



**Council Date: December 15, 2009**

**SUBJECT: 2009-0076-** Commercial Vehicle Parking in Residential Zones-  
(Study Issue)

### **REPORT IN BRIEF**

The purpose of this study is to identify ways to address the parking of commercial vehicles in residential areas (Study Issue paper, Attachment A). Vehicle parking is covered by the City's Vehicle Code (Title 10) and the Zoning Code (Title 19) for on and off-street parking, respectively.

The basic issue is that some residents have more cars than can be accommodated on their property in a normal manner (parking them in the garage and on the driveway). This study issue originated from a specific complaint about a property owner having too many vehicles at his/her residence. The owner has parked multiple vehicles on the property and throughout the neighborhood. This staff report addresses the broader issue concerning the feasibility of limiting commercial vehicle parking in residential areas.

Although the City can adopt standards that limit the manner and numbers of vehicles that can be parked on a property, those residents with a large number of vehicles are able to move them to the street, where it becomes the entire neighborhood's problem and becomes a more difficult enforcement issue.

There are limited options available and any change would impact the entire community. All of the methods explored are problematic for similar reasons related to lack of effectiveness in addressing the issue of commercial parking in neighborhoods, likelihood of transferring the problem from private property onto public streets, impracticality of public safety enforcement, and/or impact on all residents with limited or focused community benefits. Staff does recommend, however, amending the Municipal Code so the definition for "commercial vehicle" is one that exceeds 10,000 pounds. An ordinance is included with this report for those changes to be made.

### **BACKGROUND**

This study issue was initiated by the City Council to address the parking of numerous vehicles used by a business in a residential neighborhood. The

property subject to the specific complaint is difficult to correct because the current zoning and vehicle codes do not prevent this activity since the vehicles do not meet the definition for commercial vehicle. Also, there are no restrictions on the number of vehicles that can be parked on a property, so long as they are operational, licensed and properly parked. All current standards are met by the resident at that specific property. Further, even if such restrictions were enacted, the problems could be exacerbated by transferring the vehicles onto the City streets.

## **EXISTING POLICY**

### Land Use and Transportation Element:

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

*Action Statement N1.1.1: Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

Policy N1.4: Preserve and enhance the high quality character of residential neighborhoods.

*Action Statement N1.4.3: Encourage and support home businesses that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood.*

### Vehicle Weight Examples

Gross Vehicle Weight Ratings (GVWR) is a method of defining types of vehicles, specifically trucks and commercial-type vehicles. Passenger cars are rated by interior volume or seating capacity. Examples of different types of GVWR are found in Attachment C.

### Legal Framework

In general, the State regulates commercial vehicles on public streets. The Vehicle Code does allow for the enactment of local regulation on public streets for commercially licensed vehicles over 10,000 pounds, which are typically "medium duty" trucks. However, given the State criteria for local legislation, passenger vans used in commercial activity or having commercial plates would not meet the weight criteria for a commercial vehicle.

### *State Law*

The City has more discretion to regulate commercial vehicles on private properties through the zoning code as land use regulation. The City must, however, use the Vehicle Code definitions for regulating commercial vehicle parking on public streets, as paraphrased below (see Attachment B for entire text):

Vehicle Code § 260- A “commercial vehicle” is a type required to be registered or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

Vehicle Code § 22507.5- Local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of commercial vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more on any street in a residential district.

The ordinance or resolution shall not be effective with respect to any commercial vehicle, or trailer component thereof, making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained.

Currently, Sunnyvale Municipal Code section 10.16.160 restricts the parking of commercial vehicles in residential districts to five hours, with certain exceptions as required by the Vehicle Code.

#### *City Municipal Code*

Current City law uses different weight references for different purposes in order to define commercial vehicle throughout the code.

Private property (Zoning Code)-Table 19.12.230- Definition of “vehicle, commercial” means any vehicle with a gross vehicle weight of 7,500 pounds or more according to the manufacturers’ specifications, which is required to obtain a commercial vehicle license.

Private property (Zoning Code)-Table 19.18.030 5 D.- Storage or parking of commercial, industrial or public utility vehicles - Prohibited in all residential zoning districts.

Private property (Zoning Code)-Table 19.20.030 10 G.- Storage or parking of commercial, industrial or public utility vehicles - Prohibited in all commercial zoning districts, with a footnote that allows daytime and overnight parking of up to five commercial vehicles (of a type that exceed 10,000 pounds in GVWR with not more than two axles), subject to other restrictions listed therein.

Public streets (Vehicle Code)-10.16.160- Parking commercial vehicles in a residential district- It is unlawful for any person to park any commercial vehicle (other than a pick-up truck, station wagon or similar vehicle of a size similar to an ordinary passenger vehicle) more than five hours in any residential district except:

(a) While loading or unloading property and time in addition to such five-hour period is necessary to complete such work; or

(b) When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked and time in addition to such five-hour period is reasonably necessary to complete such service.

The Municipal Code definition for “commercial vehicle” is found in a few places, but is mainly used in Title 10 (Vehicles and Traffic) and Title 19 (Zoning). There are different weight limits used to define commercial vehicles throughout the code depending on the factual circumstances. However, it may be worthwhile and prudent to amend the Code to use a more consistent weight definition (10,000 pounds).

## **DISCUSSION**

Although the City has more latitude to regulate the size, type and number of vehicles allowed to park on a private property, the State regulations control parking on public streets. The California Vehicle Code allows local jurisdictions to regulate commercial vehicles on public streets with a gross vehicle weight rating of 10,000 pounds or greater. As a result, the City could only prohibit commercial vehicles that meet those standards from parking or standing on public streets in residential areas. There are a few tools the City can use for parking, but they would either apply to all vehicles or only commercial vehicles over 10,000 pounds. Amending the code to implement parking tools, such as no on street parking overnight, would impact the entire community; not just those residents creating the difficult situations in neighborhoods. As a result, any proposed parking limitation would be either too over-inclusive or under-inclusive, and therefore would not offer a practical solution to the problem.

Special Operations Division of Department of Public Safety works on cases related to commercial parking on public streets, and report that 17 violations were issued in 2008 and 11 through September 2009 for illegal parking of commercial vehicles in residential districts.

As seen from State and local laws, the prohibition of commercial vehicle parking in residential areas already exists, and no code changes need to be done to prohibit vehicles defined by state law as “commercial” from parking in residential areas. Therefore, the real issue is whether additional restrictions can, or should, be in place to restrict those vehicles used in a commercial enterprise (that is less than the 10,000 pounds) from parking on private property in residential areas.

For residential streets, the Vehicle Code defines what constitutes a “commercial vehicle” and the City cannot apply a more restrictive standard for public street parking. The City can, however, apply a different definition for private property.

It needs to be noted, however, that there is a definite push-pull in regulating vehicle parking. Strict laws limiting the number of vehicles allowed to park on a property can lead to more vehicles parked on the street, and vice-versa.

A critical concern in considering new laws associated with this issue is how to reduce vehicle parking problems without impacting the many other residents that live cooperatively with their neighbors. The parking of any type of vehicle in a neighborhood can create issues, including: residents having “too many” vehicles either on the property and/or on the street, the repair and storage of vehicles, and the parking of commercial vehicles in a neighborhood.

Regulating both on-street and off-street parking in residential areas can severely restrict the number of vehicles a resident can have, which can cause difficulties for several reasons, including:

1. Many homes in Sunnyvale have one-car garages, which limits the options for parking vehicles on site, and results in more on-street parking being used.
2. The number of vehicles per households has increased over the years, especially during difficult economic times (when more adults share a residence).
3. Many Sunnyvale residents work in trades requiring commercial vehicles in addition to their passenger vehicle.

The options to further restrict commercial vehicle parking in residential zones are limited, and each has a drawback that could be created by a change. The impact may be experienced in another neighborhood, not necessarily the target neighborhood.

### **Goal of Study**

The goal of the study is to find appropriate means of limiting commercial parking in residentially-zoned areas. Many members of City staff worked together on this issue, including those from Special Operations of DPS, NP and the Office of the City Attorney (OCA). The main issues considered by the team included:

- An over-riding concern of the team was how to find possible regulations that address specific issues while not negatively impacting the rest of the community.

- Ensuring that zoning for private property parking restrictions does not push cars to park on the street, thereby spreading a problem throughout a neighborhood.
- Try to find a way to address commercial vehicles that are lighter than the 10,000 pound limit, and may include standard passenger-type vehicles (such as passenger vans).
- Bring the City Code in line with other nearby cities by limiting the number of vehicles a residence can have that are associated with a home-based business.
- Determine if the City can restrict the number of vehicles regardless of weight used by a resident for a business (that are not subject to home occupation requirements of the Sunnyvale Zoning Code).
- Determine if vehicles with business signs can be limited in residential zones.

### **Parking Regulations**

Although there are possible regulations that can be considered to address parking issues in residential areas, none of them offer a viable or complete solution to the problems, or the potential benefits outweigh the wide-reaching impacts on residents. The following discussion summarizes on-street and off-street parking restrictions which were evaluated by staff, along with a brief discussion of the positive and negative aspects of each:

*1. Limit all on-street parking from 2:00 a.m. to 6:00 a.m.:* This provision is allowed in the State Law, and other nearby cities includes such language in their code (e.g. Menlo Park, Palo Alto). The general concept is that all vehicles (commercial or otherwise) would be required to be off the street during those hours, and residents must obtain a parking permit from either Traffic Engineering or DPS in order to legally park on the street during those times.

Positive: Keeps streets well kept and clean due to the lack of vehicle parking overnight. It allows for the easy sweeping of streets. It deters the “storage” of vehicles and people circumventing the 72-hour parking restriction. It does not distinguish between types of vehicles, which makes enforcement easier.

Negative: Impacts all residents of the City. There are several residential areas that have one-car garages or small lots, so this limitation would affect them the most. It would likely pull more vehicles off the street onto the property. Also, many households have more vehicles than can fit on a residential lot, and there would no longer be an option to park cars on the street overnight. This would also add to the City’s cost to administer a permit program.

2. *“No Large Vehicle” on-street parking zones:* This approach may define a category of “large vehicles”, such as greater than 7 feet tall, 20 feet long, or 7 feet wide. Palo Alto and Mountain View have these types of restrictions. Disallowing large vehicles in specified areas would catch vehicles that may not exceed the weight limitations, but does include larger vehicles from parking in those areas.

Positive: There may be large vehicles that do not exceed the weight limitation, but are still incompatible with a residential neighborhood. It may be easier to enforce size requirements rather than weight standards.

Negative: This may become an additional regulation that accomplishes little, but impacts many residents. There are probably few vehicles that exceed the size requirements that do not also exceed the weight standards. Passenger vans would not fall under this definition.

3. *On-site Parking Restrictions:* There are several different restrictions that can be used to limit parking on a private property, including: a.) limitations on the number of vehicles allowed on a property; b.) limiting the number of vehicles with commercial plates; c.) restricting locations on a property where vehicles can park (side yard or rear yard); and, d.) requiring all parking to be on impervious or semi-pervious surfaces at any location on the property.

Positive: Limiting the number of vehicles allowed on a property would help ensure a resident does not change the character of a property or neighborhood. Limiting the number of commercial-plated vehicles (i.e. no more than three on a property) may address situations where vehicles used by a business do not exceed the weight limitations.

Negative: This option could result in residents with multiple vehicles to park in the street, rather than on their property, which spreads the problem throughout the neighborhood. It could also impact households with multiple family members, and those with vehicles related to businesses (e.g. pool cleaning or gardening trucks). In addition, the changes may not be practical to enforce and may add to the staffing needs for enforcement.

4. *Limit the number of vehicles for home-based businesses:* There are a few types of home-based businesses that use several vehicles in their operations; these businesses may still meet the current zoning requirement that states: “the business shall not generate vehicular traffic which will interfere with residential traffic circulation or shall not cause more than three vehicles including vehicles used by customers, vendors or delivery services to visit the premises per day.” There are currently no other limitations on the number of vehicles a home-based business can have for a property.

Positive: Limiting the number of vehicles used in a home-based business could encourage that a residence is used mainly as a home and fits the character of the neighborhood.

Negative: Complaints regarding commercial parking for home occupation businesses have been very few in the city. This limitation could impact many residents with home businesses, and would not impact a resident that parks vehicles used for a business located elsewhere. In addition, it may be difficult to enforce if the vehicles do not have signs that identify the business and enforcement could transfer any potential problems onto the public streets

5. *Expand the “Automobile/vehicle service and repair in residential zoning districts” section of the Zoning Code:* This code section currently specifies the limitations on vehicle repair in residential areas. An option could be to expand that language to prohibit the repair or servicing of vehicles used in a commercial enterprise. This limitation could restrict residents that park or store vehicles used for commercial purposes, whether that business is in Sunnyvale or not, from performing repair or service on those vehicles.

Positive: There may be situations where a business-owner lives in the city and parks and services vehicles used in that business on a residential property, thereby changing the character of the neighborhood. This change could limit the repair and servicing aspect of those vehicles to ensure they are done at an appropriate business location.

Negative: This option would also affect many other residents that own, use and service a vehicle used in a business on their property. It does not seem to be a wide-spread problem, and the change could be excessive, given the scope of the problem. This would be a difficult requirement to enforce because not all vehicles used for business purposes are clearly identifiable as such. Some vehicles used in a business are typical passenger cars, which are also used for non-work purposes.

6. *Limit the parking of vehicles with commercial signage:* This restriction could limit the number of vehicles with business signs in residential zones.

Positive: Limiting these types of vehicles could include those that do not meet weight limitations, but are used in commercial enterprises.

Negative: Federal First Amendment laws generally limit a city’s ability to restrict signs on vehicles. It would also not impact vehicles that do not include signs, or which has magnetic signs that can easily be removed when parked.

7. *Amend the Municipal Code to incorporate the 10,000 pound weight limitation for parking purposes in all applicable sections:* Make the changes in both the Vehicle Code (Title 10) and the Zoning Code (Title 19) for on and off-street parking. There are some sections of the code that will use a different threshold because those are based on other criteria (such as a lower threshold due to street design).

Positive: Using a consistent requirement will be easier to enforce and easier for the public to understand.

Negative: A possible negative impact to some neighborhoods would be to increase the minimum weight requirement in the Zoning Code from 7,500 pounds to 10,000 pounds, making it a less restrictive standard.

## **Summary**

The above parking regulations would expand the City code to limit or restrict parking of vehicles in residential areas, but each has a limitation that could adversely impact the larger community. While these regulations may address isolated cases of abuse, the restrictions would have a far-reaching effect on many residents and require considerable staff resources for effective uniform enforcement. Creating limitations for the parking of commercial vehicles can create problems for either (or both) public streets and/or private property. Limiting on-street parking can result in residents parking more vehicles on their property. Limiting the number of cars parked on a property may force them onto the street. A combination of both limitations of on-street parking and the number allowed on a property may significantly affect the ability of many residents to park vehicles on or near their properties.

The Municipal Code has inconsistencies regarding vehicle weight limitations, although they are not all because of inaccurate data, but because the weights used are for different purposes. The inconsistencies in the Municipal Code could be amended as shown in option 7 to make it consistent throughout the document.

## **FISCAL IMPACT**

It is unlikely that any change to the Municipal Code would create a fiscal impact; however, there may be some fiscal impact to Neighborhood Preservation depending on the option selected.

## **PUBLIC CONTACT**

Public Contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk.

A public outreach meeting was held on the issue, and four people attended. Participants discussed the issue and possible options to address the problem. One resident that attended was concerned about how any change would restrict him from parking his commercial vehicle in his neighborhood or on his property.

### **ALTERNATIVES**

- A. Initiate an ordinance to amend Title 10 (Vehicles and Traffic) and Title 19 (Zoning) of the Municipal Code to incorporate the 10,000 pound weight limitation for parking purposes in all applicable sections.
- B. Make no changes and continue to work with residents on enforcement of existing codes.
- C. Direct staff to return with an amendment to the Municipal Code to initiate specific changes to the Vehicle or Zoning Codes.

### **RECOMMENDATION**

On November 23, 2009, the Planning Commission considered this item at their noticed public hearing and concurred with staff recommendation (see Attachment F, Planning Commission Minutes). The Commission recommended a slight word change to the proposed ordinance, making the proposed wording in Title 10 consistent with proposed wording in Title 19.

Staff recommends Alternative A to initiate an amendment to the Municipal Code to amend Titles 10 and 19 to use a consistent 10,000 pound limit for the definition of a "commercial vehicle." Amending the Municipal Code to use a 10,000 pound limitation for parking purposes would provide a threshold both internally consistent and with State Law.

After many meetings with City departments and reviewing other cities' requirements, there is a concern that making other changes would cause impacts greater than the problem. As described earlier, there are very few citations issued by the City for these situations, and most neighbors find ways to live together without additional City of Sunnyvale involvement in this area.

Reviewed by:

Hanson Hom, Director, Community Development

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Andrew Miner, Principal Planner

Reviewed by:

Don Johnson, Director, Public Safety

Approved by:

Gary M. Luebbers

City Manager

**Attachments**

- A. 2009 Study Issue Paper
- B. State Law relating to Commercial Vehicle Definitions
- C. Examples of vehicle weights
- D. Draft Ordinance amendments to the Vehicle and Zoning Codes
- E. Examples vehicle limitations for home occupations in other cities
- F. Minutes of Planning Commission meeting of November 23, 2009

## Proposed 2009 Council Study Issue

**CDD-47 Commercial Vehicle Parking in Residential Zoned districts**

<b>Lead Department</b>	Community Development
<b>Element or Sub-element</b>	Community Design Policy B.3. Land Uses and Transportation Policy N1.4.
<b>New or Previous</b>	New
<b>Status</b> Pending	<b>History</b> 1 year ago None      2 years ago None

**1. What are the key elements of the issue? What precipitated it?**

The Vehicle and Traffic section of the Sunnyvale Municipal Code (SMC) (enforced by the Department of Public Safety) allows parking of certain commercial vehicles in residential districts. Specifically SMC 10.16.160 states it is unlawful for any person to park any commercial vehicle (other than a pick-up truck, station wagon or similar vehicle of a size similar to an ordinary passenger vehicle) more than five hours in any residential district. The code does not regulate the number of commercial vehicles that may be parked in a residential district. This code is intended to regulate commercial vehicle parking on public streets.

The Zoning Code, section 19.18.030 (5) (D), (enforced by Community Development Department Neighborhood Preservation Division) prohibits the storage or parking of commercial vehicles on private property in residential districts. Section 19.12.230 of the Zoning chapter defines a commercial vehicle as any vehicle with a gross vehicle weight of seven thousand five hundred pounds or more according to the manufacturers' specifications, which is required to obtain a commercial vehicle license.

This study issue would evaluate whether amendments to the Municipal Code sections related to the parking and/or storage of commercial vehicles in residential districts are warranted. The study will focus on the definition of commercial vehicles and the number of commercial vehicles allowed to be parked or stored within a residential district. Also, the study will evaluate staff impact and possible budget implications related to potential increased levels of enforcement.

This proposed study issue was precipitated by a complaint where mini-vans used as delivery vehicles are parked on the street and driveway of a residential property. In calendar year 2008 Neighborhood Preservation processed 140 vehicle related cases and 5 of these involved commercial vehicles.

**2. How does this relate to the General Plan or existing City Policy?**

Community Design, Policy B.3 states "Minimize elements which clutter the roadway and look unattractive."

Land Use and Transportation N1.4 "Preserve and enhance the high quality character of residential neighborhoods." Action Statement N1.4.3 "Encourage and support home business that accommodate changing technologies and lifestyles, while remaining secondary to the nature of the residential neighborhood."

**3. Origin of issue**

**Council Member(s)** Moylan, Swegles and Mayor Spitaleri  
**General Plan**  
**City Staff**  
**Public**  
**Board or Commission** none

4. **Multiple Year Project?** No **Planned Completion Year** 2009

5. **Expected participation involved in the study issue process?**

**Does Council need to approve a work plan?** No  
**Does this issue require review by a Board/Commission?** Yes

**If so, which?**  
 Planning Commission

**Is a Council Study Session anticipated?** No

**What is the public participation process?**  
 General community outreach and specific notification to any individuals who may have provided comments on the current regulations. Public hearings with the Planning Commission and City Council.

6. **Cost of Study**

**Operating Budget Program covering costs**  
 245-Neighborhood Pres., 242-Land Use Planning  
**Project Budget covering costs**  
**Budget modification \$ amount needed for study**  
**Explain below what the additional funding will be used for**

7. **Potential fiscal impact to implement recommendations in the Study approved by Council**

**Capital expenditure range** None  
**Operating expenditure range** \$500 - \$50K  
**New revenues/savings range** None

**Explain impact briefly**  
 Expanding the definition of commercial vehicle will increase the amount of enforcement that will need to be done.

8. **Staff Recommendation**

**Staff Recommendation** None

**If 'For Study' or 'Against Study', explain**

9. **Estimated consultant hours for completion of the study issue**

Managers	Role	Manager	Hours
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ATTACHMENT

A

Support	Gunvalsen, Christy	Mgr CY1:	10	Mgr CY2:	0
		Staff CY1:	60	Staff CY2:	0
Support	Ryan, Trudi	Mgr CY1:	6	Mgr CY2:	0
		Staff CY1:	40	Staff CY2:	0
Interdep	Boco, Robert	Mgr CY1:	6	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0
Interdep	Tannehill, Heather	Mgr CY1:	20	Mgr CY2:	0
		Staff CY1:	0	Staff CY2:	0

Total Hours CY1: 142

Total Hours CY2: 0

Note: If staff's recommendation is 'For Study' or 'Against Study', the Director should note the relative importance of this Study to other major projects that the Department is currently working on or that are soon to begin, and the impact on existing services/priorities.

