

**ORDINANCE NO. 420**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO AMENDING TITLE 10 (VEHICLES AND TRAFFIC) OF THE EAST PALO ALTO MUNICIPAL CODE TO RESTRICT PARKING OF OVERSIZED VEHICLES AND TRAILERS ON PUBLIC STREETS AND TO INCREASE THE ALLOWABLE WEIGHT FOR COMMERCIAL VEHICLES IN RESIDENTIAL AREAS**

**WHEREAS**, the California Vehicle Code (“CVC”) Section 22507 allows local authorities to prohibit or restrict parking of vehicles exceeding six (6) feet in height within 100 feet of public intersections and on certain streets; and

**WHEREAS**, CVC Section 22507.5 further allows local authorities to prohibit or restrict overnight vehicle parking on public streets and prohibit or restrict commercial vehicles exceeding a certain gross weight from driving or parking in residential areas; and

**WHEREAS**, Section 10.04.30 of Title 10 (Vehicles and Traffic) of the City of East Palo Alto Municipal Code allows the City Council to authorize by resolution or ordinance a restriction, limitation, or prohibition of vehicle parking on any public street or portion thereof; and

**WHEREAS**, the City Council finds that the parking of oversized vehicles, including recreational vehicles (“RVs”), on public streets can create public safety hazards by impeding and endangering safe access for motorists, pedestrians and bicyclists and clearance access by emergency vehicles; and

**WHEREAS**, due to the lack of affordable housing in the region, an increasing number of RVs are parking on public streets in the City of East Palo Alto that are occupied by individuals and families experiencing homelessness; and

**WHEREAS**, the occupied RVs have introduced serious public health risks, fire safety dangers, environmental contamination, mixed waste accumulation, and public access concerns that are detrimental to the general welfare of the East Palo Alto community; and

**WHEREAS**, significant City and other agency resources have recently been expended to alleviate public health risks, to abate and remediate the discharge of environmental contaminants, to dispose of and clean up large quantities of mixed waste, and to investigate and respond to reported criminal and nuisance activities; and

**WHEREAS**, multiple City Council and other meetings (15 total) have been held in the past year to investigate and evaluate alternative sites for RVs to park in the City

and to address the problems and issues resulting from oversized vehicles parking on public streets; and

**WHEREAS**, on July 17, 2018, the City Council authorized a lease and grant agreement with Project WeHOPE to establish a one-year RV Safe Parking Pilot Program (“RVS3P”) at the City’s Tanklage Site at 1798 Bay Road, and allocated additional funds for site improvements on the property to provide temporary overnight parking for RVs; and

**WHEREAS**, on July 17, 2018, the City Council also referred the issue of overnight parking of oversized vehicles to the City’s Public Works and Transportation Commission (“PWTC”) for review and a recommendation; and

**WHEREAS**, on September 19, 2018, the PWTC forwarded a recommendation to the City Council to add a definition of “Oversized Vehicle” to Title 10, and to prohibit the parking of oversized vehicles within fifty (50) feet of a public street intersection to reduce sight visibility safety hazards; and

**WHEREAS**, Project WeHOPE is currently accepting applications for participation in the RSV3P and expects to commence the parking program by March 2019 and offer supportive services for participants after the City has completed the site improvements on the Tanklage Site; and

**WHEREAS**, on December 4, 2018, and January 15, 2019, the City Council held public hearings to consider public comments and recommendations from City staff on the adoption of restrictions on overnight parking by oversized vehicles and trailers; and

**WHEREAS**, on January 5, 2019, the City Council waived the first reading and introduced an ordinance to amend Title 10 (Vehicles and Traffic) of the East Palo Alto Municipal Code to restrict parking of oversized vehicles and trailers on public streets and increase the allowable weight for commercial vehicles in residential areas; and adopted a resolution to allow a 120-day Temporary Deferred Enforcement Period for qualifying vehicles.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:**

**SECTION 1. CHAPTER 10.04 OF THE EAST PALO ALTO MUNICIPAL CODE**

The City Council hereby amends the following sections of Chapter 10.04 of the East Palo Alto Municipal Code to read as follows (with text in ~~strikeout~~ indicating deletion and underlined text indicating addition). Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

**10.04.020 – Definitions ~~Definition~~ of vehicle.**

- A. “Vehicle” as used in this chapter means a device by which a person or property may be propelled, moved or drawn upon a road or street, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks. The term includes both a motor vehicle, which is self-propelled, and a non-motorized vehicle, such as a trailer or camper.
- B. “Oversized Vehicle” as used in this Chapter means a Vehicle that exceeds in any of the following dimensions: seven (7) feet or eighty-four (84) inches in width, eight (8) feet or ninety-six (96) inches in height, or twenty-three (23) feet or 276 inches in length. Minor appendages such as exterior mirrors and antennas shall not be included in the measurement of an oversized vehicle. Where a vehicle includes a separate attached trailer on a wheel base, the vehicle and trailer will be treated at separate vehicles for the purpose of this Chapter. Any trailer load shall be included in the dimensions of the trailer.

**10.04.130 – Oversized vehicles and trailers unconnected to a motor vehicle restricted.**

- A. It is unlawful for any person, firm or corporation to park, or cause to be parked, an oversized vehicle or trailer unconnected to a motor vehicle on any public street or road under jurisdiction of the City of East Palo Alto between the hours of 2:00 am and 5:00 am. Exceptions to parking during these hours include: 1) emergency vehicles; 2) vehicles responding to calls for emergency services and repairs; and 3) wheelchair accessible vans; and 4) construction vehicles parked along the street frontage of a property where permitted construction work is occurring.
- B. It is unlawful for any person, firm or corporation to park, or cause to be parked, at any time an oversized vehicle within seventy-five (75) feet from the center line of an intersecting public street where signs or markings are installed pursuant to Section 22507 of the California Vehicle Code. The director of public works may sign or mark an intersection to prohibit oversized vehicle parking based on findings that include, but are not limited to, the following factors: severity of sight visibility impairment, vehicle speed and volume, accident statistics, proximity to schools and parks, or pedestrian and bicycle safety.
- C. Any member of the police department authorized by the chief of police may remove, or cause to be removed, a vehicle in violation of the parking restriction from the street in the manner and subject to the requirements of 22650 et seq., of the California Vehicle Code and subject to the provisions of this section.

D. Whenever a member of the police department removes a vehicle pursuant to this section and causes it to be stored as permitted by the California Vehicle Code, the chief of police or his designee shall comply with requirements of Section 22852 of the California Vehicle Code relating to post-storage notice and hearing for registered owners and legal owners of record.

E. The registered owner of the vehicle shall be liable for the cost of all towing and storage fees.

## **SECTION 2. CHAPTER 10.08 OF THE EAST PALO ALTO MUNICIPAL CODE**

The City Council hereby amends the following sections of Article III or Chapter 10.08 of the East Palo Alto Municipal Code to read as follows (with text in ~~strikeout~~ indicating deletion and underlined text indicating addition). Sections and subsections that are not amended by this Ordinance are not included below, and shall remain in full force and effect.

### **Article III. – Commercial Vehicles Exceeding Gross Weight of ~~Five~~ Eight Thousand Pounds Prohibited On Certain City Streets and Roads in Residential Areas**

#### **10.08.050 – Prohibition.**

No person, firm or corporation shall drive or place, or cause to be driven or placed, any commercial vehicle exceeding a gross weight of ~~five~~ eight thousand (~~5,000~~ 8,000) pounds upon any of the streets or roads of the city located in residential area of the city, ~~as such is hereinafter described~~, except upon those city streets and roads hereinafter designated, as provided in Sections 35701 and 35702 ~~and limited by~~ of the California Vehicle Code. This prohibition shall not apply to the vehicles identified in Sections 35703 and 35704 of the California Vehicle Code.

#### **10.08.070 – Signs**

The director of public works is directed to cause signs indicating that commercial vehicles exceeding a gross weight of ~~five~~ eight thousand (~~5,000~~ 8,000) pounds are only allowed on designated city streets and roads, each of such signs to be erected at a distance of not less than fifty (50) feet or more than five hundred (500) feet from each end of such designated city streets and roads.

**SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 of the CEQA Guidelines applicable to minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, 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 may have a significant effect on the environment.

**SECTION 4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption, or after the Commencement Date of the Recreational Vehicle Safe Parking Pilot Program at 1798 Bay Road as determined by the City of East Palo Alto, whichever date occurs later. The City Council shall by resolution implement a deferred enforcement program for owners or occupants of Recreational Vehicles that submit applications to participate in the RV Safe Parking Pilot Program (“RVS3P”).

**SECTION 6. PUBLICATION**

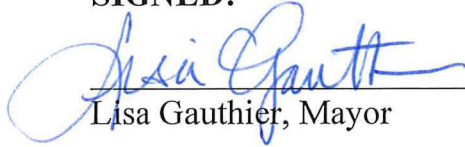
The City Clerk is hereby directed to cause publication of this Ordinance as required by law.

[SIGNATURES FOLLOW ON NEXT PAGE]

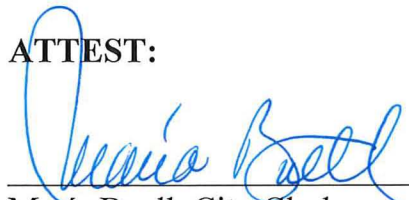
Introduced at a regular City Council meeting held on January 15, 2019, and adopted at a regular City Council meeting held on February 5, 2019, by the following vote:

**AYES: ROMERO, WALLACE-JONES, ABRICA, GAUTHIER, MOODY**  
**NOES: NONE**  
**ABSENT: NONE**  
**ABSTAIN: NONE**

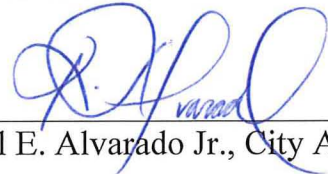
**SIGNED:**

  
\_\_\_\_\_  
Lisa Gauthier, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Maria Buell, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Rafael E. Alvarado Jr., City Attorney

