



# Neighborhood Parking Protection and Public Safety Ordinance

**Land Use & Housing Committee**

**March 27, 2013**

# Overview

- Goal: Provide law enforcement with more effective tools to enforce existing parking laws.
- Council District 2 is proposing ordinance to address:
  - Parking/quality of life issues
  - Public safety concerns
  - Environmental impacts
- First presented to Land Use & Housing Committee  
Nov. 28, 2012

# The Issues

## Parking/Quality of Life

- Vehicles illegally parked in front of homes and businesses for weeks—or even months—at a time
  - In violation of existing requirement to move 1/10 mile every 72 hours
- Occupying valuable parking spaces
- Blocking view corridors
- Limiting access to driveways and alleys
- Reduced visibility on narrow streets

## Public Safety/Environmental

- In many cases an occupant is living illegally in vehicle
- Instances of individuals disposing waste and black water on public streets, storm drains and bays

## Enforcement Challenges

- Current enforcement tools are time consuming and unproductive (e.g. marking tires, knocking on vehicle doors)

# Why: Improved Enforcement

## Current

### Enforcement – 3 day minimum

- PEO must mark vehicle after 72 hour parking violation complaint, then return after another 72 hours to inspect tag to issue citation

### Illegal Occupancy

- Officer must attempt to contact occupant inside of vehicle if suspected of illegal lodging
- Occupant is often unresponsive

## Proposed

### Enforcement– Immediate

- Officer visually inspects vehicle windshield for permit
- Citation issued on the spot to vehicles parked overnight without permit

### Illegal Occupancy

- Interaction with occupant unnecessary to issue citation

# Other Cities

- City of San Diego is one of the only coastal municipalities in S.D. County without oversized vehicle regulations
- Coastal cities with regulation specific to oversized vehicles (north to south):
  - ✓ **Oceanside**
  - ✓ **Carlsbad** (ordinance proposed)
  - ✓ **Encinitas**
  - ✓ **Solana Beach**
  - ✓ **Del Mar**
  - San Diego (none)
  - ✓ **Coronado**
  - Imperial Beach (none)
- Other Southern California cities with regulations: Los Angeles, Oxnard, Torrance and El Cajon

# LU&H Committee 11/28/12

- Direction to the City Attorney to:
  - Update the 2008 draft oversized vehicle ordinance, including parked boats on trailers.
  - Report on any legal challenges of similar ordinances from other jurisdictions, and if the City can restrict or ban additional objects without motors parked on streets.
  - Work with Council District Two staff to determine how to establish a single permit (and fee) to allow for temporary parking before travel and also upon return from a trip.
  - Advise when the City can tow or impound a recreational vehicle in violation(s) of the proposed parking restrictions.
- Direction to Independent Budget Analyst's Office to:
  - Update the fiscal impacts from the proposed permit fees and enforcement needs.
- Request from Councilmember Lightner to present to Community Planners Committee

# 2013 Proposed Ordinance

- Amends municipal code to prohibit parking of oversized, non-motorized, and recreational vehicles within boundaries of pilot area...
  - ...between 2-6 a.m.
  - ...within 50 feet of any intersection at any time
  - Exceptions: pickups/deliveries, commercial loading zones, disabled placards, gov't/public utility vehicles, school buses
- A permitting process for residents and their guests to park on same block as their home while preparing for trips
- Sunsets 2 years after Coastal Commission certification

# 2013 Proposed Ordinance (cont'd)

- Definitions:

- Oversized Vehicle: “any vehicle, including any attached trailers, vehicles or loads thereon, that exceeds 22 feet in length or 7 feet in height”
- Recreational Vehicle: camp trailer, camper, trailer coach, house car, boat, dune buggy, all-terrain vehicle (ATV)
- Non-motorized vehicle: Any trailer or trailer bus (trailer used for transportation of 15+ persons)

