



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-41

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November 13, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 10.33 relating to a Temporary Construction Preferential Parking District, read the first time and laid over to the next regular meeting of the City Council for final reading; declaring the urgency thereof and declaring that this ordinance shall take effect immediately. (Citywide)

DISCUSSION:

Pursuant to your request on October 16, 2012, 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. WEBBER
Deputy City Attorney

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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 ADDING CHAPTER 10.33
RELATING TO A TEMPORARY CONSTRUCTION
PREFERENTIAL PARKING DISTRICT

WHEREAS, Section 22507(a) of the California Vehicle Code permits the
City Council to designate certain streets upon which preferential parking privileges are
given to residents adjacent to the streets for their use and the use of their guests, under
which the residents may be issued a permit or permits that exempt them from posted
parking prohibitions; and

WHEREAS, El Camino College Compton Center has commenced
construction of a performing arts center adjacent to the City of Long Beach, north of
Artesia Boulevard and west of Delta Avenue, displacing students accustomed to parking
and entering elsewhere on campus, creating severe traffic and parking impacts for Long
Beach residents living within a few blocks of the entry to the campus; and

WHEREAS, the construction of the performing arts center is expected to
last at least six (6) months; and

WHEREAS, after a series of community meetings, Long Beach residents
have requested that the City provide relief from the parking congestion created by the
construction; and

WHEREAS, in order to alleviate severe parking impacts created by
construction activities throughout the City, the City Council finds that the establishment
of a temporary construction preferential parking district will serve the public interest
generally by regulating and managing the limited supply of on-street parking available
on residential streets adjacent to construction sites on a temporary basis; and

1 WHEREAS, any temporary construction preferential parking district will be
2 coterminous with the duration of construction projects and will be discontinued upon
3 completion of construction;

4 NOW, THEREFORE, the City Council of the City of Long Beach ordains
5 as follows:

6
7 Section 1. Chapter 10.33 is hereby added to the Long Beach Municipal
8 Code to read as follows:

9 Chapter 10.33

10 TEMPORARY CONSTRUCTION PREFERENTIAL PARKING DISTRICT

11
12 10.33.010 Purpose and intent.

13 This Chapter is enacted pursuant to authority granted by California
14 Vehicle Code sections 22507 and 22507.5, to alleviate serious problems in
15 certain residential areas of the City due to temporary construction activities
16 which may displace normal parking patterns and lead to the parking of
17 motor vehicles on streets by nonresidents thereof for extended periods of
18 time, and the ignoring of public transit alternatives to automobile travel
19 available to said nonresidents, resulting in neighborhood decline in said
20 areas by reason of traffic congestion, noise, air pollution, traffic hazards and
21 inability of residents therein to park their motor vehicles near their
22 residences.

23 10.33.020 Administration.

24 The City Traffic Engineer is designated as administrator for the
25 Temporary Construction Preferential Parking District. The City Traffic
26 Engineer may adopt rules and regulations governing the issuance of parking
27 permits and the establishment of Temporary Construction Preferential
28 Parking Districts. Such rules and regulations shall be consistent with the

1 provisions of California Vehicle Code section 22507.

2 10.33.030 Designation and termination of Temporary Construction
3 Preferential Parking Districts.

4 A. Severe parking impacts, defined as more than seventy-five
5 percent (75%) of on-street spaces occupied during the period proposed
6 for parking restriction or prohibition, have been created in any residential
7 area of the City of Long Beach by construction activity. In cases where a
8 time limit parking restriction or parking prohibition is already in place, the
9 City Traffic Engineer shall use reasonable judgment as to whether the
10 demand criteria would likely be met without the restriction or prohibition.

11 B. Construction activity must be of a duration of a minimum of
12 two (2) weeks and a maximum of six (6) months. The duration of the
13 Temporary Construction Preferential Parking District shall be coterminous
14 with the duration of the construction project and its impacts, and shall be
15 discontinued upon completion of construction and cessation of parking
16 impacts, as determined by the City Traffic Engineer. In the event that the
17 construction impacts are of a longer duration than six (6) months, the
18 Temporary Construction Preferential Parking District may be renewed for
19 two (2) additional six (6) month periods. No Temporary Construction
20 Preferential Parking District shall have a duration of more than eighteen
21 (18) months. If the construction activity lasts for more than eighteen (18)
22 total months, residents must apply for a Preferential Parking District
23 authorized by Long Beach Municipal Code section 10.32.010 et seq. and
24 conform with the requirements stated therein.

25 C. The proposed Temporary Construction Preferential Parking
26 District, alone or in combination with other existing or potential Preferential
27 Parking Districts, constitutes a reasonably self-contained area of parking
28 demand and supply. The City Traffic Engineer shall make the

1 determination of a reasonably self-contained area, utilizing boundaries
2 such as major streets, nonresidential land uses, edges of higher or lower
3 density residential areas, waterbodies and other natural features, and
4 utilizing surveys of existing conditions to determine extent of area
5 impacted by nonresident parking. The proposed Temporary Construction
6 Preferential Parking District shall be of sufficient size to reasonably
7 encompass the problem area and to offer sufficient on-street parking
8 spaces to provide reasonable opportunity for residents to obtain parking.

9 10.33.040 Posting of signs.

10 Upon adoption of this ordinance, the City Traffic Engineer shall be
11 authorized to cause appropriate signs to be erected in the Temporary
12 Construction Preferential Parking District as designated by the City Traffic
13 Engineer, indicating prominently thereon the time limitation, period of day for
14 its application and conditions under which permit parking shall be exempt
15 therefrom.

16 10.33.050 Issuance of permits.

17 A. The Public Works Department, Office of the City Traffic
18 Engineer, shall issue Temporary Construction Preferential Parking
19 Permits. Each permit issued shall reflect by statements thereon or by
20 color thereof, or both, the particular Temporary Construction Preferential
21 Parking District for which the permit is issued.

22 B. Temporary Construction Preferential Parking District Permits
23 may be issued only for passenger vehicles, pickup trucks, and vans, and
24 only upon application of a person whose legal address is on a street, or
25 portion thereof, designated as part of a Temporary Construction
26 Preferential Parking District.

27 C. Up to three (3) Temporary Construction Preferential Parking
28 District Permits may be issued per address. A Temporary Construction

1 Preferential Parking District Permit may be issued to a person whose legal
2 address is on a street, or portion thereof, designated as part of a
3 Temporary Construction Preferential Parking District. Use of a Temporary
4 Construction Preferential Parking District Permit is limited to residents,
5 visitors and providers of services to the applicant or the applicant's
6 residence and is not limited to a particular vehicle. The applicant is
7 responsible for the proper use of the Temporary Construction Preferential
8 Parking District Permit. Temporary Construction Preferential Parking
9 District Permits may not be sold or transferred for monetary consideration
10 to any third party. The sale or transfer of a permit in violation of this
11 Chapter shall be subject to a fine in the amount of one hundred dollars
12 (\$100.00), and any misuse of any permit issued under this Section is
13 grounds for revocation of the permit by the City Traffic Engineer pursuant
14 to this Chapter.

15 D. An application may be submitted by either the owner of the
16 property for which a Temporary Construction Preferential Parking District
17 Permit is sought or the tenants of such property.

18 E. Any passenger vehicle, pickup truck or van properly
19 displaying valid, unrevoked Temporary Construction Preferential Parking
20 District Permits may be parked on any of the streets, or portions of
21 streets, designated as constituting the Temporary Construction
22 Preferential Parking District for which said permits have been issued
23 without being limited by time restrictions on parking, other than those in
24 effect for purposes of street sweeping or of prohibiting parking or stopping
25 at any time or of prohibiting parking more than seventy-two (72)
26 consecutive hours, set forth in this Title and applicable generally to
27 parking of vehicles. Temporary Construction Preferential Parking District
28 Permits shall not guarantee or reserve to the holder thereof any on-street

1 parking space.

2 10.33.060 Violations designated.

3 A. No person shall falsely represent himself or herself as
4 eligible for Temporary Construction Preferential Parking District Permits or
5 furnish false information in an application therefor to the Office of the City
6 Traffic Engineer.

7 B. No person shall copy, produce, or otherwise bring into
8 existence a facsimile or counterfeit Temporary Construction Preferential
9 Parking District Permit without written authorization of the City Traffic
10 Engineer.

11 C. No person shall park or leave standing in a Temporary
12 Construction Preferential Parking District a motor vehicle on which is
13 displayed a facsimile or counterfeit Temporary Construction Preferential
14 Parking District Permit.

15 D. No person whose Temporary Construction Preferential
16 Parking District Permit has been revoked shall refuse or fail to surrender
17 the Temporary Construction Preferential Parking District Permit to the City
18 Traffic Engineer when requested by the City Traffic Engineer, in writing, to
19 do so.

20
21 Section 2. Declaration of Urgency. This ordinance is an emergency
22 measure, and it is urgently required for the reason that immediate relief is needed from
23 severe and worsening parking impacts associated with construction projects in the City
24 of Long Beach, making it necessary to immediately implement the provisions of the
25 ordinance.

26
27 Section 3. This ordinance is an emergency ordinance duly adopted by
28 the City Council on _____, 2012, by a vote of at least five (5) of its

1 members and shall take effect immediately. The City Clerk shall certify to a separate
2 roll call and vote on the question of the emergency of this ordinance and to its passage
3 by the vote of five (5) members of the City Council of the City of Long Beach, and
4 cause the same to be posted in three conspicuous places in the City of Long Beach.

5
6 Section 4. This ordinance shall also be adopted by the City Council as
7 a regular ordinance, to the end that in the event of any defect or invalidity in connection
8 with the adoption of this ordinance as an emergency ordinance, the same shall,
9 nevertheless, be and become effective on the thirty-first day after it is approved by the
10 Mayor.

11
12 Section 5. The City Clerk shall certify to the passage of this Ordinance
13 by the City Council and cause it to be posted in three conspicuous places in the City of
14 Long Beach, and it shall take effect on the thirty-first day after it is approved by the
15 Mayor.

16 I hereby certify that on a separate roll call and vote which was taken by
17 the City Council of the City of Long Beach upon the question of emergency of this
18 ordinance at its meeting of _____, 2012, the ordinance was declared
19 to be an emergency by the following vote:

20 Ayes: Councilmembers: _____
21 _____
22 _____

23
24 Noes: Councilmembers: _____
25 _____

26 Absent: Councilmembers: _____
27 _____

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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

I further certify that the foregoing ordinance was thereafter adopted on final reading of the City Council of the City of Long Beach at its meeting of _____, 2012, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor