

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING SECTION 12.68.060(C) OF THE NEWPORT BEACH MUNICIPAL CODE TO REMOVE CERTAIN STREETS FROM THE PREFERENTIAL PARKING PROGRAM IN ZONE "3," EASTBLUFF

WHEREAS, Section 200 of the City of Newport Beach's ("City") Charter vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, Newport Beach Municipal Code ("NBMC") Section 12.68.060 (Preferential Parking Zones – Locations and Restrictions) authorizes the City Council to designate certain residential streets or any portion thereof as Preferential Parking Zones for the benefit of residents adjacent thereto, in which zones vehicles displaying a permit may be exempt from parking prohibitions or restrictions otherwise posted, marked, or noticed;

WHEREAS, residents and property owners in the Eastbluff community near Corona del Mar High School previously expressed concerns about students parking in the neighborhood and thereby adversely impacting parking conditions on days in which school is in session;

WHEREAS, on November 12, 2013, the City Council adopted Ordinance No. 2013-20 which amended NBMC Section 12.68.060 by adding subsection (C) and establishing Zone "3," Aralia Street, as a preferential parking zone limiting parking on Aralia Street to one (1) hour duration on school days between the hours of 7:00 a.m. and 4:00 p.m., except by permit;

WHEREAS, on September 13, 2016, the City Council adopted Ordinance No. 2016-15, which amended NBMC Section 12.68.060(C) by re-designating Zone "3" as Eastbluff, and limiting the parking of vehicles on Alder Place, Aleppo Street, Almond Place, Aralia Street, Arbutus Street, and Alta Vista Drive between Aleppo Street and Aralia Street to one (1) hour duration on school days between the hours of 7:00 a.m. and 4:00 p.m., except by permit;

WHEREAS, a majority of residents adjacent to the streets on which parking is limited pursuant to Ordinance No. 2016-15 desire, agree, and request the removal of the parking limit of one (1) hour duration on school days between the hours of 7:00 a.m. and 4:00 p.m., except by permit, on Alder Place, Aleppo Street east of Arbutus Street, Almond Place, and Alta Vista Drive between Aleppo Street and Arbutus Street; and

WHEREAS, the City Council does hereby find that a Preferential Parking Zone limiting parking to one hour (1) duration between the hours of 7:00 a.m. and 4:00 p.m. on days in which school is in session, except by permit, is no longer required to enhance and protect the quality of life in the area of Alder Place, Aleppo Street east of Arbutus Street, Almond Place, and Alta Vista Drive between Aleppo Street and Arbutus Street, or necessary to alleviate parking impacts resulting from long-term nonresident parking or to provide reasonably available and convenient parking for the benefit of the adjacent residents.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: Section 12.68.060(C) of the Newport Beach Municipal Code is amended to read as follows:

12.68.060 C. Zone "3" – Eastbluff. Parking on the following streets shall be limited to one (1) hour duration on school days between the hours of 7:00 a.m. and 4:00 p.m., except by permit.

1. Aralia Street.
2. Arbutus Street.
3. Aleppo Street between Aralia Street and Arbutus Street.
4. Alta Vista Drive between Aralia Street and Arbutus Street.

Section 2: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 3: The City Traffic Engineer is authorized and directed to cause signs to be erected at the above locations giving notice of such parking restrictions.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses, and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of June, 2022, and adopted on the 28th day of June, 2022, by the following vote, to-wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

KEVIN MULDOON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY