on Broadway and Main, which are Downtown’s showcase streets and carry significant motor vehicle traffic, significant public outreach is almost certain to be needed.

In addition, updating the designs (at least, the potential long-term designs for Broadway and Main) to incorporate the findings of the (currently in progress) Butte County Association of
Governments' Transit and Nonmotorized Plan is an important consideration. This plan has the potential to provide top-notch transit service (i.e., fast, frequent and reliable service), such as a Bus Rapid Transit line to and through Downtown, and could potentially bring significant federal and state funding for Downtown streetscape improvements. This would be a longer-term consideration, and need not necessarily delay the implementation of short-term redesigns, but should be taken into account during the street redesign process.

To help advance the implementation of new designs, the City should also consider adopting new street design manuals which are specifically intended to provide guidance for implementing walkable, bicycle-friendly and shopper-friendly urban streets. In particular, the National Association of City Transportation Officials' Urban Street Design Guide and Urban Bikeway Design Guide, and the Institute of Transportation Engineers Recommended Practice on Designing Walkable Urban Thoroughfares: a Context Sensitive Approach, are leading manuals for designing urban streets. All three of these guides have been endorsed and adopted by both the Federal Highway Administration and the California Department of Transportation.

Finally, conducting one-year pilot programs for new street designs can be an extremely useful, fast, and cost-effective approach. Taking this approach allows citizens to see and try real designs, allows for quick adjustments to new designs to improve their function, and makes it possible to gather real-world data and informed feedback on new designs, rather than asking engineers and/or regular citizens to evaluate innovative designs based only on renderings, drawings, and traffic model outputs. For example, tests of features such as new loading zones can be tried, evaluated, and adjusted if need be to ensure that they work properly and achieve their intended goals.
INTERNAL AFFAIRS AGENDA REPORT

Meeting Date: 9/9/2015

TO: Internal Affairs Committee

FROM: Mark Orme, City Manager

RE: Draft City Property Lease Policy Discussion (AP&P 11-66)

REPORT IN BRIEF:

The City Manager developed a City Property Lease policy to guide future negotiations with entities desiring to lease City property. Further, the City Manager intends to seek renegotiation with existing lease holders to enter into new agreements which will include provisions identified within the draft Administrative Procedure and Policy (AP&P) 11-66.

Recommendation: The City Manager requests the Internal Affairs provide input on AP&P 11-66 and recommend to present the draft policy to the City Council.

FISCAL IMPACT:

Not immediately measurable. The AP&P includes guidance in areas that will have financial impact. The nature and extent of the impact depend upon the specific property and terms negotiated. Overall policy direction is to protect the City’s interest and ensuring the City maximizes the return on the value of each City property.

BACKGROUND:

The City maintains a significant number of City-owned assets which range from open space to buildings with commercial viability. In the past, City Administrations have entered into long-term leases of City assets with a wide range of terms and for long periods of time. Except for certain standard agreement template language, terms vary widely as does the value received by the City. This has recently resulted in the City having limited options in dealing with situations as they arise involving leased City property.

On March 17, 2015, the City Council heard a City Manager report regarding City-owned property. The purpose of the report was to provide background regarding City assets as well as to identify assets of interest in which the City Council desired additional information. The information would allow the City Council to advise City staff on the direction for disposing of the assets. At this meeting, City staff indicated a desire to draft a City policy governing City leases, and the City Council requested that the policy include attributes that would be included within any lease agreement.

City staff developed the City policy and is presenting it to the Internal Affairs committee for review. Since the March 2015 meeting, City staff have presented several properties identified by City Council as

https://d.docs.live.net/5fb9c7af25cd1162/Documents/Chico/Departments/City Council/Internal Affairs/Sept 9th 2015/11-66 City Property Leases/20150909 City Property Lease - IAC Staff Report.docx
desiring of additional information. This included Bidwell Ranch, 11th Street properties, and 1413 Salem.

**DISCUSSION:**

The City Property Leases AP&P includes detailed criteria to be used in all lease negotiations and agreements. There are also certain protections to ensure the City Council has review authority over leases which include:

- Leases greater than five years in term (except certain airport leases intended to address the large number of small hangers);
- Below market rate leases for economic development purposes;
- Leases that do not appear to have a public purpose and/or public benefit; and
- Any substantive amendments to leases which previously required City Council approval.

