



City of Del Mar Agenda Report

TO: Honorable Mayor and City Council Members

FROM: Jon Edelbrock, Director of Community Services and Lifeguard Chief
Via Ashley Jones, City Manager

DATE: June 20, 2022

SUBJECT: Consideration of a Resolution Adjusting Fines for Parking Violations

REQUESTED ACTION/RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution (Attachment A) adjusting fines for parking violations in the City; allowing for annual adjustment of parking violation fines based on the Consumer Price Index (CPI) not to exceed 3%; and rescinding Resolution 2011-52 (Attachment B) which previously adjusted the City's parking violation fines.

DISCUSSION/ANALYSIS:

Chapter 14 of the Del Mar Municipal Code establishes the regulations governing traffic, including various parking-related codes, within the City. The City employs multiple positions within the Community Services Department who enforce parking regulations and other codes established by the State of California and County of San Diego. Registered vehicle owners who fail to comply with City, County or State parking regulations and/or codes are deemed guilty of infraction and therefore, may be issued a violation from City staff.

California Vehicle Code 40203.5 (a) directs local jurisdictions to establish fines for parking violations and, to the extent possible, use standardized parking violation penalties in congruence with other jurisdictions in the same county. However, in San Diego County fines are variable amongst the many jurisdictions and there is no standardized parking fine schedule available. Therefore, the City has relied on local resolutions to set fine amounts with fines established within the range of comparable jurisdictions.

The City last adjusted parking violation fines in 2011 by adoption of Resolution 2011-52. However, the fines established then, and previously in 2009, only adjusted rates to account for increasing State and County court and facilities fees funding per Senate Bill 1407. In 2011, State and County fees were raised by \$3 per violation, upping the total County and State fees to \$12.50 per violation, which remains in place to date. While County and State fees have increased, the City has not revisited its portion of the fines since 2001 despite increased operating costs including labor and citation processing. While the City has seen significant parking citation revenue increases since then, the increases are a result of increases in violations issued, as the City has expanded parking operations and demand for parking has increased significantly over the years.

Staff performed a detailed review of regional parking violation fines starting in 2021. The review involved analyzing fees for the most common violations and comparing them with other coastal jurisdictions that have similar parking regulations and demands. Jurisdictions included in the review were the cities of Carlsbad, Encinitas, Oceanside, San Diego, Solana Beach, and California State Parks Torrey Pines and Cardiff State Beaches. While each of the reviewed jurisdictions do not issue identical violations to the City of Del Mar, enough data was available to produce valid and reliable ranges of fines to adequately assess the City's fines and provide recommendations for adjustments to the City's fine amounts.

Overall, staff has concluded that the majority of the City's current parking related fines are below both the mean and median when compared to other jurisdictions for most common violations. Attachment C provides a detailed breakdown of the City's most common violations compared to the range of fines for the reviewed jurisdictions. Also included in Attachment C is staff's recommended fine amount for each violation which, in most cases, falls within the range of comparable fines.

Staff considered various options for grouping violations ("Violation Type"), as well as the recommended fine amount. Violation Types are grouped to distinguish violations by severity and commonality. The types are Time Zones and Paid Parking, General Safety and Nuisance, Egregious Safety, and Miscellaneous. While the first three types increase in severity, the 'Miscellaneous' violations are a grouping of dissimilar and less common violations. Some of the 'Other' type of violations are less common among other agencies and may be unique to Del Mar (i.e. Oversize Vehicle Ordinance). Miscellaneous also includes equipment violations, such as expired tags or registration.

Staff's recommended adjustments to parking fines were driven by the following factors: reviewed jurisdiction comparisons; severity of the violation; the need to better deter egregious parking, achieve greater compliance, and help foster safer streets; recommendations from the Traffic and Parking Advisory Committee; and aligning fine amounts amongst similar Violation Types.

In Calendar Year 2021, staff issued 27,412 citations – the City's highest year on record as demand for use of outdoor public spaces was significant, as many COVID-related public health mandates were in place. The current five-year average is just below 22,000 violations per year. The percentile distributions of citations annually, by type, for 2021 are approximately: 76% Time Zones and Paid Parking; 11% General Safety and Nuisance; 6% Egregious Safety; and 7% Other. The distribution of violations issued varies seasonally; however, the overall distribution is similar year-to-year.

Recommended Adjustments to Parking Violation Fines

The accompanying Resolution (Attachment A) includes fine amounts for every violation that may be written by City staff (Parking Enforcement Officers, Beach and Community

Patrol Officers, Lifeguards, Code Enforcement) and County of San Diego Sheriff's Deputies, organized by State, County and City codes. For the sake of comparing and organizing fine types for staff to best organize and consider the recommended fines, the Parking Violation Fee Comparison (Attachment C) document includes groups by Violation Types that are previously detailed in this report and below. The recommended fines and specific reasoning behind the recommendations for each type are as follows:

Time Zones and Paid Parking

The majority of violations issued in Del Mar annually are either meter violations or exceeding of time limits. City staff monitor 85 parking meters that require payment for roughly 525 spaces throughout the City. Additionally, staff monitor time limit zones including: 20-minute and 2-hour spots downtown; and loading zones throughout the City. Staff's recommendation is to adjust the fine for these violations from \$43 to \$50 per violation. While the data collected from other jurisdictions could justify adjusting the fine by a higher amount for violations in this category, staff feels the proposed adjustment is appropriate because violations of this type rarely pose safety issues or significant nuisance; a more significant increase in the fine amount may have perceived negative effects for downtown parking; violations may be the result of forgetfulness or untimely return to vehicles; and the recommendation is within the regional range.

General Safety and Nuisance

Included in this type are violations that pose limited safety issues; nuisances in residential neighborhoods; loading zones; and other issues to contribute to disorderly parking throughout the City. Staff recommends adjusting the fine for these violations from \$43 to \$58 per violation to better deter these behaviors; promote greater compliance and safer streets; and to be better aligned with fines for similar violations imposed by other agencies in the region.

Egregious Safety

Egregious safety violations are comprised of violations that cause significant safety issues by affecting the right-of-way for vehicle and pedestrian traffic and access. Included in this type are violations such as blocking driveways, bike lanes, and highways; blocking bus zones or near railroad tracks; and fire hydrants. Most, but not all, of these violations are currently \$43. Staff's recommendation is to increase the fine amount for these violations to \$68 based on the blatant and significant resulting unsafe conditions for other vehicles and pedestrians. The recommendation is within the regional range.

Miscellaneous

The recommended fines per violation are unique to each (unlike the other types) and, like the others, are within the regional fine range. Staff is recommending that some of the

violation fines remain the same as there is no significant reason to make adjustments at this time.

Late Fees

Late Fees currently start at \$40 per violation and have variable rates based on fine amount; however, with little consistency. A late fee is applied fourteen days after a first notice is sent out to the Registered Owner of a cited vehicle. The first notice is sent out seven to ten days after a citation is given; however, instances such as out of state vehicles, change of address, or other challenges may affect the notice being sent out promptly.

When violations go unpaid, staff time and resources are required in order to pursue payment of the original fine and any applied late fees. The City utilizes the citation processing services of Phoenix Group, who sends notices and collects delinquent fines and fees on behalf of the City. Violations, once late, are sent to the Department of Motor Vehicles (DMV) and placed on 'DMV Hold' which incurs a cost to the City both to place the vehicle registration on hold and to release. Further, violations unpaid for ninety days or longer are batched and sent to the Franchise Tax Board (FTB) annually and any debts collected through the FTB are charged a 23% fee in addition to the cost of an additional letter advising the vehicle's registered owner of the pending collection. As a result, staff recommends adjusting late fees to the same amount as the violation fine to account for increased costs, align with the severity of the violation, have increased consistency, and align with the practice of many other agencies.

If approved by the City Council, adjustments to the City's parking violation fines would go into effect thirty days following approval to allow for the City's processing agency to adjust the fines electronically as well as print new paper violations (which are used by Sheriff's Deputies when writing parking violations in the City).

Inflationary Adjustments (CPI)

Council adopted a comprehensive User Fee Schedule in 2020 which included most City fees for service; however, parking violations were not included. The adopted User Fee Schedule includes a provision that allows for Consumer Price Index (CPI) adjustments on an annual basis, not to exceed 3%. For consistency, and to ensure that the City's fees reflect inflationary adjustments, staff recommends the annual CPI adjustment be applied to parking violation fines, which has been included in the proposed Resolution (Attachment A). At the beginning of each fiscal year, staff will make the necessary adjustments to the fee schedule to reflect the current CPI percentage for San Diego County, up to 3%. The CPI adjustment would apply for five years after the adoption of the Resolution and will be reviewed by the City Council after five years.

NEXUS TO CITY COUNCIL GOALS AND PRIORITIES:

Amending the City's parking regulations to abate public nuisances and continue protecting the health, safety and welfare of the public is a City Council Tier 2 Priority.

FISCAL IMPACT:

There is no fiscal action to be taken by the City Council related to this agenda item. Staff will monitor changes to parking violation revenues in the first and second quarter of FY 2022-23, and will recommend any necessary adjustments as part of the FY 2022-23 Midyear Budget Process. Based on five-year violation averages, staff is conservatively estimated an increase in revenues related to parking fines of \$180,000 annually.

ENVIRONMENTAL IMPACT:

The proposed Ordinance is exempt from the California Environmental Quality Act (CEQA). The proposed Ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because there is no potential for it to result in a physical change in the environment, either directly or indirectly. In the event the proposed Ordinance is found to be subject to CEQA, it is exempt from CEQA pursuant to the exemption contained in Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility of a significant effect on the environment.

ATTACHMENTS:

Attachment A – Resolution 2022-XX
Attachment B – Resolution 2011-52
Attachment C – Parking Violation Fee Comparison

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADJUSTING PARKING VIOLATION FINES AND RESCINDING RESOLUTION NO. 2011-52

WHEREAS, the City of Del Mar recognizes its responsibility to establish and enforce parking regulations to preserve and enhance public safety to manage the parking resources of the City; and

WHEREAS, to enforce these parking regulations the City is required to comply with the California Vehicle Code and the County of San Diego Traffic Code adopted by the City by reference; and

WHEREAS, the City desires to set fines to obtain compliance with the aforementioned codes and regulations that are fair and reasonable in comparison with our neighboring jurisdictions, including the cities of San Diego and Solana Beach, and with the State of California; and

WHEREAS, the State of California under Senate Bill 1407 has required a surcharge of \$12.50 per City administered violation for State and County of San Diego court and facilities costs since January 1, 2011; and

WHEREAS, the City has not adjusted the City's portion of the parking violation fines since 2001, the costs for which to enforce and administer have gone up considerably since that time; and

WHEREAS, the City Council now wishes to adopt new parking violation fines that are consistent with other jurisdictions in the region, that take into consideration the City's costs related to enforcement and administration, and help to preserve and enhance public safety; and

WHEREAS, to ensure the City's parking violation fines remain consistent with the regional market and reflect increasing costs to administer over time, the City will adjust fines annually, at the beginning of each Fiscal Year (July 1), based on the Consumer Price Index (U.S. City Average), in an amount not to exceed 3% in a given year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, California, that the following fees shall be charged for the violations noted below and in the amounts noted below:

SECTION 1. CALIFORNIA VEHICLE CODE VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
21211 CVC	NO PARKING BIKE LANE	\$68
22500 CVC	NO STOPPING STANDING OR PARKING	\$68
22500.1 CVC	POSTED FIRE LANE	\$68

22500 (a) CVC	IN AN INTERSECTION	\$68
22500(b) CVC	ON A CROSSWALK	\$68
22500 (e)CVC	BLOCKING DRIVEWAY	\$68
22500(f) CVC	BLOCKING SIDEWALK	\$68
22502 CVC	CURB AND WRONGWAY PARKING	\$58
22507.8(a) CVC	DISABLED ONLY	\$283
22507.8 (b) CVC	OBSTRUCT ACCESSS TO DISABLED SPACE	\$283
22507.8 (c)CVC	PARKED ON DISABLED HASHMARKS	\$283
4461 CVC	DISABLED PLACARD ABUSE	\$283
4463 CVC	DISABLED PLACARD FRAUD	\$283
22507 (b) CVC	PERMIT REQUIRED	\$283
22509 CVC	PARKED ON A HILL	\$68
22514 CVC	FIRE HYDRANT	\$68
22521 CVC	PARKED W/I 7 FT OF RR TRACKS	\$68
22651 (k) CVC	STORAGE ON STREET 72 HOURS	\$63
22658 CVC	POSTED PRIVATE PROPERTY	\$58
4000(a) CVC	EXPIRED REGISTRATION	\$50
5204 (a) CVC	NO CURRENT TABS DISPLAYED	\$50
22515 CVC	PARKED UNATTENDED MOTOR ON	\$58
4457 CVC	ILLEGIBLE PLATES/TAB	\$50
26710 CVC	DEFECTIVE WINDSHEILD	\$63
27465 (b) CVC	BALD TIRES	\$63

SECTION 2. DEL MAR MUNICIPAL CODE VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
14.16.01 DMMC	RESTRICTED TIME P.O.	\$50
14.16.060 DMMC	OVERSIZE VEHICLE	\$83
14.16-72.115 SDCC	NO PARKING-SIGNED	\$58
14.16-72.140 SDCC	2 HOUR LIMIT	\$50
14.16 D DMMC	NOT IN A MARKED SPACE	\$58
14.20.040 DMMC	EXPIRED METER	\$50
14.20.040 B DMMC	PARKING MACHINE VIOLATION	\$50
14.20.040 S DMMC	SEAGROVE PARKING	\$50
14.20.040 T DMMC	TRAILHEAD PARKING	\$50
14.16.050 DMMC	INTERSECTION OBSTRUCTION	\$68

SECTION 3. COUNTY OF SAN DIEGO PARKING VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
71.111 SDCC	MEDIAN STRIP	\$58
72.115 SDCC	NO PARKING	\$58
72.115 (b) SDCC	PARKED IN A SAFETY ZONE/RED	\$68
72.118 SDCC	BLOCKING HIGHWAY	\$68
72.119 SDCC	TEMPORARY NO PARKING	\$68
72.120 SDCC	MOVING OF VEHICLE BY SDSO/SDSO TOW	\$68
72.122 SDCC	STORAGE ON STREET	\$63
72.123 SDCC	PARKED FOR SALE	\$58
72.125 SDCC	TOW AWAY ZONE	\$68
72.126 SDCC	COMMERCIAL VEHICLE PARKING	\$58
72.134 SDCC	BUS LOADING ZONE	\$68
72.135 SDCC	CURB MARKINGS	\$58
72.135 (a)(1) SDCC	RED CURBS	\$68
72.135(a)(3) SDCC	PASSENGER LOADING ZONE 5 MIN	\$58
72.135(g) SDCC	SHORT TERM TIME LIMIT	\$50
72.137 SDCC	LOADING/UNLOADING YELLOW	\$58
72.138 SDCC	STANDING IN ALLEY	\$58
72.140 SDCC	LONG TERM TIME LIMIT(SIGNS)	\$50
72.140(n) SDCC	NO NIGHT PARKING	\$50
72.66 SDCC	SIGNS AND MARKINGS	\$58
72.121 SDCC	REMOVAL OF IGNITION KEY	\$50
72.150 SDCC	ANGLE PARKING	\$58
5201 SDCC	IMPROPER DISPLAY OF LIC PLATES	\$50
27155 SDCC	GAS CAP REQUIRED	\$58
73.110 SDCC	SLEEPING/CAMPING IN VEHICLE	\$83

State of California \$12.50 surcharge is included in each fee. This surcharge shall be separately shown on the face of the citation.

BE IT FURTHER RESOLVED, that parking violations not paid within 21 days from issuance will be subject to double the fines per this Resolution.

BE IT FURTHER RESOLVED, that Resolution No. 2011-52 which previously adjusted fees for parking violations is rescinded and replaced with this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 20 day of June, 2022.

Dwight Worden, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, SARAH KRIETOR, Administrative Services Manager/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2022-XX, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 20th day of June, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sarah Krietor, Administrative Service Manager/City
Clerk
City of Del Mar

RESOLUTION NO. 2011- 52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, ADJUSTING FEES FOR PARKING VIOLATIONS AND RESCINDING RESOLUTION NO. 2009-10.

WHEREAS, the City of Del Mar recognizes its responsibility to establish and enforce parking regulations to preserve and enhance public safety and to manage the parking resources of the City; and

WHEREAS, to enforce these parking regulations, the City is required to comply with the California Vehicle Code and the County of San Diego Traffic Code adopted by the City by reference; and

WHEREAS, the City desires to set fines that are in compliance with the previously mentioned codes that are fair and reasonable in comparison with our neighboring Cities of San Diego, Solana Beach and the State of California Park System; and

WHEREAS, the State of California under Senate Bill 1407 has increased the state surcharge for court construction from \$4.50 to \$7.50 per citation written as of January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED, the following fees shall be charged for parking code violations as noted:

SECTION 1. CALIFORNIA VEHICLE CODE VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
5204	Expired Tabs	\$ 23.00
22500	Prohibited Stopping, Standing or Parking	\$ 43.00
22502	Curb and Wrong Way Parking	\$ 43.00
22505B	Parking on certain highway segments	\$ 38.00
22507.8	Parking in spaces designated for Persons with Disabilities	\$283.00
22514	Parking within 15 feet of a Fire Hydrant	\$ 38.00
22515	Unattended Vehicles	\$ 38.00
22521	Parking within 7.5 feet of railroad track	\$ 38.00
22522	Obstructing Sidewalk Access Ramp	\$ 38.00

SECTION 2. DEL MAR MUNICIPAL CODE VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
14.12	Parking in conflict with traffic devices	\$43.00
14.16.01A	No Parking	\$43.00
14.16.01B	Curb Markings	\$43.00
14.16.01C	Time Limit Parking	\$43.00
14.20	Parking Meters and Machines	\$43.00

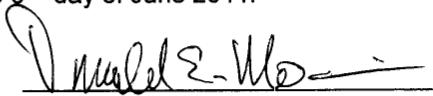
SECTION 3. COUNTY OF SAN DIEGO PARKING VIOLATIONS

<u>SECTION</u>	<u>TITLE</u>	<u>FEE AMOUNT</u>
72-66	Parking in violation of Signs & Markings	\$33.00
72.116	Parked at fire hydrant	\$63.00
72-122	Storage of vehicle over 72 hours	\$63.00
72-125	Tow Away Zone	\$63.00
72.135a	Stopping at Red Curb	\$48.00
72.140	Four hour limit at Inn L'Auberge	\$43.00
All others not specified		\$43.00

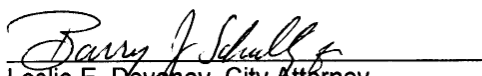
State of California \$7.50 Surcharge is included in each fee. This surcharge shall be separately shown on the face of the citation.

BE IT FURTHER RESOLVED, that parking violations not paid within 21 days from issuance will be subject to double fines per this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6TH day of June 2011.


DONALD MOSIER, Mayor
City of Del Mar

APPROVED AS TO FORM:


Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

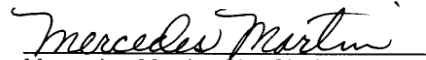
I, MERCEDES MARTIN, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2011-52, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of June 2011, by the following vote:

AYES: Mayor Mosier, Deputy Mayor Hilliard, Council Members Filanc,
Haydu and Sinnott

NOES: None

ABSTAIN: None

ABSENT: None


Mercedes Martin, City Clerk
City of Del Mar

Parking Violation Fine Regional Comparison				
Violation Type	Description	Del Mar	Regional Range	Recommended Fine
Time Zones and Paid Parking	Expired Meter	\$43	\$43-\$72	\$50
	Parking Machine	\$43	\$43-\$72	\$50
	2 Hour Limit	\$43	\$43-\$97	\$50
	Restricted Time P.O.	\$43	\$43-\$50	\$50
	Short Term Time Limit	\$43	\$43-\$72	\$50
	Long Term Time Limit	\$43	\$43-\$72	\$50
General Safety and Nuisance	No Parking	\$43	\$43-\$72	\$58
	Standing in Alley	\$43	\$43-\$72	\$58
	Passenger 5 Min Loading Zone	\$43	\$43-\$58	\$58
	No Parking-Signed	\$43	\$43-\$72	\$58
	Curb and Wrong Way Parkway	\$43	\$38-\$72	\$58
	Not In Marked Space	\$43	\$43-\$60	\$58
	Signs and Markings	\$33	\$33-\$72	\$58
	Posted Private Property	\$43	\$43-\$58	\$58
	Median Strip	\$43	\$43-\$78	\$58
	Parked for Sale	\$43	\$43-\$78	\$58
	Commercial Vehicles	\$43	\$43-\$83	\$58
	Curb Markings	\$43	\$43-\$72	\$58
	Angle Parking	\$43	\$43-\$63	\$58
Egregious Safety	Bike Lane	\$43	\$43-\$72	\$68
	Red Curb	\$48	\$38-\$72	\$68
	Tow Away	\$63	\$63-\$72	\$68
	No Stopping	\$43	\$38-\$72	\$68
	Blocking Driveway	\$43	\$38-\$72	\$68
	Blocking Sidewalk	\$43	\$38-\$72	\$68
	Fire Hydrant	\$63	\$38-\$72	\$68
	On a Crosswalk	\$43	\$38-\$72	\$68
	Parked Within 7 Ft of RR Tracks	\$43	\$38-\$78	\$68
	Fire Lane	\$43	\$43-\$78	\$68
	Blocking Highway	\$43	\$43-\$78	\$68

	Intersection Obstruction	\$43	\$38-\$72	\$68
	Bus Loading Zone	\$43	\$43-\$263	\$68
Miscellaneous	No Current Tabs	\$23	\$23-\$83	\$50
	Disabled Parking	\$283	\$283-\$453	\$283
	Storage on Street	\$63	\$54-\$68	\$63
	Oversize Vehicle	\$83	\$50-\$113	\$83
	Sleeping/Camping in Vehicle	\$83	\$38-\$97	\$83
	Defective Windshield	\$63	\$38-\$63	\$63
	Bald Tires	\$63	\$38-\$63	\$63
	Parked on Hill	\$106	\$48-\$106	\$68
	No Night Parking	\$43	\$43-\$50	\$68
	Parked Unattended-Motor On	\$43	\$38-\$48	\$58
	Illegal Plates/Tab	\$43	\$33-\$53	\$58
	Improper Display of Lic. Plates	\$43	\$33-\$58	\$58
	Gas Cap Required	\$43	\$33-\$43	\$58