

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FORMATION, BOUNDARY, HOURS OF OPERATION, AND AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH A PERMIT FEE AMOUNT FOR THE SOUTHWESTERN COLLEGE ESTATES RESIDENTIAL PERMIT PARKING DISTRICT

WHEREAS, on November 10, 2015 the City Council adopted Ordinance No. 3356, which added Chula Vista Municipal Code Chapter 10.87, Residential Permit Parking Districts and established a process for creating a Residential Permit Parking District (RPPD) in a residential area; and

WHEREAS, the purpose of an RPPD is to limit on-street parking by non-residents and to facilitate the ability of residents and their guests with permits to find on-street parking for their vehicles near their residences; and

WHEREAS, in the months of May and June 2015, a "Petition of Interest for District" was circulated within the neighborhood of Southwestern College Estates to evaluate interest for establishing an RPPD; and

WHEREAS, pursuant to Section 10.87.030(a), a petition must be signed by at least 50 percent of the dwelling units in the area proposed for designation as a residential permit parking district; and

WHEREAS, the petition circulated in May and June 2015 and subsequently verified by staff showed that approximately 70% of the residents petitioned were interested in forming a District; and

WHEREAS, pursuant to Section 10.87.030(b), staff promptly studied the eligibility of a residential permit parking district in the Southwestern College Estates neighborhood; and

WHEREAS, pursuant to Section 10.87.030(b), as a result of this eligibility study, staff and the City Manager determined that the Southwestern College Estates neighborhood is materially and adversely affected by the parking of non-resident vehicles on public streets in the area for extended and continuous periods; and

WHEREAS, as a result of the petition, a community meeting was held on August 20, 2015 among the City, Chula Vista Police Department, Southwestern College Administration, and Southwestern College Estates residents regarding the formation of an RPPD; and

WHEREAS, input from the residents provided staff with information to determine the various details needed to establish an RPPD in Southwestern College Estates; and

WHEREAS, all feedback was considered, and the final report was prepared and presented to the Safety Commission on October 7, 2015, in which members of the public participated and gave testimony; and

WHEREAS, the Safety Commission accepted staff's report and recommended that the Chula Vista City Council approve the formation, boundary, hours of operation and permit fee amount for the Southwestern College Estates Residential Permit Parking District; and

WHEREAS, based upon public input at the Safety Commission meeting, the final district boundary and street restriction map attached as Exhibit "A" was developed; and

WHEREAS, only the parcels (193 properties) shown on the map that abut the proposed restricted streets are eligible to purchase parking permits; and

WHEREAS, the proposed restricted streets in the District are:

- Auburn Avenue: 800 block
- Columbia Street: 1600 block
- Elmhurst Street: 1600 block
- Fordham Ave: 800 block
- Gotham Street: 1600 block
- Harvard Street: 1600 block
- Ithaca Street: 1600 block
- Otay Lakes Road: 871 to 895 Otay Lakes Road
- Vassar Avenue: Elmhurst Street to Gotham Street
- Wayne Avenue: 900 block
- Xavier Avenue: 800 block
- Yale Street: 1600 block; and

WHEREAS, staff recommends that the permit issuance is in accordance with Section 10.87.080(b)(1) - (4) of the RPPD Ordinance. This allows for three (3) resident permits and one (1) guest permit per residence. Each resident also may purchase up to four (4) temporary permits per year. This should provide fair and equitable access to all residents in the District; and

WHEREAS, the parking permits will be issued for a one (1) year period and will be required to be renewed on an annual basis; and

WHEREAS, based on the input from the residents, the parking restriction will be from 8 am to 5 pm Monday to Friday; and

WHEREAS, upon the City Council adoption of this resolution approving the Southwestern College Estates Residential Permit Parking District, the City Manager will

cause signs to be erected indicating the parking restriction along the restricted street segments listed in this resolution; and

WHEREAS, pursuant to California Vehicle Code section 22507, such a parking restriction shall not apply until signs or markings giving adequate notice thereof are placed. Additionally, enforcement will not begin until the City has acquired the permits and allowed residents a minimum of 30 days to purchase a permit; and

WHEREAS, based on cost estimates for the signs, sign installation and administration of the District, the cost per annual permit shall be \$20 per permit per year. This fee will be reviewed periodically and adjusted accordingly as allowed in the Ordinance; and

WHEREAS, Chapter 13 – Parking Fees – of the Master Fee Schedule, Fee Bulletin 13-100 sets out general parking fees in Chula Vista; and

WHEREAS, as set out in an exhibit to this resolution, Fee Bulletin 13-100 shall be amended to add the category, “Residential Permit Parking Districts;” and

WHEREAS, Fee Bulletin 13-100 also shall be amended to add the “Southwestern College Estates Residential Permit Parking District” and establish a \$20.00 nonrefundable fee for each 12-month resident parking permit, guest parking permit, and temporary parking permit; and

WHEREAS, Article XIII.C.1(e) of the California Constitution defines a tax to mean any levy, charge, or exaction of any kind imposed by a local government unless specifically exempted; and

WHEREAS, the permit fee is exempt from the definition of a tax pursuant to California Constitution Article XIII.C.1.(e)(3), because it is a reasonable regulatory cost for issuing such permits, the administrative enforcement and adjudication of the residential permit parking district, and does not exceed the reasonable costs of administering the program and maintaining the district; and

WHEREAS, pursuant to Section 10.87.050, the City Council finds that the recommendation to establish a Southwestern College Estates Residential Permit Parking District complies with the requirements of Chula Vista Municipal Code Chapter 10.87.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it approves the formation, boundary, hours of operation and amends the Master

Fee Schedule to establish a permit fee amount for the Southwestern College Estates Residential Permit Parking District.

Presented by

Approved as to form by

Richard A. Hopkins
Director of Public Works

Glen R. Googins
City Attorney