



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-39

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January 5, 2010

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 10.22.025 relating to parking in front of private driveways read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on September 22, 2009, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 

AMY R. BURTON
Deputy City Attorney

REDLINE

10.22.025 Parking in front of private driveways.

A. Notwithstanding any other provisions of this Code or of Subdivision 22500(e) of the California Vehicle Code, and pursuant to Section 22507.2 of the California Vehicle Code, the owner or lessee of property in the Parking Impacted Area, as that term is defined below, may park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit (the "Driveway Parking Permit") issued pursuant to this ~~Section,~~ provided that no such ~~Permit~~ may be issued or continue in effect pursuant to this ~~Chapter~~ to permit parking in any private driveway or any street or side of any street where parking is otherwise restricted by time, days or as to specified hours; ~~nor may such permit be issued until the applicant has demonstrated to the satisfaction of the director of planning and building that the applicant and the applicant's household are the exclusive users of the driveway for which a parking permit is sought.~~

B. ~~A minimum of sixty-six and two-thirds percent (66 2/3%) of the owners of all units of occupancy fronting curbs proposed to be included in an area in which parking in front of driveways is permitted shall indicate their positive desire for the privilege to park in front of private driveways and their willingness to assume all associated administrative and enforcement costs, by affixing their legal signature, printed name and address of the property owned to a petition calling for the creation of an area in which parking in front of private driveways is permitted. Said petition shall be distributed and presented to the city council by advocates of such an area's creation, and shall be verified by the city clerk.~~
Driveway Parking Permits shall be subject to the following conditions:-

1. The driveway for which the Driveway Parking Permit is sought must be designated for the exclusive use of one household.
2. The driveway for which the Driveway Parking Permit is sought must be at least eight feet (8') in width.
3. Issuance of a Driveway Parking Permit does not guarantee a parking space if there is insufficient space between other legally parked vehicles.

1 4. Driveway Parking Permits are address and location specific. They may be
2 transferred between vehicles registered to the same address.

3 5. Driveway Parking Permits shall be issued by the Department of Public
4 Works, Office of the City Traffic Engineer on a calendar year basis, and each such
5 Permit shall expire at twelve o'clock (12:00) midnight, December 31st next
6 following its issuance. The fee charged for Driveway Parking Permits issued for
7 less than twelve (12) months may be reduced in proportion to the time already
8 elapsed in the current calendar year for which the Permit would be valid. Fees
9 paid for Permits which are revoked by the City Traffic Engineer may not be
10 refunded. Permits may be renewed annually by mail.

11 6. A Driveway Parking Permit will not be issued for driveways located within
12 thirty-five feet (35') of a corner or within fifteen feet (15') of a fire hydrant.

13 7. A Driveway Parking Permit will not be issued where parking in front of such
14 driveway would pose a safety hazard, in the opinion of the City Traffic Engineer.

15 8. A Driveway Parking Permit may be revoked at any time by the City Traffic
16 Engineer.

17 C. ~~The city council shall determine, by resolution, if an area is to be designated for~~
18 ~~parking in front of private driveways, which designation shall be based upon the following~~
19 ~~criteria:~~Parking in front of private driveways may be permitted only in the Parking
20 Impacted Area, as that term is defined in Resolution No. C-24607, adopted by the Long
21 Beach City Council on December 13, 1988, as it may be amended from time to time, on
22 file in the office of the Director of Development Services.

23 ~~1. High demand. More than seventy five percent (75%) of street spaces are full~~
24 ~~during daytime/nighttime;~~

25 ~~2. Insufficient off-street parking. Ratio of off-street parking spaces to number of units~~
26 ~~is less than 1.0:1.0;~~

27 ~~3. At least fifty percent (50%) of driveways serve a garage for a single residential~~
28 ~~unit;~~

1 ~~4. Such additional criteria as the city council shall identify as reasonably pertaining to~~
2 ~~designation of such an area.~~

3 D. ~~The business license section of the department of financial management shall~~
4 ~~provide application forms for permits for parking in front of driveways~~Applications for
5 Driveway Parking Permits shall be reviewed and if appropriate, approved by the City
6 Traffic Engineer. An application for Driveway Parking Permits shall require, at a
7 minimum, the following information:-

8 1. ~~Each application shall be filed for each property, and shall contain the~~
9 ~~address of the property, the name of each head of household residing on the~~
10 ~~property, the license number, make and year of each vehicle registered at that~~
11 ~~address to each household, the number of off-street parking spaces available on~~
12 ~~the property, and such additional information as the director of financial~~
13 ~~management may ably require.~~Name of the applicant for the Driveway Parking
14 Permit;

15 2. ~~Every applicant for a permit pursuant to this section shall be required to pay~~
16 ~~a nonrefundable fee to cover the cost of receiving, processing and acting upon the~~
17 ~~application in an amount established by resolution of the city council.~~Address of
18 the property where the driveway is located;

19 3. ~~The filing of an application shall constitute ongoing permission of the~~
20 ~~property owner and applicant for an inspector to enter the property for inspection~~
21 ~~at all reasonable times and upon prior notice both for the purpose of initial~~
22 ~~inspection and follow up compliance inspection.~~A certification that the applicant's
23 household is the exclusive user of the driveway;

24 4. Name and endorsement of the property owner or the owner's duly
25 authorized property manager;

26 5. Identification of household vehicles, including license number, make and
27 year of each vehicle registered at that address to each household;

28 6. Identification of off-street parking spaces available on the property;

- 1 7. A certification stating the reason existing off-street parking at the property is
- 2 insufficient to meet the applicant's parking needs;
- 3 8. Such additional information at the City Traffic Engineer may require;
- 4 9. The statement that misuse of a Permit issued under this Section is grounds
- 5 for revocation of the Permit by the City Traffic Engineer.
- 6 ~~E. The director of financial management may, from time to time, promulgate rules~~
- 7 ~~and regulations, consistent with the purposes and provisions of this Section 10.22.025, to~~
- 8 ~~facilitate implementation of the section.~~Every applicant for a Driveway Parking Permit
- 9 pursuant to this Section shall be required to pay a nonrefundable fee to cover the cost of
- 10 receiving, processing and acting upon the application in an amount established by
- 11 resolution of the City Council, which may be amended from time to time.
- 12 F. Driveway Parking Permits shall be displayed so as to be readily visible from the
- 13 rearview mirror or by such other method as directed in instructions contained in the
- 14 Permit itself.
- 15 G. The City Traffic Engineer may, from time to time, promulgate rules and
- 16 regulations, consistent with the purposes and provisions of this Section 10.22.025, to
- 17 facilitate implementation of the Section.
- 18 F.H. Nothing in this sSection shall be construed to authorize parking on a sidewalk in
- 19 violation of Subdivision 22500(f) of the California Vehicle Code.
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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 10.22.025
RELATING TO PARKING IN FRONT OF PRIVATE
DRIVEWAYS

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

Section 1. Section 10.22.025 of the Long Beach Municipal Code is
hereby amended to read as follows:

10.22.025 Parking in front of private driveways.

A. Notwithstanding any other provisions of this Code or of
Subdivision 22500(e) of the California Vehicle Code, and pursuant to
Section 22507.2 of the California Vehicle Code, the owner or lessee of
property in the Parking Impacted Area, as that term is defined below, may
park a vehicle in front of the owner's or lessee's private driveway when the
vehicle displays a permit (the "Driveway Parking Permit") issued pursuant to
this Section, provided that no such Permit may be issued or continue in
effect pursuant to this Chapter to permit parking in any private driveway or
any street or side of any street where parking is otherwise restricted by time,
days or as to specified hours.

B. Driveway Parking Permits shall be subject to the following
conditions:

1. The driveway for which the Driveway Parking Permit is
sought must be designated for the exclusive use of one household.
2. The driveway for which the Driveway Parking Permit is

1 sought must be at least eight feet (8') in width.

2 3. Issuance of a Driveway Parking Permit does not
3 guarantee a parking space if there is insufficient space between other
4 legally parked vehicles.

5 4. Driveway Parking Permits are address and location
6 specific. They may be transferred between vehicles registered to the same
7 address.

8 5. Driveway Parking Permits shall be issued by the
9 Department of Public Works, Office of the City Traffic Engineer on a
10 calendar year basis, and each such Permit shall expire at twelve o'clock
11 (12:00) midnight, December 31st next following its issuance. The fee
12 charged for Driveway Parking Permits issued for less than twelve (12)
13 months may be reduced in proportion to the time already elapsed in the
14 current calendar year for which the Permit would be valid. Fees paid for
15 Permits which are revoked by the City Traffic Engineer may not be
16 refunded. Permits may be renewed annually by mail.

17 6. A Driveway Parking Permit will not be issued for
18 driveways located within thirty-five feet (35') of a corner or within fifteen feet
19 (15') of a fire hydrant.

20 7. A Driveway Parking Permit will not be issued where
21 parking in front of such driveway would pose a safety hazard, in the opinion
22 of the City Traffic Engineer.

23 8. A Driveway Parking Permit may be revoked at any time
24 by the City Traffic Engineer.

25 C. Parking in front of private driveways may be permitted only in
26 the Parking Impacted Area, as that term is defined in Resolution No. C-
27 24607, adopted by the Long Beach City Council on December 13, 1988, as
28 it may be amended from time to time, on file in the office of the Director of

1 Development Services.

2 D. Applications for Driveway Parking Permits shall be reviewed
3 and if appropriate, approved by the City Traffic Engineer. An application for
4 Driveway Parking Permits shall require, at a minimum, the following
5 information:

- 6 1. Name of the applicant for the Driveway Parking Permit;
- 7 2. Address of the property where the driveway is located;
- 8 3. A certification that the applicant's household is the
9 exclusive user of the driveway;
- 10 4. Name and endorsement of the property owner or the
11 owner's duly authorized property manager;
- 12 5. Identification of household vehicles, including license
13 number, make and year of each vehicle registered at that address or to the
14 household;
- 15 6. Identification of off-street parking spaces available on
16 the property;
- 17 7. A certification stating the reason existing off-street
18 parking at the property is insufficient to meet the applicant's parking needs;
- 19 8. Such additional information as the City Traffic Engineer
20 may require; and
- 21 9. The statement that misuse of a Permit issued under this
22 Section is grounds for revocation of the Permit by the City Traffic Engineer.

23 E. Every applicant for a Driveway Parking Permit pursuant to this
24 Section shall be required to pay a nonrefundable fee to cover the cost of
25 receiving, processing and acting upon the application in an amount
26 established by resolution of the City Council, which may be amended from
27 time to time.

28 F. Driveway Parking Permits shall be displayed so as to be

1 readily visible from the rearview mirror or by such other method as directed
2 in instructions contained in the Permit itself.

3 G. The City Traffic Engineer may, from time to time, promulgate
4 rules and regulations, consistent with the purposes and provisions of this
5 Section 10.22.025, to facilitate implementation of the Section.

6 H. Nothing in this Section shall be construed to authorize parking
7 on a sidewalk in violation of Subdivision 22500(f) of the California Vehicle
8 Code.

9
10 Section 2. The City Clerk shall certify to the passage of this ordinance by
11 the City Council and cause it to be posted in three (3) conspicuous places in the City of
12 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
13 Mayor.

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OFFICE OF THE CITY ATTORNEY
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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