## **Recommended Amendment#1:**

- Further study shows the “22 feet in length or 7 feet in height” oversized vehicle definition would prohibit large moving vans and raised pickup trucks from parking overnight
- Recommend changing oversized vehicle definition to read “any vehicle...that exceeds **27 feet in length and 7 feet in height**”



# 2013 Proposed Ordinance (cont'd)

## Permits

- Shall state the address of the resident
- Only valid within the same block as resident's address, on either side of the street
- 72-hour duration
- 24 permits per year maximum; at least 1 day between permit periods

## Fines

- \$100 fine

## Recommended Amendment#2:

- Councilmember Lightner requested staff determine how to establish a single permit (and fee) to allow for temporary parking before and after travel
- Recommend permits for 24-hour duration that can be used up to 3 consecutive days; allow up to 72 permits to be issued in any calendar year
- Allows for greater flexibility to choose loading/unloading dates

# City Attorney Report 3/21/13

- May the City restrict the parking of non-motorized vehicles?
  - Yes, under CA Vehicle Code.
- What is City's authority to tow?
  - If vehicle has been cited 5 or more times and owner has not responded to citations within 21 calendar days
  - If sign is posted providing notice of parking restriction within that designated area
- Oversized vehicle ordinance legal challenges since 2008?
  - 2010: Legal Aid Foundation of Los Angeles v. City of L.A.
  - District Court sided with defendant (City); currently on appeal with Ninth Circuit

# IBA Report 3/21/13

- Updated analysis: implementation, permitting and enforcement

SUMMARY		
Projected Revenues	Pilot Program	Citywide Program
Permit Fees	\$100,000	\$187,500
Citation Fees	\$1,003,750	\$2,676,667
Total Projected Revenue	\$1,103,750	\$2,864,167
Projected Expenditures	Pilot Program	Citywide Program
Signage	\$14,820	\$44,460
Public Awareness program	\$20,000	\$20,000
Permitting		
- Equipment costs	\$27,000	\$27,000
- Annual Personnel costs	\$68,283	\$136,566
- Administrative costs <sup>1</sup>	\$3,000	\$15,000
Enforcement		
- Annual Personnel costs	\$581,383	\$1,490,992
- Equipment costs	\$157,016	\$285,376
- Citation Processing costs	\$42,750	\$114,000
Total Projected Expenditures	\$914,252	\$2,133,394
Surplus/(Shortfall)	\$189,498	\$730,773
1. Non-personnel administrative costs such as mailing, supplies, etc.		

# Recommended Approval: LU&H Technical Advisory Committee

- **Voted to recommend approval Nov. 14, 2012**
- Unanimous vote (8-0) to support the pilot program and forward to LU&H Committee with the following considerations:
  - ✓ Continue to solicit input from SDPD on staffing necessary to make program successful
  - ✓ Adjust price of permit to offset costs
  - ✓ Consider including boat trailers
  - ✓ If approved, conduct outreach program
  - ✗ Lower tow threshold for repeat offenders (update: not recommended by SDPD)

# Recommended Approval:

## Community Planners Committee

- Composed of representatives from every San Diego community
- **Voted to recommend approval Jan. 22, 2013**
- Motion to support the LU&H recommendation to implement a pilot program in the coastal areas, with an evaluation after one year to determine whether to adopt the program citywide (Yea: 17; Nay: 8; Abstain: 1)
  - Nays expressed support for stricter regulations
- Motion to prohibit overnight parking of large scale commercial vehicles on residential and commercial streets (Yea: 20; Nay: 2; Abstain: 3)

# Recommended Action to LU&H

- **Recommend to City Council approval of Neighborhood Parking Protection and Public Safety Ordinance with 2 amendments:**
  1. Change oversized vehicle definition to read “any vehicle...that exceeds 27 feet in length and 7 feet in height”
  2. Change permits to 24-hour duration that can be used up to 3 consecutive days; allow up to 72 permits to be issued in any calendar year