The elements identified in Exhibit 1 of the AP&P reflect City staff’s analysis of a compilation of good practices currently in use in other medium to large cities which include Redding, San Jose, and San Diego. It should be noted that many cities do not have a policy as comprehensive as the one presented here which provides boundaries intended to limit exposure and the potential for gifting of public funds. However, City staff believe this draft policy will be useful in protecting the City’s interest in its assets by informing future negotiations as well as setting the stage for renegotiating existing leases with a goal of providing more consistency and compliance to the new policy.

City staff intend to develop a lease agreement template integrating the elements of this AP&P for use in future lease negotiations. Further, City staff will work with existing leaseholders to renegotiate leases to bring more consistency and protections for the City.

**Prepared by:**

Chris Constantin, Assistant City Manager

**Approved by:**

Mark Orme, City Manager

**DISTRIBUTION:**

City Clerk
City Attorney
Administrative Services Director
Public Works Director (2)

**ATTACHMENTS:**

Exhibit A – Draft Administrative Procedure and Policy 11-66
1.0 BACKGROUND

The City allows the leasing of City-owned property to various entities. Terms and conditions for the City leases vary dramatically and consistency is needed to allow City Administration to make decisions on terms and conditions which provide more equitable return on the use of City property.

2.0 SCOPE OF POLICY

This policy applies to all City-owned property and defines the requirements for any City lease agreement.

3.0 POLICY

It is the policy of the City to enter into written lease agreements for any City-owned property with clear requirements that

1. Protect City interests in its property in line with the public purpose thereof;
2. Foster direct benefits to the Chico community; and
3. Maximize the return received by the City in both financial and operational terms.

The City Manager is empowered to negotiate and finalize agreements for City property. The City Manager shall seek City Council approval for any lease agreement term greater than five years. Airport leases that are annually-renewing leases (for example, small hangers) do not require City Council approval unless the lease term is set in greater than five year increments at each renewal and/or the leased space collectively is greater than 5,000 square feet.

A written lease agreement is required for any City-owned property where the lessee will receive possession and/or use for a period greater than 90 consecutive days or possession and/or use for a
period of over six months, whichever is shorter. This does not apply to room rentals where the City maintains an established fee schedule.

4.0 DEFINITIONS

**Public Purpose** – direct services provided by the City or that would have otherwise been provided by the City.

Example - Entity requesting space in a City building provides economic development services to attract businesses to Chico. This is a function of the City, thus, a partnership for the City with this entity would be classified as a public purpose.

**Public Benefit** – other benefits that have a direct/indirect nexus to furthering a City priority and/or benefiting the public as a whole.

Example - Entity requesting space in a City building coordinates volunteers assisting low income families and individuals with legal assistance in navigating federal, state and local regulations. To the extent that the activity is significantly focused on City residents, this entity’s activity would be classified as a public benefit.

5.0 PROCEDURE

Lease proposals shall be evaluated in terms of the following elements, but not limited to

1. **Public Purpose** – direct services provided by the City or that would have otherwise been provided by the City;
2. **Public Benefit** – other benefits that have a direct/indirect nexus to furthering a City priority and/or benefiting the public as a whole;
3. **Use of Property** – nature of the proposed use of the property;
4. **Consideration** – consideration offered in the form of rent and other monetary-related items;
5. **Maintenance Support** – utilities and ongoing maintenance costs for City property;
6. **Financial Capability** – lessee’s ability to sustain obligations under the lease agreement;
7. **Impact** – direct and indirect impact to the area surrounding the leased property, environmental factors, and public resource requirements;
8. **Expertise** – expertise regarding the proposed leasehold development and operation, as well as the nature of proposed development; and
9. **General Plan Consistency** – consistency of the intended use with the General Plan and zoning.

5.1 PROCESS FOR SUBMITTING PROPOSAL TO LEASE A CITY-OWNED PROPERTY
In order to ensure consistency in evaluation, any request for leasing of City property will require a written request from the potential lessee or third-party facilitating a lease on behalf of another entity.

The written request must include the following information regarding the leasing entity:

**Leasing Entity**
- Legal Name of Entity leasing the property;
- Other Names used by the leasing entity and commonly recognized name;
- Legal status of the entity (501c3, llc, corporation, etc.);
- Contact information for each current location of entity;
- Contact information for each principal of the entity;

**City Property Information**
- Identification of the specific City property requested;
- Term of use (3 years, every first Thursday of the month, etc.);
- Date when occupancy is requested to begin;
- Summary information of any capital changes that will be requested which alter or improve the property;

**Intended Use**
- Detailed information regarding the intended use of the property;
- Public purpose or benefits provided by the intended use of the property;
- Intended population served by use, including portion residing within Chico;
- Impacts of the lease – traffic, environmental, surrounding neighborhood, etc.; and

**Compensation and Terms**
- Outline of the lease agreement terms, specifically monetary and non-monetary items, which the lessee is proposing for the property.

If the City Manager determines that the potential lessee is a viable option to lease City property, the City can request the following information, but not be limited to

1. **Service Projection** - Projection of the number of people that will utilize the organization’s services;
2. **Proof of Legal Status** – The organization will submit proof verifying the legal status of the entity (501c3, llc, corporation, etc.);
3. **Other Leases Listing** – a list of all the property the organization leases, the use of those properties, and the lease or rent paid for those leased properties;
4. **Projected Staff** - the number of projected full-time equivalent staff the organization will utilize for operations within the City property;
5. **Financial Capabilities** – Three years of documentations showing the organizations financial condition and capabilities (i.e. review of financial statements or income tax returns, etc.);
6. **Board of Directors** - a non-profit must have a board of directors. The names, addresses and contact information for the board of directors will be provided to the city;

7. **Organizational Chart** - an organizational chart of the organization will be provided to the City;

8. **Performance Measures** – operational and performance measures for the organization will be provided to the City;

9. **Additional Information** - the City may request any additional information the City feels is necessary to determining whether to lease City property to a particular organization; and

10. **Failure to Provide** – failure to provide any of the requested information may lead to a no recourse rejection.

### 6.0 EXCEPTIONS

Policy cannot address every nuance within a lease agreement or property negotiation, nor does policy language necessarily apply in certain circumstances. Thus, it is the City Manager’s responsibility to ensure when engaging in negotiations or applying this policy to make decisions in the best interest of the City as provide under Section 3.0.
Exhibit 1
Elements of Lease Agreements

The following elements will be addressed in all City lease agreements in order to ensure there is consistency among the City’s leases, as well as to protect the public’s interest in the City asset.

1. PRICING GUIDELINES

The City will generally seek fair market value for all City property leases. The City may consider below market rates for organizations that provide a public purpose or public benefit predominately to City residents through the lease of City property.

MARKET RATE LEASES

The City may consider leasing vacant City property that is not immediately needed for governmental operations. The lease rate for City property should generally be market rate unless the lessee will undertake activities which, in the assessment of the City Manager, falls within Section 5.0 elements 1 and/or 2.

Appraisals, not greater than six months old from date of lease execution, may be required prior to City agreement for lease when the property is to be leased under the following conditions:

1. Market Rate – use of property does not fall within Section 5.0 elements 1 and/or 2;
2. Long Lease – term of the lease will allow for a lease term that is greater than five cumulative years;
3. Competition – when multiple requests to lease are received on the specific property;
4. Specialized Requirements – federal or state requirements necessitate the lease at market rates (i.e., grant conditions for airport property); and/or
5. Other – when requested by the City Manager.

If an initial appraisal is performed, a new appraisal may be conducted for the leased property every five years to ensure lease terms reasonably reflect market rate.

BELOW MARKET RATE LEASES

The City may consider leasing vacant City property for a public purpose and/or public benefit at below market rates. To lease City property at a below market rate, potential lessees must meet the following criteria:

1. Non-Profit Status – lessee is a recognized non-profit organization with an IRC 501c(3) status which generates substantial revenue through non-profit activities;
2. City Focus – lessee provides services substantially for City residents and lease of City property is for the purpose of servicing those City residents;
3. **Duplication or Substitution** – lessee services within leased property would not duplicate or substitute services currently provided within the City unless the City is able to ascertain mutual benefit in providing services within the property;

4. **Leverage** – while priority will be given to a lessee who is able to leverage other resources to benefit City residents, City may consider providing a lease to a new or struggling organization where the below market rate may serve to accelerate the organization’s ability to become self-sustaining;

5. **Financial Sustainability** – lessee is able to demonstrate ability to commit sufficient financial resources and effort to meet lease obligations and can reasonably remain a viable organization for the duration of the lease;

6. **Organizational Leadership** – lessee maintains a board of directors who regularly meet to discuss organization finances and operations;

7. **Open Meetings** – lessee organization provides open meetings and transparent information regarding finance and operations;

8. **Commitments** – lessee organization is in good standing with all obligations to the City, other governments or private entities (i.e. paid on all bills, not subject to any court judgement against the organization, etc.); and

9. **Fraud** – lessee organization or its principal employees have not been convicted of fraud, theft, or other crimes of wrongdoing against the organization or other entities.

