

ORDINANCE NO. _____ (2022 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING TITLE 10, CHAPTER 36 (STOPPING, STANDING AND PARKING FOR CERTAIN PURPOSES OR IN CERTAIN PLACES), OF THE SAN LUIS OBISPO MUNICIPAL CODE

WHEREAS, California Vehicle Code section 22507 provides cities the authority to restrict stopping, standing, or parking of vehicles on certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the street for their use and the use of their guests; and

WHEREAS, the City of San Luis Obispo's Municipal Code contains sections detailing the formation process for residential parking permit districts within city limits; and

WHEREAS, the Council of the City of San Luis Obispo has determined that the existing formation process is outdated, and revisions are necessary to meet the needs of commercial and residential properties within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. Section 10.36.170 (designation of residential parking permit areas – Adoption of resolution) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.170 Designation of ~~residential~~ preferential parking permit areas—Adoption of resolution.

A. The council should, by resolution, designate an area of the city as a ~~residential~~ preferential parking permit area if the council finds that:

~~1. The area is predominantly residential;~~

~~1. 2.—~~The streets in the area are congested with vehicles parked by persons not residing or working in the area and the designation is supported by a sixty percent majority of the affected ~~households~~ addressed units as indicated by a city survey of the affected ~~households~~ addressed units ~~in which a sixty percent majority of participating households is required;~~ or

~~2. 3.—~~Limiting the parking of vehicles along the streets in the area to vehicles registered or controlled and exclusively used by persons residing in an area or working in the ~~in the~~ area is necessary in order to preserve the character and manage parking demand of the existing ~~neighborhood area as defined in resident petition and~~ approved by a sixty percent majority of ~~households~~ addressed units in the area. ~~Households~~ Addressed units will be determined using the city's address database (there may be more than one ~~household~~ unit per parcel) and will be

limited to either commercial units or residential units, including non-multifamily units of less than five dwelling units with the exception of the ~~residential preferential~~ parking permit district on Dana Street which allows for multifamily units of five to eight dwelling units to be eligible to receive permits. This exception will be in effect until the completion of construction of the Palm-Nipomo parking structure or until nullified by city council action.

B. In determining whether limiting the parking of vehicles along the streets in the area to vehicles registered to or controlled and used exclusively by persons residing or working in the area is necessary in order to preserve the character of the existing ~~neighborhood area~~ for the persons residing or working in the area, the council shall consider the negative effect of vehicles parked by persons not residing or working in the area on:

1. Environmental characteristics such as ambient noise levels and air pollution levels;
2. Pedestrian and vehicular traffic safety in the area; and
3. The burden on persons residing or working in the area gaining access to their residences or places of employment.

C. The council may, by resolution, designate an area of the city as a ~~residential preferential~~ parking permit area after holding a public hearing and making a finding that the establishment of the district represents the desire of a majority of the households addressed units of the area. ~~The hearing on any such resolution should only be held after the council receives a request, in a form acceptable to the council.~~ (Ord. 1694 § 1, 2021; Ord. 1454 § 1, 2004; Ord. 1412 § 2 (part), 2002; Ord. 1264 § 1, 1994; prior code § 3209.17)

SECTION 2. Section 10.36.180 (designation of residential parking permit areas – Content of resolution) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

**10.36.180 Designation of ~~residential~~ preferential parking permit areas—
Content of resolution.**

The resolution designating an area of the city as a ~~residential preferential~~ permit parking area shall describe the designated area in which parking will be limited to vehicles displaying a parking permit issued by the public works department for that purpose and shall set forth the hours and days, as specified by a sixty percent majority of the households addressed units in the district, when parking will be limited to those vehicles. (Ord. 1454 § 2, 2004; Ord. 1412 § 2 (part), 2002; Ord. 1264 § 2, 1994; prior code § 3209.18)

SECTION 3. Section 10.36.190 (designation of residential parking permit areas – Sign posting) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.190 Designation of ~~residential~~ preferential parking permit areas—Sign posting.

Upon adoption of a resolution by the council designating an area of the city as a ~~residential~~ preferential parking permit area, the ~~public works director~~ Director of Public Works or their designee(s) shall cause appropriate signs to be erected along the streets identified in the resolution which shall give notice of the limitation on the parking of vehicles in the area as provided in Section 10.36.170, and shall indicate the hours and days when such limitations shall be in effect. (Ord. 1628 § 25, 2016: prior code § 3209.19)

SECTION 4. Section 10.36.200 (Limitations on parking in a residential permit parking area) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.200 Limitations on parking in a ~~residential~~ preferential permit parking area.

It is unlawful for any person to stop, stand, or park a vehicle on any street identified in a resolution adopted by the council designating a ~~residential~~ preferential permit parking area during the hours and on the days set forth in such resolution except:

A. Those vehicles described in Section 10.36.180 displaying a valid permit issued as provided for by Section 10.36.220 and parked within the street block in front of the ~~household~~ addressed unit to which the permit is issued or within one adjoining district block; or

B. Any emergency vehicle, including, but not limited to, an ambulance, fire engine, or police vehicle; or

C. A vehicle with commercial plates which is under the control of a person, who does not reside within the district, providing service for hire to property located in the designated ~~residential~~ preferential permit parking area, including but not limited to a delivery vehicle. Such vehicles cannot be parked within the area for more than twenty-four consecutive hours; or

