

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2020

A RESOLUTION CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, APRIL 14, 2020, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS AN ORDINANCE AMENDING ARTICLES I AND VIII OF CHAPTER 19 OF THE MOUNTAIN VIEW CITY CODE RELATED TO OVERSIZED VEHICLE PARKING ON NARROW STREETS, AND RELATED ACTIONS

WHEREAS, on October 22, 2019, the City Council of the City of Mountain View adopted Ordinance No. 15.19 Amending Articles I and VIII of Chapter 19 of the Mountain View City Code Related to Oversized Vehicle Parking on Narrow Streets; and

WHEREAS, pursuant to Elections Code Section 9237, a petition signed by more than 10 percent of the registered voters of the City of Mountain View protesting Ordinance No. 15.19 was filed with the City Clerk on November 22, 2019; and

WHEREAS, the Santa Clara County Registrar of Voters Office verified that the petition was signed by the requisite number of voters, and the City Clerk has so certified; and

WHEREAS, pursuant to Elections Code Section 9241, the City Council must either repeal the ordinance or submit the ordinance to the voters, either at the next regular municipal election or at a special election called for the purpose; and

WHEREAS, the City Council has not voted in favor of the repeal of the ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the ordinance to the voters; and

WHEREAS, pursuant to City of Mountain View Charter Section 1301, such election is considered a special municipal election; and

WHEREAS, the City Council desires to submit Ordinance No. 15.19 to the voters at the special municipal election on April 14, 2020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain View as follows:

Section 1. Proposed Measure. The City Council of the City of Mountain View hereby calls a special municipal election to be held on Tuesday, April 14, 2020 for the purpose of submitting to the qualified electors of the City of Mountain View the following measure:

Shall Ordinance No. 15.19 Amending Articles I and VIII of Chapter 19 of the Mountain View City Code Related to Oversized Vehicle Parking on Narrow Streets be adopted?	YES
	NO

Section 2. Submission of Text. The City Council does hereby submit the text of the measure attached hereto as Exhibit A.

Section 3. Vote Requirement. The vote requirement for the measure to pass is a majority (50 percent + 1) of the votes cast.

Section 4. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

Section 5. Polls Open. The polls shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

Section 6. Publication. The City Clerk of the City of Mountain View is hereby ordered and directed to cause the notice of said election to be published in accordance with the provisions of the California Elections Code. The notice of the Special Municipal Election provided for herein shall be published in a newspaper of general circulation within the City of Mountain View.

Section 7. Request for County Services. The Board of Supervisors of the County of Santa Clara is hereby requested to order the County Registrar of Voters to: (1) prepare the City's election materials and take all other necessary actions for the holding of the election; and (2) provide vote-by-mail ballots to voters for said election for use of the qualified electors of the City of Mountain View who are entitled thereto, in the manner provided by law.

Section 8. Canvassing. The Board of Supervisors of the County of Santa Clara is hereby further authorized and requested to canvass or cause to be canvassed, as

provided by law, returns of said Special Municipal Election and to certify such canvass of the votes cast for the measure.

Section 9. Agreement with the County. The City Clerk is hereby authorized to enter into an agreement with the County of Santa Clara to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct said Special Municipal Election to be held on Tuesday, April 14, 2020, and for the reimbursement of the County in full for the services performed.

Section 10. Text of Proposed Measure. Pursuant to Elections Code Section 9223, the full text of the measure shall be printed in Voter Information Guide.

Section 11. Reimbursement. The City of Mountain View recognizes that costs will be incurred by the County and agrees to reimburse the County for such costs.

Section 12. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 13. The City Clerk is hereby directed to file a certified copy of this resolution with the County of Santa Clara Board of Supervisors and the County of Santa Clara Registrar of Voters.

Section 14. Schedule. Upon the advice of the City Clerk, and in accordance with Elections Code Section 9286, the City Council sets the following schedule for the ballot measure argument deadlines:

Argument Deadline: January 28, 2020

Rebuttal Argument Deadline: February 4, 2020

City Attorney's Impartial Analysis: February 4, 2020

Section 15. Environmental Determination. The City Council finds that adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this resolution may have a significant effect on the environment, in that the resolution calls for an election to consider the adoption of an ordinance. Adoption of the 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 Section 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.

LN/5/RESO
428-01-14-20r-1

Exhibit: A. Measure Text

ORDINANCE NO. 15.19

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

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, the regular or routine parking and/or storage of oversized vehicles on the City's narrow roadways can pose traffic safety concerns because the size of the vehicles on narrow roadways encroach into the vehicle lane of travel, thereby increasing the risk of collisions involving bicycles and vehicles; and

WHEREAS, narrow streets typically have more properties and driveways spaced closer together, which could create greater visibility concerns with the presence of oversized vehicles; and

WHEREAS, the City Council finds that restricting the parking of oversized vehicles on narrow roadways will promote the safety of public roadways for motorists and bicyclists by eliminating such impediments in the lane of travel; 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, 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. 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 Sec. 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.”

Section 2. Chapter 19, Article VIII, Division 3, Section 19.79.4 of the Mountain View City Code is hereby added to read as follows:

“SEC. 19.79.4. - Parking of oversized vehicles on certain narrow streets prohibited.

a. No person shall park any oversized vehicle on narrow streets less than or equal to forty (40) feet in width, or portions thereof, as set forth by resolution of the city council.

b. **Exemptions.** Subsection (a) 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 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;

5. 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; and

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

c. This section shall not be enforced until a resolution is adopted prohibiting parking of oversized vehicles on specified streets, or portion thereof, less than forty (40) feet wide.

d. **Signage.** The public works director shall place signs or markings giving adequate notice of the restriction. This section shall not be enforced until such signage has been installed.

e. **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. Effective Date. The provisions of this ordinance shall be effective June 30, 2020.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other 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 thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. 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 Section 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.

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 24th day of September 2019, and thereafter adopted at the Regular Meeting of said Council, duly held on the 22nd day of October 2019, by the following roll call vote:

AYES: Councilmembers Kamei, McAlister, Vice Mayor Abe-Koga, and Mayor Matichak

NOES: Councilmembers Clark, Hicks, and Ramirez

ABSENT: None

NOT VOTING: None

ATTEST:

APPROVED:



LISA NATUSCH
CITY CLERK



LISA MATICHAK
MAYOR

Date of Attestation: 10/23/2019

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 22nd day of October 2019, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 18th day of October 2019, and posted in three prominent places in said City.



City Clerk
City of Mountain View

PDC/5/ORD/015-09-24-19o-3