



DATE: June 11, 2019

CATEGORY: Unfinished Business

DEPT.: City Manager's Office and
City Attorney's Office

TITLE: **Oversized Vehicle Parking
Prohibition Ordinance**

RECOMMENDATION

1. Introduce an Ordinance Amending Articles I, VIII, and IX of Chapter 19 of the Mountain View City Code Related to Oversized Vehicle Parking, to be read in title only, further reading waived, and set a second reading for June 25, 2019 (Attachment 1 to the Council report).
2. Adopt a Resolution Amending the City of Mountain View Master Fee Schedule, to be read in title only, further reading waived (Attachment 2 to the Council report).
3. Introduce an Ordinance Amending Section 19.70.1 to Chapter 19, Division 2, of the Mountain View City Code Related to the Parking of Vehicles that Discharge Domestic Sewage on the Public Right-of-Way, to be read in title only, further reading waived, and set a second reading for June 25, 2019 (Attachment 3 to the Council report).

BACKGROUND

The increased presence of oversized vehicles, including large numbers of recreational vehicles (RVs), campers, trailers, motorhomes, and, in some cases, boats and older school buses on public streets, has been an area of concern expressed by the public that has required a significant investment of City time and resources. These vehicles appear to be used for a number of purposes, including human habitation, recreation, work and/or storage purposes. In general, oversize vehicles can create traffic safety and mobility issues. In addition, the public right-of-way (PROW) is not designed or intended for habitation as it lacks the infrastructure for basic human services (e.g., utilities, sanitary waste facilities, and garbage services).

Through service requests, complaints, and other feedback, residents have raised the following concerns about the parking and storage of oversized vehicles on the PROW:

- Line-of-sight obstructions and the visual impact of the vehicles, many of which are large.
- Reduced bicycle safety due to vehicle size.
- Reduced parking availability and frustration with enforcement of the 72-hour parking limit.
- Encroachment on the PROW of items outside or attached to vehicles.
- Associated impacts from RVs and oversized vehicles on narrow or crowded streets, near intersections, driveways, and in the community that block necessary sight distance or reduce the availability of on-street parking.

In addition to traffic-related concerns, staff has also responded to and received public health complaints regarding concerns of:

- Excessive litter, garbage, and debris removal.
- Sanitary sewage and other vehicle leakages.
- Noise from generators and engines running in quiet neighborhoods.
- Unleashed pets.

The City proactively enforces existing parking regulations and the laws prohibiting the discharge of septic waste, wastewater, fuels, trash, or garbage from vehicles into City streets, sewers, or storm drains in violation of the City's National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Program. Vehicles dumping and discharging sewage pose serious public health hazards, and such incidents have been documented. The data discussed in the March 2019 report showed that the Fire and Environmental Protection Division responded to 19 incidents of vehicles leaking and/or unlawfully dumping domestic sewage; and the Public Services Division responded to 32 incidents of vehicles leaking and/or unlawful dumping of domestic sewage which required special street cleaning services. The Police Department issued 18 citations for vehicles leaking and/or unlawfully dumping domestic sewage over the last 2-1/2 fiscal years.

In addition, RVs are at higher risk for fire because they are built from lightweight combustible materials, have heavy fuel loads made up of the owner's personal belongings, contain appliances used for cooking and heating, contain electrical components, and store flammable liquids, such as gasoline and liquid propane gas. When these vehicles are parked in close proximity to each other, they pose an exposure risk in which a rapidly developing fire can quickly spread from one vehicle to another. The Fire Department has responded to two RV fires in recent months, which did not result in a loss of life, but posed potential risks to inhabitants and the community. Fast response times and training limited these risks.

The issue of oversized vehicles parked in the PROW has been raised during the Council's many discussions on the homeless and unstably housed residents, most recently on March 19, 2019. The issue was raised in this context as oversized vehicles have been used as temporary housing. To address concerns about oversized vehicles parking on City streets, Council directed staff to draft an Oversized Vehicle Parking Prohibition Ordinance with exceptions, including, but not limited to, vehicles temporarily parked adjacent to their residence or business (property owner, tenant, or their guest), government authorities, utilities, emergency vehicles, and disabled placard or license plate holders. The purpose is to address the scale of oversized vehicles in relation to City streets and other vehicles and the traffic hazards imposed by oversized vehicles presenting line-of-sight, encroachment, and safety issues for motorists, bicyclists, and pedestrians.

The Council also directed staff to draft a Safe Parking Ordinance, including a streamlined approach to allow more than four vehicles per lot and establish temporary safe parking programs at Shoreline Amphitheatre (Lot B) from November 2019 through March 2020 and a City-negotiated lot (Pioneer/Evelyn Lot). Councilmembers expressed some interest in a transition plan to give time for people living in oversized vehicles to have an opportunity to participate in safe parking or pursue other alternatives; thus, both items are on the same Council agenda for June 11, 2019. The proposed oversized vehicle parking prohibition would not apply to those people living in smaller-scale vehicles.

As context for the issue of people living in vehicles, it is important to note that Mountain View is not unique. Homelessness and unstable housing is a regional challenge, as demonstrated by recently released preliminary data showing that the number of homeless people in Santa Clara County increased by 31 percent from 2017 to 2019.

During the last three years, the City has seen a significant increase in the number of RVs and other large vehicles, such as buses, boats, box trucks, and hitched trailers parked on

City streets for extended periods of time. Because of the varying levels of engagement by vehicle users and limited assessment tools, we do not have as clear of a picture as we would like regarding the circumstances of each vehicle parked in the City. However, in general, we know there is no one description for people living in vehicles in Mountain View. They and their individual circumstances are as diverse as residents in fixed housing.

The data in the March 2019 Council report (Attachment 4) shows that the outreach conducted initially by the County and then through Community Services Agency (CSA) has made repeated attempts (in some instances, in excess of 25 times) to engage with nearly 370 vehicles showing signs of living. Over time, these outreach efforts have successfully engaged with approximately 40 percent of these vehicles. There remains a significant number of vehicle owners/occupants who are not engaging, despite repeated attempts, and the circumstances of these owners/occupants remains unknown, including the degree to which some people who may have housing in other areas are using vehicles for habitation or other purposes while in Mountain View.

Actions to Help the Homeless and Those Living in Vehicles

Mountain View has probably done more than any city of its size to collaborate, partner, and directly address this regional issue. As discussed in the March 19, 2019 Council report, the City has implemented a number of strategies as part of a multi-pronged approach to address basic human service needs, like hygiene, linking residents in need to services and housing opportunities, and increasing affordable housing in the City to assist the homeless and unstably housed and to maintain the quality of life for the City's neighborhoods (Attachment 4). This work has implemented the Council direction from five Council meetings in the form of a 73-item work plan, which has committed nearly \$2 million (total Fiscal Year 2016-17 to Fiscal Year 2019-20). As a result of these efforts, data reported in March shows 116 Mountain View affiliated households have been placed in housing, and another approximately 44 households are on the path to housing.

The City collaborated with Santa Clara County and worked with the CSA and other nonprofits to provide basic human services. The City helped fund the start-up faith-based nonprofit, MOVE Mountain View, a local safe parking program provider, to organize and operate a safe parking program. The City identified two City-controlled parking lots that will expand local safe parking capacity to approximately 60 parking spaces, which would give Mountain View nearly 50 percent of all such locations operating in the County at this time.

The City will continue to provide outreach and case worker services to link the owners and occupants of vehicles used for habitation to housing, fund permanent supportive housing for the chronically homeless, provide ongoing support to community-based, nonprofit organizations, including the CSA, Hope's Corner, the cold-weather shelter at Trinity United Methodist Church, Graduate House transitional shelter, and the Quetzal House youth shelter.

ANALYSIS

OVERSIZED VEHICLE PROHIBITION

As directed by Council, the proposed oversized vehicle parking prohibition ordinance is intended to increase roadway visibility; improve pedestrian, bicyclist, and motorist safety; and help prevent the discharge of septic waste, wastewater, garbage, and trash onto the City's streets and into the storm drain system. The following sections describe key aspects of the proposed ordinance.

Location

The proposed ordinance would prohibit the parking of oversized vehicles on any street with exceptions further discussed below. The ordinance would not apply to El Camino Real or other locations in the City under Caltrans jurisdiction unless or until approved by Caltrans, or Caltrans delegates such authority to the City. Because these are State highways, Caltrans approval is required to regulate parking under the Vehicle Code. In conjunction with the El Camino Real Streetscape Plan, staff is discussing options with Caltrans for regulating parking along El Camino Real, such as requesting that Caltrans delegate authority to regulate parking to the City and/or having the City follow a Caltrans process to approve parking restrictions. Besides El Camino Real, there are signalized intersections at freeway off-ramps that are within Caltrans jurisdiction, but these locations do not have parking due to road configuration (e.g., lane width or location of bicycle lanes).

Hours

The proposed ordinance prohibits oversized vehicles from parking on the PROW 24 hours a day. However, some other cities prohibit oversized vehicle parking only on an overnight basis. The Council could similarly prohibit such parking from 2:00 a.m. to 6:00 a.m., consistent with the general Citywide parking prohibition, where signed, which would allow oversized vehicles to park on the street during the day. (This alternative can be found in Attachment 5.)

Vehicle Size

In the proposed ordinance, the definition of oversized vehicle is based on the dimensions used by many cities to help address visibility issues, crowding of streets, and encroachment into bike lanes. Oversized vehicles have been defined as any vehicle, or a combination of connected vehicles, which exceeds 22' in length or 7' in width or 7' in height. Public Works typically requires 8' of roadway width for on-street parking to minimize encroachment into adjacent bicycle lanes and vehicle lanes. In some areas of the City, the parking width has been reduced to 7' to accommodate a particular road configuration. For this reason, the ordinance includes a parking prohibition of oversized vehicles that are in excess of 7' wide as this is the minimum space required for on-street parking. The proposed definition of oversized vehicles would generally exclude passenger vans and pickup trucks. Attachments 6 and 7 show images of common vehicle sizes and a summary of size criteria used by other cities.

Exemptions from the Prohibition

Several exemptions from the oversized vehicle parking prohibition are proposed to address the needs of the community and help protect the public safety while reducing the overall presence of oversized vehicles on streets that contribute to traffic and public health issues. Based on Council direction, and examples from numerous cities, staff drafted the proposed ordinance with exceptions for the following oversized vehicles:

- Vehicles actively engaged in loading/unloading up to 60 minutes.
- Construction vehicles with an excavation/encroachment permit.
- Vehicles legally parked in loading zones.
- Vehicles performing emergency repairs up to 4 hours.
- Emergency, utility, or government vehicles.
- Buses for up to 2 hours or in an area posted for bus parking.
- Mobile vendors with a permit.
- Wheelchair-accessible vans with disabled placard or license plate.

- Vehicles displaying a City-issued disability parking permit and disabled placard or license plate.
- Vehicles displaying a City-issued temporary parking permit.

Disability Parking Permits

A disability parking permit would be issued and an oversized vehicle would be allowed to park at a specified location if the vehicle is specially equipped and necessary to accommodate the person's disability; the person has a disability placard or license plate; the location is necessary to provide access to a fixed residential address where the person resides or to a facility at which the person is employed or receives services; and the location does not impose a traffic visibility issue or jeopardize safety of the public roadway. A disability parking permit would be issued for up to one year and would be renewable. Applicable parking restrictions, including street cleaning hours and 72-hour limitations, otherwise apply. Because wheelchair-accessible vans would be allowed outright, the number of disability parking permits will likely be reduced.

Temporary Parking Permits

A parking permit would be issued and an oversized vehicle allowed to temporarily park at a specified location adjacent to the person's fixed residence or visitor thereof, or to a commercial business adjacent to a fixed address with the owner/occupant's consent provided the location is reasonably suited to provide temporary access to the fixed address and does not impose a traffic visibility issue or jeopardize the safety of the public roadway. The parking permit could be valid for up to 7 days with one 7-day renewal period. Permits would not be issued to the same person in excess of 14 days within a 90-day period. A modest fee of \$10 is recommended to be charged for the permit.

Required Signage and Noticing

The City is required by State law to provide adequate notice of the parking restriction before it can be enforced. This notice would include posted signage. Public Works staff has conducted a preliminary analysis and concluded that a minimum of 65 to 70 signs will be required to be posted at the entry points, including main neighborhood entry points, to the City. Staff estimates the total number of signs could range from 100 to 120 in order to provide additional signage along major corridors. The map in Attachment 8 depicts the approximate entry points identified by staff where signage would be installed. It would take about 12 weeks to order, fabricate, and install the signs.

Consequently, the earliest the ordinance could be enforced would be late September/early October 2019.

If Council adopts the ordinance, staff will broadly notice and do outreach for the oversized vehicle restriction and for safe parking that will include a “fact sheet,” deploying mobile outreach to all oversized vehicles by CSA and County and Police outreach teams. Supplemental Citywide communications will include the following: a news release/advisory, web page updates, a web news posting, an ad for the KMVT Cable-TV bulletin board, multiple postings to all social media channels (Facebook, Twitter, Instagram, NextDoor), and e-mails to the collaborators, partners, stakeholders, members of the faith community, mobile outreach to RV residents and the RV residents neighborhood association, all neighborhood associations, City advisory bodies, legislative contacts, school districts, Foothill College, the Chamber of Commerce, the Central Business Association, and businesses that have provided their e-mail for the City’s business license program.

Enforcement

In addition to administrative penalties and parking citations, an oversized vehicle parked in violation of the prohibition could be towed. However, it should be noted that the City’s ability to tow is derived from State law. The towing of vehicles parked in violation of the ordinance would be limited to those circumstances in which the vehicle poses a visibility or safety concern or other exigent circumstances exist. Further, if the vehicle is known to be occupied by someone living in it, the City would undertake efforts to offer safe parking or indoor shelter options. The Police Department would use escalating enforcement by initially issuing warnings and citations before evaluating whether to tow a vehicle. The primary goal would be to obtain voluntary compliance with the ordinance.

Effective and Enforcement Date Options

The City Council should provide direction regarding the date enforcement would begin and how the oversized vehicle ordinance works in conjunction with the proposed Safe Parking Program. Safe Parking would be available from 7:00 p.m. to 7:00 a.m. This means the vehicles that wish to remain in Mountain View would need to find off-street parking at their places of employment or other daytime activities.

As drafted, the proposed ordinance becomes effective 30 days after adoption, which is the standard provision. If the ordinance is introduced with a second reading set for June 25, the ordinance would be effective July 25, 2019. However, as discussed above, until signs are installed Citywide, the ordinance cannot be enforced. Given the

estimated three months to have signs ordered, fabricated, and installed, the earliest the ordinance could be enforced is approximately late September/early October 2019.

Considering that the City's safe parking location at Shoreline Lot B is not available until mid-November, and the other lot lease is still being negotiated, an option Council may wish to consider is deferring the enforcement date of the ordinance until at least one of these two lots is operational (Attachment 9). Outreach, education, and warnings could occur and the disability and temporary parking permit system could be undertaken during this time.

Alternatively, enforcement of the ordinance as a whole could be postponed until January 1, 2020 to allow more time for outreach, noticing, and the implementation of the safe parking programs (Attachment 10).

STORING OR PARKING OF VEHICLES IN RESIDENTIAL AREAS

The City Code (Section 19.111) currently includes a regulation for the parking or storing of vehicles used or occupied for dwelling purposes. Subsection (b) regulates vehicles used for dwelling purposes parked or stored on private property and Subsection (c) prohibits the dwelling in vehicles parked upon a public street. In light of constitutional concerns, these sections are not currently enforced and staff proposes that Subsections (b) and (c) be repealed.

PARKING OF VEHICLES THAT DISCHARGE DOMESTIC SEWAGE ON THE PUBLIC RIGHT-OF-WAY

Staff also recommends amendments to the recently adopted Section 19.70.1 that prohibit the parking of vehicles that discharge domestic sewage on the PROW to clarify that vehicles actively discharging, either continuously or intermittently, domestic sewage from a sewage system, sewage tank, holding tank, or other waste storage receptacle, or any pipe associated with the vehicle, onto the PROW would be in violation of the parking regulation.

ENVIRONMENTAL REVIEW

Adoption of the ordinances regulating oversized vehicle parking and vehicles that discharge domestic sewage on the public right-of-way 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 no exceptions to this exemption applies. In addition, the

“common sense exemption” contained in CEQA Guidelines Section 15061(b)(3) applies 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.

FISCAL IMPACT

There are costs associated with communications outreach, signage, enforcement, administration, and permits. The recommendations in this report can be fully funded with resources in the Fiscal Year 2019-20 Budget, pending adoption on June 18, 2019.

If Council introduces the oversized vehicle ordinance, staff recommends the adoption of a nominal fee for the cost recovery of Public Works Department and City Manager’s Office staff time associated with establishing and operating a permitting system, with a fee of \$10 per temporary parking permit and no fee for the disability parking permit.

CONCLUSION

As directed by Council, staff has prepared a proposed ordinance to prohibit the parking of oversized vehicles on the street, along with a resolution for oversized vehicle parking permit fees. In addition, staff recommends revisions to Code Sections 19.111 and 19.70.1 as discussed above.

ALTERNATIVES

The Council may wish to consider the following alternatives to the draft ordinance:

1. Modify the proposed ordinance to only prohibit oversized vehicles from parking from 2:00 a.m. to 6:00 a.m. (Attachment 5).
2. Modify the proposed ordinance to include an enforcement date that commences when safe parking operations for one or more City-controlled lots begins (Attachment 9).
3. Modify the proposed ordinance to include an enforcement date of January 1, 2020 (Attachment 10).
4. Do not introduce the proposed ordinance.
5. Provide other direction.

PUBLIC NOTICING

Agenda posting and a copy of the report was sent to the County, CSA, MOVE, stakeholder group members, and, as feasible, others who have corresponded with the City Manager's Office on this topic. Supplemental Citywide communications for this agenda item included the following: web page updates, a web news posting, an ad for the KMVT Cable-TV bulletin board, multiple postings to all social media channels (Facebook, Twitter, Instagram, NextDoor), one ad in the *Mountain View Voice*, and sharing information by e-mail with outreach to the collaborators, partners, stakeholders, members of the faith community, mobile outreach to RV-residents with flyers in English and Spanish, and e-mail to the RV-residents neighborhood association, all neighborhood associations, City advisory bodies, legislative contacts, school districts, Foothill College, the Chamber of Commerce, the Central Business Association, and businesses that have provided their e-mail for the City's business license program.

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- Attachments:
1. Ordinance Adopting Oversized Vehicle Parking Prohibition
 2. Resolution Amending Master Fee Schedule with Exhibit A
 3. Ordinance Amending Domestic Discharges onto the Public Right-of-Way
 4. [Council Report for March 19, 2019](#)
 5. Ordinance Alternative – Hours
 6. Sample of Vehicle Dimensions
 7. Summary of Oversized Vehicle Dimensions and Time Restrictions

8. Entry Points Map
9. Ordinance Alternative—Enforcement Upon Commencement of Safe Parking Operations on City Lots
10. Ordinance Alternative—Enforcement January 1, 2020