

## ORDINANCE NO. 1739

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA AMENDING SECTION 10.28.230(B) OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO PARKING RECREATIONAL VEHICLES ON CITY STREETS AND ALLEYS

**WHEREAS**, the City of San Clemente (the "City") has received public concern about increases in the parking of oversized vehicles on public streets, including but not limited to recreational vehicles and trailer-mounted boats; and

**WHEREAS**, such parking raises unique public safety concerns, including the obstruction of access to rights-of-way, reduced site distance, and reduced visibility at intersections; and

**WHEREAS**, such vehicles are typically heavier than traditional automobiles, and their regular use in residential neighborhoods has the potential to cause excessive wear and tear on neighborhood streets; and

**WHEREAS**, over-proliferation of recreational vehicle parking in City neighborhoods can negatively impact the appearance of those neighborhoods and impact the walkability of those neighborhoods, especially on routes to and from schools; and

**WHEREAS**, Section 10.28.230(B) of the San Clemente Municipal Code generally prohibits parking recreational vehicles, as defined under California Health and Safety Code Section 18010, and trailer-mounted boats (collectively, "RVs") on a City street or alley for more than five hours; and

**WHEREAS**, notwithstanding the foregoing, Section 10.28.230(B) allows RV parking for a maximum of 36 hours with a City-issued round-trip RV parking extension (an "Extension") authorizing one 36-hour loading period and one 36-hour unloading period; and

**WHEREAS**, the Orange County Sheriff's Department, which provides contract police services for the City, processes Extensions through a Sheriff's dispatch hotline; and

**WHEREAS**, residents requesting Extensions must provide information about a requested Extension, including but not limited to information about their vehicle's make and model, license plate, parking location, and anticipated dates and times for on-street parking for loading and unloading purposes; and

**WHEREAS**, the City's Municipal Code does not specify how much time must separate the loading and unloading periods or whether multiple Extensions may be issued sequentially (back-to-back), potentially resulting in de facto RV parking of more than 36 hours with multiple Extensions issued sequentially; and

**WHEREAS**, this system can be exploited if residents schedule an unloading period immediately following a loading period, or obtain sequential or end-to-end Extensions; and

**WHEREAS**, the Sheriff's Department and the City desire to further clarify and manage the method by which Extensions are requested and received in order to reduce unintended multi-day parking.

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

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** Section 10.28.230(B), Recreational Vehicles and Trailer Mounted Boats, is hereby amended in its entirety to read as follows:

**"10.28.230(B) – Recreational Vehicles and Trailer Mounted Boats.**

- B. Recreational Vehicles and Trailer Mounted Boats. ....Except as provided herein, no Recreational Vehicle, as that term is defined in California Health and Safety Code Section 18010, and no trailer-mounted boat shall remain parked on a City street or alley for over five (5) hours; provided, that the five-hour time limit for Recreational Vehicles and trailer-mounted boats (collectively, "RVs") may be extended to a maximum of thirty-six (36) hours upon receipt of a City-issued RV parking extension. A maximum of six (6) round-trip RV parking extensions may be issued per residential address per calendar year. For the purposes of this subsection, a round-trip RV parking extension shall mean one (1) thirty-six-hour parking extension for the loading of the RV and one (1) thirty-six-hour parking extension for the unloading of the RV. Only round-trip extensions may be issued, and the commencement of the unloading period must occur no sooner than twenty-four (24) hours after termination of the loading period. An RV parking extension shall be issued free of charge and may be obtained from the Orange County Sheriff's Department dispatch at (949) 770-6011 by providing the following information: the date and time on-street parking for the purpose of loading the RV will commence; the date and time on-street parking for the purpose of unloading the RV will commence (if known; otherwise, this information can be provided upon return); the name and address of the person requesting the RV parking extension; the make, model, and license plate number of the RV; and the location where the RV will be parked. If the RV parking extension has been obtained, the RV may be parked on the City street or alley at the location and during the period of time authorized by the RV parking

extension. At the expiration of the five-hour period or, if an RV parking extension has been obtained, at the expiration of the period authorized by the RV parking extension, the RV shall be moved so it is no longer parked on the City street or alley and the RV shall not be parked on City streets or alleys for the ensuing twenty-four (24) hours. The terms of RV parking extensions shall be separated by at least three days.

**Section 3.** The City Council finds that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because the Ordinance does not qualify as a "project" under CEQA and because the Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. (State CEQA Guidelines section 15060, subd. (c)(2), (3).) Section 15378 of the State CEQA Guidelines defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. Here, the Ordinance will not result in any construction or development, and it will not have any other effect that would physically change the environment. The Ordinance therefore does not qualify as a project subject to CEQA.

In the alternative, even if the Ordinance did qualify as a "project" under CEQA, it would be exempt from CEQA under State CEQA Guidelines section 15061(b)(3), which exempts projects from CEQA "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Thus, even if the Ordinance could result in some physical change in the environment, the Ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

The City Council, therefore, directs that a Notice of Exemption for this ordinance be filed with the County Clerk of the County of Orange in accordance with State CEQA Guidelines.

**Section 4.** The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of San Clemente, and shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code Section 36933.

**Section 5.** The documents and materials associated with this Ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at City Hall, 910 Calle Negocio, San Clemente, CA 92673.

**Section 6.** If any provision of this ordinance or its application to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this

resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

This Ordinance shall take effect 30 days after its adoption by the City Council of the City of San Clemente.

APPROVED AND ADOPTED this 6 day of December, 2022.

ATTEST:



City Clerk of the City of  
San Clemente, California



Mayor of the City of San  
Clemente, California

APPROVED AS TO FORM:



CITY ATTORNEY

STATE OF CALIFORNIA       )  
COUNTY OF ORANGE       ) ss.  
CITY OF SAN CLEMENTE     )

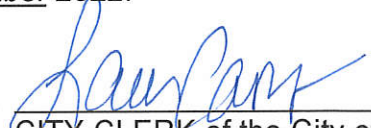
I, **LAURA CAMPAGNOLO**, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. 1739 having been regularly introduced at the meeting of November 15, 2022, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular and special meeting of the City Council held on the 6 day of December 2022, and said ordinance was adopted by the following vote:

AYES: CABRAL, ENMEIER, JAMES, KNOBLOCK, MAYOR DUNCAN

NOES: NONE

ABSENT: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this 6 day of December 2022.

  
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CITY CLERK of the City of  
San Clemente, California