Reviewed by

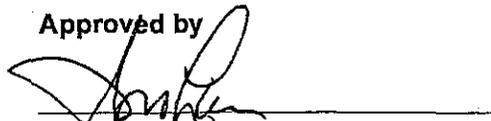


Department Director

1/12/09

Date

Approved by



City Manager

1/12/09

Date

**Addendum**

**A. Board / Commission Recommendation**

**Issue Created Too Late for B/C Ranking**

<b>Board or Commission</b>	<b>Rank</b>	<b>Rank</b>
	<b>Rank</b>	<b>Rank</b>
	<b>1 year ago</b>	<b>2 years ago</b>
Arts Commission		
Bicycle and Pedestrian Advisory Committee		
Board of Building Code Appeals		
Board of Library Trustees		
Child Care Advisory Board		
Heritage Preservation Commission		
Housing and Human Services Commission		
Parks and Recreation Commission		
Personnel Board		
Planning Commission		

**Board or Commission ranking comments**

**B. Council**

**Council Rank** (no rank yet)  
**Work Plan Review Date** (blank)  
**Study Session Date** (blank)  
**RTC Date** (blank)  
**Actual Complete Date** (blank)  
**Staff Contact**

### California State Law Regarding Commercial Vehicles

Vehicle Code § 260- A "commercial vehicle" is a type required to be registered or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

State Code § 22507.5- (a) Notwithstanding Section 22507, local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2 a.m. and 6 a.m., and may, by ordinance or resolution, prohibit or restrict the parking or standing, on any street, or portion thereof, in a residential district, of commercial vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more. The ordinance or resolution relating to parking between the hours of 2 a.m. and 6 a.m. may provide for a system of permits for the purpose of exempting from the prohibition or restriction of the ordinance or resolution disabled persons, residents, and guests of residents of residential areas, including, but not limited to, high-density and multiple-family dwelling areas, lacking adequate offstreet parking facilities. The ordinance or resolution relating to the parking or standing of commercial vehicles in a residential district, however, shall not be effective with respect to any commercial vehicle, or trailer component thereof, making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained.

(b) Subdivision (a) of this section is applicable to vehicles specified in subdivision (a) of Section 31303, except that an ordinance or resolution adopted pursuant to subdivision (a) of this section shall not permit the parking of those vehicles which is otherwise prohibited under this code.

(c) For the purpose of implementing this section, each local authority may, by ordinance, define the term "residential district" in accordance with its zoning ordinance. The ordinance is not effective unless the legislative body of the local authority holds a public hearing on the proposed ordinance prior to its adoption, with notice of the public hearing given in accordance with Section 65090 of the Government Code.

## **Examples and Definitions of Gross Vehicle Weight Ratings**

*Gross Vehicle Weight Rating (GVWR):* This is the maximum allowable total weight of a road vehicle or trailer when loaded (i.e including the weight of the vehicle itself plus fuel, passengers, cargo, and trailer tongue weight).

The difference between gross weight and curb weight is the total passenger and cargo weight capacity of the vehicle. For example, a pickup truck with a curb weight of 4500 pounds might have a cargo capacity of 2000 pounds, meaning it can have a gross weight of 6500 pounds when fully loaded.

*Typical car.* Car and van classes are based on interior volume index or seating capacity, as opposed to trucks which are based on GVWR.

*Passenger van:* Passenger vans are not necessarily defined as cars or trucks, but their curb weight is typically less than 6,000 pounds.

*Examples of vehicles that weigh between 6,000-10,000 pounds GVWR:* Class 2 trucks, such as a Nissan Titan or Ford F-250.

*Examples of vehicles that weigh between 10,000-14,000 pounds GVWR:* Class 3 trucks, such as a Ford F-350 or GMC Sierra 3500.

*Typical UPS or FedEx delivery trucks GVWR:* Between 10,000-16,000 pounds.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF TITLE 10 (VEHICLES AND TRAFFIC) AND TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO ADDRESS COMMERCIAL VEHICLE PARKING IN RESIDENTIAL AREAS**

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 10.16.160 AMENDED. Section 10.16.160 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**10.16.160. Parking commercial vehicles in residential district.**

It is unlawful for any person to park any commercial vehicle ten thousand pounds or more (other than a pick-up truck, station wagon or similar vehicle of a size similar to an ordinary passenger vehicle) more than five hours in any residential district except:

(a) – (b) [text unchanged]

SECTION 2. SECTION 19.12.230 AMENDED. Section 19.12.230 ("V") of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.12.230. "V"**

(1) "Vehicle, commercial" means any vehicle with a gross vehicle weight of ~~seven thousand five hundred~~ ten thousand pounds or more<sup>1</sup> according to the manufacturers' specifications, which is required to obtain a commercial vehicle license.

(2) - (3) [text unchanged]

<sup>1</sup> This ordinance is intended to be consistent with California Vehicle Code §22507.5 or successor statute.

SECTION 3. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

**ATTACHMENT D**

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2009, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney

City	Home Occupations - Max Associated Vehicles
Campbell	Not more than one vehicle shall be used primarily in conjunction with the home occupation and the unladen weight of the vehicle shall not exceed 5,000 pounds or 22 feet in overall length. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or other third party home delivery/pick-up services.
Cupertino	No more than one vehicle primarily used for business purposes may be parked per site. Size limited to passenger auto, pickup truck or similar van.
Gilroy	No materials shall be transported to or from the premises in a commercial vehicle. One employee allowed and must be parked in the driveway or on a paved on-site parking space. No otherwise specified limit.
Los Altos	No specified limit.
Los Altos Hills	No specified limit.
Los Gatos	There shall be no use of commercial vehicles for delivery of materials to or from the premises. The home occupation shall not be conducted in such a way as to decrease the total number of required or available off-street parking spaces for the premises.
Milpitas	No specified limit.
Monte Sereno	No motor vehicles other than passenger vehicles and one half ton truck may be used in connection with a home occupation.
Morgan Hill	The use shall not attract more than ten vehicles per day.
Mountain View	Only one vehicle with a capacity no greater than 3/4-ton may be used by the occupant directly or indirectly in connection with a home occupation. The home occupation shall not generate more than five additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is located, and nor more than two deliveries per day.
Palo Alto	No specified limit.

City	Home Occupations - Max Associated Vehicles
San Jose	A maximum of one business vehicle with a manufacturer's gross vehicle weight of less than ten thousand pounds is permitted to be kept, garaged or parked on the lot or parcel associated with the home occupation.
Santa Clara	Vehicles with commercial signing are prohibited, other than one such vehicle (not a "commercial vehicle"), which is regularly used by the occupant for transportation. If such vehicle is not removed from the residential neighborhood at least once every seventy-two (72) hours, it must be stored within an enclosed structure on the premises. No other commercial equipment may be stored or dispatched from the residence; and for the purpose of this section, a "commercial vehicle" is defined as a vehicle with commercial license plates, which is equipped with dual rear wheels and is not designed and used for recreational housing purposes.
Saratoga	Not more than one truck of not more than one half-ton capacity, and no semi-trailers incidental to a home occupation shall be kept on site.
San Leandro	Any vehicle or vehicles used by the applicant in conjunction with the home occupation or with any related business activity shall be parked in a manner so as not to be visible from a public street. This limitation shall not apply to standard passenger vehicles or trucks and vans of 3/4-ton or less in size, so long as no advertising of the home occupation or any related business activity (except that required by law) is displayed in or upon such vehicles.
Fremont	The business may involve only one commercial vehicle not to exceed a one-ton capacity.
Hayward	Does not generate a character and volume of vehicular traffic not normally associated with residential use.
San Mateo	Vehicles used for the business may not have visible logos.
El Dorado County	Only one vehicle no larger than one ton truck may be used by the occupant directly or indirectly in connection with a home occupation.
Menlo Park	No specified limit.

**PLANNING COMMISSION MINUTES OF NOVEMBER 23, 2009****2009-0076 - Commercial Vehicle Parking in Residential Zones (Study Issue) AM  
(Continued from November 9, 2009.)**

**Andrew Miner**, Principal Planner, presented the staff report. He said after a detailed review of this subject and much conversation with staff in Neighborhood Preservation, the Department of Public Safety, and the Office of the City Attorney, staff determined that the most prudent course would be to make no changes, and not adopt anything new that would affect the whole community. He said there are specific conditions that need to be addressed in the community and the Department of Public Safety has indicated new actions would be taken to address these problems. Mr. Miner said **Don Johnson**, Chief of Police, is present this evening to answer any questions. Mr. Miner said staff recommends initiating an ordinance to make the definition a commercial vehicle consistent with the California Vehicle Code.

**Comm. Sulser** discussed the weight of commercial vehicles with staff. Staff said that the City Municipal Code defines a commercial vehicle as any vehicle with a gross vehicle weight of 7,500 pounds and changing this definition to 10,000 pounds would make the City Code consistent with the California Vehicle Code.

**Comm. Klein** commented that this is a difficult issue to solve and that the report explains staff's reasoning clearly. He referred to Attachment D, 10.16.160 and confirmed with staff the language "over 10,000 lbs." is a suggested addition. Comm. Klein said that the language would be more consistent with the California Vehicle Code if written as "10,000 lbs. or more".

