

**ORDINANCE NO. 873-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA TO AMEND ARTICLE 12 OF CHAPTER 7 "TRAFFIC" WITHIN TITLE 4 OF THE PACIFICA MUNICIPAL CODE TO ADD SECTION SEC. 4-7.1207 AND TO AMEND SECTION 5-2.03, "VIOLATIONS: ABATEMENT" WITHIN CHAPTER 2, "VEHICLES PARKED FOR SEVENTY-TWO HOURS OR MORE", WITHIN TITLE 5 OF THE PACIFICA MUNICIPAL CODE RELATING TO TEMPORARY SAFE PARKING PERMIT**

**WHEREAS**, on November 8, 2021, the City Council of the City of Pacifica adopted Resolution No. 72-2021, approving execution of a settlement agreement between the City of Pacifica and Plaintiffs Sean Geary, Linda Miles, Jared Carr, Harry Bode and Stephen Sanders and approving a memorandum of understanding with Pacifica Resource Center for development and implementation of a safe parking permit program; and

**WHEREAS**, on February 28, 2022, the City Council of the City of Pacifica adopted Resolution No. 12-2022, approving the adoption of a Temporary Safe Parking Program ("Program"); and

**WHEREAS**, the proposed ordinance would create a Regular, Provisional, or Short-Term Permit to allow Permit Holders of the Temporary Safe Parking Program to park their Designated Vehicles at their assigned Parking Sites; and

**WHEREAS**, California Vehicle Code Section 22507(b) authorizes the establishment of preferential parking permits for members of organizations, professions, or other designated groups to park on specified streets; and

**WHEREAS**, the establishment of the Program will not adversely affect parking conditions for residents and merchants in the area given the very limited number of parking sites identified to participate in the Program.

**NOW, THEREFORE**, the City Council of the City of Pacifica does ordain as follows:

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amended.** Article 12, "Stopping, Standing and Parking Restricted or Prohibited," Chapter 7, "Traffic" within Title 4 of the Pacifica Municipal Code, is hereby amended to add a new Section 4-7.1207, "Temporary safe parking permits" to read in its entirety as follows:

**"Sec. 4-7.1207. Temporary safe parking permits.**

- (a) Purpose. The purpose of the Temporary Safe Parking Program is to establish a temporary preferential parking program that allows admitted participants a dedicated parking space for parking their Designated Vehicles.
- (b) Definitions. For purposes of this section, the following words and phrases shall mean and include:
  - (1) Designated Vehicles shall mean those operational recreational vehicles, trailers or motorhomes with operating toilets that are owned or leased by Permit Holders or are being utilized by a Permit Holder with permission of the registered owner of the vehicle and identified in the application for the Program and authorized to park at the Parking Site.
  - (2) Parking Site(s) shall mean those thirteen locations for parking identified in the Program. The Parking Sites shall be identified by resolution of the city council and/or posted with signs indicating no parking except by permit.
  - (3) Permit shall mean either a valid Regular, Provisional, or Short-Term Permit issued pursuant to this Section. Regular Permit shall mean the permit issued to applicants accepted to the Program who meet all of the qualifications for the Program. Provisional Permit shall mean the permit issued to applicants to the Program who meet at least two of the qualifications for the Program at the time the application is filed, but who need additional time to comply with all of the qualifications for the Program. Short-Term Permit shall mean a Short-Term Permit that may be issued under the Program for oversized vehicle parking for not more than 72 hours at Parking Sites that are not assigned to Regular or Provisional Permit Holders.
  - (4) Permit Holder shall mean those individuals who are issued a Permit.
  - (5) Program shall mean the Temporary Safe Parking Program established by the Council via Resolution No. 12-2022 and the Operations Agreement with the Pacifica Resource Center, as may be amended from time to time.
  - (6) Regular or Provisional Permit Holders shall mean those people that apply for and are admitted to the Program and are issued either a Regular Permit or a Provisional Permit.
  - (7) Short-Term Permit Holders shall mean those people that are issued a Short-Term Permit.
- (c) Permit required. No vehicle shall be parked in a Parking Site without displaying a valid Permit issued in accordance with the Program.
- (d) Duration of Permit.
  - (i) A Regular Permit may be issued upon admittance to the Program, for a single term of 29 days, with the potential for issuance of subsequent Regular Permits for single terms of 29 days. A Provisional Permit may be issued upon admittance to the Program for one single term of 29 days with no renewal period. A Short-Term Permit may be issued for a period no longer than 72 hours.
  - (ii) Regular or Provisional Permit Holders shall not be subject to the 72 hour parking limitations set forth in section 5-2.01 et seq.

- (iv) Short-Term Permit Holders are subject to the 72 hour parking limitations set forth in section 5-2.01 et seq.
- (e) Limitations.
  - (1) The Permit Holder must comply with all other laws and any rules or code of conduct adopted as part of the Program, as may be amended from time to time.
  - (2) The Permit must be displayed in the front dashboard area of the Designated Vehicle.
- (f) Termination and Revocation. The Permit may be terminated and revoked in accordance with the Program standards.
- (g) Violation. Any person violating any provision of this section shall be guilty of an infraction, and upon conviction, shall be punishable as set forth in Chapter 2 of Title 1 of this Code.”

**Section 3. Amended.** Section 5-2.03, “Violations: Abatement” within Chapter 2, “Vehicles Parked For Seventy-Two Hours or More”, within Title 5 of the Pacifica Municipal Code, is hereby amended to read as follows with deletions in ~~strikethrough~~ and additions in underline:

Section 5-2.03. - Violations: Abatement.

- (a) No person who owns or has the possession, custody, or control of any vehicle shall park such vehicle or leave the vehicle standing upon any highway for a period of more than seventy-two (72) consecutive hours.
- (b) In the event a vehicle is in violation of subsection (a) of this section, any member of the Police Division of the Department of Public Safety authorized by the Director of Public Safety may remove such vehicle from the highway in the manner provided in, and subject to the requirements of, the Vehicle Code of the State and this chapter.
- (c) This section shall not apply to those vehicles displaying a valid Regular Permit or Provisional Permit issued in accordance with the Temporary Safe Parking Program pursuant to section 4-7.1207.

**Section 4. Compliance with CEQA.** This Ordinance is exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 – Existing Facilities exempts the operation, permitting, leasing, or licensing of existing public facilities involving negligible or no expansion of the use beyond that existing at the time of determination of exemption. In this case the public facility, parking areas on existing streets, will continue to be used for that purpose. Section CEQA Guidelines 15304(e) – Minor Alterations to Land exempts minor temporary uses having negligible or no permanent effects on the environment. Further, since the parking areas in the ROW are being used for the purpose they are originally intended, it could be argued that the Program and Ordinance are not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment and are exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen

with certainty that there is no possibility that introduction and adoption of the proposed ordinance would have a significant effect on the environment.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 6. Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

**Section 7. Effective Date.** This Ordinance shall be effective thirty (30) days after adoption.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of March, 2022, by the following vote:

**AYES**, Councilmembers: Beckmeyer, Bier, Bigstyc, O'Neill, Vaterlaus.

**NOES**, Councilmembers: n/a

**ABSENT**, Councilmembers: n/a

**ABSTAIN**, Councilmembers: n/a



Mary Bier (Mar 17, 2022 07:15 PDT)

Mary Bier, Mayor

ATTEST:



Sarah Coffey, City Clerk

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney









# For Signature: OrdinanceNo873-CS\_SafeParkingPermitProgram

Final Audit Report

2022-03-17

Created:	2022-03-17
By:	Sarah Coffey (scoffey@pacifica.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAmwLqI6U8RUuGWGNYL_Q36ZBhIqSvcRq1

## "For Signature: OrdinanceNo873-CS\_SafeParkingPermitProgram" History

-  Document created by Sarah Coffey (scoffey@pacifica.gov)  
2022-03-17 - 2:49:08 AM GMT
-  Document emailed to Mary Bier (mbier@pacifica.gov) for signature  
2022-03-17 - 2:49:30 AM GMT
-  Email viewed by Mary Bier (mbier@pacifica.gov)  
2022-03-17 - 2:14:01 PM GMT
-  Document e-signed by Mary Bier (mbier@pacifica.gov)  
Signature Date: 2022-03-17 - 2:15:58 PM GMT - Time Source: server
-  Document emailed to Sarah Coffey (scoffey@pacifica.gov) for signature  
2022-03-17 - 2:15:59 PM GMT
-  Email viewed by Sarah Coffey (scoffey@pacifica.gov)  
2022-03-17 - 3:40:25 PM GMT
-  Document e-signed by Sarah Coffey (scoffey@pacifica.gov)  
Signature Date: 2022-03-17 - 3:40:41 PM GMT - Time Source: server
-  Agreement completed.  
2022-03-17 - 3:40:41 PM GMT