

RESOLUTION NO. RES-17-0073

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT AMENDMENTS TO THE LONG BEACH MUNICIPAL CODE TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL AND MAKING A CEQA DETERMINATION.

WHEREAS, on August 15, 2017, the City Council of the City of Long Beach amended certain provisions of Title 10 of the Long Beach Municipal Code, relating to parking of oversized vehicles; and

WHEREAS, it is the desire of the City Council to submit the above referenced amendments to the Long Beach Municipal Code to the California Coastal Commission for its review; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the Long Beach Municipal Code at a properly noticed and advertised public meeting; and

WHEREAS, the City Council approved the proposed amendments to the by adopting amendments to Title 10. The proposed amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and provisions of the General Plan;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

1 Section 1. The amendments to the Long Beach Municipal Code adopted
2 on August 15, 2017, by Ordinance No. ORD-17- 0012, a copy of which is
3 attached to and incorporated in this resolution is hereby submitted to the California
4 Coastal Commission for its earliest review as to that part of the ordinance that directly
5 affects land use matters in that portion of the California Coastal Zone within the City of
6 Long Beach.

7 Section 2. The Director of Public Works of the City of Long Beach is
8 hereby authorized to and shall submit a certified copy of this resolution, together with
9 appropriate supporting materials, to the California Coastal Commission with a request for
10 its earliest action, as an amendment to the Local Coastal Program that will take effect
11 automatically upon Commission approval pursuant to the Public Resources Code or as
12 an amendment that will require formal City Council adoption after Coastal Commission
13 approval.

14 Section 3. CEQA Determination. The City Council finds that the project
15 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to
16 Title 14, California Code of Regulations Section 15061(b)(3), in that it can be seen with
17 certainty that the adoption of the amendments to the Long Beach Municipal Code
18 propose no activity that may have a significant effect on the environment and will not
19 cause a direct physical change in the environment or a reasonably foreseeable indirect
20 physical change in the environment.

21 Section 4. This resolution shall take effect immediately upon its adoption
22 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of August 8, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

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CHARLES PARKIN, City Attorney
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Lona Beach, CA 90802-4664

ORDINANCE NO. ORD-17-0012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 10.24.005, 10.24.077, 10.24.078, 10.24.079, AND 10.24.080; BY ADDING SECTION 10.24.081; AND BY REPEALING SECTION 10.24.076, ALL RELATING TO PARKING OF OVERSIZED VEHICLES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 10.24.005 of the Long Beach Municipal Code is amended to read as follows:

10.24.005 Parking of oversized vehicles prohibited.

The following definitions shall apply to this Chapter:

A. "City Entrance Streets" means all streets crossing City boundaries entering the City of Long Beach and all freeway exit ramps within the City.

B. "Oversized Vehicle" means a vehicle which exceeds eighty-five inches (85") high or eighty inches (80") wide or twenty-two feet (22') long on a residential street or eighty-five inches (85") high or twenty-two feet (22') long, as determined by Department of Motor Vehicles records, exclusive of projecting lights or devices allowed by Section 35109 or 35110 of the California Vehicle Code, as may be amended, on a nonresidential street. A boat, equipment or other object on or attached to a trailer shall be measured together with the trailer.

C. "Nonresidential street" means a street or portion thereof on

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1 which the majority of traffic is nonresidential, and which is adjacent to
2 property on which the majority of uses are commercial, industrial or
3 institutional.

4 D. "Residential street" means a street or portion thereof adjacent
5 to property on which the majority of uses are residential in nature.

6 E. "Permitted commercial loading period" means the time
7 allowed for the actual loading or unloading of goods. The permitted
8 commercial loading period shall be twenty (20) minutes, or such other time
9 period as posted by the City Traffic Engineer.

10
11 Section 2. Section 10.24.077 of the Long Beach Municipal Code is
12 amended to read as follows:

13 10.24.077 Posting of restrictions.

14 The City Traffic Engineer shall place and maintain or cause to
15 be placed and maintained, on City Entrance Streets appropriate signs
16 notifying the public of Oversized Vehicle residential parking restrictions.

17
18 Section 3. Section 10.24.078 of the Long Beach Municipal Code is
19 amended to read as follows:

20 10.24.078 Parking of Oversized Vehicles prohibited.

21 A. No person who owns, has custody, or control of an Oversized
22 Vehicle as defined in Section 10.24.005, shall cause it to be parked in a
23 residential area, as defined in Section 10.24.005, on any public street.