**Comm. Rowe** referred to page 3 of the report and discussed with staff Vehicle Code § 260 and Vehicle Code § 22507.5 with **Trudi Ryan**, Planning Officer, explaining that the City does not have the right to regulate the parking of commercial vehicle under 10,000 lbs. Comm. Rowe discussed with staff the current City law regarding the definition of a commercial vehicle and the parking of commercial vehicles. Comm. Rowe asked about restricting the number of vehicles that an individual can park in residential areas and commented that other communities have taken this approach. Mr. Miner said some communities have permit requirements and staff felt this was onerous. **Kathryn Berry**, Senior Assistant City Attorney, said that state law says you can regulate the number of vehicles, however the problem is not knowing who the vehicles belong to making an enforcement nightmare. Comm. Rowe discussed with staff signage on vehicles. Ms. Ryan said imposing regulations on private property pushes parking out into the street. Comm. Rowe added that she feels sorry for neighbors that have to put up with this problem.

**Comm. Hungerford** said that the possible solutions, and pros and cons, in the report were helpful, acknowledging that the cons outweighed the pros. Comm. Hungerford asked if neighbors could form a parking permit district. Staff said yes and that residents of a neighborhood would have to initiate the request. Mr. Miner said a parking permit program already exists.

**Chair Chang** opened the public hearing.

**Chair Chang** closed the public hearing.

**Comm. Rowe** discussed with staff nearby cities and what is allowed regarding commercial vehicle parking in residential areas, regulating the number of commercial vehicles per site, and off-street parking. Mr. Miner said staff spoke with staff of other cities that have tried to regulate this issue and those cities confirmed that it is difficult to enforce limitations on commercial vehicle parking and number of vehicles per site.

**Comm. McKenna** moved for **Alternative A** to initiate an ordinance to amend **Title 10 (Vehicles and Traffic)** and **Title 19 (Zoning)** of the Municipal Code to incorporate the 10,000 pound weight limitation for parking purposes in all applicable sections. **Comm. Klein** seconded the motion. **Comm. Klein** offered a **Friendly Amendment** to change the proposed ordinance in **Attachment D, 10.16.160** to read **"10,000 lbs. or more"** to be consistent with other language in the ordinance. This was acceptable to the maker of the motion. **Comm. McKenna** said she thought the language in the ordinance should also include **"per the California government code"**. Ms. Berry said **Comm. McKenna** could move to change the language as suggested, however the downside would be that anytime the California code was changed the ordinance would need to be changed. Ms. Berry said another possible change could be to add a footnote to the ordinance that **"the ordinance is intended to be consistent with the California Vehicle Code."** **Comm. McKenna** said the motion would include that a footnote be added to the ordinance that **"the ordinance is intended to be consistent with the California Vehicle Code,"** which was acceptable to the seconder.

**Comm. McKenna** said that this is a difficult issue and the Commissioners are trying to figure a way how to solve a neighborhood's problem without creating significant issues around the City. She said it seems best to amend this part of the Municipal Code and not inconvenience the rest of the community.

**Comm. Klein** said this study was the result of a complaint about a property owner having too many vehicles at his/her residence and throughout the neighborhood. He said this study issue was to examine possible solutions to the problem. He said after review, there is no easy way to solve the problem

without causing problems throughout the City. He suggested that the neighbors in the affected community could look at implementing a parking permit program in their area, which is an option that already exists in the City. He said staff has already been working with the property owner and hopefully a solution can be found.

**Comm. Rowe** said she hopes the City keeps an eye on this issue to help prevent problem areas occurring in other areas.

**Chair Chang** said he would be supporting the motion. He said it is difficult to regulate this situation and not create additional problems in the City. He said he thinks the report looks at the problem considering the parts, possible permit program residents pursue that.

**ACTION: Comm. McKenna made a motion on 2009-0076 to recommend to City Council to initiate an ordinance to amend Title 10 (Vehicles and Traffic) and Title 19 (Zoning) of the Municipal Code to incorporate the 10,000 pound weight limitation for parking purposes in all applicable sections with modifications: to amend the language in the proposed ordinance, section 10.16.160 to read "10,000 lbs. or more" to be consistent with other language in the ordinance; and to add a footnote to the ordinance that "the ordinance is intended to be consistent with the California Vehicle Code." Comm. Klein seconded. Motion carried unanimously, 7-0.**

**APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the December 15, 2009 Council meeting.**