D. ~~Preferential permit parking area residents~~ participants wishing to sponsor ~~guests special one-day events~~ which will exceed the number of parking permits available may contact the city parking manager and request a temporary permit; ~~special-event exemption to the residential permit requirement.~~ If the temporary exemption is granted by the parking manager, all vehicles which have as their destination a qualified ~~residential permit~~ preferential permit address, shall display in clear view on the dashboard, written confirmation of the street address and date

and time of the event that the permit is valid. ~~Further, special events~~ Issuance of sponsored guest permits shall be deemed infrequent occurrences and any regular requests for ~~parking sponsored guest permits exemption~~ will not be authorized. This section shall not be interpreted to allow the daily parking of vehicles. Any vehicle not displaying the proper or authorized identification shall be subject to citation. (Ord. 1454 § 3, 2004; Ord. 1264 § 3, 1994; prior code § 3209.20)

SECTION 5. Section 10.36.220 (Residential parking permit - Issuance) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.220 Residential Preferential parking permit—Issuance.

The Director of Public Works, or their designee, will annually issue two preferential parking permits to the registered property owner, or the registered property owner's representative, as authorized in writing, of each residential property shown with a unique number on the latest county of San Luis Obispo assessment roll within each residential preferential parking permit area established by resolution as set forth in Section 10.36.180. Qualified households parcels that have multiple, separate dwelling addressed units shall be eligible for additional to receive permits for each addressed unit, providing the total number of permits issued to one parcel does not exceed twice the number of residential dwelling units on the parcel. All parking permits may be picked up in person at the office of the city parking manager or will be mailed to the address of the property on written request of the property owner.

The Director of Public Works, or their designee, will annually, issue any number of preferential parking permits requested for commercial properties, to the registered property owner, or the registered property owner's representative, as authorized in writing, of each property shown with a unique number on the latest county of San Luis Obispo assessment roll within each preferential parking permit area established by resolution as set forth in Section 10.36.180. Qualified parcels that have multiple, separate addressed units shall be eligible to receive permits for each addressed unit.

All parking permits may be picked up in person at the office of the city parking manager or will be mailed to the address of the property on written request of the property owner.

Parking permits may be transferred by the ~~residents~~ occupant to any vehicle that is to be parked on the street and will be recognized by the city, providing they are displayed clearly. The parking permits shall be issued annually. Fees for residential parking permits shall be established by city council resolution. The permits shall be considered part of the ~~residential occupancy of the~~ property and shall be transferred to the new occupant property owner upon sale of the ~~residence property or upon lease of the property.~~ New applicants must present proof of occupancy within the preferential parking district prior to permit issuance. (Ord.

1694 § 2, 2021; Ord. 1565 § 1, 2011; Ord. 1454 § 4, 2004; Ord. 1264 § 4, 1994: prior code § 3209.21)

SECTION 6. Section 10.36.221 (Lost, stolen, or defaced permit replacement) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.221 Lost, stolen, or defaced permit replacement.

Any permit lost, stolen, defaced or otherwise altered shall be deemed invalid and a replacement permit shall be issued to the qualified property owner for a fee of ~~twenty dollars~~. If the replacement permit is again lost, stolen, or defaced, a replacement permit will be issued for an additional fee of thirty dollars. No additional replacement permits shall be issued within a twelve-month period. All permits shall be picked up by the property owner or a representative authorized in writing by the registered property owner, with proof of occupancy ~~identification~~, at the office of the city parking manager. The property owner or a representative authorized in writing by the owner shall certify that the original permit was lost, stolen, or in the case of damaged permits shall submit the damaged permit, stating the permit shall be used by qualified ~~residents~~ occupants and their bona fide visitors.

Any ~~resident~~ occupant and/or property owner found to misrepresent themselves for the purposes of fraudulently obtaining ~~residential~~ preferential parking permits shall lose their right to said permits and ~~no permits will be issued to the household until the beginning of the next permit year and shall be guilty of an infraction.~~ (Ord. 1694 § 3, 2021; Ord. 1454 § 5, 2004; Ord. 1264 § 5, 1994)

SECTION 7. Section 10.36.230 (Residential parking permits – Display required) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.230 Residential Preferential parking permits—Display required.

Parking permits issued under Section 10.36.220 shall be displayed on a vehicle in a manner prescribed by the ~~director of public works~~ Director of Public Works. The method of display shall be clearly stated on the rear of the permit. (Ord. 1264 § 6, 1994: prior code § 3209.23)

SECTION 8. Section 10.36.232 (Enforcement) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.232 Enforcement.

Enforcement of the residential preferential parking permit district shall be on a regular and routine basis, and may be on a complaint basis by ~~residents~~ occupants within the district boundaries. Enforcement personnel shall be dispatched on an as-available basis as determined by the city parking manager/police department. All parking citations issued for noncompliance with the parking permit requirement shall be governed by the civil proceedings set forth in the California Vehicle Code. (Ord. 1412 § 2 (part), 2002; Ord. 1264 § 7, 1994)

SECTION 9. Severability. If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or any other provisions of the city's rules and regulations. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 10. Environmental determination. These amendments to Title 10 Chapter 36 of the City of San Luis Obispo Municipal Code do not constitute a "Project" under CEQA Guidelines Sec. 15378.

SECTION 11. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the ____ day of ____, 2022, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 2022, on the following vote:

AYES:

NOES:

ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington, City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick, City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington, City Clerk

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