



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: October 18, 2016

TO: Mayor and Councilmembers

FROM: City Attorney's Office

SUBJECT: Oversized Vehicle Parking Ordinance

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Section 10.44.220 with Respect to Oversized Vehicle Parking, Amending Section 10.44.200 to Eliminate the Term "Temporary Recreational Vehicle," and Repealing Section 10.44.205 Pertaining to Recreational Vehicle Parking;
- B. Direct the Access Advisory Committee to Study and Report to Staff on Options for On-street Disabled Parking; and
- C. Create an Ad Hoc Stakeholder Committee, Including the New Beginnings Counseling Center, to Consider Additional Off-street Parking Opportunities for Persons Living in Vehicles.

EXECUTIVE SUMMARY:

On June 7, 2016, the Ordinance Committee recommended the above-listed actions to the City Council. The Ordinance Committee also asked staff to consider appropriate signage requirements before reporting back to the City Council. In meetings and collaboration during July, August and September, staff identified several clarifications and improvements to the oversized vehicle ordinance which are reflected on the attached ordinance. This report describes the history of oversized vehicle regulation in Santa Barbara, the proposed ordinance and staff's recommendations for signage.

DISCUSSION:

On November 24, 2015, Council Members Rowse and Francisco sought and received Council authority (5-2, Mayor Schneider and Council Member Murillo opposed) for the Ordinance Committee to re-examine the City's existing Recreational Vehicle (RV) parking regulations. The November Council memorandum stated that the purpose of

this referral was to extend the discretionary authority of the Public Works Director and Police Chief to restrict excessive on-street RV parking in negatively impacted neighborhoods. The memorandum also suggested that the extended authority might cover any “sensitive” land use.

By way of background, existing SBMC section 10.44.205 authorizes the Public Works Director, with the advice of the Police Chief, to identify and post areas near certain land use types where “excessive” RV parking is incompatible with the public health and safety. Those land use types (i.e., schools, child care, parks, churches, etc.) have been described as “sensitive” because of their unusual and specific characteristics and the resulting traffic safety impacts. The Council vigorously debated whether the term “sensitive” was too vague to be used to govern staff’s discretion to regulate RV parking. Accordingly, the ultimate direction to staff provided direction to consider alternative regulatory options.

Council will recall that in 2015, Council amended SBMC section 10.44.205 in order to define “excessive” as meaning two or more recreational vehicles. Moreover, at the same time, Council removed the prohibition on “temporary RV” parking because the code definition had become unacceptably vague under new federal court case law. At that time, we described the extensive history of the City’s RV parking regulations. We will repeat it here for reference.

History of the “No RV” Parking Ordinances

Recreational vehicle parking regulation in Santa Barbara has a lengthy history which includes at least three lawsuits, including a pending case brought by Homes on Wheels. The City’s history also includes substantial funding and zoning changes to accommodate off-street parking for persons living in recreational vehicles, as well as substantial funding over the years to provide housing for unhoused and at-risk residents.

On January 29, 2002, the City Council approved the formation of the Task Force on Vehicle Dwelling, which included representatives from the Committee for Social Justice, Catholic Charities, recreational vehicle dwellers, and numerous neighborhood and shelter organizations. The Task Force reported back to Council on June 25, 2002, making several recommendations including options for off-street RV parking and enforcement of ordinances. On November 19, 2002, the City Council adopted Ordinance No. 5263 to, among other things, prohibit overnight parking (2 a.m. to 6 a.m.) of RVs and certain other large vehicles and trailers. Thereafter, in *Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4th 1173, the Court of Appeal upheld (against a preemption argument) Santa Barbara’s power under Vehicle Code section 22507 to regulate overnight RV parking. But the Court of Appeal also ruled that the City had failed to provide adequate notice of the RV parking regulations because it had not

posted each street where the regulations might be applicable, relying instead on posting just 33 locations that the City Attorney had deemed to be “entrances” to the City.

In 2005, the City Council amended the Zoning Ordinance to allow the use of recreational vehicles as overnight accommodations in certain non-residential zones of the City and on church and nonprofit parking lots and, under some circumstances, in parking lots owned and operated by the City. Likewise in 2005, the City Council created and funded a Recreational Vehicle Accommodation Program to enable off-street vehicle dwelling.

On January 11, 2007, the City and Homes on Wheels reached a settlement agreement pursuant to which the City agreed to amend its overnight RV parking ordinance by making it applicable only in a defined area of the City’s waterfront, where “entrance-only” signage would be posted.¹ The City also agreed to expand the Recreational Vehicle Safe Parking Program which was previously set forth in Resolution No. 05-072, adopted August 2, 2005. That program allows supervised overnight RV parking and habitation in certain public and private parking lots.

The City’s actions in furtherance of the settlement were reflected in Ordinance No. 5411, adopted on February 6, 2007, and in Resolution No. 07-026, adopted on April 24, 2007 (which repealed and superseded Resolution No. 05-072). Ordinance No. 5411 amended SBMC section 10.44.200 to remove RVs from the citywide 2 a.m. to 6 a.m. large vehicle and trailer parking prohibition. It also implemented the agreed-upon “waterfront” area RV parking restrictions. Resolution No. 07-026 authorized the City Administrator to retain a nonprofit social service organization (New Beginnings Counseling Center -- NBCC) to administer the Recreational Vehicle Accommodation Program (Safe RV Parking Program) and further designated certain public lots for “temporary transitional use for overnight Recreational Vehicle accommodations.” Over the years, the City Council has authorized over \$440,000 for the Safe RV Parking Program. New Beginnings provides more than 115 off-street parking spaces for persons living in vehicles. In addition, since 2005, the City Council has authorized the expenditure of more than \$8.9 million for temporary and emergency housing for the unhoused.

On June 10, 2008, the Council received an update from NBCC on the Safe RV Parking Program. As part of that update, City staff briefed the Council on efforts by the Police, Public Works and the City Attorney’s Office to address RV issues in the community.

¹ The affected area is defined in SBMC 10.44.200 to be the area south of the U.S. 101 freeway and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road.

The update noted that “No RV Parking” signs had been posted around Alice Keck Park, Alameda Park, and Ortega Park due to traffic safety concerns. The update concluded by alerting Council that these departments were working on broader solutions to address unwanted RV intrusion into neighborhoods.

On November 11, 2008, the Public Works and Police Departments approached the Ordinance Committee with a new RV parking ordinance. The report noted increasing and significant public nuisance problems associated with RVs, such as lack of proper sanitation or fire safety protection, littering, excessive noise, placement by RV owners of personal belongings outside of RVs, and illegal dumping. The report also noted that there had been an increase in certain criminal activity in those areas outside the waterfront where overnight RV parking was no longer prohibited, while crime in the restricted waterfront areas had decreased. Staff proposed a new ordinance that would give the Public Works Director authority, upon consultation with the Police Chief, to “designate those streets (or portions thereof) as no parking for recreational vehicles where it is necessary to decrease parking by **excessive** numbers of such vehicles.” Despite the mention of “excessive” in the staff report, no objective locational or quantitative criteria for restrictions on RVs were proposed in the actual text of the ordinance. The Ordinance Committee generally approved of the concept, but asked to see additional objective criteria for limiting RV parking.

Staff returned to the Ordinance Committee on December 9, 2008, with a revised proposal that limited the Public Works Director’s authority to post no RV parking areas by prescribing that there must be an “excessive” number of RVs within 500 feet of certain sensitive land uses before no parking signs could be posted and enforced. The language allowed the Public Works Director, after “advice” from the Police Chief, to post no RV parking zones when there exists:

“an **excessive number** of such vehicles and to provide for the public health and safety, provided that the streets or street block faces so designated are located **within five hundred (500) feet** of at least one of the following land uses:

1. any School or Educational Institution;
2. any Child Care Center, Family Day Care Home, or Group Home;
3. any park, public library, or museum open to the public;
4. any community center or social service center, public or private;
5. any City or nonprofit recreational facility;
6. any Community Care Facility, Skilled Nursing Facility, health care facility, or hospital;
7. any homeless shelter;
8. any church or other religious facility;

9. any designated safe route to schools that would limit the locational and quantitative reach of the new ordinance.”

This language was approved by the Ordinance Committee and forwarded to the full Council. Council adopted the language as SBMC 10.44.205 (Ordinance No. 5475) on December 23, 2008. Since adoption, staff has used the ordinance extensively to post no RV parking zones in response to public complaints. In some instances where traffic safety needs warranted posting, and prior to the 2015 amendments to define “excessive,” staff have considered parking of a single RV to be “excessive.”

On August 4, 2011, Homes on Wheels again sued the City, this time alleging that the new (2008) ordinance reflected in SBMC 10.44.205 violated the equal protection, “travel,” and disability rights of certain named plaintiffs who wished to continue residing in RVs on City streets. The Santa Barbara Superior Court ultimately sustained the City’s demurrer to the Second Amended Complaint without leave to amend, thus ruling in the City’s favor. The Court flatly rejected the claim that the ordinance discriminated against the disabled; instead the Court found that the ordinance was neutral in its terms and applied equally to all RVs regardless of the disability status of the driver or occupants. The Court further rejected the notion that state or federal law created an obligation on the part of the City to create areas where disabled RV owners have an unqualified right to park. HoW did not appeal the trial court’s decision.

Homes on Wheels and individual plaintiffs again sued the City in 2015, using a complaint virtually identical to the 2011 case. The Santa Barbara Superior Court rejected the case because it was a duplicate of the prior case HoW had lost. HoW appealed. In August 2016, the Court of Appeal again ruled in the City’s favor. Thereafter, HoW switched lawyers and the Court of Appeal granted a rehearing to determine whether HoW should be allowed an opportunity to amend its complaint. That issue remains pending in the Court of Appeal.

The Current Situation and Available Regulatory Options

In May and June 2016, staff presented two regulatory options to the Ordinance Committee. Staff discussion and analysis between November 2015 and the May Ordinance Committee deliberations considered a factual record of widespread and repeated public complaints, generally from persons living in residential areas, about the nuisance and safety concerns they feel are posed by long-term RV parking adjacent to their stationary homes. These concerns include problems with litter, sewage disposal, and noise. Public concerns also arise due to the large size of many RVs, with attendant impacts on motor vehicle, bicycle and pedestrian safety. Some members of the public also articulated a generalized fear related to the transient nature of some RV dwellers.

Staff’s factual analysis focused upon the size and character of RVs, rather than the status of RV dwellers. We advise Council to do the same. There is no consistent

evidence that RV dwellers are themselves dangerous. Oversized vehicles, however, do raise serious concerns. With respect to size, RVs are often very large in relation to city streets and other vehicles. This poses line of sight and street width challenges, especially on Santa Barbara's historic and narrow streets and in older neighborhoods. With respect to many neighborhood nuisance concerns, the troublesome characteristics of RVs arise from the fact that they are intended to be at least temporary dwelling spaces. City streets are not designed or intended for human occupancy, even temporary in nature; there are no human sanitation facilities, there is no access to utilities, there is no private open space, and there is no access to garbage removal or postal services. Staff asked the Ordinance Committee to weigh and evaluate these facts in order to identify the health, safety and general welfare concerns which might support new regulations based upon traffic and pedestrian safety.

The first regulatory option presented to the Ordinance Committee built upon the existing street location identification system established in SBMC section 10.44.205. Quite simply, in addition to the categorical list of sensitive land uses, Council could add authority for the Public Works Director to post no RV parking signs in areas where it is necessary or desirable for traffic safety reasons. The specific language offered to the Ordinance Committee in May 2016 provided that:

. . .the Public Works Director may designate those streets or portions of streets (including specific block faces) within the City where it is necessary to prohibit or restrict the stopping, standing, or parking of Recreational Vehicles in order to avoid the impairment or potential impairment of the safety of travel and passage by motor vehicles, bicycles or pedestrians. These streets or portions of streets (including block faces) may include, but are not limited to, those areas with narrow travel lanes or where sight distances may be impaired by large vehicles or other obstructions.

While the safety impairment determination would require judgment and discretion, it is quite specific in identifying the purpose and objective of no RV parking areas. Staff advised that this would be a reasonable and rational standard for the exercise of staff discretion. Sign posting would be required in prohibited areas.

The second approach identified by staff does not focus on RVs. Instead, it would create a ban on all oversized vehicle parking, subject to a series of special exceptions. The proposed size criteria, which are used in many nearby cities (Goleta, Ventura, Camarillo and Thousand Oaks), provide:

"Oversized vehicle" means any vehicle, as that word is defined in state Vehicle Code Section 670, or a combination of connected vehicles, 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 state 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.

Like the locational traffic safety approach, sign posting would be required under state law to provide "adequate notice" of the restrictions.

An oversize vehicle prohibition would require several exceptions in order to be workable and practical. The staff proposal to the Ordinance Committee included the following exceptions:

- Any oversized vehicle actively engaged in the loading or unloading of persons, materials, supplies or goods, in the delivery of goods, wares, merchandise, or other materials, or in the course of construction or other work at an adjacent residence or business;
- Any oversized vehicle to which a person is actively engaged in making temporary or emergency repairs;
- Any vehicle belonging to federal, state, or local government authorities, or a public utility, and any emergency vehicles as defined by state Vehicle Code Section 165;
- Any oversized vehicle properly displaying valid disabled placard or license plates issued by a governmental entity; or
- Any oversized vehicle that has been issued and is displaying a permit issued by the City.

The last exception category, i.e., oversized vehicles with City permits, would require funding for the Public Works Department to issue and administer issuance of City permits. Cost recovery would be provided through the imposition of a fee for a permit. Permits would be allowed for short-term periods (5 days at a time, not to exceed 10 days in any 90 day period). Permits would be available to residents, their visitors and commercial enterprises providing services at the site.

Ordinance Committee Recommendations

The Ordinance Committee chose to pursue the second option which focuses upon all oversized vehicles, rather than just RVs. Staff supports this choice although it represents a change in direction for the City. Notably, the City Attorney expressed concern about the existing language in section 10.44.205 which regulates RV parking based upon its adjacency to certain land uses because it is unclear whether that approach is based solely upon traffic safety considerations.

The City Attorney also briefed the Ordinance Committee on new case law extending the Americans with Disabilities Act to on-street parking programs. Under current City law, RVs with distinguishing disabled placards or license plates are not permitted to park in blue curb zones in those areas where all RV parking is prohibited. The validity of this approach is one of the issues currently being litigated in the Court of Appeal in *Homes on Wheels 3*. In addition, recent federal case law makes it clear that on-street parking is a “program, service, or activity” under Title II of the ADA and the Rehabilitation Act, so that the City must consider reasonable modifications to its ordinances when needed to provide meaningful access for a disabled person. The City remains in a difficult position as the recent federal case law does not define the appropriate technical standards for disabled on-street parking, such as how much is needed and where it should be located. Accordingly, the Ordinance Committee approved an exception for *all* oversized vehicles with distinguishing disabled placards or plates, and recommended that Council direct the Access Advisory Committee to consider more precise regulations that would limit the impact of oversized vehicle parking while still accommodating the needs of the disabled.

The Ordinance Committee also heard testimony about the impacts of the existing and proposed ordinance upon persons living in RVs as emergency or temporary housing. As a result, the Ordinance Committee also recommended that Council form an ad hoc task force to continue working on off-street parking solutions like the Safe Parking program previously established by the Council.

Finally, the Ordinance Committee asked staff to consider the signage necessary to provide adequate public notice of the City’s oversized vehicle parking regulations. In response to *Homes on Wheels 1*, the City switched from posting only the entrances to the City to posting every block face. The Ordinance Committee was interested in less costly and less obtrusive signage approaches that would be consistent with state law.

Staff Recommended Changes from the Ordinance Committee Draft Ordinance

Staff began its review of the Ordinance Committee actions and discussion in early July. At that time, it became apparent that several provisions of the originally proposed oversized vehicle ordinance approach could be improved consistent with the Ordinance Committee’s recommendations. Given the fluid nature of the law in this area, staff now recommends several clarifications and improvements to the original ordinance proposed to the Ordinance Committee. These clarifications are denoted on the attached proposed ordinance with double underscores and double strikethroughs so that Council can compare what went to the Ordinance Committee with what is now being presented. (Proposed Ordinance.) We will discuss the substantive changes below.

First, several of the exceptions to the ordinance have been redrafted for clarity. Exception 1, which allows oversized commercial vehicles to load and unload without a permit has been limited to 30 minutes. Transportation and Police Enforcement staff felt

this time limit was necessary to enforce the ordinance consistent with the Ordinance Committee's intent.

Second, exception 2, which allows for on-street emergency repairs to oversized vehicles, has been limited to 4 hours. Staff felt this was a reasonable period to effect emergency repairs to an inoperable oversized vehicle.

Third, exception 3 has been added to allow for bus parking. Although many buses would be allowed to park under the original proposal because they are governmentally owned, staff was concerned that private buses might need to park for limited periods during tours or other activities. The new exception allows bus parking for up to 2 hours, and recognizes the City's authority to post bus parking zones in certain areas to accommodate longer term parking.

Fourth, the most significant and legally important change has to do with the originally proposed exception for oversized vehicles with distinguishing disability plates or placards. Staff and the City Attorney believe that case law is better implemented with a permit system for oversized vehicles with distinguishing disability placards or plates. Thus, rather than using a blanket exception for blue plate/placard oversized vehicles, which might be rolled back after consideration by the Access Advisory Committee, the proposal now creates a system for reasonable modification of the ordinance on a case-by-case basis through issuance of an "Oversized Vehicle Disability Parking Permit." Importantly, these permits implement state and federal disability law by allowing individualized consideration of the needs of each disabled person seeking to park an oversized vehicle. The disabled individual would be required to show their need to access the proposed parking location and how their oversized vehicle is specially equipped and necessary to accommodate their disability, among other requirements. We believe this approach is consistent with current law, but must caution that the law is developing rapidly in this area so significant uncertainty remains.

Fifth and finally, the proposed ordinance includes a slightly modified approach to issuing "Temporary Oversized Vehicle Parking Permits." These permits are intended to allow for temporary access to specific locations for residents, commercial businesses, and non-resident visitors. Staff proposes to limit those temporary permits to locations to those areas that do not create or exacerbate a dangerous traffic safety condition.

Signage

State law requires signage that provides "adequate public notice" of a parking restriction. City Transportation staff have analyzed the situation and concluded that signage which posts the entrances to each neighborhood would provide adequate notice under state law. This will result in a reduction of the number of signs from several thousand (if each block face were posted) to about 373 signs citywide. This signage approach would also result in a reduction in the number of "No RV" signs currently posted. The staff's evidentiary analysis and sign description are attached to

this report as Attachment 1. Attachment 2 is an inventory of the existing 462 “No RV” sign posting block face locations.

Repeal of Existing Law

We further recommend repeal of existing SBMC 10.44.205, the locational restriction ordinance. It will no longer be necessary under the oversized vehicle system.

BUDGET/FINANCIAL INFORMATION:

The proposed oversized vehicle ordinance would require Council to adopt cost recovery fees to cover the cost of issuing and managing a permit system. Staff estimates that citywide sign removal and new posting can be accomplished for about \$75,000. If Council adopts the oversized vehicle ordinance, Public Works Department staff will return to Council with a fee resolution for cost recovery of staff time associated with establishing and operating a permitting system. The ordinance will create an increase in calls for service and complaints into the 911 Public Safety Combined Communications Center, and an increase in workload for the Parking Enforcement personnel and Patrol Division personnel assigned to handle and process the complaints. The increased workload will create extended response times to these types of complaints.

ATTACHMENT(S): 1. Evidentiary analysis and sign description
2. Inventory of existing 462 “No RV” sign posting block face locations.

PREPARED BY: Ariel Pierre Calonne, City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office



City of Santa Barbara
Public Works Department

Interoffice Memorandum

DATE: September 6, 2016
TO: Ariel Calonne, City Attorney
FROM: Derrick Bailey, Supervising Transportation Engineer 
SUBJECT: Sign Spacing Analysis for Oversized Vehicle Prohibition

The purpose of this technical memorandum is to document the decision process regarding sign frequency and sign design on Santa Barbara streets that provide notice to drivers of the oversized vehicle parking prohibition.

Sign Frequency

Signs should be posted frequently enough to provide drivers with adequate notice of the prohibition. This prohibition applies citywide as opposed to most other parking prohibitions or limits that can vary block by block. For block by block prohibitions and limits, more frequent sign postings are needed to provide reasonable notice of the specific rules for that block, typically at least one sign per block face. Because the oversized vehicle prohibition is citywide, the rules are consistently applied block by block, and therefore less frequent sign postings are needed.

The worst case scenario in terms of driver familiarity with Santa Barbara and local rules is a visitor from out of town. To account for this level of familiarity with Santa Barbara, the driver should preferably be given multiple notifications before arriving at a potential on street parking location.

To provide multiple notifications, a layered approach will be taken. Visitors to the City will enter the City, and most likely drive along one of Santa Barbara's major streets before potentially entering a neighborhood with the intention of parking their vehicle. The layered approach will provide signs:

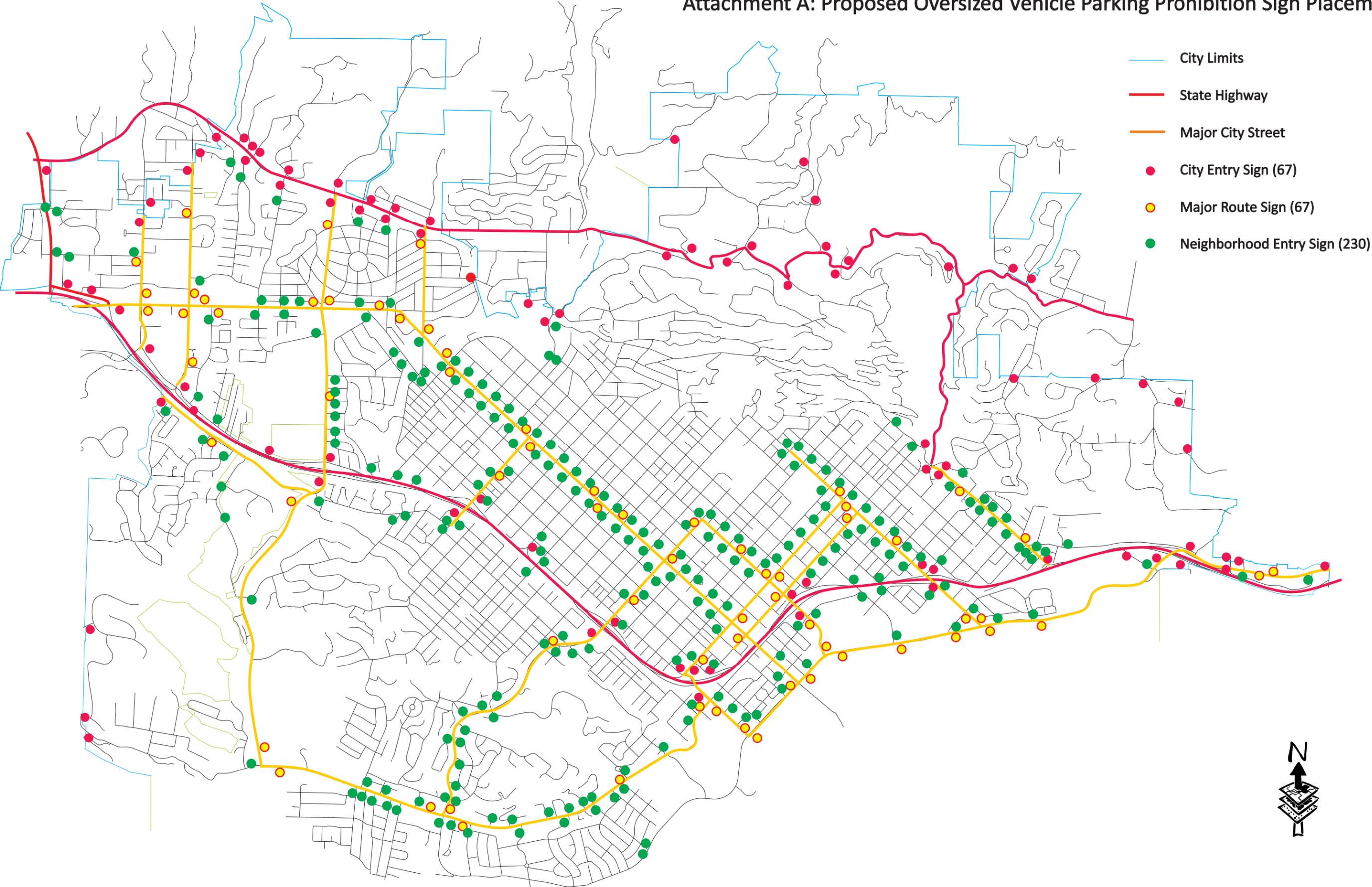
1. At entry points into the City (76 signs)
2. Along major roadways (67 signs)
3. At entry points to neighborhoods (230 signs).

This will provide approximately 373 signs throughout Santa Barbara. Attachment A illustrates placement of those signs. More or fewer signs may be needed depending on the location.

Sign Design

Standard parking signs compliant with the California Manual on Uniform Traffic Control Devices are typically 18-inches high by 12-inches wide. For this application, I recommend larger signs that are more noticeable to moving traffic. A sign 30-inches high by 24-inches wide (same size as a standard speed limit sign) will provide good visibility of the prohibition. A concept sign design is illustrated on Attachment B.

Attachment A: Proposed Oversized Vehicle Parking Prohibition Sign Placement



Attachment B: Proposed Oversized
Vehicle Parking Prohibition Sign



NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Alameda Padre Serra	1900	2
Alisos St. (North)	100	2
Alisos St. (North)	200	2
Anacapa St.	100	1
Anacapa St.	1400	2
Anapamu St. (East)	100	1
Anapamu St. (West)	500	2
Anapamu St. (West)	600	2
Arrellaga St. (East)	200	2
Ashley Ave.	00	2
Cabrillo Blvd. (East)	00	0
Cabrillo Blvd. (East)	100	1
Cabrillo Blvd. (East)	200	1
Cabrillo Blvd. (East)	300	1
Cabrillo Blvd. (East)	400	1
Cabrillo Blvd. (East)	500	1
Cabrillo Blvd. (East)	600	0
Cabrillo Blvd. (East)	700	0
Cabrillo Blvd. (East)	800	1
Cabrillo Blvd. (East)	900	0
Cabrillo Blvd. (East)	1000	1
Cabrillo Blvd. (East)	1100	1
Cabrillo Blvd. (East)	1200	1
Cabrillo Blvd. (West)	00	2
Cabrillo Blvd. (West)	100	0
Cabrillo Blvd. (West)	200	2
Cabrillo Blvd. (West)	300	1
Cacique St.	700	3
Cacique St.	800	2
Cacique St.	1000	2
Cacique St.	1100	1
Cacique St.	1200	2
Calle Cesar Chavez (North)	00	1
Calle Cesar Chavez (North)	100	2
Calle Cesar Chavez (North)	200	2
Calle Cesar Chavez (North)	300	2
Calle Cesar Chavez (South)	00	1
Calle Cesar Chavez (South)	100	0
Calle Puerto Vallarta	800	2
Calle Puerto Vallarta	900	2
Calle Real	2300	2
Canada St. (South)	100	2
Canada St. (South)	200	2
Canada St. (South)	300	2
Canon Perdido St. (East)	300	2

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Canon Perdido St. (East)	400	2
Canon Perdido St. (East)	500	2
Canon Perdido St. (East)	600	2
Canon Perdido St. (East)	700	2
Canon Perdido St. (East)	800	2
Canon Perdido St. (West)	300	2
Canon Perdido St. (West)	400	2
Carpinteria St.	700	2
Castillo St	00	1
Castillo St	100	1
Castillo St	700	2
Castillo St	800	2
Castillo St	900	2
Castillo St	1700	2
Chapala St.	00	1
Chapala St.	400	2
Chapala St.	500	2
Chapala St.	600	2
Chapala St.	1700	2
Chapala St	2300	2
Cieneguitas Rd	600	3
Cliff Dr.	1000	2
Cliff Dr.	1100	1
Cliff Dr.	1300	0
Cliff Dr.	1400	1
Cliff Dr.	1500	0
Cliff Dr.	1300	0
Cliff Dr.	1400	1
Cliff Dr.	1500	0
Cliff Dr.	1600	1
Corona Del Mar Dr.	400	3
Cota St. (East)	200	2
Cota St. (East)	300	2
Cota St. (East)	400	2
Cota St. (East)	500	2
Cota St. (East)	600	1
De La Guerra St. (East)	200	2
De La Guerra St. (East)	300	2
De La Guerra St. (East)	400	2
De La Guerra St. (East)	600	2
De La Guerra St. (East)	700	2
De La Guerra St. (East)	800	2
De La Guerra St. (West)	300	2
De La Guerra St. (West)	400	2
De La Vina St.	300	1

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
De La Vina St.	400	2
De La Vina St.	500	2
De La Vina St.	600	2
De La Vina St.	900	2
De La Vina St.	2800	1
Edison Ave.	300	2
Garden St.	500	2
Garden St.	600	2
Garden St.	700	2
Garden St.	800	2
Garden St.	1400	1
Garden St.	1500	1
Gutierrez St. (East)	100	2
Gutierrez St. (East)	200	1
Gutierrez St. (East)	300	2
Gutierrez St. (East)	400	2
Gutierrez St. (East)	500	2
Gutierrez St. (East)	600	2
Gutierrez St. (East)	700	2
Gutierrez St. (East)	800	2
Gutierrez St. (East)	900	2
Gutierrez St. (East)	1000	2
Gutierrez St. (West)	100	2
Gutierrez St. (West)	200	2
Haley St. (East)	600	2
Haley St. (East)	800	2
Haley St. (East)	900	2
Hitchcock Way	00	1
Hitchcock Way	100	2
Hitchcock Way	200	1
Hope Ave. (South)	00	1
Hope Ave. (South)	100	2
Hope Ave. (South)	200	2
Indio Muerto St.	1100	2
Indio Muerto St.	1200	2
Islay St (East)	100	2
Islay St (East)	200	2
Islay St (East)	300	2
Kimball St.	700	2
La Colina	3900	3
La Colina	4000	4
Laguna St.	300	2
Laguna St.	400	2
Laguna St.	500	2
Laguna St.	600	2

