

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY)
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TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): Police Department	DATE: 3/24/2016
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SUBJECT: Renewal of the Neighborhood Parking Protection Ordinance

PRIMARY CONTACT (NAME, PHONE): Adam Sharki, Lieutenant, 858-552-1704, MS 750	SECONDARY CONTACT (NAME, PHONE): Paige Folkman, DCA, 619-533-5825
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COMPLETE FOR ACCOUNTING PURPOSES

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE): None.

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Liaison Office	ORIG DEPT.	Ramirez, David	03/30/2016
Environmental Analysis	CFO		
	DEPUTY CHIEF		
	COO		
	CITY ATTORNEY	Folkman, Paige	04/14/2016
	COUNCIL PRESIDENTS OFFICE		

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

Amending sections 86.0139 through – 86.0144 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code to remove the sunset date of August 16, 2016.

Amending section 86.0139 to change language from "public street, park road or park parking lot" to "public street, park road or parking lot" to remove the superfluous "park" from "park parking lot." The definition of "parking lot" means those parking lots contained within "public parks."

Amending section 86.0139 to change language from "oversized , non-motorized, or recreational vehicle" to

"oversized vehicle, non-motorized vehicle, or recreational vehicle." This will clarify that all oversized vehicles, all non-motorized vehicles, and all recreational vehicles are subject to the provisions of this ordinance. It will remedy any confusion that a vehicle needs to be both oversized and non-motorized (or similar combination) to qualify.

Amending section 86.0140 to change language from "oversized , non-motorized, or recreational vehicle" to "oversized vehicle, non-motorized vehicle, or recreational vehicle." This will clarify that all oversized vehicles, all non-motorized vehicles, and all recreational vehicles are subject to the provisions of this ordinance. It will remedy any confusion that a vehicle needs to be both oversized and non-motorized (or similar combination) to qualify.

STAFF RECOMMENDATIONS:

Approve Requested Actions.

SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): All

ENVIRONMENTAL IMPACT: This activity is not a Project as defined in CEQA Guidelines Section 15378(b) (5). Based on 15378(b) (5) the activity does not meet the definition of a project and would therefore not be subject to CEQA pursuant to Section 15060(c) (3) of the State CEQA Guidelines.

CITY CLERK INSTRUCTIONS: N/A

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 3/24/2016

ORIGINATING DEPARTMENT: Police Department

SUBJECT: Renewal of the Neighborhood Parking Protection Ordinance

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Adam Sharki, Lieutenant/858-552-1704, MS 750

DESCRIPTIVE SUMMARY OF ITEM:

This item removes the sunset provision of the Neighborhood Parking Protection Ordinance relating to oversized (OVO), non-motorized, and recreational vehicles. This ordinance is scheduled to sunset August 16, 2016.

This item also adds clarification language to the ordinance. Instead of reading "any oversized, non-motorized, or recreational vehicle," the language will now read, "any oversized vehicle, non-motorized vehicle, or recreational vehicle." Instead of reading, "any public street, park road, or park parking lot," the language will read, "any public street, park road, or parking lot."

STAFF RECOMMENDATION:

Approve Requested Actions.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Neighborhood Parking Protection Ordinance (NPPO), also referred to as the oversized vehicle ordinance (OVO) includes sections 86.0139 through – 86.0144 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code. The ordinance governs the parking of oversized vehicles, recreational vehicles, and non-motorized vehicles on public streets and in public parking lots. The ordinance was passed on August 16, 2014, and will sunset on August 16, 2016. This action would remove the sunset provision from the ordinance and permanently codify sections 85.0138 through 86.0143. There is a minor language amendment that clarifies the original intent and does not substantially change the ordinance.

The Neighborhood Parking Protection Ordinance (NPPO), also referred to as the oversized vehicle ordinance (OVO), includes sections 86.0139 through – 86.0144 of Chapter 8, Article 6, Division 1 of the San Diego Municipal Code.

The NPPO governs the parking of oversized vehicles (any vehicle that is at least 27 feet long and at least 7 feet high), all non-motorized vehicles, and all recreational vehicles. This ordinance was passed August 16, 2014 with a sunset provision; the law is scheduled to sunset August 16, 2016.

Under this ordinance, a person may not park the described vehicles within 50 feet of any intersection.

Under this ordinance, a person may not park the described vehicles on any public street, park road, or park parking lot between 2:00am and 6:00am. Residents may purchase a permit at a cost

of \$1 for a 24 hour period for up to three consecutive nights. Residents may purchase up to 72 total permits per year. Residents may park their vehicle on their street with this permit. There are additional exemptions for loading/unloading, school buses, government/utility vehicles, and commercial loading zones.

Since its passage, police officers and parking enforcement officers have responded to approximately 3,226 calls for service specific to this ordinance. Officers have written 2,028 warnings and 3,190 citations for violations of these sections.

In addition to removing the sunset provision, this action would change the language from "Any oversized, non-motorized, or recreational vehicle," to "Any oversized vehicle, non-motorized vehicle, or recreational vehicle." The intent is to clarify that a vehicle need not be both oversized and non-motorized to be subject to this law.

