

ORDINANCE NO. 1710 (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 ALLOWING FOR THE ISSUANCE OF LIMITED DAYTIME USE PERMITS IN THE DANA STREET PARKING DISTRICT

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 preferential parking permit districts within city limits; and

WHEREAS, on January 14, 2020, the Council of the City of San Luis Obispo conducted a public hearing with a 4-0-1 vote to approve the establishment of a preferential parking permit district in the Dana Street area; and

WHEREAS, on March 2, 2021, the Council of the City of San Luis Obispo conducted a public hearing with a 3-1-1 vote to approve the expansion of the existing preferential parking permit district in the Dana Street area to the entire block and to allow multi-family properties of up to eight units to receive parking permits; and

WHEREAS, the City has received correspondence from commercial properties adjacent to the preferential parking permit district in the Dana Street area requesting approval to be issued daytime use permits in support of their business operations; and

WHEREAS, the Council of the City of San Luis Obispo received a staff report which indicated that limited daytime use through the issuance of daytime parking permits for businesses immediately adjacent to Dana Street would not generate demand that exceeds parking supply on Dana Street.

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 preferential parking permit areas—Adoption of resolution.

- A. The council should, by resolution, designate an area of the city as a preferential parking permit area if the council finds that:
1. The streets in the area do not provide for paid parking controlled and regulated by the city as set forth in Chapter 10.52;
 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 addressed units as indicated by a city survey of the affected addressed units; or
 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 area is necessary in order to preserve the character and to manage parking demand of the existing area approved by a sixty percent majority of addressed units in the area. Addressed units will be determined using the city's address database (there may be more than one addressed 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 preferential parking permit district on Dana Street which will allow for the following modifications:
 - i. 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.
 - ii. Commercial properties located on or immediately adjacent to Dana Street to be eligible to receive limited daytime use permits.
- 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 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 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 addressed units of the area. (Ord. 1694 § 1, 2021; Ord. 1454 § 1, 2004: Ord. 1412 § 2 (part), 2002; Ord. 1264 § 1, 1994: prior code § 3209.17)

SECTION 2. Section 10.36.200 (Limitations on parking in a preferential 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 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 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 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 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. Vehicles displaying a limited daytime use permit parked in the Dana Street preferential parking district during the hours and on the days set forth in the resolution that established the district; or
- E. Preferential permit parking area occupants wishing to sponsor guests which will exceed the number of parking permits available may contact the city parking manager and request temporary permits. If the temporary exemption is granted by the parking manager, all vehicles which have as their destination a qualified preferential permit address, shall display in clear view on the dashboard, written confirmation of the street address and date and time that the permit is valid. Issuance of sponsored guest permits shall be deemed infrequent occurrences and any regular requests for sponsored guest permits 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 3. Section 10.36.220 (Preferential parking permit - Issuance) of the San Luis Obispo Municipal Code is hereby amended to read as follows:

10.36.220 Preferential parking permit—Issuance.

- A. For preferential parking permits issued to residential properties, 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 residential parcels that have multiple, separate addressed units shall be eligible 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.
- B. For preferential parking permits issued to commercial properties, the director of public works, or their designee, will annually, issue any number of preferential parking permits, to the occupant 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, with the exception of commercial properties immediately adjacent to the preferential parking district on Dana Street which qualify to receive up to two limited daytime use permits per addressed unit as set forth in the resolution that established that district. Qualified commercial parcels that have multiple, separate addressed units shall be eligible to receive any number of permits for each addressed unit.
- C. All preferential parking permits, whether issued under subsection A or B, 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.
- D. All preferential parking permits, whether issued under subsection A or B, may be transferred by the 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 parking permits shall be established by city council resolution. The permits shall be considered part of the occupancy of the property and shall be transferred to the new occupant upon sale of the 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 4. 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 5. 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 6. 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 New Times, 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 15th day of March, 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