NO RV Sign Location List as of 8/31/16

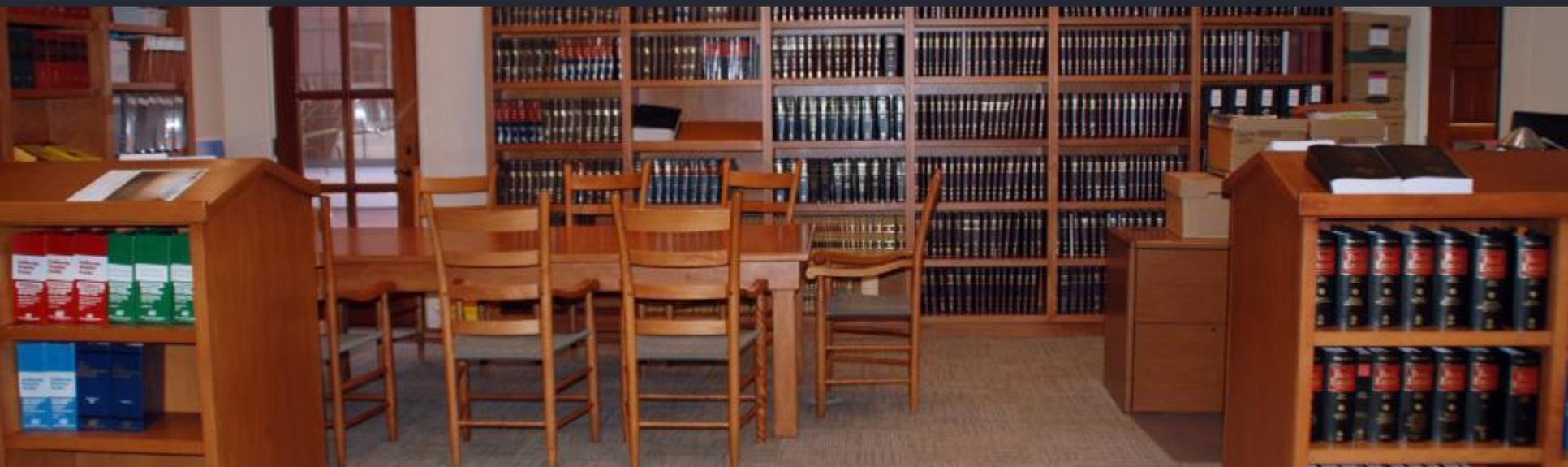
Street	Block Number	Number of Posted Signs
Laguna St.	700	2
Laguna St.	800	2
Lawrence Ave.	700	2
La Rada	3700	2
Los Olivos St. (West)	200	2
Los Olivos St. (West)	300	2
Mason St. (East)	700	2
Mason St. (East)	800	2
Mason St. (East)	900	2
Mason St. (East)	1000	2
Mason St. (East)	1100	2
Mason St. (West)	300	2
Meigs Rd.	200	2
Micheltorena St. (East)	100	1
Micheltorena St. (East)	200	2
Milpas St. (South)	400	1
Montecito St. (East)	00	2
Montecito St. (East)	100	2
Montecito St. (East)	400	2
Montecito St. (East)	500	2
Montecito St. (East)	600	2
Montecito St. (East)	700	2
Montecito St. (East)	800	2
Montecito St. (East)	900	2
Montecito St. (East)	1000	2
Montecito St. (East)	1100	2
Montecito St. (West)	00	2
Montecito St. (West)	100	2
Neil Park Ave.	1000	2
Ninos Dr.	500	2
Ninos Dr.	600	2
Nopal St. (North)	00	2
Nopal St. (North)	100	2
Nopal St. (North)	200	2
Nopal St. (North)	300	2
Nopal St. (North)	400	2
Nopal St. (North)	500	4
Nopal St. (North)	800	2
Nopal St. (North)	900	2
Nopal St. (North)	1000	2
Nopal St. (North)	1100	2
Nopalitos Way	100	1
Nopalitos Way	700	1
Olive St.	300	2
Olive St.	400	2

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
Olive St.	500	2
Olive St.	600	2
Olive St.	700	2
Olive St.	800	2
Olive St.	900	2
Ortega St. (East)	200	2
Ortega St. (East)	300	2
Ortega St. (East)	400	2
Ortega St. (East)	500	2
Ortega St. (East)	600	2
Ortega St. (East)	800	1
Ortega St. (East)	900	3
Palm Ave.	200	1
Palm Ave.	300	2
Park Pl.	1400	2
Pesetas Ln	200	2
Por La Mar Dr.	400	4
Powers Ave	100	2
Primavera Rd	4000	2
Quarantina St. (North)	00	2
Quarantina St. (North)	100	2
Quarantina St. (North)	200	2
Quarantina St. (North)	300	2
Quarantina St. (North)	400	2
Quarantina St. (North)	500	2
Quarantina St. (North)	700	2
Quarantina St. (North)	800	2
Quarantina St. (South)	00	3
Quarantina St. (South)	100	2
Quinientos St. (East)	500	2
Quinientos St. (East)	600	2
Quinientos St. (East)	800	2
Quinientos St. (East)	900	2
Quinientos St. (East)	1000	2
Reddick St.	700	2
Reddick St.	800	2
Richardson Ave.	500	2
Rose Ave.	300	2
Rose Ave.	400	2
Saint Vincent Ave	900	2
Salsipuedes St. (North)	500	2
Salsipuedes St. (North)	600	2
Salsipuedes St. (North)	700	2
Salsipuedes St. (North)	800	2
San Andres St.	900	1

NO RV Sign Location List as of 8/31/16

Street	Block Number	Number of Posted Signs
San Andres St.	1000	1
Santa Barbara St.	300	1
Santa Barbara St.	400	1
Santa Barbara St.	500	2
Santa Barbara St.	600	2
Santa Barbara St.	700	2
Santa Barbara St.	1100	2
Santa Barbara St.	1400	2
Santa Barbara St.	1500	2
Shoreline Dr.	1200	2
Sola St. (East)	100	1
Sola St. (East)	200	1
Soledad St. (North)	00	2
Soledad St. (North)	100	2
Soledad St. (North)	200	2
State St.	3000	1
State St.	3100	1
Union Ave.	700	2
Valerio (East)	100	2
Valerio (East)	200	2
Victoria St. (West)	100	2
Vine Ave.	800	2
Voluntario St. (North)	00	2
Voluntario St. (North)	200	2
Walnut Ave.	1100	2
Wilson St.	200	2
Yanonali St. (East)	400	2
Yanonali St. (East)	500	1
Yanonali St. (East)	700	2
Yanonali St. (East)	800	2
Yanonali St. (East)	900	2
Yanonali St. (East)	1000	2
Yanonali St. (East)	1200	2
Total posted signs		462



OFFICE OF THE CITY ATTORNEY

OVERSIZED VEHICLE PARKING ORDINANCE



Overview

- **State Law Preemption of Local Control**
- **Existing City Parking Regulations**
- **Recent History of City RV Parking Actions**
- **Regulatory Options**
- **Parking for Persons with Disabilities**
- **Signage Requirements**



STATE LAW PREEMPTION OF LOCAL CONTROL



1920: California Supreme Court

“The right of control over street traffic is an exercise of a part of the sovereign power of the state.”

Ex parte Daniels (1920) 183 Cal. 636, 639



1935: California Vehicle Code 21

“Except as otherwise expressly provided, . . . a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code”

(1935 & 1959)



1959: State Grants Cities Authority to Regulate Parking

“Local authorities “may, . . . prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height . . . on certain streets or highways, or portions thereof, during all or certain hours of the day.” Vehicle Code section 22507.



EXISTING CITY PARKING REGULATIONS



1959: SBMC 10.44.060

“No person who owns or has possession, custody or control of any vehicle shall park . . . upon any street or alley for more than a consecutive period of seventy-two (72) hours. . . .”



1964: SBMC 15.16.080

“It is unlawful for any person to use any recreational vehicle for sleeping, human habitation or camping purposes in any of the following areas except as otherwise provided for:

- A. Any public park.
- B. Any public street.
- C. Any public parking lot or public area, improved or unimproved.
- D. Any public beach.”



State Law Definition of RV

“ . . . (a) A ***motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation*** for recreational, emergency, or other occupancy, that meets all of the following criteria:(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.(3) It is built on a single chassis.(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit. . .

. (Health & Saf. Code, § 18010.)



2007: SBMC 10.44.200

“RV OVERNIGHT PARKING RESTRICTED AREA. No person shall park or stand or permit to stand any recreational vehicle . . . between the hours of twelve (12:00) midnight and six (6:00) a.m. in the following area of the City:

South of the U.S. 101 freeway, and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road ”



2008: SBMC 10.44.205

- Established New “Locational” Restrictions on “Excessive” Recreational Vehicle Parking
- Allows Public Works Director, upon advice of the Police Chief, to post No RV Parking in areas around 9 land use categories



2008: SBMC 10.44.205

- Schools
- Child Care Center and Group Homes
- Parks, Libraries and Museums
- Community or Social Service Centers
- Recreational Facilities
- Health Care Facilities
- Homeless Shelters
- Churches
- Designated Safe Routes to Schools



2008: SBMC 10.44.205

- Amended in 2014 to Define “Excessive” as 2 or More RVs
- Currently Challenged in the Court of Appeal in *Homes on Wheels 3*



RECENT HISTORY OF CITY RV PARKING ACTIONS

2002-2016: Ordinances, Lawsuits and
Case Law



2002: Ordinance No. 5263

No person shall park or stand or permit to remain for a longer period than two (2) hours on any street . . . any recreational vehicle

No person shall park . . . any recreational vehicle . . . between the hours of two (2:00) a.m. and six (6:00) a.m. SBMC 10.44.200



2002: Ordinance No. 5263

“ . . . the ordinance or resolution shall not apply until signs or markings giving ***adequate notice*** thereof have been placed.” Vehicle Code 22507(a)

City Transportation Engineer posted 33 locations which . . . “the City Attorney contended were entrances to the City.”