CITY STRATEGIC PLAN GOAL(S)/OBJECTIVE(S):

Goal 2: Work in partnership with all of our communities to achieve safe and livable neighborhoods.

1. Protect lives, property, and the environment through timely and effective response in all communities
2. Reduce and prevent crime

FISCAL CONSIDERATIONS:

None.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

None.

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):

This law was passed by Council in August of 2014.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This ordinance is a frequent topic of conversation at community meetings.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The regulations set forth in this ordinance significantly enhance the safety and livability of San Diego's neighborhoods. The unregulated parking of oversized vehicles, non-motorized vehicles, and recreational vehicles on public streets and in public parking lots detracts from a healthy and

safe environment by causing the deterioration of air quality, safety, tranquility, aesthetics and other similar values.

Certain neighborhoods and areas of the City do not have sufficient on or off-street space to accommodate the convenient parking of oversized vehicles, non-motorized vehicles, and recreational vehicles. Residents are adversely affected by transient populations who park these types of vehicles overnight in residential neighborhoods. The parking of such vehicles, especially by non-residents, creates serious adverse effects in many areas and neighborhoods of the City of San Diego. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact regulations restricting unlimited parking of oversized vehicles, non-motorized vehicles, and recreational vehicles, while providing the opportunity for residents to park near their homes. Non-regulation would contribute to neighborhood decline and community frustration while ignoring the simple and effective alternatives to address the parking of these vehicles on public streets.

The regulations restrict parking of these vehicles on public streets and parking lots between the hours of 2:00 a.m. and 6:00 a.m. The regulations allow residents who wish to park their personally-owned vehicles to do so for a nominal fee up to 72 days per year. And by restricting parking of such vehicles within 50 feet of any intersection it improves safety near intersections by increasing visibility. This ordinance enhances the quality of life for all of San Diego's residents, visitors, and businesses.

Ramirez, David
Originating Department

Deputy Chief/Chief Operating Officer

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTIONS 86.0139 AND 86.0140; BY AMENDING SECTION 86.0143; AND BY REPEALING SECTION 86.0144, ALL RELATING TO PARKING OF OVERSIZED VEHICLES, NON-MOTORIZED VEHICLES, AND RECREATIONAL VEHICLES.

WHEREAS, the San Diego City Council (Council) amended the San Diego Municipal Code (Municipal Code) to regulate the parking of “oversized vehicles,” “non-motorized vehicles,” and “recreational vehicles” within the City (San Diego Ordinance O-20281 (Aug. 5, 2013)); and

WHEREAS, these regulations are codified in Municipal Code sections 86.0138 through 86.0143 and are collectively referred to as the Neighborhood Parking Protection Ordinance (NPPO), also known as the Oversized Vehicle Ordinance (OVO); and

WHEREAS, the NPPO contains a sunset provision whereby the NPPO will expire on August 15, 2016, unless an extension is approved by a majority vote of the Council (San Diego Ordinance O-20382 (July 17, 2014)); and

WHEREAS, the parking of oversized vehicles, non-motorized vehicles, and recreational vehicles on public streets for extended periods of time negatively impacts the quality of life of all San Diego residents, including visitors and businesses; and

WHEREAS, the unregulated parking of oversized vehicles, non-motorized vehicles, and recreational vehicles on public streets and in public parking lots detracts from a healthy and safe environment by causing the deterioration of air quality, safety, tranquility, aesthetics, and other similar values; and

WHEREAS, certain neighborhoods and areas of the City do not have sufficient on or off-street space to accommodate the convenient parking of oversized vehicles, non-motorized vehicles, and recreational vehicles, and residents are adversely affected by transient populations who park these types of vehicles overnight in residential neighborhoods; and

WHEREAS, the parking of such vehicles, especially by non-residents, creates serious adverse effects in many areas and neighborhoods of the City of San Diego and in order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact regulations restricting unlimited parking of oversized vehicles, non-motorized vehicles, and recreational vehicles, while providing the opportunity for residents to park near their homes; and

WHEREAS, since the NPPO took effect on August 16, 2014, police officers and parking enforcement officers have responded to approximately 3,226 calls for service, and issued 2,028 warnings and 3,190 citations related to the regulations; and

WHEREAS, the Council now desires to permanently codify the NPPO; and

WHEREAS, Municipal Code Chapter 8, Article 1, Division 1 of the Municipal Code defines the types of vehicles the NPPO regulates: “oversized vehicles,” “non-motorized vehicles,” and “recreational vehicles”; and

WHEREAS, the Council wishes to clarify the intent of the NPPO by using the complete and correct terms as defined in Municipal Code section 81.0102; and

WHEREAS, the term “oversized, non-motorized, or recreational vehicle,” is proposed to be changed to “oversized vehicle, non-motorized vehicle, or recreational vehicle” to clarify that a vehicle need not be both oversized and non-motorized to be subject to the regulations; and

