

ORDINANCE NO. _____

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

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. Unregulated oversized vehicle parking creates a dangerous safety condition and a public nuisance for Santa Barbara's public street system which includes many historic, narrow, and busy streets that were laid out in the 18th and 19th centuries before anyone contemplated the advent of modern oversized vehicles.

B. 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. Such collisions lead to severe bodily injuries and property damage.

C. 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.

D. 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.

E. The City Council is mindful of and has carefully considered the needs of underhoused individuals who try to live in vehicles, including oversized vehicles. The City Council finds a significant distinction between the impacts of City regulations upon unhoused City residents who seek rest and respite on streets and sidewalks and the impacts of this Ordinance upon those who try to live in oversized vehicles upon City

streets. Residency in an oversized vehicle parked on City streets creates serious public health and safety impacts that are not present when an unhoused person sleeps in public. These impacts include not only the safety concerns expressed above relating to the size of the vehicle, but in addition problems related to waste disposal from on-board kitchen, bathing and toileting facilities, noise and fumes from on-board generators, and privacy impacts to other nearby residents arising from the proximity of the street to fixed residential dwelling units. Moreover, Santa Barbara is one of the leading tourist destinations in the United States so that oversized vehicle residency is not solely an issue of the underhoused, but includes literally thousands of visiting tourists in oversized vehicles who come to Santa Barbara annually, and if left unregulated, would take up residency on City streets on a routine basis.

F. Consistent with the City Council's longstanding policies and current law, the City's regulations against camping in public spaces are enforced only when sufficient shelter space is available to accommodate the person involved. Moreover, the City Council has authorized the expenditure of over \$1.2 million in the current fiscal year for temporary and emergency housing for the unhoused and homeless services, and over \$6.37 million since 1991. Unlike many cities, Santa Barbara's regulations governing sitting and lying down on public sidewalks apply only on the most heavily trafficked portion of State Street, the City's main tourist and commercial thoroughfare, thereby leaving ample locations for rest and respite throughout the City, including many parks and other public open spaces.

G. With respect to living in vehicles, the City Council has for decades undertaken numerous substantial actions to provide safe off-street parking opportunities. These actions include, among others, formation of and financial support for a City Task Force on Vehicle Dwelling in 2002 which included representatives from the Committee for Social Justice, Catholic Charities, recreational vehicle dwellers, as well as numerous neighborhood and shelter organizations; amending the City's Zoning Ordinance in 2005 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; creation of and funding a Recreational Vehicle Accommodation Program in 2005; limiting in 2007 the City's recreational vehicle overnight parking prohibitions to the City's beachfront areas with limited on-street parking; expanding the Safe Overnight RV Parking Program in 2007; funding nonprofit administration of the Safe Overnight RV Parking Program by the New Beginnings Counseling Center with the payment of over \$440,000 since 2007; and, through the services of New Beginnings Counseling Center's Safe Parking program, providing over 115 off-street parking spaces for people living in vehicles.

H. The City Council recognizes and accepts that the City's on-street parking system is subject to the rights of the disabled established under state and federal law. This Ordinance, therefore, includes an Oversized Vehicle Disability Parking Permit program which is intended to allow reasonable modifications of the City's oversized vehicle restrictions in order to promote equal access for the disabled. In addition, the City Council will refer this Ordinance to the City's Access Advisory Committee, which is

charged with ensuring equal access for people with disabilities to the City's programs, activities and services, in order to obtain recommendations on the best practices for implementing on-street disabled parking in the absence of state or federal technical guidance.

SECTION 2. Chapter 10.44 of Title 10 of the Santa Barbara Municipal Code is amending by adding Section 10.44.220 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.

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. 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 18th and 19th 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.

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

SECTION 3. Section 10.44.200 of Chapter 44 of Title 10 of the Santa Barbara Municipal Code is amended to read as follows:

10.44.200 Unlawful Parking of Trailers, Mobilehomes, Recreational Vehicles, Trucks and Buses.

A. STREET PARKING. No person shall park or stand or permit to remain for a longer period than two (2) hours on any street or highway or public alley or on a parkway area between curb and sidewalk, any trailer, semi-trailer, or bus (all as defined in the California Vehicle Code) or any mobilehome (as defined in Title 28 of this Code), or any truck used primarily for business or commercial hauling and of a weight in excess of three quarters (3/4) ton capacity, unless such person has a written authorization from the Chief of Police or his delegate.

B. OVERNIGHT PARKING. No person shall park or stand or permit to stand any of the following vehicles: 1. trailer, 2. semi-trailer, 3. bus (all as defined in the California Vehicle Code), 4. mobilehome (as defined in Title 28 of this Code), or 5. any vehicle which is capable of greater than 1500 pounds (3/4 ton) cargo capacity on any city street between the hours of two (2:00) a.m. and six (6:00) a.m. of any day.

C. RV OVERNIGHT PARKING RESTRICTED AREA. No person shall park or stand or permit to stand any recreational vehicle (as those terms are defined in Section 15.16.060 of this Code) 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 (as depicted on the map attached to this Chapter entitled "RV Overnight Parking Restricted Area, dated February 6, 2007.")

D. EXCEPTION. This section shall not apply to a commercial truck (as established by a current registration with the state Department of Motor Vehicles):

1. While such truck is being loaded or unloaded and such additional time is reasonably required for such loading and unloading operations; or

2. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block on which such vehicle is parked for a period reasonably necessary to complete such service.

SECTION 4. Santa Barbara Municipal Code section 10.44.205 is repealed.

SECTION 5. 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.