

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.

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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.