

(REDLINE VERSION)

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 3 (PARKING BY PERMIT ONLY) OF CHAPTER XI (STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS) OF TITLE 10 (MOTOR VEHICLES AND TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL PERMIT PARKING

WHEREAS, the City Council of the City of Costa Mesa adopted a Residential Permit Parking Program (RPP) in January 2016; and

WHEREAS, the RPP helps to relieve parking congestion on public streets adjacent to impacted residential areas by vehicles unrelated to the neighborhood; and

WHEREAS, parking demands from single-family residential, multi-family residential, and commercial parking shortages in recent years have caused significant parking impacts on other adjacent residential neighborhoods; and

WHEREAS, the City has received significant feedback from residents and business owners related to the limited parking on public streets; and

WHEREAS, the City considered the following criteria and interests while drafting amendments to the RPP, including that there is a growing number of vehicles per household, older neighborhoods were originally designed for a lower parking demand, there is insufficient parking within multi-family communities, and many garages are used for storage; and

WHEREAS, when a single-family street becomes a newly designated residential permit parking street, vehicles are displaced and moved to other streets, and streets that are designated with residential permit parking oftentimes are less utilized since residents not living on that street are displaced and must find parking elsewhere, resulting in an unintended impact on surrounding streets; and

WHEREAS, the City caused to be conducted a Citywide Parking Study in January 2020, which engaged stakeholders, sought to understand parking challenges, evaluated the current RPP, and developed recommendations for the City's parking operations; and

WHEREAS, during the Citywide Parking Study, over 40 community members attended a community outreach meeting where they expressed support for implementing a residential parking permit fee and keeping an RPP; and

WHEREAS, the findings of the Citywide Parking Study led to the amended RPP's principles which are equitable access, sustainable solutions, and efficient program management; and

WHEREAS, the City's amended RPP is aligned with the Attorney General's opinion which recommends that cities do not distinguish among residents based on the type of dwellings in which they live when issuing residential parking permits; and

WHEREAS, the City Council held a duly noticed public hearing on Ordinance No. 2022-XX on June 21, 2022, at which time it considered all evidence presented, both written and oral; and

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

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

Section 1. Article 3 (Parking by Permit Only) of Chapter XI (Stopping, Standing or Parking Restricted or Prohibited on Certain Streets) of Title 10 (Motor Vehicles and Traffic) of the Costa Mesa Municipal Code is hereby amended to read as follows:

ARTICLE 3. PARKING BY PERMIT ONLY

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 is 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 as provided for in this article. This restriction shall not apply to police vehicles or other authorized emergency vehicles and/or city-owned 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 residential permit parking zone.

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 those areas where parking has been limited or prohibited pursuant to this article as a residential permit parking zone.

10-221.2. Types of permits.

(a) *Residential parking permits.*

- (1) Except as otherwise provided for in this article, a resident of a dwelling unit within an area that has been designated as a residential permit parking zone may be issued one (1) parking permit per eligible driver by filing an application therefore with the public services department pursuant to the provisions of this article.
- (2) A motor vehicle that has been issued a parking permit for a residential parking zone shall be permitted to stand and/or park in that zone without being limited by the parking restrictions established pursuant to this article.

- (3) The maximum number of residential parking permits that shall be authorized to any one dwelling unit shall be four (4). ~~may be set forth in the policy.~~

(b) *Guest parking permits.*

- (1) Each resident parking permit holder may apply for temporary guest parking permits for use by his or her guests in the parking zone where the permit holder resides by submitting an application therefore to the public services department.
- (2) A parking permit holder may receive up to a maximum of one hundred (100) guest parking permits per year per dwelling unit, which must ~~may~~ be displayed by guests of such permit holder.

(c) *Residential Permit Parking Policy.* The city council, the city manager and/or designee may adopt policies and/or administrative regulations to implement this article, including but not limited to the establishment of residential permit parking zones and the criteria for the issuance, denial, revocation, duration and/or number of permits.

10-221.2.5. Definitions

Words and phrases not defined herein shall have the meanings ascribed to them in this Title 10, Title 1 and Title 13.

