

ORDINANCE NO. 5796

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 10.44.220 OF THE SANTA BARBARA MUNICIPAL CODE WITH RESPECT TO RESTRICTION OF OVERSIZED VEHICLE PARKING

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds and declares as follows:

A. The City Council adopted Ordinance No. 5781 in order to regulate on-street oversized vehicle parking and to repeal certain parking regulations that focused upon recreational vehicle parking. Ordinance No. 5781 did all of the following:

1. Authorized the Public Works Director to promulgate and publish interpretive and implementing rules and regulations;
2. Required the posting of signs providing adequate notice of the citywide oversized vehicle parking regulations;
3. Established short-term (30 minutes) commercial vehicle parking for deliveries and medium-term (5 to 10 days each 90 days) commercial vehicle parking for other types of business.

B. On October 18, 2016, when Ordinance No. 5781 was introduced, the City Council created an ad hoc stakeholder committee to consider additional off-street parking opportunities for persons living in oversized vehicles. The scope of the committee was to locate and consider additional overnight spaces for oversized vehicles in the Safe Parking program, locate and consider new daytime spaces for oversized vehicles in the Safe Parking program, and work with New Beginnings Counseling Center (NBCC) to expand the Safe Parking program to include monitoring of the daytime spaces

C. While City staff was working on preparation of the rules and regulations and sign posting, public concerns were voiced concerning the impact of Ordinance No. 5781 upon certain high-profile vehicles and upon commercial oversized vehicles requiring longer-term on-street parking for business purposes.

D. On March 14, 2017, the City Council received a report and recommendations from the ad hoc stakeholder committee. At that meeting, Council approved funding in the amount of \$1,500 per space per year, up to \$60,000, for New Beginnings Counseling Center to monitor up to 40 new daytime oversized vehicle off-street parking spaces and directed City staff to assist New Beginning Counseling Center in locating additional daytime off-street parking spaces.

E. On May 10, 2017, City staff conducted a public meeting in order to allow additional public review and comment upon Ordinance No. 5781 and the draft rules and regulations. The well-publicized meeting was attended by about 35 people, 24 of whom spoke concerning a variety of issues, such as the recreational use of high-profile "Sprinter-type" oversized vehicles, the need for longer-term commercial high-profile oversized vehicle parking, adverse neighborhood impacts, and the adverse impacts upon people who reside in oversized vehicles.

F. On June 13, 2017, the City Council heard a report on the further progress of the ad hoc stakeholders committee. The City reported that there are currently 27 oversized vehicles with 41 residents in the Safe Parking program, but that only 8 daytime off-street parking spaces have been secured. NBCC reported that, although the information was received after the staff report was published, with the aid of efforts by Senator Hannah-Beth Jackson and Assemblymember Monique Limón, the state of California had very recently expressed some interest in making space available in two lots, although the state was requesting compensation for the spaces. The City Council also approved a contract to implement the March 2017 funding action.

G. According to the Department of Motor Vehicles (DMV), approximately 403,822 vehicles are registered in Santa Barbara County. The city of Santa Barbara comprises approximately 21% of the County's population, which would tend to suggest that there are approximately 84,217 vehicles registered in the City (or .93 vehicles/person). More specifically, the DMV reports that there are 87,758 trucks in Santa Barbara County, which would tend to suggest that there are approximately 16,789 trucks registered in the City.

H. The Santa Barbara Police Department (SBPD) requested certain vehicle registration information from the DMV. Specifically, the SBPD requested the total number of Dodge, Ford, Freightliner, and Mercedes vans registered in Santa Barbara with gross vehicle weights (GVW) between 8,000 and 12,000 pounds (the GVW for 2016 Mercedes Sprinter vans ranges from 8,550 to 11,030 pounds depending upon wheelbase). The DMV programmed a custom data report and on June 14, 2017 delivered the following information:

Zip Code	GVW			Total
	6001-8500	8501-10000	10001-14000	
93101	427	372	98	897
93103	193	172	79	444
93105	166	136	68	370
93109	86	97	41	224
Total	872	777	286	1935

I. The above-referenced data show that there are about 1,063 vehicles meeting the SBPD's requested GVW, make and body style criteria. Accordingly, approximately 1.26% of all vehicles (or 6.3% of all trucks) registered in the city of Santa Barbara may be "Sprinter-type" vans.