2003 Lawsuit: *Homes on Wheels 1*

- HoW seeks a preliminary injunction against the ordinance
- HoW alleges
 - Ordinance targeted the homeless population “to banish them from the City”
 - Ordinance violates Vehicle Code section 22507
- City defeats injunction in trial court



2004: HoW 1 Appeal

- HoW Drops Homeless Claim on Appeal
- HoW Argues Two Issues
 - City Cannot Single Out RVs, Must Ban All Vehicles or None
 - Sign Posting Inadequate



HoW 1 Appeal Decision

- *Homes on Wheels v. City of Santa Barbara* (2004) 119 Cal.App.4th 1173
- City wins on 1st Issue:
 - ***“Legislature gave the City the power to select the type of vehicles that are regulated. It did not impose an “all vehicles or none” standard.”***



2004: HoW 1 Appeal Decision

- City Loses On Sign Posting
 - “Here the City did not post signs on all the streets to which the ordinance applies. It placed signs at 33 locations which the City Attorney contended were entrances to the City.”
- ***City Failed to Produce Evidence that the Sign Posting Provided “Adequate Notice” Required by State Law***



2004-2006: HoW 1 Trial Preparation

- 2 More Years of Litigation
- Trial Court Orders Mediation
- 8 Point Settlement Reached after Extensive Negotiations



2007: HoW 1 Settlement

1. Agreed to prohibit RV Overnight Parking in "a defined Waterfront area south of the freeway"
2. Post Signage Only At The Perimeters Of The Area
3. Expand RV Alternative Parking Lot Site Program in 28.87.180 B.



HoW 1 Settlement

4. Create Private Property Parking Program in M-1 North of US 101 and C-M East of Santa Barbara Street
5. City to Request Priority Affordable Housing Placement for RV Alternative Site Parking Program Participants
6. City Council to Support Program Encouraging More Non-Profit Participation in RV Parking Program



HoW 1 Settlement

7. City Will Support ADR Procedure for Conflicts Between RV Residents in Permitted RV Parking Locations and Neighborhoods

8. City Pays \$20,000 in Attorney's Fees to Homes on Wheels

2007: City Implements Settlement

SBMC 10.44.200 (Ord. No. 5411)

- Creates Waterfront No RV Parking Area with Perimeter Signage Only
 - South of the U.S. 101 freeway, and between Castillo Street and the eastern boundary of the City at the Andre Clark Bird Refuge and Coast Village Road



2007: City Implements Settlement

SBMC 28.87.180 Zoning Amendment

Allows Overnight RV Parking on Private and Public Property

- Up to 5 in each Church & Nonprofit Parking Lot
- 1 per Parcel in M-1 North of 101 & C-M East of Santa Barbara Street
- City Parking Lots Designated by Resolution



2007: Safe Parking Program

- Resolution No. 07-026
 - Authorizes Non-Profit RV Parking Management Contract (New Beginnings)
- Designates City Lots: Carrillo-Castillo Commuter, Cota Commuter, Garden-Cabrillo Visitor Center



Safe Parking Program

- New Beginnings Counseling Center under Contract with the City to Manage Public and Private Off-Street Spaces
 - **115** Spaces Area Wide, including Santa Barbara
 - March 2016: NBCC reports to City staff that in the City alone there are:
 - **13** lots, **3** reserved for RVs only
 - **76** spaces, **22** dedicated to RV's only
 - **40** spaces available for RVs, about **21** in use
 - Waiting list of **50**, including **7** RVs.
 - Over **660** City residents served in FY 2015



Safe Parking Program

- Since inception, City has spent over \$440,000 for the Safe RV Parking Program managed by NBCC
- Since 1991, City has spent:
 - About \$6.4 million on temporary and emergency housing
 - About \$3.7 million for homeless services & coordination
- In the past several years, City has spent or granted:
 - \$34.8 million on development or rehabilitation of 500 units, 347 of which were for homeless individuals
 - \$1.38 million in HOME funds for Tenant-Based Rental Assistance and Security Deposit Loans for homeless individuals



Los Angeles Times

A Santa Barbara 'safe parking' program for homeless people may be coming to L.A.



A Santa Barbara 'safe parking' program for homeless people may be coming to L.A.

San Francisco Chronicle

Homeless find haven in their vehicles

Santa Barbara's 'Safe Parking' project lets some live in cars without criminal penalties



In Wealthy Santa Barbara, Some Call a Parking Lot 'Home'



For Some Seniors Without Housing, A Parking Lot Is Home



Long Beach to study 'safe parking' program for homeless



ALJAZEERA
AMERICA

Mobile homes: Many 'hidden homeless' Americans living in vehicles

A model 'parking lot' program in California could bring relief to people living in cars and vans across America



2008: Staff Seeks New City RV Ordinance After HoW1 Settlement

- Staff Seeks Citywide No RV Posting Authority via New SBMC section 10.44.205
- Ordinance Committee Rejects Action
 - Limits Authority of the Public Works Director, with Advice from the Police Chief, to Post No RV Parking Signs Only When an **Excessive** Number of RVs Park **Within 500 Feet of Certain Areas**



2008: New City RV Ordinance

No RV Parking Within 500 Feet of Posted:

- Schools
- Child Care Center and Group Homes
- Parks, Libraries and Museums
- Community or Social Service Centers
- Recreational Facilities
- Health Care Facilities
- Homeless Shelters
- Churches
- Designated Safe Routes to Schools



2011 Lawsuit: *Homes on Wheels 2*

- HoW Sues Again, Loses, No Appeal
 - Alleges New Ordinance Violates RV Dwellers' Equal Protection, Travel, and Disability Rights
 - Trial Court Rejects Disability Discrimination Claim
 - Court Finds No City Obligation to Create Areas Where Disabled RV Dwellers Have an Unlimited Right To Park



2014: HoW Approaches City With 2 Concerns

- Argues that Staff is Improperly Finding a Single RV to be “Excessive” under SBMC 10.44.205
- Argues that in the Waterfront “No RV” Zone, RVs With Disability Placards Should be Allowed to Park in Blue Curb Zones



2014: *Desertrain* Case

- Federal Appeals Court Strikes Down LA Ordinance Prohibiting Use of Vehicles “as living quarters either overnight, day-by-day, or otherwise”

Desertrain v. City of Los Angeles (9th Cir. 2014) 754 F.3d 1147

- Finds Civil Rights Violation



2014: *Desertrain* Civil Rights Case

- Los Angeles Officials Held a “Town Hall on Homelessness” to Address Complaints of Homeless Individuals with Vehicles Living on Local Streets in Venice
- At the Town Hall, City Officials Said Their Concern Was **Not** Homelessness
 - Illegal Dumping of Trash and Human Waste on Streets Was Endangering Public Health



2014: *Desertrain* Civil Rights Case

- But, LAPD Created the Venice Homelessness Task Force to Cite and Arrest Homeless People Using Their Automobiles as “Living Quarters”
- Task Force officers were to use Section 85.02 to Cite and Arrest Homeless People in Automobiles Used as “living quarters”



2014: *Desertrain* Civil Rights Case

- Ordinance Unconstitutionally Vague Because It Did Not Define “Living Quarters”
 - “Vagueness may invalidate a criminal law for either of two independent reasons. First, it may fail to provide the kind of notice that will enable ordinary people to understand what conduct it prohibits; second, ***it may authorize and even encourage arbitrary and discriminatory enforcement.***”



2014: *Desertrain* Civil Rights Case

- Court Found That a Reasonable Person Could Not Determine Whether Simply Keeping a Sleeping Bag in a Car Might Convert it into “Living Quarters”
- Ordinance Promoted Arbitrary Enforcement that Targets the Homeless Because It Gave No Limits on the Discretion an Officer Might Use to Determine Whether a Car Was Being Used as Living Quarters



2014: SBMC Amendments

- City Attorney Proposes Two Amendments to SBMC 10.44.205
 - Define “Excessive” as 3 or More
 - Delete “Temporary Recreational Vehicle” Term Based Upon *Desertrain* Case