WHEREAS, Municipal Code section 81.0102 defines “parking lot” to mean those contained within “public parks” and therefore the word “park” in front of “parking lot” in

Municipal Code section 86.0139 is proposed to be removed to eliminate any confusion or redundancy; NOW, THEREFORE,

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

Section 1. That Chapter 8, Article 6, Division 1 of the San Diego Municipal Code is amended by amending and retitling sections 86.0139 and 86.0140, by amending section 86.0143, and by repealing section 86.0144, to read as follows:

§86.0139 Prohibition of Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles

Except as provided in section 86.0140 or otherwise expressly provided to the contrary herein, or unless such *parking* or *standing* is authorized by the City Manager and appropriate signs permitting such *parking* or *standing* are posted:

- (a) It is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road*, or *parking lot*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* between the hours of 2:00 a.m. and 6:00 a.m.
- (b) It is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley*, or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross street or *alley*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* at any time.

§86.0140 Exceptions to Prohibition on Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles

- (a) Section 86.0139(a) does not apply to any *oversized vehicle* on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.
- (b) Section 86.0139(a) does not apply to any *oversized vehicle* on a public street when such *oversized vehicle* is parked or left standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such *oversized vehicle* is parked or left standing.
- (c) through (f) [No change in text.]

§86.0143 Permit Process for Temporary Overnight Parking on Public Streets

- (a) through (b) [No change in text.]
- (c) The duration of the permit shall not exceed 24 hours.
- (d) Permits may be issued, but not exceed, three consecutive 24-hour periods.
- (e) through (f) [No change in text.]
- (g) The fee for obtaining a permit shall be established by resolution of the *Council* based upon the recommendation of the City Manager. A copy of the fee schedule shall be filed in the ratebook of *City* fees and charges on file in the Office of the City Clerk.
- (h) [No change in text.]

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

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Paige E. Folkman
Deputy City Attorney

PEF:amt
April 14, 2016
Or.Dept:Police
Doc. No.: 1252553_8

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)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING AND AMENDING SECTIONS 86.0139 AND 86.0140; BY AMENDING SECTION 86.0143; AND BY REPEALING SECTION 86.0144, ALL RELATING TO PARKING OF OVERSIZED VEHICLES, NON-MOTORIZED VEHICLES, AND RECREATIONAL VEHICLES.

§86.0139 Prohibition of Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles

Except as provided in section 86.0140 or otherwise expressly provided to the contrary herein, or unless such *parking* or *standing* is authorized by the City Manager and appropriate signs permitting such *parking* or *standing* are posted:

- (a) It is unlawful for any *person* to *park* or leave *standing* upon any public street, *park road*, or ~~*park*~~-*parking lot*, any oversized vehicle, non-motorized vehicle, or recreational vehicle between the hours of 2:00 a.m. and 6:00 a.m.
- (b) It is unlawful for any *person* to *park* or leave *standing* within 50 feet of any intersection of public streets, a public street and *park road*, a public street and *alley*, or a *park road* and *alley*, as measured from the prolongation of the curb lines or the edge of the pavement of the cross

street or *alley*, any *oversized vehicle*, *non-motorized vehicle*, or *recreational vehicle* at any time.

§86.0140 Exceptions to Prohibition on Parking of Oversized Vehicles, Non-Motorized Vehicles, and Recreational Vehicles

- (a) Section 86.0139(a) does not apply to any ~~oversized vehicle~~ oversized vehicle on a public street while actively engaged in loading or unloading goods, wares, or merchandise from or to any building or structure.
- (b) Section 86.0139(a) does not apply to any ~~oversized vehicle~~ oversized vehicle on a public street when such ~~oversized vehicle~~ oversized vehicle is parked or left standing in connection with, and in aid of, the performance of a service to or on a property in the block in which such ~~oversized vehicle~~ oversized vehicle is parked or left standing.
- (c) through (f) [No change in text.]

§86.0143 Permit Process for Temporary Overnight Parking on Public Streets

- (a) through (b) [No change in text.]
- (c) The duration of the permit shall not exceed ~~twenty-four~~ 24 hours.
- (d) Permits may be issued, but not exceed, three consecutive ~~twenty-four~~ 24-hour periods.
- (e) through (f) [No change in text.]
- (g) The fee for obtaining a permit shall be established by resolution of the *Council* based upon the recommendation of the City Manager. A copy of the fee schedule shall be filed in the ratebook of *City* fees and charges on file in the ~~e~~ Office of the City Clerk.
- (h) [No change in text.]

§86.0144 Sunset Provision

~~This section and sections 86.0139 through 86.0144 of this Division shall remain in effect for two years from August 16, 2014, at which time sections 86.0139, 86.0140, 86.0141, 86.0142, 86.0143, and 86.0144 shall be automatically repealed unless an extension is approved by majority vote of the City Council.~~

~~The California Coastal Commission has determined that this ordinance regulating the parking of oversized, non-motorized, and recreational vehicles is not subject to their approval.~~

PEF:amt
April 14, 2016
Or.Dept:Police
Doc. No.: 1252463_8

DRAFT