The City may entertain a below market rate lease where the City reasonably expects a significant economic development opportunity; however, this type of lease will require City Council approval.

**GOVERNMENTAL LEASES**

**Governmental Agencies**: The City may lease property to other governmental agencies at below market rate if the City deems the following criteria apply:

1. Activity at City property is intended to provide substantial service to City residents;
2. Agency does not possess or have use of property elsewhere within the City where the intended activity can be provided;
3. Use of City property is not used to circumvent use of lessee agency property in order to reduce lessee activity or facility costs;
4. Governmental agency intends to pay all the utility and reasonable maintenance costs of the City property; and
5. City finds a substantial interest in providing City property for another governmental agency use.

**2. TERM GUIDELINES**

While the City is open to long-term leases, the City desires to have reasonable measures of
control during the lease term in the event the City requires use of its property. Additionally, long leases may represent a policy interest for the City Council, and thus, would benefit from public scrutiny and City Council approval. As a result, the lease terms will take into account the following elements

1. **General Term** – City Manager will approve leases to no more than five years unless beneficial conditions exist to seek a longer term;
   a) Beneficial conditions may include, but are not limited to, substantial economic development potential, significant investment of capital requiring a longer return on investment, etc.;
2. **City Leases Greater than Five Years** – any lease, other than airport leases whose cumulative lease period will be greater than five years (includes possible extensions and renewals) will require City Council approval;
3. **Airport Leases** – annually-renewing leases (i.e. small hangars) do not require City Council approval unless the lease term is set in greater than five year increments at each renewal and/or the leased space(s) collectively are greater than 5,000 square feet;
4. **Public Purpose and Benefit** – any lease that does not have a public purpose and/or public benefit component will require City Council approval;
5. **Automatic Renewals** – automatic renewals shall not be provided in City property leases;
6. **Agreement Extensions** – extensions on an existing lease agreement will require written consent of the City;
7. **Appraisals** – City may require an appraisal, at the lessee’s cost, for any City property leased for a period greater than five years;
8. **Termination** – any lease greater than five years should have a provision giving the City the ability to take back the property; and
9. **Default** – any lease should have a provision that outlines the default conditions and an immediate termination of the lease if the default is not cured.

### 3. LEASE EXTENSIONS AND RENEWALS

Extensions and renewals of leases will be considered by taking into account, but not limited to, the following elements:

1. **Good Performance** – City staff will review the history of the lessee in regards to rent payments, maintenance issues and lessee’s compliance with the existing lease terms;
2. **Past Improvements** – Value of improvements made by lessee to the City’s property;
3. **Future Improvements** – Lessee proposes capital investment and redevelopment of City property which is acceptable to the City; and
4. **Compliance** – Lessee is in compliance with provisions of this AP&P at the time of extension.
4. SUBLEASES

While the City will not generally allow subleasing of City property by a lessee, the City may consider a subleasing request under the following conditions:

1. **Public Purpose and Benefit** – sublease will further the public purpose or benefit provided by the lessee;
2. **Similar Conditions** – sublease will comply with the same requirements and uses of the primary lease and leasing organization including financial and operational requirements;
3. **Compliance with Policy** – sublease will comply with all elements of this AP&P;
4. **City Review** – city will have ability to review materials necessary and may approve or deny any sublease;
5. **No Detriment** – sublease cannot be detrimental to the City’s rights under the primary lease;
6. **No Right to Sublease** – lessee will have no right that requires the City to grant a sublease and lessee will not have the right to sublease unless it is explicitly allowed under a written lease agreement or amendment; and
7. **Insurance and Liability** – insurance and indemnity requirements of sublease shall equal or exceed the primary lease. The City shall be named as an additional insured on the subleasee’s policy, if the City deems the requirement a condition of the subleasee.

5. LEASE PAYMENT METHODS

The City can negotiate with the following methods of lease payments:

1. fixed rates;
2. percentage of income;
3. alternative funding options (other investments which may derive a monetary benefit to the City)
4. any combination of the three; and
5. Late payments will be assessed an automatic ten percent (10%) late fee on the unpaid lease amount due and an additional daily delinquent fee after 30 days of $100/day. Failure to make current lease payments may result in City terminating lease.

6. TAXES

As applicable, all lessees will be responsible for paying possessory taxes or other property related taxes, which may be due as a result of their tenancy. City shall notify Butte County Assessor of possessory interests.

7. MAINTENANCE

The City and the lessee responsibility for maintenance will be included in the lease agreement. The lessee may be asked to take responsibility for regular maintenance within the
1. interior of the building;
2. exterior landscaping;
3. plumbing and electrical;
4. windows;
5. exterior property maintenance (may include parking area);
6. payment of utilities; and/or
7. an exception given for normal wear and tear to the property.

The City, unless otherwise determined, will be responsible for maintaining the

1. roof;
2. exterior walls;
3. foundation; and
4. heating and air.

The City will be given the ability to conduct inspections of the property as well as the ability to conduct preventive maintenance to the roof, exterior walls, foundation, and heating and air as needed with prior notice to the lessee. For emergency repairs, the City may access the property without prior notice.

8. IMPROVEMENTS

The lessee cannot make any improvements to the property without the written permission of the City Manager. For any approved improvement, the following conditions will apply:

1. **Maintenance** – lessee will be responsible for the full maintenance of the improvements during their tenancy;
2. **Removal** – lessee will remove all improvements at the termination of the lease at no cost to the city and restore the property to its original condition unless the City agrees otherwise;
3. **Reversion** – if the lessee does not remove the improvements, the improvements may, unless the City agrees otherwise, to revert to the City, or the City may assess the cost of removal to the lessee; and
4. **Right-of-Way** – any improvements made to the Right-Of-Way will generally be deeded to the City, unless otherwise agreed.

9. AUDITS

The City will have the right to audit any of its leases, when it is determined necessary by the City. As appropriate, the audit clause will allow for the City’s access to all records and information necessary to ensure compliance and evaluate the risk of fraud, waste, and abuse.

10. CANCELLATION CLAUSES

The City will include a lease provision to terminate all leases for the following reasons
1. **Intended Purpose** – if the lessee is no longer using the leased property for the intended purpose that was written in the primary lease;

2. **Failure to Pay or Late Payments** – if the lessee is no longer able to pay the full amount of rent, or late payments are made multiple times throughout the term of the lease;

3. **Compliance** – if the property is not being maintained by the lessee outside of the expected normal wear and tear;

4. **Discrimination** – if the lessee discriminates against anyone because of an individual’s race, ethnicity, national origin, citizenship status, political affiliation, religion, sex, disability, medical condition, marital status, sexual orientation, gender, military status, age, and any other protected class as governed by law;

5. **Criminal Activity** – if the lessee or its agents are convicted of any crime that took place on the leased property; and

6. **Without Cause** – the City can terminate a lease without cause with a 30 to 90 day notice. For termination at no fault of the lessee, the City may agree within the lease to some type of compensation to account for investments made by the lessee into the property and/or impacts that are not unavoidable by the lessee.

Additionally, the City may terminate any below market value leases, if the lessee

1. promotes any political party, political organizations, political figures and political candidates at the leased property;

2. if the lessee promotes any religion, religious organizations and religious figures at the leased property;

3. if the lessee no longer provides a service that was included in the lease without the prior approval of the City Manager;

4. if the lessee provides a service that was not included in the lease without the prior approval of the City Manager;

5. if the City finds that the services being provided are no longer necessary or adequate to justify the below market rent;

6. if the lessee fails to provide the residents of the City access to the benefits being provided; and

7. if the residents of the City are no longer the majority beneficiary of the services being provided.

**11. DEPOSITS AND SECURITY**

The City may require deposits and other security as part of the lease agreement in order to address abnormal damage to City property not cured as required, to address improvements not removed as required, and/or to address outstanding lease and late payments upon termination of tenancy.

