

Article 6: Stopping, Standing and Parking

Division 20: Residential Permit Parking Program

("Residential Permit Parking Program" added 12-14-1977 by O-12236 N.S.)

§86.2001 Legislative Purpose

This Division is enacted in response to the serious adverse effects caused certain areas and neighborhoods of the City of San Diego by motor vehicle congestion, particularly the parking of motor vehicles on the streets of such areas and neighborhoods by non-residents thereof. As set forth in more specific detail in Section 86.2002 of this Division, such long-term parking by non-residents threatens the health, safety and welfare of all the residents of the City of San Diego. In order to protect and promote the integrity of these areas and neighborhoods, it is necessary to enact parking regulations restricting unlimited parking by non-residents therein, while providing the opportunity for residents to park near their homes. Uniform parking regulations restricting residents and non-residents alike would not serve the public interest. Rather such regulation would contribute to neighborhood decline while ignoring the public transit alternatives to automobile travel available to non-residents. For the reasons set forth in this Division, a system of preferential resident parking is enacted hereby for the City of San Diego.

("Legislative Purpose" added 12-14-1977 by O-12236 N.S.)

§86.2002 Legislative Findings

- (a) General Finding. The City Council finds as a result of public testimony, evidence generated by both professional planning studies and derived from other sources, that the continued vitality of the City of San Diego depends on the preservation of safe, healthy and attractive neighborhoods and other residential areas therein. The Council further finds that the flight of residents and property owners from major metropolitan cities can be traced in part to the deterioration of such cities as attractive and comfortable places in which to reside. The Council further finds that one factor that has contributed to this deterioration is the excessive and burdensome practice of non-residents of certain areas and neighborhoods parking their motor vehicles for extended periods of time therein. Since there is in certain areas of the city at any one time a large surplus of motor vehicles over available on and off-street parking spaces, this condition detracts from a healthy and complete environment. A system of preferential resident parking will serve to reduce a number of strains on residents of the city and thus promote the general public welfare.

- (b) Specific Findings. The following specific legislative findings of the City Council in support of preferential resident parking are set forth as illustrations of the need compelling the enactment of this Division. They are intended as illustrations only and do not exhaust the subject of the factual basis supporting its adoption:
- (1) The safety, health and welfare of the residents of the city can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other residential areas;
 - (2) It is a fact of modern living in the city that a large number of San Diego residents possess automobiles and as a result are daily faced with the need to store these automobiles in or near their residences;
 - (3) Certain neighborhoods and areas of the city do not have sufficient on or off-street space to accommodate the convenient parking of motor vehicles by residents thereof in the vicinity of their homes;
 - (4) Such areas as described in (3) above are often further burdened by influxes of motor vehicles owned by non-residents which compete for the inadequate available on-street parking spaces;
 - (5) There further exist certain parking "attractors" within the City of San Diego, i.e. hospital, university, and industrial complexes, military bases, beaches, and locations convenient for commuter parking, which further aggravate resident parking problems;
 - (6) Unnecessary vehicle miles, noise, pollution, and strains on interpersonal relationships caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods and other residential areas by causing the deterioration of air quality, safety, tranquility, aesthetics and other values available in a residential environment;
 - (7) If allowed to continue unchecked, these adverse effects on the residents of the city will contribute to a further decline of the living conditions therein, a reduction in the attractiveness of residing within said city and consequent injury to the general public welfare;
 - (8) A system of preferential residential parking as enacted in this Division will serve to promote the safety, health and welfare of all the residents

of the city by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvements in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by ensuring a more stable and valuable property tax base in order to generate the revenues necessary to provide essential public services.

(“Legislative Findings” added 12-14-1977 by O-12236 N.S.)

§86.2003 Definitions

- (a) “Residential area” shall mean a contiguous or nearly contiguous area containing public streets and highways or parts thereof where residents dwell;
- (b) “Commuter vehicle” shall mean a motor vehicle, other than one described in subparagraph (e) herein, parked in a residential area in which it is not registered with the State of California, Department of Motor Vehicles.
- (c) “Resident vehicle” shall mean a motor vehicle parked in a residential area in which it is registered with the State of California, Department of Motor Vehicles;
- (d) “Residential permit parking area” shall mean a residential area designated as herein provided wherein resident motor vehicles displaying a valid permit as described herein shall be exempt from parking restrictions established pursuant to this Division.
- (e) “Transient vehicle” shall mean a motor vehicle, other than a resident vehicle, which has been issued a temporary residential parking permit pursuant to this Division.
- (f) “Owns” shall mean that a person has at least a one-quarter interest in a parcel of real property within a residential permit parking area.
- (g) “Lease” shall mean that a person pays rent or other remuneration for use of a parcel of real property as his residence or place of business.
- (h) “Motor vehicle” shall include an automobile, truck, recreation vehicle, motorcycle or other motor-driven or self-propelled form of transportation.
- (i) “Person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust,

organization, or the manager, lessee, agent, servant, officer or employee of any of them.