J. Sprinter-type vans generally exceed the height limitation of 82 inches established by Ordinance No. 5781, with Mercedes Sprinter vans ranging from 95 to 110.5 inches. Sprinter-type vans are 80 inches wide, which is the maximum width dimension before a vehicle becomes oversized under Ordinance No. 5781, and can be as long as 290 inches, which is just 10 inches short of the maximum length dimension before a vehicle becomes oversized under Ordinance No. 5781.

K. Vehicle height is a critical parameter of the Ordinance No. 5781-prescribed size limitations. Parked high-profile vehicles create serious traffic safety concerns because they: i) Impede the visibility of traffic control devices, including but not limited to stop signs, yield signs, traffic signals, turn restriction signs and warning signs; and, ii) impair visibility of traffic lanes when other vehicles are entering or exiting driveways.

L. Oversized commercial vehicle parking on city streets puts the public right of way to commercial use.

M. The City has a substantial interest in assuring and increasing the availability of on-street parking in its neighborhoods, both during the daytime and overnight.

N. The City has a substantial interest in assuring the opportunity for reasonable commercial use of streets and rights of way in a manner consistent with the health, safety and general welfare interests described in the findings supporting Ordinance No. 5781. In recent years, many businesses, including contractors and others, have begun to use high-profile vehicles in addition to or instead of pickup trucks.

O. Establishing a carefully defined longer-term commercial parking permit program serves the public health, safety and general welfare by assuring that oversized commercial vehicles are able to operate more efficiently and economically. Restricting all longer-term oversized vehicle parking, including that of high-profile commercial vehicles, protects and serves the City's interests in avoiding and minimizing dangerous traffic safety conditions and the loss of limited on-street overnight parking spaces.

SECTION 2. Section 10.44.220 of Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

**10.44.220 Restriction of Oversized Vehicle Parking.**

A. DEFINITIONS. The following words and phrases shall have the meaning set forth in this subsection:

1. "Bus" shall mean a bus as defined in California Vehicle Code section 233; a schoolbus as defined in California Vehicle Code section 545; a transit bus as defined in California Vehicle Code section 642; a bus regulated by the Department of Motor Vehicles pursuant to California Vehicle Code section 34500(b); a tour bus regulated by the Department of Motor Vehicles pursuant to California Vehicle Code section 34500.1 or, a bus of a charter-party carrier with a valid permit issued pursuant to California Public Utilities Code section 5375.

2. "Oversized vehicle" means any vehicle, as that word is defined in California Vehicle Code section 670, or a combination of connected vehicles (including but not limited to trailers as defined in California Vehicle Code section 630), which exceeds twenty-five (25') feet in length, or eighty (80") inches in width, or eighty-two (82") inches in height, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended. Oversized vehicle shall not mean or include a pickup truck which is less than twenty-five (25') feet in length and eighty-two (82") inches in height.

B. **RESTRICTION ON OVERSIZED VEHICLE PARKING.** No person shall park or leave standing any oversized vehicle on any streets or portions of streets in areas where the Public Works Director has caused signs or markings giving adequate notice of the restriction to be placed, except as provided in subsection C.

C. **EXCEPTIONS.** Subsection B. shall not apply to:

1. Any oversized commercial vehicle actively engaged in the loading or unloading of materials, supplies or goods, in the delivery of goods, wares, merchandise, or other materials at an adjacent business or residence for no longer than thirty (30) minutes;

2. Any inoperable oversized vehicle upon which a person is actively engaged in making emergency repairs, as authorized by Santa Barbara Municipal Code section 10.44.040, for no longer than four (4) hours;

3. Any vehicle belonging to or under contract with federal, state, or local government authorities, or a public utility, and any emergency vehicles as defined by California Vehicle Code section 165;

4. Any bus for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time;

5. Any oversized vehicle properly displaying both a valid distinguishing disabled placard or license plate issued pursuant to the California Vehicle Code and a valid oversized vehicle disability parking permit issued pursuant to subsection D.; or

6. Any oversized vehicle that has been issued and is displaying a temporary oversized vehicle parking permit issued pursuant to subsection E.