Director – the director of the public services department or his or her designee.

Eligible driver – means a licensed driver identified as the registered owner of a currently registered vehicle who resides in a dwelling unit within an area that has been designated as a residential permit parking zone.

Permit – means a residential parking permit issued by the director pursuant to the provisions of this article.

Residential permit parking policy or policy – means the residential permit parking policy and/or administrative regulations adopted by the city to implement this article pursuant to section 10-221(c).

Residential permit parking zone or zone – a contiguous area within the city comprised of one or more streets and/or alleys that have been designated for parking by residents of that area only pursuant to this article.

10-221.3. Application for permit and action thereon.

(a) To be issued a residential parking permit, ~~the applicant~~ each eligible driver shall provide the following to the public services department:

- (1) The applicant's full, true name and home address, and proof of residence;
- (2) The applicant's driver license;
- (3) A valid and current vehicle registration and license plate number of the vehicle for which a permit is sought;
- (4) The applicable fee; and
- (5) Such other information set forth in the policy.

(b) Staff shall issue a temporary permit to an eligible driver for a rented or borrowed registered vehicle where the eligible driver residing in a residential permit parking zone, demonstrates their own vehicle is unavailable for that driver's use for a temporary period. Such permits will expire upon the return to use of the originally permitted vehicle or its replacement.

(c) Permits will not be issued for commercial vehicles that are registered to business addresses.

(d) The denial, suspension and/or revocation of a residential parking permit and/or eligibility therefore by the director pursuant to this article may be appealed to the Planning Commission pursuant to Article 2 of Chapter IX of this Code.

(ee) Each type of permit applied for and or renewed pursuant to this article shall be subject to a fee or fees as established by the city council.

10-221.4. Duration of permits.

(a) Residential parking permits shall be valid for one (1) year, unless earlier revoked or terminated, provided however that a permit shall automatically terminate when the permit holder ceases to reside in the designated residential permit parking zone.

(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) Nothing in this article, nor any permit issued pursuant thereto, shall authorize a violation of section 10-185.

(d) 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 zone or that permits are being used in a manner inconsistent with and/or in violation the purposes of this article.

10-221.5. 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 to falsely represent himself or herself as eligible for a residential parking permit or to furnish false information in an application therefor.

(c) It shall be a violation of this article and an infraction for any person issued a residential parking permit pursuant to this article to allow the use of such permit for a motor vehicle other than that for which the permit was issued. Any person who so uses 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 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.

(f). In addition to any other penalties under this article, the director may revoke, cancel or suspend a permit and/or eligibility therefore based upon a violation of subsection (b), (c), (d) and/or (e).

10-222. Parking on city property—Designation of “permit parking only” areas.

The city manager may designate portions of city-owned property other than streets, alleys or highways, for parking by permit only and may order the posting of signs bearing the legend, “Permit Parking Only.”

10-223. Same—Prohibited parking.

When authorized signs have been posted and are in place giving notice of restrictions as provided in this article, it is unlawful and an infraction for any person to park or leave parked a vehicle within an area designated for parking by permit during the times when such parking is prohibited, other than a vehicle that has been issued a valid permit or exempted pursuant to section 10-221.

10-224. Same—Enforcement.

Any regularly employed and salaried police officer or police cadet, or any non-safety city employee empowered to issue citations pursuant to section 1-33.1 of this Code and implementing resolutions of the city council, is authorized to enforce the provisions of sections 10-221.5 through 10-224 by issuing infraction citations.

Section 2. Existing Residential Parking Permits. The city council may by resolution and upon written notice terminate any residential parking permits and/or residential permit parking zones existing at the time of adoption of this Ordinance and/or may require existing residential permit parking holders to apply for permits in compliance with the provisions of this Ordinance.

Section 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a “project” and further, that it can be seen with certainty that there is no possibility that the ordinance in question may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required,

pursuant to CEQA Guidelines Section 15061(b)(3). In addition, the Ordinance is exempt pursuant to CEQA Guidelines Section 15308 (Class 8, Actions by Regulatory Agencies for the Protection of the Environment) because the adoption of this Ordinance is required to comply with state law in order to protect the environment.