- (j) “Legal resident” shall mean a full-time resident of a residential property within a residential area, or a person in the employ of a licensed residential care facility occupying a single-family residential dwelling located within a residential area.

(Amended 4-7-2003 by O-19166 N.S.)

§86.2004 Designation of Residential Permit Parking Areas

The City Council shall upon recommendation of the City Manager, consider for designation as residential permit parking areas those residential areas meeting and satisfying the objective criteria therefor established in this Division. It may in its discretion then designate by resolution certain residential areas as residential permit parking areas in which resident motor vehicles displaying a valid parking permit may stand or be parked without limitation by parking time or parking area restrictions established by this Division. Said resolution shall also state the applicable parking regulation and period of the day for its application, and the fee to be charged upon permit issuance.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2005 Designation Criteria

- (a) a residential area shall be deemed eligible for consideration as a residential permit parking area if based on surveys and studies prepared at the direction of the City Manager or his designee, objective criteria establish that the residential area is impacted by commuter vehicles for any extended period during the day or night, on weekends, or during holidays.
- (b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, 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 bear the administrative costs in connection therewith;
- (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 commuter vehicles rather than resident vehicles; and
- (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.

(“Designation Criteria” added 12-14-1977 by O-12236 N.S.)

§86.2006 Designation Process

- (a) Upon receipt of a verified petition by residents of at least 50% of the living units in the area proposed for designation, the City Manager or his designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking. Such surveys or studies shall be completed within 90 days of receipt of a petition calling for such surveys or studies to be undertaken, unless otherwise provided by the City Council.
- (b) Within thirty days of the completion of surveys and studies to determine whether designation criteria are met, the City Manager or his designee shall notice as herein provided a public hearing or hearings in or as close to the neighborhood as possible on the subject of the eligibility of the residential area under consideration for residential permit parking. Said hearing or hearings shall also be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate area prohibition or time limitation on parking and the period of the day for its application.

The City Clerk shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation printed and published in this city. The first publication shall be not less than ten days prior to the date of such hearing.

The City Manager or his designee shall direct the Superintendent of Streets to, and such Superintendent shall cause notice of such hearing to be conspicuously posted in the proposed residential permit parking area.

The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be

heard, subject to appropriate rules of order adopted by the City Manager or his designee.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2007 Recommendation of the City Manager

- (a) Within sixty days of the completion of the hearing or hearings conducted with regard to a particular residential area, the City manager shall recommend by written report to the City Council, based on the record of such hearing or hearings and the surveys and studies performed, whether to designate the residential area under consideration as a residential permit parking area.
- (b) In the report of the City Manager, he 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 86.2005 deemed applicable to the residential area and conclusions as to whether the findings justify preferential residential parking for that particular area, the proposed boundaries of the residential permit parking area, any proposed area prohibition or time limitation and period of day for its application.
- (c) The designation process and designation criteria set forth in this Division shall also be utilized by the City Manager and the City Council in determining whether to remove designation as a residential permit parking area from a particular residential area.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2008 Issuance of Permits

- (a) The City Manager is hereby authorized and directed to issue, upon written application therefor, a parking permit. Each such permit shall be designated by the City Manager or designee to state or reflect thereon the particular residential permit parking area as well as the license number of the motor vehicle for which it is issued. No more than one parking permit shall be issued to each motor vehicle for which application is made. The City Manager is authorized to issue such rules and regulations, not inconsistent with this Division, governing the manner in which persons shall qualify for parking permits.
- (b) Parking permits may be issued for motor vehicles only upon application of the following persons:

- (1) A legal resident of the residential permit parking area who has a motor vehicle registered in his name, or who has a motor vehicle for his exclusive use and under his control;
- (2) A person who owns or leases commercial property and actively engages in business activity within a residential permit parking area. However, no more than one parking permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a person.
- (c) Proof of residency or ownership shall be demonstrated in a manner determined by the City Manager.
- (d) The City Council may, by resolution, limit the number of permits issued to any resident or dwelling unit if such limitation would further the goals of the residential permit parking program.
- (e) Proof of motor vehicle ownership or vehicle use and control shall be demonstrated in a manner determined by the City Manager.
- (f) Temporary residential parking permits may be issued for vehicles which:
 - (1) owned, rented or under the operational control of any person who owns or leases property in the residential permit area; or
 - (2) used in providing services to persons or property in the residential permit area. Temporary residential parking permits may also be issued to vehicles owned by temporary visitors who are residing in the residential permit parking area. Such temporary residential parking permits shall have all of the rights and privileges of a regular permit. A temporary parking permit shall be valid for no more than fourteen (14) days from the date of issuance. No resident of a residential permit parking area shall be issued more than two temporary parking permits at any one time. A temporary residential parking permit issued to a vehicle providing services or to vehicles owned by temporary visitors shall be considered to be a temporary permit issued to the resident of the property where the services are provided or the temporary visitors are residing.
- (g) A visitor parking permit is a permit which is not affixed or assigned to an identified vehicle and which may be used on resident or nonresident vehicles as the user may need. The City Council may, by resolution, authorize the

issuance of visitor parking permits in any residential permit parking area. When authorized, visitor parking permits may be issued under the following conditions:

- (1) The permit is issued to a person who qualifies under Section 86.2008(b).
- (2) The applicant for a visitor parking permit has not reached the limits, if any, set by the Council pursuant to Section 86.2008(d).
- (3) Only one visitor parking permit shall be issued to any resident or dwelling unit within the permit parking area.
- (4) Such other conditions and restrictions that the City Council by resolution imposes or that the City Manager deems appropriate.

(Amended 7-8-1985 by O-16459 N.S.)

§86.2009 Posting of Residential Permit Parking Area

Upon the adoption by the City Council of a resolution designating a residential permit parking area, the City Manager pursuant to Section 82.01 of this Code shall cause appropriate signs to be erected in the area indicating prominently thereon the area prohibition or time limitation, period of the day for its application, and conditions under which permit parking shall be exempt therefrom.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2010 Display of Permits

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

("Display of Permits" added 12-14-1977 by O-12236 N.S.)

§86.2011 Permit Parking Exemptions

A resident motor vehicle or transient motor vehicle on which is displayed a valid parking permit as provided for herein shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by time restrictions or area prohibitions established pursuant to this Division. Said resident motor vehicle or transient motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this Division. All other motor vehicles other than vehicles specified in Section 81.06 of this Code and vehicles where the operator or the passenger being transported by said 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, parked within a residential permit parking area shall be subject to the time restrictions or area prohibitions adopted as provided in this Division as well as the penalties provided for herein.

A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2012 Application for and Duration of Permit

Each parking permit issued by the City Manager or designee shall be valid for not more than one year from date of issuance. Permits shall expire on the last day of the anniversary month of the formation of the area for which it was issued. Permits may be renewed during the anniversary month of the area 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, his 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.

(Amended 8-24-1981 by O-15574 N.S.)

§86.2013 Permit Fees

- (a) The fees for a residential permit parking shall be set by the 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 to equal but not to exceed the cost of the administration of the program.
- (b) A copy of the fee schedule shall be filed in the rate book of fees on file in the office of the City Clerk.

(Amended 9-10-1990 by O-17520 N.S.)

§86.2014 Penalty Provisions

- (a) It shall be unlawful and a violation of this Division unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle for a period exceeding the time limitation or in violation of the area prohibition established pursuant hereto. Said violation shall be an infraction punishable in accordance with the provisions of Section 12.0201 of this Code.

- (b) It shall be unlawful and a violation of this Division for a person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor.
- (c) It shall be unlawful and a violation of this Division for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this Division both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued.
- (d) It shall be unlawful and a violation of this Division for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit or permits without written authorization from the City Manager or designee. 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 visitor parking permit or to knowingly use or display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a residential permit parking area. A violation of this subsection shall be a misdemeanor punishable in accordance with the provisions of Section 12.0201 of this Code.

(Amended 8-10-1993 by O-17956 N.S.)

§86.2015 Revocation of Permit

The City Manager or designee is authorized to revoke the residential parking permit of any person found to be in violation of this Division and, upon written notification thereof, the person shall surrender such permit to the City Manager or designee. Failure when so requested, to surrender a residential parking permit so revoked shall constitute a violation of law and of this Division.

(“Revocation of Permit” added 12-14-1977 by O-12236 N.S.)

§86.2016 Severability

The provisions of this Division are severable and if any provisions, clause, sentence, subsection, section, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of the Division or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Division would have been adopted if such illegal, invalid or

unconstitutional provision, clause, sentence, subsection, section, word or part had not been included therein, or if such person or circumstance to which the Division or part thereof is held inapplicable had been specifically exempted therefrom.

(“*Severability*” added 12-14-1977 by O-12236 N.S.)