

ORDINANCE NUMBER O- 19263 (New Series)

ADOPTED ON FEB 09 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 8, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW DIVISION 21, TITLED BALLPARK EVENT RESIDENTIAL PERMIT PARKING, AND BY ADDING NEW SECTIONS 86.2101, 86.2102, 86.2103, 86.2104, 86.2105, 86.2106, 86.2107, 86.2108, 86.2109, 86.2110, 86.2111, AND 86.2112, ALL RELATING TO BALLPARK EVENT PARKING.

WHEREAS, on November 29, 1999, five communities who formed the Coalition Advocating Redevelopment Excellence [CARE] filed a Petition for Writ of Mandamus in the San Diego Superior Court challenging the construction of the downtown ballpark facility pursuant to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, on March 17, 2000, the Superior Court entered judgment denying the Petition, and on May 11, 2000, CARE filed a Notice to Appeal with the Fourth District Court of Appeals; and

WHEREAS, the City believes the approval of the ballpark facility complies with CEQA in all respects, however, the parties agreed it was of mutual interest to dismiss the litigation and resolve CARE's concerns through a settlement agreement; and

WHEREAS, a Settlement Agreement was entered into on July 25, 2000, whereby the City agreed to implement a parking permit program that would be in effect during ballpark events; and

WHEREAS, City staff met and consulted with the CARE communities to develop a parking program; and

WHEREAS, pursuant to the July 25, 2000 Settlement Agreement, after three years from Opening Day 2004, the City may modify or terminate the Ballpark Event Residential Permit Parking program, if it determines, after consulting with the affected neighborhoods, that the parking program has not been effective in protecting the neighborhoods from ballpark event parking impacts or the City determines that the parking program is unnecessary to maintain adequate neighborhood parking during ballpark events; and

WHEREAS, the City Manager recommends approval by the City Council of the parking program contained in this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 8, Article 6, of the San Diego Municipal Code is hereby amended by adding new Division 21 titled "Ballpark Event Residential Permit Parking," and by adding new sections 86.2101, 86.2102, 86.2103, 86.2104, 86.2105, 86.2106, 86.2107, 86.2108, 86.2109, 86.2110, 86.2111, and, 86.2112, to read as follows:

DIVISION 21

BALLPARK EVENT RESIDENTIAL PERMIT PARKING

§86.2101 Purpose

This division is enacted pursuant to a litigation settlement agreement entered into by the City of San Diego on July 25, 2000 to address potential residential parking concerns created by the opening of the downtown ballpark facility.

It creates a parking program whereby designated districts would have time limit parking zones that are in effect only during *ballpark events*. Those resident

vehicles which display a valid permit would be exempt from the time limit parking restriction.

§86.2102 Definitions

Defined terms appearing in this division are shown in italics. For purposes of this division:

Ballpark event means any Major League Baseball game conducted in the *ballpark structure*.

Ballpark event residential parking permit means a permit issued to a qualified person located within the *ballpark event residential permit parking district*.

Ballpark event residential permit parking district means a designated residential area where parking is regulated during *ballpark events*.

Ballpark structure means the open-air, natural grass, state-of-the-art ballpark facility located in downtown San Diego that contains approximately 42,000 seats.

Lease has the same meaning as in Municipal Code section 86.2003.

Legal resident has the same meaning as in Municipal Code section 86.2003.

Neighborhood means the following neighborhoods located in the City of San Diego: Sherman Heights, Barrio Logan, Golden Hill and Uptown, the geographic boundaries to be consistent with current maps located in the City's Planning Department.

Owns has the same meaning as in Municipal Code section 86.2003.

Person has the same meaning as in Municipal Code section 11.0210.

§86.2103 **Scope of Division**

This division shall only apply to *neighborhoods* who request a *ballpark event residential permit parking district* as required by this division.

§86.2104 **Designation of Ballpark Event Residential Permit Parking Districts**

The City Council-recognized community planning group and the appropriate City Council District may submit a written request that the City Council designate any or all portions of a street located within any *neighborhood* as a *ballpark event residential permit parking district*.

§86.2105 **Ballpark Event Residential Permit Parking Districts**

- (a) Once the City Council designates a *ballpark event residential permit parking district*, the City Manager pursuant to section 82.01 of this Code shall cause appropriate signs to be erected in the area indicating prominently the time limitation, period of the day for its application, and conditions under which permit parking shall be exempt.
- (b) A *ballpark event residential permit parking district* shall be in effect only during *ballpark events*.
- (c) Except as provided for in section 86.2108, no *person* shall stop, stand or park any vehicle in any *ballpark event residential permit parking district* for a period of time longer than the time limitation posted.

§86.2106 Issuance of Ballpark Event Residential Parking Permits

- (a) Consistent with the requirements listed in this section the City Manager is authorized and directed to issue, upon written application, a parking permit. Each such permit shall be designated by the City Manager to state or reflect thereon the particular *ballpark event residential permit parking district* as well as the license number of the motor vehicle for which it is issued.
- (b) No more than one parking permit shall be issued to each motor vehicle for which application is made. Except that, businesses may be allowed more than one permit under conditions and restrictions that the City Manager deems appropriate.
- (c) Parking permits may be issued for motor vehicles only upon application of the following *persons*:
 - (1) A *legal resident* of the *ballpark event residential permit parking district* who has a motor vehicle registered in his or her name, or who has a motor vehicle for his or her exclusive use and control.
 - (2) A *person* who *owns* or *leases* commercial property and actively engages in business activity within a *ballpark event residential permit parking district*.
- (d) Proof of residency or ownership shall be demonstrated in a manner determined by the City Manager.

- (e) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the City Manager.

§86.2107 Display of Permits

Permits shall be displayed in a manner determined by the Chief of Police.

§86.2108 Permit Parking Exemptions

- (a) A resident motor vehicle or transient motor vehicle on which is displayed a valid *ballpark event residential parking permit* shall be permitted to stand or park in the *ballpark event residential permit parking district* for which the permit has been issued without being limited by the time restrictions or area prohibitions established pursuant to this division and that are in effect only during a *ballpark event*. The resident motor vehicle or transient motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this division.
- (b) This division shall not apply to vehicles specified in section 81.06 of this Code and vehicles where the operator or the passenger being transported by the vehicle is physically disabled and the vehicle displays a license issued under the provisions of section 9105 or section 22511.5 of the California Vehicle Code.
- (c) A parking permit shall not guarantee or reserve to the permit holder an on-street parking space within the designated *ballpark event residential permit parking district*.

§86.2109 **Application for and Duration of Permit**

Each parking permit issued by the City Manager shall be valid for not more than one year from date of issuance. All parking permits issued by the City Manager pursuant to this division require renewal on March 1 regardless of the original issue date. All renewals shall be made in such manner as may be required by the City Manager. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant, the applicant's residence address or address of real property *owned or leased* within a *ballpark event residential parking permit district*, 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.

§86.2110 **Permit Fees**

There shall be no fee for obtaining a *ballpark event residential parking permit*.

§86.2111 **Penalty Provision**

- (a) It is unlawful for any *person* to stand or park a motor vehicle for a period exceeding the time limitation or in a *ballpark event residential permit parking district*. Said violation shall be an infraction punishable by a \$150 fine.

- (b) It is unlawful for any *person* to falsely represent himself as eligible for a parking permit or to furnish false information in an application or a parking permit.

- (c) It is unlawful for any *person* to use or display or permit the use or display of a parking permit on a motor vehicle other than that for which the permit is issued.
- (d) It is unlawful for any *person* to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Manager. It shall further be unlawful and a violation of this division for a *person* to transfer the beneficial ownership of or a continuous right to use a parking permit in order to evade area prohibitions or time limitation on parking applicable in a *ballpark event residential permit parking district*.
- (e) Unless otherwise provided for, a violation of this section shall be a misdemeanor punishable in accordance with the provisions of section 12.0201 of this Code.

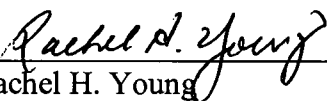
§86.2112 Revocation of Permit

The City Manager may revoke the *ballpark event residential parking permit* of any *person* found to be in violation of this division and, upon written request, the *person* shall surrender such permit to the City Manager. It is unlawful to fail or refuse to surrender a revoked *ballpark event residential parking permit*.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Rachel H. Young
Deputy City Attorney

RHY:cfq:lc
01/07/03
02/03/04 REV.
Or.Dept: E&CP
O-2004-86