2014: Ordinance Committee Review

- Committee Recommends 2 or More RVs as “Excessive” (2-1, Hotchkiss, Rowse Aye, Murillo No)
- Committee Recommends Elimination of “Temporary RV” Term (3-0)



March 2015: *Homes on Wheels* 3 Filed

- “Cookie Cutter” Complaint Challenging 10.44.205
 - Duplicates *Homes on Wheels* 2
- Same Plaintiffs as *HoW* 2, Adds 2 New Plaintiffs



May 2015: Council Approval

- Council Approves Ordinance Committee Changes to SBMC section 10.44.205 (6-1, Murillo No)
 - Defines “Excessive” as 2 or more RVs parked in the same area
 - Eliminates term “Temporary RV”



June 2015: *HoW* 3 Dismissed

- Trial Court Rejects *HoW* 3 Lawsuit because it duplicates 2011 *HoW*2 case
 - *HoW* Appeals
- August 2016: DCA Affirms City Trial Court Win
- September 2016: DCA Grants Rehearing After *HoW* Changes Lawyers

- Appeal Still Pending
 - Mainly Procedural Issues Left at this Stage
 - Case Unlikely to Provide Meaningful Legal Guidance



November 2015: Council Action

- Council Members Rowse and Francisco Request Council Referral to Ordinance Committee
 - Expand SBMC 10.44.205 to Allow Posting Near Sensitive Land Uses
- Council Approves 5-2 (Schneider, Murillo No)



May and June 2016: Ordinance Committee Hearing and Actions

- Staff to re-examine and refine oversized vehicle approach and move forward to Council (2-1, Murillo No)
- Direct the Access Advisory Committee to Study and Report to Staff on Options for On-street Disabled Parking (2-1, Murillo No)
- Create an Ad Hoc Stakeholder Committee, Including the New Beginnings Counseling Center, to Consider Off-street Parking Needs for Persons Living in Vehicles (3-0)



REGULATORY OPTIONS

Locational and Oversized Vehicle Traffic Safety
Regulation



Traffic Safety

- Oversized Vehicles Are Very Large in Relation to City Streets and Other Vehicles
 - They Create Line of Sight and Street Width Problems Citywide, But Especially on Santa Barbara's Historic, Narrow, and Busy Streets
- Oversized Vehicles Pose a Safety Threat to Other Vehicles, Bicycles and Pedestrians



Option 1: Locational Traffic Safety

- Built Upon Existing SBMC 10.44.205
 - But Not Land Use Category Based
- Authorizes the Public Works Director to Post No RV Parking Signs Where it is ***Necessary or Desirable for Traffic Safety Reasons***
- Although a clear standard, some discretion remains



Option 1: Locational Traffic Safety

“to avoid the impairment or potential impairment of the safety of travel and passage by motor vehicles, bicycles or pedestrians. These streets or portions of streets (including block faces) may include, but are not limited to, those areas ***with narrow travel lanes or where sight distances may be impaired by large vehicles or other obstructions.***”



Option 2: Oversized Vehicle Regulation

- This Approach is Used in Many California Cities
- Prohibit Oversized Vehicle Parking Citywide based upon Well-Understood Traffic Safety Concerns
- ***Very Limited Enforcement Discretion***



Oversized Vehicle Regulation

- Two Major Legislative Questions
 - What is “Oversized?”
 - Are Exceptions Needed?



What is “Oversized?”

“Oversized vehicle” means any vehicle, or a combination of connected vehicles (including trailers) which exceeds twenty-five (25') feet in length, or eighty (80") inches in width, or eighty-two (82") inches in height

Oversized vehicle shall not include a pickup truck which is less than twenty-five (25') feet in length and eighty-two (82") inches in height



Commonly Used Size Limits

- Proposes Same Size Limits as Nearby Communities
 - Goleta
 - Ventura
 - Camarillo
 - Thousand Oaks



WHAT DOES AN OVERSIZED VEHICLES LOOK LIKE?

Proposed Size Limits:

25' L

80" W

82" H

Classic “18-Wheeler”



73' Long

7 Ton Delivery Truck



UPS Truck



Car and Trailer



Type A Motorhome



**The largest
motorized RV**

**Built on a specially
made chassis**

**Length: 21 to 45
feet**

Type B Motorhome



Smallest self-contained motorhome. Built on a van chassis

Length: 16 to 24 feet

Height ?

Type C Motorhome



Mini-motorhome built on a van or pickup truck chassis

Similar to type A but more compact

Length: 20 to 35 Feet

Bus Conversion



Motorhome built using a bus shell that is converted for recreation vehicle use

Length: 35 to 45 feet

Ordinance Will Not Address. . .





Are Oversized Vehicle Exceptions Needed?

6 Exceptions Proposed in 3 Categories:

1. Short-Term Exceptions for Commercial, Government and Emergency Parking Needs
2. Permits to Accommodate Persons with Disabilities
3. Permits to Accommodate Short-Term Parking Needs for Businesses, Residents and Visitors

- ***Exceptions are for Short-Term Parking and Permits Cannot “Create or Exacerbate a Dangerous Traffic Safety Condition”***



Staff Refinements as Directed by the Ordinance Committee

- Necessary to Meet Practical Needs of the Community
- Necessary to Comply with State and Federal law
- **RED** shows staff changes after Ordinance Committee



1. Commercial Deliveries

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 30 minutes**



2. Emergency Vehicle Repairs

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 4 hours***



3. Government and Emergency Vehicles

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. Buses

*Any bus for no longer than 2 hours,
and any bus in an area specifically
posted to allow bus parking for a
prescribed time*



5. Disability Parking Permits

- Ordinance Committee Version
Recommended Blanket Exception for
All Oversized Vehicles with
Distinguishing Disabled Plates or
Placards
- ***Recommended Referral to Access
Advisory Committee for ADA On-
Street Parking Analysis***



New Approach to Disability Parking Permits

- Staff and City Attorney Recommend a Different Approach Based Upon Recent and Developing Case Law
 - ***New Approach Allows for Case-by-Case Individualized Determinations of the On-street Parking Needs of Persons with Disabilities***
- Continue to Recommend Referral to Access Advisory Committee



New 2-Step Disability Parking Permits Proposal

1. Distinguishing disabled placard or license plate issued pursuant to the California Vehicle Code
2. City-issued Oversized Vehicle Disability Parking Permit issued pursuant to **[6 criteria in]** subsection D.



City Disability Parking Permit Criteria

The person seeking the permit:

1. Owns or lawfully possesses an oversized vehicle
2. Is a permanent city resident as determined under the law of California 
3. Possesses a distinguishing disability placard or license plate properly issued pursuant to the California Vehicle Code



What is Permanent Residency?

- Not Very Restrictive – Moreton Bay Fig
 - The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. Elec. Code, § 349
 - Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of this article. Elec. Code, § 2027



Disability Parking Permit Criteria

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



Disability Parking Permit Criteria

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



Disability Parking Time Limits

- Create the Only Exception to Consistent Short-Term Parking Restrictions Necessary for Traffic Safety
- Initially Valid for as Long as the Person is Disabled, but No Longer than 1 Year
- May Be Renewed for Additional 1 Year Periods, Provided Application Criteria Are Still Met



6. Temporary Parking Permits

Any oversized vehicle that has been issued and is displaying a temporary oversized vehicle parking permit issued pursuant to **[4 criteria in]** subsection E.



Temporary Parking Permit Criteria

The person seeking the permit

1. Owns or lawfully possesses an oversized vehicle



Temporary Parking Permit Criteria

2. Is a permanent city resident as determined under the law of California who 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.



Temporary Parking Permit Criteria

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



Temporary Permit Time Limits

- Very Short Term to Minimize Safety Risks
 - Valid for no more than 5 consecutive days
- Permittee may apply for and be granted an extension
 - Maximum time of 10 days within any consecutive 90 day period



PARKING FOR PERSONS WITH DISABILITIES

Questions Under State and Federal Law



Vehicle Code 22511.5

- Disabled Placard Parking Without Time Limits is Allowed:
 - On Streets with Preferential Parking Privileges and Height Limits
 - In Any Parking Zone with Posted Time Restrictions
 - At Meters with No Charge
- **BUT . . .**



Vehicle Code section 22511.5

“This subdivision does not apply to a zone for which state law or ordinance absolutely prohibits stopping, parking, or standing of all vehicles, ***or which the law or ordinance reserves for special types of vehicles***, or to the parking of a vehicle that is involved in the operation of a street vending business.”