7. Any oversized commercial vehicle that has been issued and is displaying a contractors oversized vehicle parking permit issued pursuant to subsection F.

D. **OVERSIZED VEHICLE DISABILITY PARKING PERMITS.** A person may obtain an oversized vehicle disability parking permit for a specific oversized vehicle to be parked at a specific location or locations if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet each the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;

2. The person is a permanent city resident as determined under the law of California;
3. The person possesses a distinguishing disabled placard or license plate properly issued pursuant to the California Vehicle Code;
4. The proposed parking location is necessary to provide access to a specific fixed residential address sited with a lawful dwelling unit at which the person resides or to a specific facility or facilities at which the person is employed or receives services;
5. The proposed parking location does not create or exacerbate a dangerous traffic safety condition;
6. The person demonstrates that by reason of the disability which warranted issuance of their California distinguishing placard or license plate, the oversized vehicle is specially equipped and necessary to accommodate the disability of the person seeking the permit so that a reasonable modification to the City's on-street parking regulations is warranted under state and federal law.

Oversized vehicle disability parking permits shall be valid for so long as the person remains disabled, but for no longer than one year. Permits may be renewed provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. Oversized vehicle parking with an oversized vehicle disability parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Santa Barbara Municipal Code, including without limitation Santa Barbara Municipal Code Chapter 7.28 [street sweeping], Santa Barbara Municipal Code section 10.44.060 [72-hour parking limit], Santa Barbara Municipal Code section 10.44.200 [unlawful parking of trailers, mobilehomes, recreational vehicles, trucks and buses] and Santa Barbara Municipal Code Chapter 10.46 [permit parking].

**E. TEMPORARY OVERSIZED VEHICLE PARKING PERMITS.** A person may obtain a temporary oversized vehicle parking permit for a specific oversized vehicle if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet each the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;
2. The person is a permanent city resident as determined under the law of California that wishes to temporarily park their oversized vehicle adjacent to their residence; or a commercial business that wishes to do business in the city for a temporary period at a specific fixed residential or commercial address with the consent of the resident or occupant of that address; or a non-resident temporarily visiting a specific fixed residential address with the consent of the resident of that address;
3. The proposed parking location is reasonably situated to provide temporary access to a specific fixed residential or commercial address;

4. The proposed parking location does not create or exacerbate a dangerous traffic safety condition.

A temporary oversized vehicle parking permit shall be valid for no longer than five (5) consecutive calendar days. Permits may be renewed for up to an additional five (5) days provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. In no event shall temporary oversized vehicle parking permits be issued to a resident, commercial business, or non-resident for a total period in excess of ten (10) days within any consecutive ninety (90) calendar day period. Oversized vehicle parking with a temporary oversized vehicle parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Santa Barbara Municipal Code, including without limitation Santa Barbara Municipal Code Chapter 7.28 [street sweeping], Santa Barbara Municipal Code section 10.44.060 [72-hour parking limit], Santa Barbara Municipal Code section 10.44.200 [unlawful parking of trailers, mobilehomes, recreational vehicles, trucks and buses] and Santa Barbara Municipal Code Chapter 10.46 [permit parking].

F. **CONTRACTORS OVERSIZED VEHICLE PARKING PERMITS.** A person may obtain a contractors oversized vehicle parking permit for a specific oversized commercial vehicle if he or she demonstrates in writing to the satisfaction of the Public Works Director or his or her designee, on an application form prepared by the Public Works Director and upon payment of a fee prescribed by resolution of the City Council, that they meet and agree to each the following conditions:

1. The person owns or lawfully possesses an oversized commercial vehicle which is registered with the Department of Motor Vehicles as a commercial vehicle and displays identifiable California commercial license plates;

2. The person possesses a valid business license certificate issued pursuant to Chapter 5.04 of the Santa Barbara Municipal Code and has paid all other applicable city taxes;

3. The oversized commercial vehicle is necessary for use in the business for which the city business license certificate has been issued;

4. The oversized commercial vehicle will at no time be parked unattended in any location that creates or exacerbates a dangerous traffic safety condition;

5. The oversized commercial vehicle will not be parked on the street unattended between the hours of 8:00 p.m. and 7:00 a.m. of the following day, except as provided below when the vehicle is necessary at the parking location, and actually in active use, for work needed to control and repair an emergency situation that poses an immediate threat to public health and safety;

Contractors oversized vehicle parking permits shall be valid for a period of not to exceed a single fiscal year, commencing July 1 of each year. Permits issued after July 1 of any year shall expire on June 30 of the following year and any fees shall be prorated to the nearest month. Permits may be renewed annually effective July 1 of each year, provided that the permit holder demonstrates in writing that he or she continues to meet and agree to the conditions of this subsection.

