

COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 04/04/2012

ORIGINATING DEPARTMENT: Transportation&Storm Water Dept

SUBJECT: Exemption of Certain Veterans from Parking Meter Fees

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: George Gazallo/619-533-3183

DESCRIPTIVE SUMMARY OF ITEM:

Review and consider the ordinance to comply with the California Vehicle Code to allow veterans displaying special license plates to park their motor vehicle in a metered parking space without paying the parking meter fees.

STAFF RECOMMENDATION:

Review and consider the ordinance.

EXECUTIVE SUMMARY OF ITEM:

By passing Assembly Bill 190 in 2008, the State of California expressed its support and appreciation for the veterans of the United States Armed Forces who have been recognized for specified distinguished and meritorious services.

AB 190 amended the vehicle code to allow veterans, whose vehicle displays special license plates, exemption from paying on-street parking meter fees. Effective January 1, 2009, Section 22511.3 was added to the California Vehicle Code (Attachment 1) which authorized municipalities to allow veterans displaying special license plates to park their motor vehicle in a metered parking space without paying the parking meter fees.

Section 22511.3 of the vehicle code also stipulates that a local authority's compliance with this section is solely contingent upon the approval of its governing body. The proposed ordinance is the mechanism to implement this exemption in the City of San Diego.

Prior to the passage of AB 190, several cities in California passed local ordinances that granted parking privileges similar to the state bill. The following cities have similar local ordinances: Fresno, Santa Monica, Culver City, and Coronado.

The proposed City ordinance (Attachment 2), similar to AB 190, would allow free parking at metered spaces to vehicles displaying one the following special license plates:

- 1) Pearl Harbor Survivor Plates.
- 2) Legion of Valor Plates.
- 3) Former American Prisoner of War (POW) Plates.
- 4) Congressional Medal of Honor Plates.
- 5) Purple Heart Plates.

While allowing a motor vehicle exemption from parking fees, Section 22511.3 does not exempt a vehicle displaying any of the above-mentioned license plates from compliance with any other

state law or ordinance, including, but not limited to, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations and street sweeping restrictions. This will not require the city to designate specific parking spaces for vehicles displaying any of the above-mentioned license plates.

The California Department of Motor Vehicles (DMV) estimates that about 8,924 of these license plates are active, statewide. The DMV does not maintain statistics on the number of specialty license plates issued in each of the cities and counties. Based on empirical data related to veterans in San Diego, staff has estimated that the impact to the City of San Diego parking meter revenue could be a loss of approximately \$3,000 to \$4,000 per year. The FY 2011 estimated annual parking meter revenue for the City of San Diego is \$7.7 million.

SUMMARY:

The proposed ordinance would allow free parking at on-street metered spaces to veterans whose vehicle displays any of the five categories of specialty license plates noted above. It will not require the City to designate specific parking spaces for such veterans. Furthermore, it does not exempt such veterans from any other posted parking restriction, such as zones that prohibit stopping, parking, or standing, parking time limitations and street sweeping.

The proposed ordinance provides a means for the City to express its support and appreciation for the most distinguished veterans of the Armed Forces at a relative low cost to the City.

FISCAL CONSIDERATIONS: This ordinance could account for approximately a \$3,000 to \$4,000 per year of revenue loss for the City of San Diego.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE): N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee): Land Use and Housing Committee 04/11/2012

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On 02/28/2012, the City's Community Planners Committee (CPC), made up of the chairs from each of the community planning groups, recommended approval of the proposed exemption. On 02/16/2012, the City's Parking Advisory Board (PAB), made up of members from various community parking districts, recommended against the proposed exemption. On 11/10/2011, the Downtown Parking Management Group (DPMG) recommended against the proposed exemption.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: The key stakeholders are the City, the citizens of San Diego, the City parking Districts and the veterans possessing and displaying one of the five specialty license plates issued by the DMV.

Sturdevan, Kip
Originating Department

Deputy Chief/Chief Operating Officer

Attachment 1

California Vehicle Code (CVC)

Veterans with Special License Plates: Parking in Metered Spaces

22511.3. (a) A veteran displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 may park his or her motor vehicle, weighing not more than 6,000 pounds gross weight, without charge, in a metered parking space.

(b) Nothing in this section restricts the rights of a person displaying either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(c) (1) This section does not exempt a vehicle displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 from compliance with any other state law or ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business.

(2) This section does not authorize a vehicle displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 to park in a state parking facility that is designated only for state employees.

(3) This section does not authorize a vehicle displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 to park during time periods other than the normal business hours of, or the maximum time allotted by, a state or local authority parking facility.

(4) This section does not require the state or a local authority to designate specific parking spaces for vehicles displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8.

(d) A local authority's compliance with subdivision (a) is solely contingent upon the approval of its governing body.

Added Sec. 1, Ch. 588, Stats. 2008. Effective January 1, 2009.

Attachment 2

(O-2010-)

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO COMPLYING WITH SECTION 22511.3 (a) OF THE CALIFORNIA VEHICLE CODE EXEMPTING VETERANS WITH SPECIAL LICENSE PLATES FROM PAYING PARKING METER FEES.

WHEREAS, the City of San Diego wishes to comply with Section 22511.3 (a) of the California Vehicle Code; and

WHEREAS, existing law authorizes the issuance of special license plates by the Department of Motor Vehicles to certain qualified veterans for their vehicles; and

WHEREAS, Section 22511.3 of the California Vehicle Code allows veterans displaying a special license plate on their vehicles to park, without charge, in a metered parking space; and

WHEREAS, the following are the special license plates:

- 1) Pearl Harbor Survivor Plates
- 2) Legion of Valor Plates
- 3) Former American Prisoner of War (POW) Plates
- 4) Congressional Medal of Honor Plates
- 5) Purple Heart Plates; and

WHEREAS, Section 22511.3 does not exempt a vehicle displaying any of the above-mentioned license plates from compliance with any other state law or ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business; and

WHEREAS, Section 22511.3 does not require the city to designate specific parking spaces for vehicles displaying any of the above-mentioned license plates; and

WHEREAS, a local authority's compliance with subdivision (a) of Section 22511.3 of the California Vehicle Code is solely contingent upon the approval of its governing body; NOW, THEREFORE,

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

Section 1. With the concurrence of the Mayor, that by the adoption of this Ordinance, the City of San Diego, hereby expresses its compliance with Section 22511.3 (a) of the California Vehicle Code that allows veterans displaying special license plates on their vehicles to park, without charge, in a metered parking space.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

APPROVED: JAN J. GOLDSMITH, City Attorney

By _____
Ryan Kohut
Deputy City Attorney

RK:mbr
1/25/10
Aud.Cert.: N/A
Or.Dept;E&CP
O-2010-

DRAFT

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____

ELIZABETH S. MALAND
City Clerk
By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor