

ATTACHMENT # 3

ORDINANCE NO. 3356

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING TITLE 10, VEHICLES AND TRAFFIC, BY ADDING CHAPTER 10.87, RESIDENTIAL PERMIT PARKING DISTRICTS, TO THE CHULA VISTA MUNICIPAL CODE

WHEREAS, sustained and significant non-resident parking in residential neighborhoods can negatively affect quality of life by increasing traffic, preventing residents and their guests from finding on-street parking near residents' homes, interfering with residents' ability to put out trash and recycling receptacles for pickup, and can lead to violations such as litter, blocked driveways, and interfering with visibility by parking too close to an intersection; and

WHEREAS, this ordinance sets out a process for residents to identify and for staff to analyze with objective factors the need for a residential permit parking district in a particular residential area, and to publicly discuss and consider a proposed district in public meetings and in public hearings before the Safety Commission and the City Council; and

WHEREAS, California Vehicle Code section 22507 authorizes local authorities, by resolution or by ordinance, to restrict the parking of certain vehicles on certain streets during all or certain hours of the day, including designating certain streets upon which preferential parking privileges are given to residents adjacent to the streets for their use and enjoyment, under which residents are issued permits that exempt them from the parking restriction; 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; and

WHEREAS, pursuant to California Vehicle Code section 22507, a resolution or ordinance adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program; and

WHEREAS, a process for establishing a residential permit parking district helps preserve the residential character of neighborhoods and promotes the general welfare of the community.

NOW, THEREFORE, the City Council of the City of Chula Vista does ordain as follows:

Section I.

Chapter 10.87, RESIDENTIAL PERMIT PARKING DISTRICTS

10.87.010 Purpose

This ordinance establishes a process for creating a Residential Permit Parking District in a residential area. The purpose of a Residential Permit Parking District 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.

10.87.020 Definitions

- a) "Residential Permit Parking District" or District shall mean a residential area with designated boundaries established by City Council resolution pursuant to this Chapter within which special parking restrictions are imposed, with exceptions for vehicles being used by residents or guests displaying a valid permit.
- b) "Non-resident vehicle" shall mean any motor vehicle parked in a District that is not a "resident vehicle" or a "guest vehicle" as defined herein.
- c) "Guest" shall mean a person visiting a resident of a District.
- d) "Guest vehicle" shall mean a motor vehicle belonging to a guest, as defined herein, and displaying a valid permit issued pursuant to this ordinance.
- e) "Motor vehicle" or "vehicle" shall mean an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation.
- f) "Resident" shall mean a person owning, leasing or residing in a dwelling unit in a District.
- g) "Resident vehicle" shall mean a motor vehicle parked in a District that is registered with a state motor vehicle department to a resident of a District and displaying a valid permit issued pursuant to this ordinance.
- h) "Temporary Permit" shall be a permit issued to a resident for up to a two week period.

10.87.030 Initiation of District Formation Process

- a) Any person or person(s) seeking formation of a Residential Permit Parking District shall submit to the City Manager a detailed description of parking issues in a residential area attributed to non-residents and a petition on a form provided by City staff. The petition shall include proposed boundaries, dates and times of restriction. The petition must be signed by residents of at least 50 percent of the dwelling units in the area proposed for designation and shall be subject to City verification.
- b) Upon receipt of a petition satisfying the requirements set forth in subsection (a), above, the City Manager shall undertake or cause to be undertaken surveys or studies as are deemed necessary to determine whether a residential area is eligible for consideration as a Residential Permit Parking District. Eligibility shall be determined using objective criteria to evaluate whether or not such residential area is materially, adversely impacted by the parking of non-resident vehicles on public streets within the area for any extended or continuous period during the day or night. City shall endeavor to complete such surveys or studies within 90 days of receipt of a qualified petition.

- c) Within 30 days of the completion of the eligibility analysis, the City Manager shall endeavor to hold a community meeting or meetings on the subject of the eligibility and, assuming eligibility can be established, such other matters that the City Manager shall deem necessary and appropriate to clarify the proposal, and to help in the development of the City Manager's recommendation on the proposed district. Such matters may include boundaries for the proposed residential permit parking area, the appropriate area prohibition or time limitation on parking and the period of the day for its application, and/or other details of a permit parking program. Such matters may also include discussions of consistency with the "Designation Criteria" provide in Section 10.87 below.
- d) Within 60 days of a community meeting on a District proposal, the City Manager shall endeavor to hold a public hearing or hearings on the subject matter of eligibility at the Safety Commission and shall present a recommendation on a District proposal to the Safety Commission.
- e) The City Manager shall direct staff and staff shall cause notice of such Safety Commission public hearing or hearings to be conspicuously posted in the proposed Residential Permit Parking District.
- f) The notice shall clearly state the purpose of the Safety Commission public hearing, the location and boundaries tentatively considered for the proposed Residential Permit Parking District and, if applicable, the permit fee to be charged. During such hearing or hearings, any interested person may be entitled to appear and be heard, subject to appropriate rules of order adopted by the City Manager or the Safety Commission.

10.87.040 Recommendation of the City Manager to the City Council

- a) Within 60 days of the completion of the hearing or hearings conducted at the Safety Commission with regard to a particular petition to establish a Residential Permit Parking District, the City Manager shall forward his or her recommendation and the Safety Commission's recommendation by written report to the City Council, based on the record of such meeting or meetings and the surveys and studies performed, whether to designate the residential area under consideration as a Residential Permit Parking District.
- b) The report of the City Manager shall set forth the evidence generated as a result of surveys and studies performed, significant subjects and concerns raised at the public hearing or hearings conducted, the findings relative to those designation criteria listed in Section 10.87.070 deemed applicable to the residential area and conclusions as to whether the findings justify residential permit parking for that particular area, the proposed boundaries of the Residential Permit Parking District, any proposed subarea prohibition and day and time limitation(s) for its application, and, if appropriate, any required permit fees.

10.87.050 City Council Consideration and Action.

The City Council shall consider a petition for designation of Residential Permit Parking District presented in compliance with the terms of this Chapter, the Safety Commission's recommendation, and the City Manager's recommendation with respect thereto at a public hearing. After the conduct of such public hearing and its consideration of (a) the City Manager's report and recommendation, (b) any and all testimony presented in favor or against the petition, and (c) the designation criteria set forth in Section 10.87.070 set forth below, and (e) the Safety Commission's recommendation, the City Council may approve, disapprove or decline to act on any District petition in its discretion. Any City Council resolution approving the designation of a District shall include, at a minimum (a) the applicable parking regulations, (b) the period of the day or week for their application, (c) the fee to be charged upon permit issuance, and (d) findings of compliance with the terms of this Chapter. The City Council resolution may also limit the number of resident or guest permits issued to a resident if a limitation would further the goals of the residential parking permit program.

10.87.060 Amendment or Termination of a District.

The designation process and designation criteria set forth in this Chapter also shall be used by the City Manager and the City Council in determining whether to terminate a Residential Permit Parking District or amend its terms.

10.87.070 Designation Criteria

In determining whether a residential area identified as eligible for residential permit parking should be designated as a Residential Permit Parking District, the City Manager and the City Council shall take into account factors which include, but are not limited to, the following:

- (1) The extent of the desire and need of the residents for residential permit parking and their willingness to comply with the permit program and to pay administrative costs necessary to operate and maintain residential permit parking;
- (2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
- (3) The extent to which vehicles parking in the area during the period proposed for parking restriction are non-resident vehicles rather than resident vehicles;
- (4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces;
- (5) The extent to which commuter vehicles will be displaced into nearby residential areas outside a Residential Permit Parking District;
- (6) The extent to which alternative solutions are feasible or practical.

10.87.080 Issuance of Permits

- a) After a Residential Permit Parking District is established by Council resolution, the City Manager shall be authorized and directed to issue, upon written applications, parking permits. Each such permit shall be designated by the City Manager or designee to reflect the particular Residential Permit Parking District as well as the license plate number of the motor vehicle for which it is issued. Consistent with this Chapter the City Manager is authorized to issue such rules and regulations, as he/she deems necessary or appropriate to govern the process and terms for the issuance of parking permits.
- b) Upon proper application, parking permits may be issued for motor vehicles as follows:
 - (1) Resident Permits. Up to three (3) resident permits may be issued upon purchase to a dwelling unit within a district for motor vehicles that are either registered in a resident's name, or otherwise under his or her exclusive control. No more than one parking permit shall be issued to each motor vehicle for which application is made.
 - (2) Proof of residency and motor vehicle ownership/control shall be demonstrated in a manner approved by the City Manager.
 - (3) Guest Permit. One (1) guest permit shall be available upon application and purchase for each dwelling unit within a District.
 - (4) Temporary Permits. Up to four (4) temporary permits for up to a two (2) week duration each shall be available upon application and purchase per 12-month period for each dwelling unit within a District.
 - (5) The City Council may, in its discretion, change the maximum number of resident, guest and temporary permits established in this section by resolution in establishing a District to suit the particular needs of that District.
- c) No permit issued under this Chapter shall guarantee or reserve an on-street parking space to a permit holder within the designated Residential Permit Parking District.
- d) Any and all permits issued under this Chapter shall be non-transferable.

10.87.090 Application For and Duration of Permit

Each parking permit issued by the City Manager or designee under this Chapter shall be valid for twelve (12) months from date of issuance, unless otherwise approved by the City Manager. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, his or her residence address or address of real property owned or leased within a Residential Permit Parking Area, and the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the City Manager. Permit holders are solely responsible for maintaining current contact and vehicle license information associated with the permit.

10.87.100 Permit Fees

The fees for a Residential Permit Parking District permit shall be set by resolution of the City Council based upon the recommendation of the City Manager. The City Manager shall from time to time recommend such fees to the Council that reflect an amount equal but not to exceed the reasonable costs of administration of the program and maintenance of the District.

10.87.110 Posting of Residential Permit Parking Districts

Upon the adoption by the City Council of a resolution designating a Residential Permit Parking District, the City Manager or designee shall cause signs to be erected in the area indicating the District prohibition or time limitation(s), period(s) of the day for its application.

10.87.120 Display of Permits

Permits must be displayed in the manner determined by the City Manager as indicated on the permit and/or posted within the District.

10.87.130 Permit Parking Exemptions

Except as provided below, all motor vehicles parked on a street within a Residential Permit Parking District shall be subject to the time restrictions or area prohibitions adopted as provided in this Chapter, as well as the penalties provided for herein.

Residents and guests who do not park on a street in a Residential Parking Permit District during days and hours of restriction are not required to purchase and display a permit under this Chapter.

- a) A resident motor vehicle or guest motor vehicle with a valid and properly displayed parking permit issued in accordance with this Chapter shall be permitted to be parked in the Residential Permit Parking District without being limited by time restrictions or area prohibitions established pursuant to this Chapter.
- b) Vehicles bearing a disabled person or disabled veteran license plate or placard issued by a state motor vehicle department shall be exempt from time or area restrictions imposed by this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter.
- c) Vehicles owned or operated by a private or public utility or a government agency or government contractor when used in the course of business shall be exempt from time or area restrictions imposed pursuant to this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter.

- d) An authorized emergency vehicle when used in the course of business shall be exempt from the time or area restrictions imposed by this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter.
- e) Commercial or service vehicles parked while actively delivering materials or freight or providing a service at a dwelling unit in the District, including but not limited to landscaping, pool maintenance, plumbing, electrical, construction, cleaning, property maintenance, property management, or home health care, shall be exempt from the time or area restrictions imposed pursuant to this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter.
- f) Driver-attended vehicles parked for the purpose of picking up or dropping off students at an elementary school, middle school, junior high school, or high school within a Residential Permit Parking District shall be exempt from the time or area restrictions imposed by this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter.
- g) Vehicles parked in the District for the purpose of a special event, block party or similar event, including but not limited to functions at an elementary school, junior high school or high school within a District shall be exempt from the time or area restrictions imposed by this Chapter and shall be exempt from the requirements to purchase and display a permit under this Chapter, with the advance written permission of the City Manager.

10.87.140 Application of Other Parking Laws

Vehicles displaying a permit and vehicles exempt from displaying a permit in the Residential Permit Parking District shall be subject to all other applicable parking restrictions or prohibitions in the California Vehicle Code or the Chula Vista Municipal Code.

10.87.150 Penalty Provision

- a) It shall be unlawful and a violation of this Chapter, unless expressly provided to the contrary in this Chapter, for any person to park a motor vehicle for a period exceeding the time limitation or in violation of the area prohibition established in a Residential Permit Parking District. Said violation shall be an infraction punishable in accordance with the provisions of Section 10.62.030.G, establishing the base penalty amount, Section 10.62.030.H through J, concerning late payment and non-payment penalties, and County and State pass-through fees as set out in the City's Master Fee Schedule on parking fees.
- b) It shall be unlawful for any resident or guest to possess or display a counterfeit parking permit. Said violation shall be an infraction punishable in accordance with the provisions of Section 10.62.030.G, establishing the base penalty amount, Section 10.62.030.H through J, concerning additional penalties for late payments and failure to pay, and County and State pass-through fees as set out in the City's Master Fee Schedule on parking fees.

10.87.160 Revocation Provision

The City Manager is authorized to revoke the Residential Permit Parking District permit of any resident or guest found to be in violation of this Chapter and, upon written notification thereof, the person shall surrender such permit to the City Manager. Failure when so requested, to surrender a residential parking permit so revoked shall constitute a violation of this Chapter and may be punished pursuant to Section 10.87.150.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

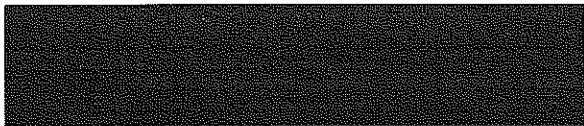
Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

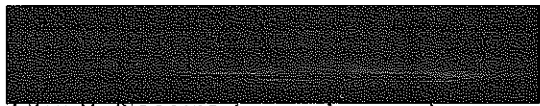
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by



Richard A. Hopkins
Director of Public Works

Approved as to form by



Glen K. Gogins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 10th day of November 2015, by the following vote:

AYES: Councilmembers: Aguilar, Bensoussan, McCann, Miesen and Salas

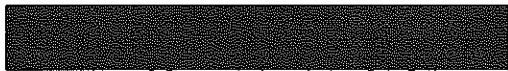
NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Mary Salas, Mayor

ATTEST:



Donna R. Norris, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Donna R. Norris, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3356 had its first reading at a regular meeting held on the 3rd day of November 2015 and its second reading and adoption at a regular meeting of said City Council held on the 10th day of November 2015; and was duly published in summary form in accordance with the requirements of state law and the City Charter.

NOV 30, 2015
Dated



Donna R. Norris, CMC, City Clerk