**12. AMENDMENTS**

Lease agreements may be amended from time to time. All amendments will be executed by
written amendment to the lease and will require City Manager approval. If the original agreement required City Council action, all amendments involving substantive change to the lease terms will also require City Council action. Emergency amendments, temporary or otherwise, may be made by the City Manager on a case by case basis when the change is necessary to ensure continuity of operations for the City of leasee as well as the potential for significant loss and cost to the City. The amendments will be reported to the City Council within 30 days of agreement.

13. OTHER CLAUSES

The City Manager may require other clauses as necessary to protect the interests of the City and City residents.
Staff has received multiple complaints and safety concerns regarding speeds and volume of traffic along Cussick Avenue, between East and Shasta Avenues. Staff has made attempts to curtail speeding by the use of a speed feedback sign, along with added striping to help curtail speeding in the area. Unfortunately, neither of these have eliminated the speeding and volume concerns by the nearby neighbors.

Background

Over the years, the volume of traffic on the Esplanade has increased significantly. Cussick Avenue runs parallel to the Esplanade and has become a popular “back road” alternative route to the more populated and congested Esplanade. Cussick Avenue is classified as a local roadway, per the Federal Highway Administration System, as such prima facie California law states that local roadways shall have an enforceable speed of 25 mph. A speed and volume traffic study performed in October of 2013 (Exhibit A) reflects higher volumes and speeds that are usually expected along this type of roadway. Using the City’s neighborhood Traffic Management Planning guidelines, this section of roadway does warrant the use of traffic calming measures. A score of 45 out of 100 would warrant the use of traffic calming measures, and it is noted that Cussick Avenue received a score of 80 for two different locations along the roadway. These issues are exacerbated by the non-existence of contiguous curb-gutter, sidewalk and the need for bike facilities for this heavily traveled roadway (~4,000 vehicles per day). It should also be noted that Cussick Avenue has been designated to receive dedicated class II bike lanes per the City’s current Bike Plan.

Staff acknowledges that a long-term solution to this issue is warranted. It is feasible that speed undulations or other engineering methods are needed in this area. However, due to current budget constraints, and available resources, staff will continue to utilize the Chico Police Department’s traffic trailer to encourage safer speeds while also requesting additional speed enforcement along this section of roadway, as resources permit, until funds can be budgeted and secured that would support staff designing and implementing a more permanent solution along Cussick Avenue.

Per CMC 10.05.050(A) Authority of the Director to adopt vehicle and traffic regulations – “The director shall have the authority and responsibility for adopting the vehicle and traffic regulations, installing the traffic control devices, and performing the studies or taking such other actions required to adopt such regulations or install such devices as hereinafter provided for by this section”.

Attachments:
- Speed Statistics
- Ranking Sheet
### Speed Statistics by Hour

#### Site:
Cussick Ave. 0.0NS

#### Description:
South of W. Shasta Ave

#### Filter time:
8:23 Thursday, October 17, 2013 => 9:49 Tuesday, October 29, 2013

#### Scheme:
Vehicle classification (ARX)

#### Filter:
Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(6.69) Headway(>0)

#### Vehicles = 33580

#### Posted speed limit = 37 mph, Exceeding = 9476 (28.22%) Mean Exceeding = 40.53 mph

#### Maximum = 97.4 mph, Minimum = 6.2 mph, Mean = 33.8 mph

#### 85% Speed = 59.1 mph, 95% Speed = 42.7 mph, Median = 34.0 mph

#### 12 mph Pace = 28.4 - 40, Number In Pace = 25736 (76.64%)

#### Variance = 37.80, Standard Deviation = 6.15 mph

#### Hour Bins (Partial days)

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SpeedStatHour-210 Page 2
Neighborhood Traffic Management Program (Local Street)

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</tr>
<tr>
<td>Enter school names</td>
<td>0 to 10</td>
<td>5 points assigned for each 25 mph school zone and an additional 5 points for an elementary school.</td>
<td>0</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>0 to 5</td>
<td>5 points assigned if there are not continuous sidewalk on both sides of the street.</td>
<td>5</td>
</tr>
<tr>
<td>Bicycle Route</td>
<td>0 to 5</td>
<td>5 points assigned if the street is a designated bicycle route.</td>
<td>5</td>
</tr>
</tbody>
</table>

Total Points Possible 100

Neighborhoods with a Rank Score under 45 will not be eligible for further consideration. The residents will be notified and the CAR form returned. Neighborhoods with a Rank Score of 45 or more proceed with the program.