24 B. Subsection A of this Section shall not apply to an Oversized
25 Vehicle, so long as it is parked in a manner which otherwise complies with
26 applicable State law and the City of Long Beach Municipal Code, when a
27 valid permit is displayed on the inside of the lower left corner of the
28 windshield of an Oversized Vehicle so as to be visible from the street. The

1 permit shall state the address of the resident and the permit shall only be
2 valid within the same block as the resident's address, on either side of the
3 street. A resident may obtain an Oversized Vehicle parking permit for a
4 non-resident visitor temporarily residing with the resident under the same
5 terms as set forth herein. Said permit may be obtained and displayed in
6 accordance with Section 10.24.080 of this Chapter.

7 C. Subsection A of this Section shall not apply to a commercial
8 vehicle which is engaged in the active loading or unloading of goods for a
9 period of time which does not exceed the Permitted Commercial Loading
10 Period as defined in Section 10.24.005.

11
12 Section 4. Section 10.24.079 of the Long Beach Municipal Code is
13 amended to read as follows:

14 10.24.079 Designation and termination of Oversized Vehicle parking restrictions
15 in nonresidential areas.

16 In nonresidential areas, installation or removal of Oversized Vehicle
17 parking restrictions may be initiated in one (1) of the following ways:

18 A. Safety/traffic hazards. The City Traffic Engineer may install or
19 remove Oversized Vehicle parking restrictions from one (1) or both sides of
20 any street or block when the need has been established by evidence
21 satisfactory to the City Traffic Engineer based on factors including, but not
22 limited to, street size and width, traffic patterns and volume, traffic on
23 nearby streets or street segments, location of the street in the parking
24 impacted area, neighborhood characteristics and City-wide traffic plans; or

25 B. Petition. The City Traffic Engineer is authorized to install or
26 remove Oversized Vehicle parking restrictions from one (1) or both sides of
27 any street or block upon receipt of a petition containing the signatures of
28 occupants of two-thirds (2/3) of the street addresses of properties with front

1 curbs proposed to be affected by the action. The City Traffic Engineer shall
2 make available for this purpose a petition form containing the street
3 addresses of said properties. In the case of nonresidential properties, the
4 petition must contain the signatures of owners or owners' agents for at least
5 two-thirds (2/3) of the linear street frontage described on the petition,
6 irrespective of the property's legal address; or

7 C. Council district office. As an alternative to the petition
8 process, the City Traffic Engineer is authorized to install or remove
9 Oversized Vehicle parking restrictions from one (1) or both sides of any
10 street or block upon receipt of a written request from a Council district office
11 and a determination by the City Traffic Engineer that there is either majority
12 support for or lack of sufficient opposition to the proposed restrictions. The
13 City Traffic Engineer's determination shall be based on responses from
14 occupants of properties with front curbs proposed to be affected by the
15 action received after notice of the proposed restrictions.

16
17 Section 5. Section 10.24.080 of the Long Beach Municipal Code is
18 amended to read as follows:

19 10.24.080 Oversized Vehicle seventy-two (72) hour parking permit for
20 residential streets.

21 A. The City Traffic Engineer in the Public Works department, or
22 such other department as the City Manager shall designate, is authorized to
23 issue Oversized Vehicle parking permits for campers, trailers, boats on
24 trailers and recreational vehicles for the purpose of such activities as
25 loading, unloading or performing maintenance on such vehicles for a period
26 of not more than seventy-two (72) hours. Such activities must be conducted
27 in compliance with all other laws and regulations. No more than twenty (20)
28 permits shall be issued to any one (1) eligible resident or to any one (1)

1 eligible vehicle within one (1) calendar year and a twenty-four (24) hour
2 period must elapse between permits.

3 B. Oversized Vehicle parking permits shall be issued for motor
4 vehicles upon application of the registered owner or such other person who
5 can provide evidence of residency at a location at which on-street parking
6 of Oversized Vehicles is prohibited and can demonstrate exclusive use and
7 control of the vehicle for which application is made.

8 C. Each Oversized Vehicle parking permit shall be issued for a
9 period not to exceed seventy-two (72) hours in duration. Each application or
10 reapplication for Oversized Vehicle parking permits shall be in writing and
11 shall contain sufficient information to satisfy the administering department
12 as to the identity and residential address of the applicant, the applicant's
13 registered ownership or exclusive use and control of the vehicle for which
14 application is made, the license number of the vehicle, and any other
15 information that the administering department deems necessary for the
16 proper processing of the application.

17 D. The City Traffic Engineer or his designee may place further
18 restrictions on any permit issued as deemed necessary to protect the public
19 health and safety. Such restrictions shall appear on the face of the permit
20 which shall be displayed on the inside of the windshield of the vehicle for
21 which the permit is issued so as to be readily visible to a person
22 approaching the vehicle from the front thereof.

23 E. Applications for issuance of seventy-two (72) hour permits
24 shall be accompanied by such fee therefor as may be established from time
25 to time by resolution of the City Council.

26 F. Exceptions. The City Traffic Engineer may issue Oversized
27 Vehicle permits when an application made in writing and containing a
28 statement of reasons, establishes good cause in the following

1 circumstances:

- 2 1. A time extension for not more than forty-eight (48)
3 additional consecutive hours;
4 2. Additional Oversized Vehicle parking permit(s) after the
5 twenty (20) annual permit maximum has been reached;
6 3. A temporary permit to park an Oversized Vehicle
7 otherwise prohibited by Section 10.24.078 if there is a finding that the
8 Oversized Vehicle is used on a daily basis and on-premises parking is not
9 reasonably available. A permit issued based on this finding shall not be
10 valid for longer than six (6) months.

11 For applications under subsections F(1) and (2), applicants will be
12 required to show proof of a current, valid rental or other agreement for
13 storage of the applicant's Oversized Vehicle.

14
15 Section 6. Section 10.24.081 is added to the Long Beach Municipal
16 Code to read as follows:

17 10.24.081 Oversized Vehicle Disability Parking Permit.

18 A. Permit issuance. The City Traffic Engineer is authorized to
19 issue permits for disabled persons to park Oversized Vehicles which are
20 needed as a result of their disability.

21 B. Eligibility and duration. To be eligible for an Oversized Vehicle
22 Disability Parking Permit, a person must:

- 23 1. Eligibility.
24 a. Own or lawfully possess an Oversized Vehicle,
25 which is used as their primary vehicle.
26 b. Be a permanent resident of the City of Long
27 Beach.
28 c. Possess a valid, distinguishing disabled placard

1 or license plate properly issued pursuant to the California Vehicle Code.

2 d. Demonstrate that by reason of the disability
3 which warranted issuance of their California distinguishing placard or
4 license plate, the Oversized Vehicle is specially equipped and necessary to
5 accommodate the disability of the person seeking the permit so that a
6 reasonable modification to the City's on-street parking regulations is
7 warranted under State and federal law. If an Oversized Vehicle Disability
8 Parking Permit applicant or permit holder fails or refuses to provide the
9 information required by these rules and regulations, the City Traffic
10 Engineer may, but need not, obtain from the Department of Motor Vehicles
11 the information allowed by Vehicle Code section 22511.58(a). When he or
12 she deems it necessary or advisable, the City Traffic Engineer may
13 convene a review panel for the purposes enumerated in Vehicle Code
14 section 22511.58(b).

15 2. Duration.

16 a. The Oversized Vehicle Disability Parking Permit
17 will be valid for one (1) year, and is renewable. A single permit may be
18 issued for each location at which the applicant resides, and at each facility
19 at which the applicant receives services.

20 b. The Oversized Vehicle Disability Parking Permit
21 provides an exception to the Oversized Vehicle parking prohibition only. All
22 other parking restrictions apply, including but not limited to the seventy-two
23 (72) hour parking restriction and posted street cleaning closures.

24 c. Application Process. To obtain an Oversized Vehicle
25 Disability Parking Permit, a person must:

26 1. Be eligible for an Oversized Vehicle Disability Parking
27 Permit under Section 10.24.081.B.

28 2. Provide complete and correct information on the

1 application for an Oversized Vehicle Disability Parking Permit.

2 3. Provide current California Vehicle Registration for the
3 vehicle for which an Oversized Vehicle Disability Parking Permit is
4 requested. If the vehicle is not owned by the applicant, sufficient evidence
5 must be presented to prove that the applicant has the legal right to use the
6 vehicle.

7 4. Provide a copy of a valid disabled parking placard
8 properly issued pursuant to the California Vehicle Code OR provide current
9 California Vehicle Registration for the vehicle for which the permit is
10 requested that indicates that the vehicle has valid and properly issued
11 disabled license plate.

12 D. Application Review and Permit Issuance. Upon receipt of a
13 complete application for an Oversized Vehicle Disability Parking Permit,
14 and prior to issuing any such permit, the City Traffic Engineer shall:

15 1. Review the application and all supporting materials for
16 completeness and compliance with Section 10.24.081.

17 2. Inspect the Oversized Vehicle to determine whether it
18 is specially equipped and necessary to accommodate the applicant's
19 disability.

20 3. Review the requested parking locations to verify that
21 they are a legal dwelling unit where the applicant resides, or a facility at
22 which the applicant receives services, or the applicant's place of
23 employment. A single permit may be approved for multiple locations or, as
24 appropriate, Citywide use subject to the approved parking locations.

25 E. Specific Oversized Vehicle.

26 1. An Oversized Vehicle Disability Parking Permit may
27 only be used upon the vehicle that was identified in the application for the
28 permit and inspected by the City Traffic Engineer or his or her designee. If

1 the vehicle is not owned by the applicant, sufficient evidence must be
2 presented to prove that the applicant has the legal right to use the vehicle.
3 At such time as the vehicle is no longer used by the applicant, the permit
4 holder shall return the permit to the City Traffic Engineer. To qualify for an
5 Oversized Vehicle Disability Parking Permit, the size of the applicant's
6 vehicle must be necessary to accommodate the required on-street parking
7 modification.

8 2. Approved Parking Locations.

9 a. An Oversized Vehicle Disability Parking Permit
10 is only valid at the locations approved by the City upon permit issuance.

11 b. An Oversized Vehicle Disability Parking Permit
12 may only be approved for use at:

13 (i) the legal dwelling unit at which the
14 applicant resides;

15 (ii) any location or facility at which the
16 applicant receives services, or

17 (iii) the applicant's place of employment.

18 c. The permitted parking location cannot create or
19 exacerbate a traffic safety hazard. An oversized vehicle may not be parked
20 at any location that leaves less than ten feet (10') in the adjacent travel
21 lane, or within forty feet (40') of any driveway or intersection. Doing so could
22 result in revocation of the permit, and possible citation. Some streets may
23 not be able to accommodate oversized vehicles due to street width or
24 driveway frequency.

25 F. Grounds for Refusal to Issue or Revocation of an Oversized
26 Vehicle Disability Parking Permit. Any of the following are grounds for
27 refusal to issue or revocation of an Oversized Vehicle Disability Parking
28 Permit:

1 1. Lawful possession of vehicle. The applicant fails to
2 demonstrate that he or she owns or lawfully possesses the Oversized
3 Vehicle for which he or she seeks a permit.

4 2. Incomplete application. The applicant fails to provide
5 complete and correct information as required by the City.

6 3. Oversized Vehicle not necessary to accommodate
7 disability. The oversized nature of the applicant's vehicle is not necessary to
8 accommodate a disability, or the oversized nature of the vehicle is not
9 necessary to accommodate a modification that is necessary to for a
10 disability.

11 4. Dangerous Traffic Safety Condition. The permit holder
12 uses the permit to park in a manner that creates or exacerbates a
13 dangerous traffic safety condition.

14 5. Improper use. The permit holder uses the permit on a
15 vehicle not approved by the City and designated on the permit, or the
16 permit holder uses the permit at a location not approved by the City and
17 designated on the permit, or the permit holder gives the permit to an
18 ineligible vehicle or person for use.

19 6. Failure to comply with all laws, rules, and regulations.
20 The permit holder fails to comply with any City law, rule, or regulation
21 pertaining to Oversized Vehicle permit parking.

22 G. Supplemental Disability Determination Consultation

23 1. An unsuccessful Oversized Vehicle Disability Parking
24 Permit applicant may seek consultation with the City's Disability
25 Coordinator. The Disability Coordinator may also consult with the City
26 Traffic Engineer to assure reasonable modifications to any City program,
27 including on-street parking, when warranted to provide equal access for a
28 person with disabilities.

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Section 7. Section 10.24.076 of the Long Beach Municipal Code is hereby repealed.

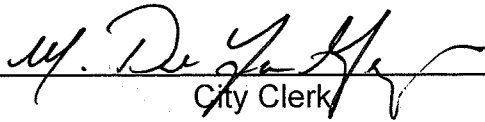
Section 8. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

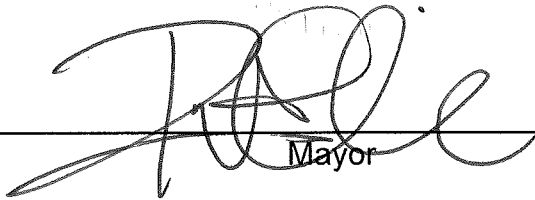
I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of August 15, 2017, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price,
Supernaw, Mungo, Andrews,
Uranga, Austin, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.


City Clerk


Mayor

Approved: 8/17
(Date)