

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLES I, VIII, AND IX
OF CHAPTER 19 OF THE MOUNTAIN VIEW
CITY CODE RELATED TO OVERSIZED VEHICLE PARKING

WHEREAS, the City Council desires to preserve the health and the safety of the City's residents and the safety and the attractiveness of the City's roadways and public spaces, as well as the safety of others who use the City's roadways and public spaces; and

WHEREAS, the public roadways of Mountain View are frequently used to regularly or routinely park or store oversized vehicles used for work purposes or for human recreation and habitation, including recreational vehicles, campers, trailers, motorhomes, and boats; and

WHEREAS, on-street parking of oversized vehicles, including recreational vehicles, has negative effects on both the performance and the safety of the public roadways; and

WHEREAS, the regular or routine parking and/or storage of oversized vehicles on City roadways often creates line-of-sight obstructions from intersections and driveways for drivers, bicyclists, and pedestrians and interfere with and obstruct visual access to streets, bicycle lanes, traffic control signals, other vehicles, pedestrians, bicycles, and sidewalks, thereby substantially increasing the risk of collisions between vehicles, as well as collisions between vehicles, bicycles, and pedestrians; and

WHEREAS, the regular or routine parking and/or storage of oversized vehicles on City roadways reduces the effective ingress and egress of emergency and critical service vehicles; and

WHEREAS, recreational vehicles and other oversized vehicles often contain storage receptacles for human waste and wastewater, the illegal discharge of which may enter the City's storm drain system and pollute receiving waterways, such as creeks. The routine parking and/or storage of such recreational and other oversized vehicles creates a public health and safety hazard due to the occurrence of illegal and illicit discharges of septic waste, wastewater, fuels, trash, or garbage from such vehicles into City streets, gutters, or storm drains in violation of the City's National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Program; and

WHEREAS, exposure to spilled septic waste and wastewater creates a health and safety hazard to the public and City personnel who respond to incidents and complaints related to recreational vehicles and other oversized vehicles with storage receptacles for human waste and wastewater due to potential bacteria, viruses, and other pathogens; and

WHEREAS, the City has seen an increase in the number of complaints of traffic and pedestrian dangers arising from the long-term, routine and regular parking and/or storage of oversized vehicles on the City's roadways; and

WHEREAS, parked or stopped oversized vehicles, particularly recreational vehicles, are frequently left with engines running, refrigeration systems, and generators running, thereby contributing to the deterioration of quiet neighborhoods; and

WHEREAS, the City Council finds that regulating the parking of oversized vehicles will promote the safety of public roadways for motorists, bicyclists, and pedestrians by improving visibility and driving conditions, by slowing the wear and the deterioration of pavement, and will improve the health and the safety of the entire community by minimizing the use of City roadways and other spaces from the illegal discharge of septic waste, wastewater, garbage, and trash; and

WHEREAS, owners and representatives of businesses located in Mountain View have expressed concerns regarding the impact to their businesses from the parking of oversized vehicles on streets adjacent to their businesses; and

WHEREAS, the City has limited available supply of on-street parking in the downtown neighborhoods and in other high-density areas of the City, and the City has a substantial interest in assuring and increasing the availability of on-street parking in its neighborhoods, both during the daytime and overnight; and

WHEREAS, California Vehicle Code Section 22507 authorizes a city to "prohibit or restrict the stopping, parking, or standing of vehicles...on certain streets or highways, or portions thereof, during all or certain hours of the day." This provision permits a city to prohibit or restrict the parking of oversized vehicles, including recreational vehicles, on some or all streets of a city with appropriate signage;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 19, Article I, Section 19.1 of the Mountain View City Code, is hereby amended by adding the following definition:

“Oversized vehicle” shall mean any vehicle, as defined by California Vehicle Code Sec. 670, or combination of vehicles, which exceed twenty-two (22) feet in length, or seven (7) feet in width, or seven (7) feet in height, exclusive of projecting lights or devices allowed by Sec. 35109 and 35110 of the California Vehicle Code, but including any load in or on a vehicle which effectively causes the vehicle’s length, width or height to exceed the standards in this section so as to create potential hazards from sight-line obstructions and/or illegal deposits of waste which Sec. 19.72.1 seeks to prevent.”

Section 2. Section 19.72.1 is hereby added to Chapter 19, Article VIII, Division 3, to read as follows:

“SEC. 19.72.1 - Oversized vehicle parking restrictions.

a. Findings and purpose. It is the purpose of this Section to provide for the public health, safety, and welfare of the city’s residents and others using the city’s roadways by decreasing excessive parking of oversized vehicles on public streets. The prohibition established in this Section is intended to increase roadway visibility, increase the safety of pedestrians and motorists using public roadways, and to further protect the public health and safety by eliminating the discharge of septic waste, wastewater, garbage and trash into the city’s storm drain system.

b. Prohibited parking. No person shall park any oversized vehicle on any streets except as provided in subsection (c) below. Parking restrictions of oversized vehicles shall not apply to El Camino Real and other Caltrans rights-of-way in Mountain View, unless and until Caltrans approves the parking restrictions or delegates the authority to enact such restrictions to the City of Mountain View, pursuant to Vehicle Code Sec. 22506.

c. Exemptions. Subsection (b) above shall not apply to any of the following:

1. Any oversized vehicle actively engaged in the loading or unloading of materials, supplies or goods, in the delivery of goods, wares, merchandise or other materials at an adjacent business or residence for no longer than sixty (60) minutes;

2. Construction vehicles with a valid City of Mountain View-issued excavation or encroachment permit;

3. Commercial loading zones;

4. Any inoperable oversized vehicle upon which a person is actively engaged in making emergency repairs for no longer than four (4) hours;

5. Any vehicle belonging to or under contract with federal, state or local government authorities, or a public utility, and any emergency vehicles as defined by California Vehicle Code Sec. 165;

6. Any commercial, business or public transit bus or commuter shuttle for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time;

7. Mobile vendors with a valid mobile vending permit, which is displayed as required in conformance with Sec. 15.20 of the city code;

8. Any oversized vehicle that has been issued and is properly displaying both a valid distinguishing disabled placard or license plate issued pursuant to the California Vehicle Code and a valid oversized vehicle disability parking permit issued pursuant to subsection (d) of this section; or a temporary oversized vehicle parking permit issued pursuant to subsection (e). No permit issued by the city under the provisions of this article may be transferred or assigned to another person. Permits issued under this section shall be prominently displayed at all times. It shall be the responsibility of the vehicle owner to display a permit issued pursuant to this section as shall any citation issued or vehicle towed due to the failure thereof; and

9. Wheelchair-accessible vans with a valid disabled placard or license plate issued and properly displayed pursuant to the California Vehicle Code.

d. **Oversized vehicle disability parking permits.** A person may obtain an oversized vehicle disability parking permit for a specific oversized vehicle to be parked at a specific location or locations if he or she demonstrates in writing to the satisfaction of the public works director or his or her designee, on an application form prepared by the public works director and upon payment of a fee prescribed by resolution of the city council, that they meet each of the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;

2. The person possesses a distinguishing disabled placard or license plate properly issued pursuant to the California Vehicle Code;

3. The proposed parking location is necessary to provide access to a specific fixed residential address sited with a lawful dwelling unit at which the person

resides, or to a specific facility or facilities at which the person is employed or receives services;

4. The proposed parking location does not impose a traffic visibility issue or jeopardize the safety of the public roadways; and

5. The person demonstrates that by reason of the disability which warranted issuance of their California distinguishing placard or license plate, the oversized vehicle is specially equipped and necessary to accommodate the disability of the person seeking the permit so that a reasonable modification to the city's on-street parking regulations is warranted under state and federal law.

Oversized vehicle disability parking permits shall be valid for so long as the person remains disabled, but for no longer than one (1) year. Permits may be renewed provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. Oversized vehicle parking with an oversized vehicle disability parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Mountain View City Code, including, without limitation, Sec. 19.92.4, Street Cleaning; and Sec. 19.72, 72-Hour Parking Limit.

e. **Temporary oversized vehicle parking permit.** A person may obtain a temporary oversized vehicle parking permit for a specific oversized vehicle if he or she demonstrates in writing to the satisfaction of the public works director or his or her designee, on an application form prepared by the public works director and upon payment of a fee prescribed by resolution of the city council, that they meet each of the following conditions:

1. The person owns or lawfully possesses an oversized vehicle;

2. The person wishes to temporarily park their oversized vehicle adjacent to their fixed residence; or a commercial business that wishes to do business in the city for a temporary period at a specific fixed residential or commercial address with the consent of the resident or occupant of that address; or a nonresident temporarily visiting a specific fixed residential address with the consent of the resident of that address;

3. The proposed parking location is reasonably situated to provide temporary access to a specific fixed residential or commercial address; and

4. The proposed parking location does not impose a traffic visibility issue or jeopardize the safety of the public roadways.

A temporary oversized vehicle parking permit shall be valid for no longer than seven (7) consecutive calendar days. Permits may be renewed for up to an additional seven (7) days provided that the permit holder demonstrates in writing that he or she continues to meet the conditions of this subsection. In no event shall temporary oversized vehicle parking permits be issued to a resident, commercial business or nonresident for a total period in excess of fourteen (14) days within any consecutive ninety (90) calendar day period. Oversized vehicle parking with a temporary oversized vehicle parking permit shall be subject to all applicable parking restrictions in the California Vehicle Code and the Mountain View City Code, including, without limitation, Sec. 19.92.4, Street Cleaning; Sec. 19.72, 72-Hour Parking Limit; and Sec. 19.99.12, Residential Permit Parking.

f. **Signage.** The public works director shall place signs or markings giving adequate notice of the restriction including at all entrances to the city; along major roadways/arterials; and any other locations deemed appropriate. This section shall not be effective/enforced until such signage has been installed.

g. **Penalties.** In addition to the penalties for parking violations set forth in this Chapter, vehicles parked in violation of this section shall be subject to removal from the public right-of-way at the registered owner's expense. The registered owner of the vehicle shall be liable for the cost of all towing and storage fees. Signs shall be posted giving notice of the removal of vehicles parked in violation of this section."

Section 3. Chapter 19, Article IX, Section 19.111, of the Mountain View City Code shall be amended to read as follows:

"SEC. 19.111. - Regulation of storage or parking of vehicles in residential areas.

It shall be unlawful for any person owning or occupying any residential premises to cause or permit the parking or storage of any vehicle in violation of any of the provisions of this article. The following provisions shall regulate the parking and/or storage of a mobile home, recreational vehicle, camper, utility trailer, boat trailer, car, truck, trailer or other vehicle (collectively referred to herein as a "vehicle"):

a. Any vehicle parked or stored in areas visible from a public street (defined as including the entire front yard and any part of the side yard that is not screened from view by a six (6) foot high opaque fence) for more than seventy-two (72) hours shall be owned or leased by the occupants.

~~b. No vehicle parked or stored in residential areas shall be used or occupied for dwelling purposes, except that one (1) vehicle designed for human habitation may be stored or parked on a driveway in conjunction with a residential use for a period not to exceed seventy two (72) hours for use by guests. Occupants may apply to the chief of~~

~~police for a permit to extend the seventy-two (72) hour limitation for an additional fixed period, not to exceed thirty (30) days, on a showing of special circumstances pursuant to guidelines adopted by council resolution.~~

~~c. No vehicle parked upon any public street shall be occupied or used for dwelling purposes.~~

~~db.~~ Any vehicle located in areas visible from a public street shall be parked or stored only upon an asphalt, concrete, masonry or other permanently paved and permitted surface.

~~ec.~~ No vehicle parked in areas visible from a public street shall be stored or parked in such a manner as to encroach in, over, across or upon the public sidewalk.

~~fd.~~ No vehicle over seven (7) feet in height shall be parked or stored diagonally across a driveway in areas visible from a public street.

~~ge.~~ No more than one (1) vehicle per residential unit that exceeds seven (7) feet in height shall be parked or stored in areas visible from a public street.

~~hf.~~ The height of a vehicle parked or stored in areas visible from a public street shall not exceed twelve (12) feet to the highest point of the main structure of the vehicle.

~~ig.~~ In R1 and R2 districts, lots with no garage or a one (1) car garage are permitted to utilize up to a twenty (20) foot wide portion of the area visible from a public street for vehicle parking; properties with a two (2) car or three (3) car garage are permitted to utilize an area of up to thirty (30) feet in width of the area visible from a public street for vehicle parking."

Section 4. Effective Date. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. Adoption of this ordinance would provide limitations on the use of public streets for parking, and is, therefore, categorically exempt from environmental review pursuant to the CEQA Guidelines Section 15301 concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use and 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City considered the potential exceptions to the categorical exemptions pursuant to Section 15300.2 and concluded they are not applicable. The regulation of on-street oversized vehicle parking to generally prohibit oversized vehicle parking and address public health and safety considerations does not impose a significant cumulative impact over

time but would reduce the parking of such vehicles on City streets; is not an unusual circumstance for a modern city, particularly one in the highly dense Bay Area; does not impact scenic or historical resources; and does not entail hazardous sites as it relates to on-street parking.

KST/5/ORD
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