

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-12-0017

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2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY ADDING CHAPTER 10.33
6 RELATING TO A TEMPORARY CONSTRUCTION
7 PREFERENTIAL PARKING DISTRICT; DECLARING THE
8 URGENCY THEREOF; AND DECLARING THAT THIS
9 ORDINANCE SHALL TAKE EFFECT IMMEDIATELY
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11 WHEREAS, Section 22507(a) of the California Vehicle Code permits the
12 City Council to designate certain streets upon which preferential parking privileges are
13 given to residents adjacent to the streets for their use and the use of their guests, under
14 which the residents may be issued a permit or permits that exempt them from posted
15 parking prohibitions; and

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

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

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

26 WHEREAS, in order to alleviate severe parking impacts created by
27 construction activities throughout the City, the City Council finds that the establishment
28 of a temporary construction preferential parking district will serve the public interest

1 generally by regulating and managing the limited supply of on-street parking available
2 on residential streets adjacent to construction sites on a temporary basis; and

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

6 NOW, THEREFORE, the City Council of the City of Long Beach ordains
7 as follows:

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9 Section 1. Chapter 10.33 is hereby added to the Long Beach Municipal
10 Code to read as follows:

11

Chapter 10.33

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TEMPORARY CONSTRUCTION PREFERENTIAL PARKING DISTRICT

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10.33.010 Purpose and intent.

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10.33.020 Administration.

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The City Traffic Engineer is designated as administrator for the
Temporary Construction Preferential Parking District. The City Traffic
Engineer may adopt rules and regulations governing the issuance of parking

1 permits and the establishment of Temporary Construction Preferential
2 Parking Districts. Such rules and regulations shall be consistent with the
3 provisions of California Vehicle Code Section 22507.

4 10.33.030 Designation and termination of Temporary Construction
5 Preferential Parking Districts.

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

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

27 C. The proposed Temporary Construction Preferential Parking
28 District, alone or in combination with other existing or potential Preferential

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

11 10.33.040 Posting of signs.

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

18 10.33.050 Issuance of permits.

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

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

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

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

20 E. Any passenger vehicle, pickup truck or van properly
21 displaying valid, unrevoked Temporary Construction Preferential Parking
22 District Permits may be parked on any of the streets, or portions of
23 streets, designated as constituting the Temporary Construction
24 Preferential Parking District for which said permits have been issued
25 without being limited by time restrictions on parking, other than those in
26 effect for purposes of street sweeping or of prohibiting parking or stopping
27 at any time or of prohibiting parking more than seventy-two (72)
28 consecutive hours, set forth in this Title and applicable generally to

1 parking of vehicles. Temporary Construction Preferential Parking District
2 Permits shall not guarantee or reserve to the holder thereof any on-street
3 parking space.

4 10.33.060 Violations designated.

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

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

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

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

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

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1 Section 3. This ordinance is an emergency ordinance duly adopted by
2 the City Council on November 13, 2012, by a vote of at least five (5) of its
3 members and shall take effect immediately. The City Clerk shall certify to a separate
4 roll call and vote on the question of the emergency of this ordinance and to its passage
5 by the vote of five (5) members of the City Council of the City of Long Beach, and
6 cause the same to be posted in three conspicuous places in the City of Long Beach.

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

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

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I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of emergency of this ordinance at its meeting of November 13, 2012, the ordinance was declared to be an emergency by the following vote:

Ayes: Councilmembers: Lowenthal, O'Donnell, Schipske,
Johnson, Austin, Neal, Garcia.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong, Andrews.

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: Lowenthal, O'Donnell, Schipske,
Johnson, Austin, Neal, Garcia.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong, Andrews.

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1 I further certify that the foregoing ordinance was thereafter adopted on
2 final reading of the City Council of the City of Long Beach at its meeting of
3 November 20, 2012, by the following vote:

4 Ayes: Councilmembers: Lowenthal, DeLong, O'Donnell, Schipske,
5 Johnson, Austin, Neal, Garcia.

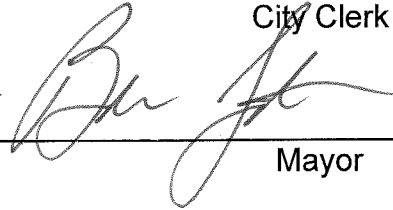
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8 Noes: Councilmembers: None.

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10 Absent: Councilmembers: Andrews.

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13 City Clerk

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15 Approved: 11/27/12
16 (Date)

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18 Mayor

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AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 14th day of November, 2012, I posted three true and correct copies of Emergency Ordinance No. ORD-12-0017 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



A handwritten signature in cursive script, appearing to read 'Megan Wiegelman', is written over a horizontal line.

Subscribed and sworn to before me
this 14th day of November, 2012.



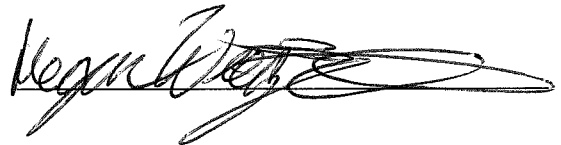
A handwritten signature in cursive script is written over a horizontal line.

CITY CLERK

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Megan Wiegelman being duly sworn says: That I am employed in the Department of the City Clerk of the City of Long Beach; that on the 28th day of November, 2012, I posted three true and correct copies of Ordinance No. ORD-12-0017 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the entrance lobby of City Hall in front of the Information Desk; one of said copies in the Main Library; and one of said copies in the entrance lobby of the 14th Floor of City Hall.



Subscribed and sworn to before me
this 28th day of November, 2012.



CITY CLERK