ORDINANCE NO. 16-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING CODE AMENDMENT CO-15-XX, AMENDING TITLE 10, CHAPTER XI (STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS), ARTICLE 3 (PARKING BY PERMIT ONLY) RELATED TO RESDENTIAL PARKING RESTRICTIONS

THE CITY COUNCIL OF THE CITY OF COSTA MESA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Over the past 5 years, the requests for resident permit parking and requests to extend existing "resident only" permit parking restrictions have increased noticeably; and

WHEREAS, This increase can be attributed to factors such as under-parked development, unused garages and shared housing. With the continuous addition of eligible streets into the parking program, permit areas have grown significantly; and

WHEREAS, Vehicle parking permits are currently the same for all 20 active permit areas. With the continuous addition of eligible streets into the Resident Permit Parking Program, permit areas have grown significantly. If that movement continues as projected, permit areas will soon consolidate and one type of permit will make parking accessible in all "resident only" permit parking streets within the program, thus undermining the purpose and effectiveness of the Program; and

WHEREAS, all legal prerequisites prior to the adoption of this ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDAIN AS FOLLOWS:

Section 1: Title 10, Chapter I, Article 3 (Parking by Permit Only), sections 10-221.1, 10-221.2, 10-221.3, 10-221.4, 10-221.5, 10-221.6, 10-221.7 and 10-221.8, are hereby amended to read as follows:

ARTICLE 3. - PARKING BY PERMIT ONLY

Sec. 10-221. - Parking of unpermitted vehicles prohibited.

When authorized signs have been posted pursuant to resolution of the city council and are in place giving notice of restrictions, it shall be unlawful and an infraction for any person to park any vehicle on any public street or alley so restricted, unless a parking permit therefor has been issued by the City of Costa Mesa and is displayed on the vehicle, as provided for in this article. This restriction shall not apply to police vehicles or other authorized emergency vehicles when used for official business, or to service vehicles, clearly marked as such, while the owner or operator of the vehicle is providing a service to a residence located in that parking zone.

Sec. 10-221.1. - Issuance of permits to residents.

Except for emergency permits and as otherwise provided for in section 10-221.2, parking permits may be issued only to residents of single family dwellings located in the R1 Zone in those areas where parking has been limited or prohibited pursuant to this article.

Sec. 10-221.2. - Types of permits.

(a) Residential parking permits.

1. Except as otherwise provided for in this article, residents of a single family dwelling or a multi-family dwelling that is located in an R1 single-family residential district on a street that has been designated as a permit parking only street may obtain a maximum of three (3) residential parking permits per single family dwelling or dwelling unit by filing an application with the Public Services Department pursuant to the provisions of this article.
2. Residents of a single family dwelling located in other than an R1 single-family residential district where such dwelling is located within 250 feet of a permit parking street may obtain a parking permit for that parking zone.
3. The parking permits may be color coded by parking zones established by resolution of the city council. Any parking permit issued for a specific zone shall only be valid for parking in that zone.
4. No more than three (3) residential parking permits shall be issued to any one residence or dwelling unless otherwise authorized by the transportation services manager pursuant to section 10-221.3.
5. For purposes of this article "single family dwelling" and "multi-family dwelling" shall have the same meanings as set forth in Title 13.

(b) Guest parking permits.

1. Each resident parking permit holder may obtain guest parking permits for use by his or her guest in a parking zone where the permit holder resides by filing an application with the Public Services Department.

2. A resident parking permit holder may receive up to a maximum of one hundred (100) guest parking permits per year per residence, which may be issued by such resident parking permit holder to his or her guest.
3. A resident parking permit holder may receive up to an additional twenty-five (25) guest parking permits per event for specific events at the residence. Specific event permits shall have the date of the event printed on them by the Public Services Department.
4. The guest parking permit will be valid until noon on the day after the date of issuance by such resident.

Sec. 10-221.3. - Application for permit and action thereon.

(a) To obtain a residential parking permit, the applicant shall personally appear at the Public Services Department and shall provide the following:

1. The applicant's full, true name and home address, and proof of residence;
2. The applicant's driver license; and
3. A currently valid registration for each vehicle for which a permit is sought.

(b) The transportation services manager or his designee shall grant or deny any permit applied for pursuant to this article within ten (10) business days. Any denial shall be in writing and shall state the reason for denial.

(c) Denial of an application pursuant to this article may be appealed to the planning commission pursuant to the procedures set forth in Chapter IX of Title 2 of this Code.

(d) Additional permits may be obtained by a permit holder for vehicles acquired after the issuance of an initial residential parking permit, upon surrender of the previously issued permit and/or upon proof that the vehicle for which it was issued has been sold or otherwise disposed of.

(e) The transportation services manager may issue more than three (3) permits to a residence or dwelling upon a verified showing by the permit holder that there is a need for additional permits due to complete use of all available off-street parking for vehicles, including garage spaces, by other vehicles owned by the permit holder or other resident of the dwelling.

Sec. 10-221.4. - Replacements.

If a valid residential parking permit is lost or destroyed, the holder thereof may obtain a replacement permit for the same vehicle, in the same manner and for the same fee as the original permit.

Sec. 10-221.5. - Description of permits and display thereof.

(a) The residential parking permit shall be a numbered hang-tag type placard which will be color coded based on permit parking zone and supplied by the City of Costa Mesa. It shall be suspended from the rear view mirror of the resident's vehicle at all times when the vehicle is parked on a street within the permit area.

(b) Guest permits shall be of paper, bearing the date of issue, the issuer's signature and address, and the license plate number of the permitted guest's vehicle, and shall be displayed face up on the left front dashboard at all times when the guest's vehicle is parked on a street within the permit-parking area.

Sec. 10-221.6. - Emergency permits.

The transportation services manager shall have discretionary power in case of emergency to issue to any person a parking permit for a period not exceeding three (3) consecutive days. Such permit may be either oral or written, at the discretion of the transportation services manager, and no fee shall be charged therefor.

Sec. 10-221.7. - Duration of permits.

(a) Residential parking permits issued pursuant to this article shall be renewed every three (3) years, subject to the conditions and limitations set forth herein.

(b) No residential parking permit issued pursuant to this article shall be transferable from the permit holder to any other person, nor from one vehicle to another.

(c) Any permit issued pursuant to this article shall be renewed every three (3) years and automatically expire upon the termination of the permit holder's residence in the designated permit-parking area.

(d) Any guest permit issued pursuant to this article shall be valid only until noon of the day following the date of issuance.

(e) Nothing in this article, nor any permit issued pursuant hereto, shall authorize a violation of subpart (a) or subpart (b) of section 10-185 of this Code.

(f) The city council may establish by resolution an expiration date for all outstanding residential and guest parking permits if the city council determines that an unacceptable number of permits are being used by nonresidents of the designated permit-parking areas or that permits are being used in a manner inconsistent with the purposes of this article.

Sec. 10-221.8. - Violations.

(a) Parking a vehicle in violation of this article shall be an infraction.

(b) It shall be a violation of this article and an infraction for any person falsely to represent himself or herself as eligible for a residential parking permit or to furnish false information in an application therefor to the police department.

(c) It shall be a violation of this article and an infraction for any person holding a residential parking permit issued pursuant to this article to allow the use or display of such permit on a motor vehicle other than that for which the permit was issued. Any person who so uses or displays a residential parking permit on a motor vehicle other than that for which it was issued is likewise guilty of a violation of this article, and an infraction.

(d) It shall be a violation of this article and an infraction for any person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit. Any person

who knowingly uses or displays a facsimile or counterfeit parking permit, with intent to evade prohibitions or limitations on parking in a designated permit-parking area, is likewise guilty of a violation of this article, and an infraction.

(e) It shall be a violation of this article and an infraction for any person to sell to, transfer to, or exchange a parking permit with any other person except as provided for in this article.

Section 4: Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 5: Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, state, or federal law, regulation, or codes dealing with life safety factors.

Section 6: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof, and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

Adopted this _____ day of _____, 2016

_____

Stephen Mensinger, Mayor

ATTEST:

_____

Brenda Green

City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)

COUNTY OF ORANGE)

CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2016, and thereafter at the regular meeting of said City Council duly held on the _____ day of _____, 2016, was duly passed and adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

Brenda Green

City Clerk of the City of Costa Mesa