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are 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. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED, APPROVED AND ADOPTED this 19th day of July, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2022-04 was duly introduced and given first reading at a regular meeting of the City Council held on June 21, 2022 and adopted at a regular meeting of the City Council held on the 19th day of July, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 19th day of July, 2022.

BRENDA GREEN, CITY CLERK

(SEAL)

(CLEAN VERSION)
ORDINANCE NO. 2022-04

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WHEREAS, the RPP helps to relieve parking congestion on public streets adjacent to impacted residential areas by vehicles unrelated to the neighborhood; and

WHEREAS, parking demands from single-family residential, multi-family residential, and commercial parking shortages in recent years have caused significant parking impacts on other adjacent residential neighborhoods; and

WHEREAS, the City has received significant feedback from residents and business owners related to the limited parking on public streets; and

WHEREAS, the City considered the following criteria and interests while drafting amendments to the RPP, including that there is a growing number of vehicles per household, older neighborhoods were originally designed for a lower parking demand, there is insufficient parking within multi-family communities, and many garages are used for storage; and

WHEREAS, when a single-family street becomes a newly designated residential permit parking street, vehicles are displaced and moved to other streets, and streets that are designated with residential permit parking oftentimes are less utilized since residents not living on that street are displaced and must find parking elsewhere, resulting in an unintended impact on surrounding streets; and

WHEREAS, the City caused to be conducted a Citywide Parking Study in January 2020, which engaged stakeholders, sought to understand parking challenges, evaluated the current RPP, and developed recommendations for the City's parking operations; and

WHEREAS, during the Citywide Parking Study, over 40 community members attended a community outreach meeting where they expressed support for implementing a residential parking permit fee and keeping an RPP; and

WHEREAS, the findings of the Citywide Parking Study led to the amended RPP's principles which are equitable access, sustainable solutions, and efficient program management; and

WHEREAS, the City's amended RPP is aligned with the Attorney General's opinion which recommends that cities do not distinguish among residents based on the type of dwellings in which they live when issuing residential parking permits; and

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(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) Nothing in this article, nor any permit issued pursuant thereto, shall authorize a violation of section 10-185.

(d) 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 zone or that permits are being used in a manner inconsistent with and/or in violation the purposes of this article.

10-221.5. Violations.

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(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 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.

(f). In addition to any other penalties under this article, the director may revoke, cancel or suspend a permit and/or eligibility therefore based upon a violation of subsection (b), (c), (d) and/or (e).

10-222. Parking on city property—Designation of “permit parking only” areas.

The city manager may designate portions of city-owned property other than streets, alleys or highways, for parking by permit only and may order the posting of signs bearing the legend, “Permit Parking Only.”

10-223. Same—Prohibited parking.

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10-224. Same—Enforcement.

Any regularly employed and salaried police officer or police cadet, or any non-safety city employee empowered to issue citations pursuant to section 1-33.1 of this Code and implementing resolutions of the city council, is authorized to enforce the provisions of sections 10-221.5 through 10-224 by issuing infraction citations.

Section 2. Existing Residential Parking Permits. The city council may by resolution and upon written notice terminate any residential parking permits and/or residential permit parking zones existing at the time of adoption of this Ordinance and/or may require existing residential permit parking holders to apply for permits in compliance with the provisions of this Ordinance.

Section 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a “project” and further, that it can be seen with certainty that there is no possibility that the ordinance in question may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required,

pursuant to CEQA Guidelines Section 15061(b)(3). In addition, the Ordinance is exempt pursuant to CEQA Guidelines Section 15308 (Class 8, Actions by Regulatory Agencies for the Protection of the Environment) because the adoption of this Ordinance is required to comply with state law in order to protect the environment.

Section 4. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are 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. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

PASSED, APPROVED AND ADOPTED this 19th day of July, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2022-04 was duly introduced and given first reading at a regular meeting of the City Council held on June 21, 2022 and adopted at a regular meeting of the City Council held on the 19th day of July, 2022, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 19th day of July, 2022.

BRENDA GREEN, CITY CLERK

(SEAL)