Americans with Disabilities Act

“[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the ***services, programs, or activities of a public entity***, or be subjected to discrimination by any such entity. 42 U.S.C.A. 12132



Federal ADA Case Law

- 2014 Federal Appeals Court Ruling
 - Question Presented: “Is the provision of public on-street parking a ‘service, program, or activity’ under the ADA?”
- City of Lomita argued there were no specific ADA on-street disabled parking regulations

Fortyune v. City of Lomita (9th Cir. 2014) 766 F.3d 1098, 1102, *cert. denied sub nom. City of Lomita, Cal. v. Fortyune* (2015) 135 S.Ct. 2888 [192 L.Ed.2d 924]



Fortyune v. City of Lomita

9th Circuit Concludes that the ADA
Requires Local Governments to
Maintain Accessible On-Street Public
Parking

***Even in the Absence of Regulatory
Design Specifications for On-Street
Parking Facilities***



But ADA Parking Rules Are Still Uncertain

- How to Comply With Technical Standards That Do Not Exist?
 - In *Fortyune*, the City of Lomita Provided Absolutely No Accessible On-Street Parking Citywide
- ***How Much Accessible Parking Must Be Provided and Where?***



Disability Parking Legal Issues

**UNDER CURRENT LAW, THE
CITY MUST ALLOW
“REASONABLE MODIFICATION”
OF ITS REGULATIONS WHEN
NEEDED TO ACCOMMODATE
PERSONS WITH DISABILITIES**

Longstanding City ADA Grievance Procedure

The City of Santa Barbara is committed to ensuring that people with disabilities are able to take part in, and benefit from, the whole range of public programs, services, and activities offered by the City. The City continues to modify its facilities, programs, policies, or practices, as necessary, to ensure such access is provided.

Title II of the Americans with Disabilities Act (ADA) requires that public entities adopt and publish grievance procedures to assure the prompt and equitable resolution of complaints. ***The purpose of this ADA grievance procedure is to resolve as promptly as possible any problems, complaints, or conflicts related to the City's ADA compliance without the need for the complainant to resort to other remedies available under the law.***

Adopted 1992, Updated January 2016



What is “Reasonable Modification?”

- Reasonable Modification Does Not Appear to Mean that the City Must Change the Law for a Disabled Person Based upon Their Choice of Vehicle
- ***UNLESS the Vehicle is Necessary for Accommodation by Reason of the Person’s Disability***



SIGNAGE REQUIREMENTS

Ordinance Committee Follow-Up



State Law Requires “Adequate Notice” of Parking Regulations

“With the exception of alleys, the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed.” Veh. Code, § 22507.



Must Every Street Corner Be Posted?

“ . . . because this ordinance is a uniform citywide parking ban, ***we do not necessarily agree with Homes' suggestion that the City must post every street corner in town.*** . . . The City presented no testimony and the City Attorney's oral argument was not evidence. Moreover, the City Attorney conceded that not all the entrances to the City were posted. . . . a motorist, unaware of the restrictions, could enter the City, park on a non-posted street and be cited. That is the classic trap for the unwary that the Legislature wanted to prevent.” *Homes on Wheels 1*



Supervising Transportation Engineer's Expert Opinion on Notice

“The worst case scenario in terms of driver familiarity with Santa Barbara and local rules is a visitor from out of town. To account for this level of familiarity with Santa Barbara, ***the driver should preferably be given multiple notifications before arriving at a potential on street parking location.*** To provide multiple notifications, a layered approach will be taken.”



Supervising Transportation Engineer's Expert Opinion

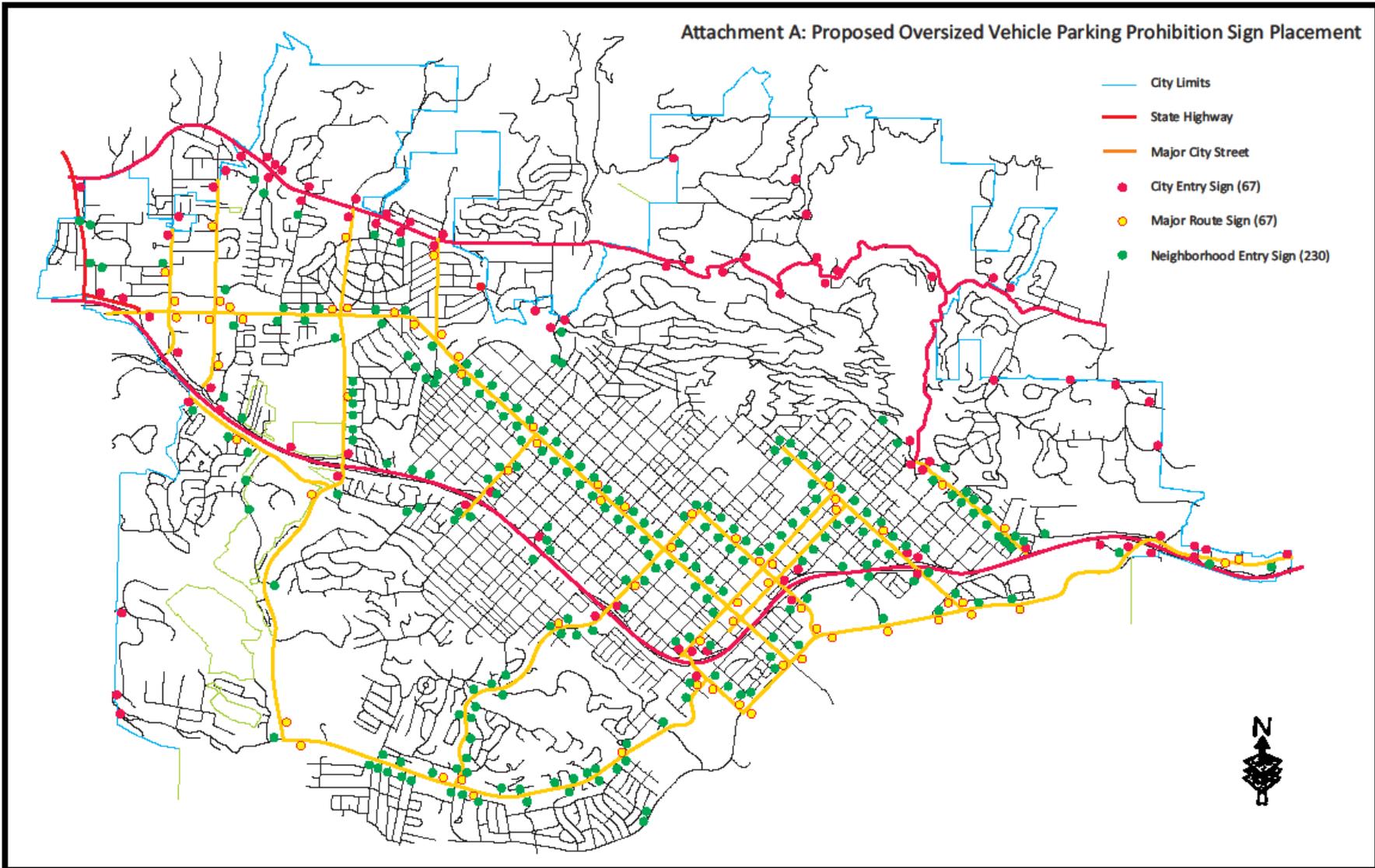
“Visitors to the City will enter the City, and most likely drive along one of Santa Barbara's major streets before potentially entering a neighborhood with the intention of parking their vehicle. The layered approach will provide signs:

1. At entry points into the City (76 signs)
2. Along major roadways (67 signs)
3. At entry points to neighborhoods (230 signs).”

This will provide approximately 373 signs throughout Santa Barbara.



Attachment A: Proposed Oversized Vehicle Parking Prohibition Sign Placement





QUESTIONS AND ANSWERS