Contractors oversized commercial vehicles may be parked between the hours of 8:00 p.m. and 7:00 a.m. of the following day only when the vehicle is necessary at the parking location, and actually in active use, for work needed to control and repair an emergency situation that poses an immediate threat to public health and safety. If the emergency location is not immediately apparent from the adjacent public right of way, the contractors oversized commercial vehicle shall bear a clearly visible notice in the driver's side window which identifies the emergency location by address and unit number, if applicable, and includes contact information which would allow City safety or enforcement personnel to contact the vehicle operator immediately.

G. **NUISANCE DECLARED.** The City Council finds, determines and hereby declares that parking oversized vehicles in violation of this section constitutes an immediate threat to the public health, safety and general welfare, thereby creating a public nuisance. Unlike much of Southern California which was developed following World War II, Santa Barbara's street grid was established in the 18<sup>th</sup> and 19<sup>th</sup> centuries at a time before modern oversized vehicles could have been contemplated. Parked oversized vehicles interfere with and obstruct visual access to streets, traffic control signs and signals, other vehicles, pedestrians, bicycles and sidewalks, thereby substantially increasing the risk of collisions between vehicles, as well as collisions between vehicles, bicycles and pedestrians, at intersections, near driveways, and on all streets in the city, including curved roadway sections, narrow streets, busy streets, commercial districts, and neighborhood streets. Parked oversized vehicles create an immediate threat to the public health, safety and general welfare by obstructing visual access to scenic resources, including historic landmarks and natural resources, such as the coastal mountains, beaches, and Pacific Ocean. Parked or stopped oversized vehicles are frequently left with engines, refrigeration systems or generators running, thereby contributing to the deterioration of local air quality and quiet neighborhoods.

H. **INTEGRATION WITH OTHER PERMIT PARKING.** Oversized vehicles shall not be considered "eligible vehicles" under section 10.46.060 A. for parking permits issued pursuant to chapter 10.46. Oversized vehicles with chapter 10.46 permits that were issued before December 16, 2016 shall be valid until they expire and shall not be renewable thereafter.

I. **RULES AND REGULATIONS.** The Public Works Director is authorized to promulgate and publish rules and regulations to interpret and implement this section.

**SECTION 3. CEQA Findings.** This Ordinance is exempt from CEQA pursuant to State CEQA Guidelines section 15301, minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use, and section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

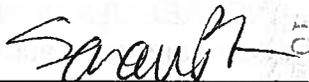
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STATE OF CALIFORNIA                    )  
  )  
COUNTY OF SANTA BARBARA            ) ss.  
  )  
CITY OF SANTA BARBARA                )

I HEREBY CERTIFY that the foregoing ordinance was introduced on July 11, 2017, and was adopted by the Council of the City of Santa Barbara at a meeting held on July 18, 2017, by the following roll call vote:

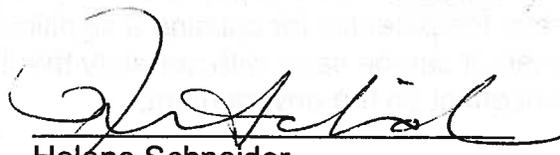
- AYES:                    Councilmembers Jason Dominguez, Frank Hotchkiss, Randy Rowse, Bendy White; Mayor Helene Schneider
- NOES:                   Councilmembers Gregg Hart, Cathy Murillo
- ABSENT:                None
- ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on July 19, 2017.

  
\_\_\_\_\_  
Sarah P. Gorman, CMC  
City Clerk Services Manager



I HEREBY APPROVE the foregoing ordinance on July 19, 2017.

  
\_\_\_\_\_  
Helene Schneider  
Mayor