



San Rafael

Agenda Item No: 4.i

Meeting Date: July 18, 2016

SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Parking Services

Prepared by: Jim Myhers, Manager

City Manager Approval: 

TOPIC: REGULATION OF RECREATIONAL VEHICLE AND OVERSIZED VEHICLE PARKING ON CITY STREETS

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE CHAPTER 5.40 ENTITLED "STOPPING, STANDING AND PARKING", TO ADD RESTRICTIONS ON PARKING, STOPPING, AND STANDING OF RECREATIONAL VEHICLES AND OVERSIZED VEHICLES

RECOMMENDATION: Adopt the ordinance.

BACKGROUND: At its June 20, 2016 meeting, the City Council introduced an ordinance that would amend the City's Municipal Code to prohibit the parking of Recreational Vehicles (including other similar vehicles as defined in the ordinance) or "RV's" on public streets throughout the City, and to include "oversized vehicles" (as defined in the ordinance) in the one-hour restriction on the parking of commercial vehicles, except during active loading and unloading. The Council's approval included the addition of a provision prohibiting the loading and unloading of certain large and heavy items on the public streets.

The ordinance was on the agenda again for the Council's July 5, 2016 meeting, for adoption. However, on motion by Councilmember McCullough, the Council moved to reintroduce the ordinance with a modification of the language concerning the prohibition of the loading and unloading of large and heavy items on the public streets.

Specifically, the Council reintroduced the ordinance with a modification to Section 3 of the ordinance (the amendments to San Rafael Municipal Code section 5.40.140(D)), as shown with underlining below:

D. Loading and Unloading. Commercial vehicles, oversized vehicles, trailers, semi-trailers, utility trailers or auxiliary dollies (as these vehicles are defined in the California Vehicle Code) which, in the ordinary course of business, are in the process of safely loading, unloading, or are performing a service to an adjacent property, shall park upon the city street or portion thereof no longer than one hour, or the time necessary to complete the loading, unloading or the

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performance of the service. For purposes of this section, a vehicle will be deemed to have been parked for longer than the time allowed if it has not been moved at least “out of the block face after the expiration of the designated time period. A “block face” is defined as the block in which the vehicle is parked, bordered by an intersection at each end. A vehicle may not return to the same block sooner than two hours following the expiration of the initial time period.

The time necessary to complete loading, unloading or the performance of a service shall only include continuous, uninterrupted loading, unloading or performance of a service in the ordinary course of business. Parking of a commercial vehicle in anticipation of future loading, unloading or performance of a service, or temporary storage of a commercial vehicle on a city street or portion thereof, or the loading or unloading of large or heavy items including, without limitation, salvaged vehicles, vehicle parts, and heavy machinery, on the public streets, which is deemed to be an unsafe use of the public streets, shall not be permitted except pursuant to subsection E of this section.

ANALYSIS: The ordinance before the Council for final adoption includes the additional language approved by the Council when the ordinance was reintroduced on July 5. Upon adoption, the ordinance will go into effect in 30 days.

Staff has committed to issuing warnings to violators and producing informational flyers to inform RV and oversized vehicle owners about alternative parking options. In addition, Staff will conduct additional outreach with members of the Chamber of Commerce and BID who have expressed concern over the effect of the ordinance on their businesses, and will also request input via the informational flyers. Staff will determine if a temporary permit system similar to that for the RV’s should be enacted and will also determine if an amendment to the ordinance should be brought forward to the Council for consideration.

FISCAL IMPACT: Signage advising persons of the RV parking restrictions must be posted at each entrance to the City. There are approximately 50-55 signs that will be required. The total cost for signage, labor and staff time is estimated at \$15,000, which will be funded in the Parking Services Fund.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Adopt the ordinance as presented;
2. Direct staff to make further modifications to the ordinance to be re-introduced;
3. Reject the ordinance and do not adopt any new regulations governing the parking of Recreational Vehicles and Oversized Vehicles

RECOMMENDED ACTION: Adopt the ordinance as presented.

ATTACHMENTS:

An Ordinance of the City Council of the City of San Rafael Amending San Rafael Municipal Code Chapter 5.40 Entitled “Stopping, Standing and Parking”, to add Restrictions on Parking, Stopping, and Standing of Recreational Vehicles and Oversized Vehicles

SUMMARY OF ORDINANCE NO. 1941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE CHAPTER 5.40 ENTITLED “STOPPING, STANDING AND PARKING”, TO ADD RESTRICTIONS ON PARKING, STOPPING, AND STANDING OF RECREATIONAL VEHICLES AND OVERSIZED VEHICLES

This Summary concerns a proposed ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 1941, which will amend Chapter 5.40 of the San Rafael Municipal Code, entitled “Stopping, Standing and Parking” as detailed in the complete text and of Ordinance No. 1941. Ordinance No. 1941 is scheduled for adoption by the San Rafael City Council at its regular meeting of July 18, 2016. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

The Ordinance will amend San Rafael Municipal Code Chapter 5.40 to prohibit Recreational Vehicles (including other similar vehicles as defined in the ordinance) from parking on public streets anywhere in the City of San Rafael, except as allowed with a temporary permit issued by the City’s Parking Services Division. Such permits would be issued for defined purposes, including, but not limited to: allowing residents to park their Recreational Vehicles for loading/unloading before and after use; and allowing out-of-town visitors to park on a street adjacent to the residence of the persons they are visiting in San Rafael. The proposed ordinance would also prohibit commercial vehicles and oversized vehicles other than Recreational Vehicles (as defined in the ordinance) from parking on public streets within the City for more than one hour, except during active loading and unloading. The ordinance would also add a new prohibition against the loading or unloading of large or heavy items including, without limitation, salvaged vehicles, vehicle parts, and heavy machinery, on the public streets, because these activities are deemed to be unsafe.

For a copy of the complete text of Ordinance No. 1941, please contact the City Clerk at (415) 485-3066 or the Parking Services Department at (415) 458-5333. Copies of Ordinance No. 1941 will also be available for public review as of Wednesday, July 13, 2016, at the San Rafael City Clerk’s Office, 1400 Fifth Avenue, 2nd Floor, Room 209 during regular business hours, 8:30 a.m. to 5:00 p.m.

/s/ Esther C. Beirne
ESTHER C. BEIRNE
San Rafael City Clerk
Dated: July 13, 2016

ORDINANCE NO. 1941

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL AMENDING SAN RAFAEL MUNICIPAL CODE CHAPTER 5.40 ENTITLED “STOPPING, STANDING AND PARKING”, TO ADD RESTRICTIONS ON PARKING, STOPPING, AND STANDING OF RECREATIONAL VEHICLES AND OVERSIZED VEHICLES

WHEREAS, the City Council wishes to preserve the safety and attractiveness of the City’s streets and the health of its residents and others using those streets; and

WHEREAS, public streets in the City of San Rafael are increasingly used to regularly or routinely park or store certain vehicles built or modified to temporarily or permanently domicile persons or animals, such as recreational vehicles, campers, trailers, motorhomes, and boats, hereafter referred to collectively, for convenience, as “RV’s”; and

WHEREAS, the regular or routine parking and/or storage of RV’s and other oversized vehicles on City streets often creates driver's line of sight obstructions from intersections and driveways, thus creating hazards to vehicular and pedestrian travel and reducing effective ingress and egress of emergency and critical service vehicles; and

WHEREAS, the routine parking and/or storage of RV’s creates public health and safety hazards due to the occurrence of illegal discharges of septic waste, wastewater, fuels, trash or garbage from such vehicles into City streets, sewers or storm drains; and

WHEREAS, the City of San Rafael has seen an increase in the number of complaints of traffic and pedestrian dangers and health concerns arising from the routine or regular parking and/or storage of RV’s and oversized vehicles on public streets of the City; and

WHEREAS, the City Council finds that regulating the parking of RV’s and oversized vehicles will promote the safety of public streets for motorists, pedestrians and children by improving visibility and driving conditions, and will improve the health and safety of the entire San Rafael community by minimizing the use of City streets and thoroughfares for the illegal discharge of septic waste, wastewater, garbage and trash; and

WHEREAS, the City Council finds that adoption of this ordinance would provide limitations on the use of public streets for parking, and is therefore categorically exempt from environmental review pursuant to the California Environmental Quality Act (“CEQA”) Guidelines Section 15301 concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES HEREBY ORDAIN AS FOLLOWS:

DIVISION 1: AMENDMENT.

Section 5.40.140 of the San Rafael Municipal Code, entitled “Parking—Commercial vehicles and trailers” is hereby amended to amend subsection (A) thereof to read in its entirety as follows:

- A. Residential Districts. No person shall park any commercial vehicle of more than ten thousand (10,000) pounds unladen gross weight, any oversized vehicle, any trailer, semi-trailer, utility trailer or auxiliary dolly (as these vehicles are defined in the California Vehicle Code) for more than one hour upon any city street or portion thereof, within any residential district (Chapter 14.04), planned residential development district (Chapter 14.07), public/quasi-public district (Chapter 14.09), or parks/open space district (Chapter 14.10), within the city. For purposes of this section, a vehicle will be deemed to have been parked for longer than the time allowed if it has not been moved at least “out of the block face” after the expiration of the designated time period. A “block face” is defined as the block in which the vehicle is parked, bordered by an intersection at each end. A vehicle may not return to the same block face sooner than two hours following the expiration of the initial time period.

DIVISION 2: AMENDMENT.

Section 5.40.140 of the San Rafael Municipal Code is hereby amended to amend subsection (B) thereof to read in its entirety as follows:

- B. Commercial/Office/Industrial Districts. No person shall park any commercial vehicle of more than ten thousand (10,000) pounds unladen gross weight, any oversized vehicle, any trailer, semi-trailer, utility trailer or auxiliary dolly (as these vehicles are defined in the California Vehicle Code) for more than one hour upon any city street or portion thereof, within any commercial and/or office district (Chapter 14.05), industrial district (Chapter 14.06), planned commercial/office/industrial development district (Chapter 14.07), marine-related district (Chapter 14.08) or water district (Chapter 14.11) within the city. For purposes of this section, a vehicle will be deemed to have been parked for longer than the time allowed if it has not been moved at least “out of the block face” after the expiration of the designated time period. A “block face” is defined as the block in which the vehicle is parked, bordered by an intersection at each end. A vehicle may not return to the same block face sooner than two hours following the expiration of the initial time period.

DIVISION 3: AMENDMENT.

Section 5.40.140 of the San Rafael Municipal Code is hereby amended to amend subsection (D) thereof to read in its entirety as follows:

- D. Loading and Unloading. Commercial vehicles, oversized vehicles, trailers, semi-trailers, utility trailers or auxiliary dollies (as these vehicles are defined in the California Vehicle Code) which, in the ordinary course of business, are in the process of safely loading, unloading, or are performing a service to an adjacent property, shall park upon the city street or portion thereof no longer than one hour, or the time necessary to complete the loading, unloading or the performance of the service. For purposes of this section, a vehicle will be deemed to have been parked for longer than the time allowed if it has not been moved at least “out of the block face after the expiration of the designated time period. A “block face” is defined as the block in which the vehicle is parked, bordered by an intersection at each end. A vehicle may not return to the same block sooner than two hours following the expiration of the initial time period.

The time necessary to complete loading, unloading or the performance of a service shall only include continuous, uninterrupted loading, unloading or performance of a service in the ordinary course of business. Parking of a commercial vehicle in anticipation of future loading, unloading or performance of a service, or temporary storage of a commercial vehicle on a city street or portion thereof, or the loading or unloading of large or heavy items including, without limitation, salvaged vehicles, vehicle parts, and heavy machinery, on the public streets, which is deemed to be an unsafe use of the public streets, shall not be permitted except pursuant to subsection E of this section.

DIVISION 4: AMENDMENT.

Section 5.40.140 of the San Rafael Municipal Code is hereby amended by adding new subsection (F) thereto, to read in its entirety as follows:

- F. For purposes of this Chapter, an “oversized vehicle” shall mean any vehicle, as defined by California Vehicle Code Section 670, or combination of vehicles, which exceeds twenty-two feet (22’) in length, or seven feet (7’) in width or eight feet (8’) in height, exclusive of projecting lights or devices allowed by Sections 35109 and 35110 of the California Vehicle Code, but including any load in or on a vehicle which effectively causes the vehicle’s length, width or height to exceed the standards in this section so as to create potential hazards from sight-line obstructions and/or illegal deposits of waste which this Chapter seeks to prevent.

DIVISION 5: AMENDMENT.

San Rafael Municipal Code Chapter 5.40 entitled “Stopping, Standing and Parking” is hereby amended by adding new Section 5.40.145, to read in its entirety as follows:

5.40.145 Stopping, Standing, and Parking of Recreational Vehicles--Prohibited.

A. Definitions. For purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Recreational Vehicle" or "RV" shall mean any vehicle or trailer which is capable of human habitation or designed or used for recreational camping or travel use, whether self-propelled or mounted on or drawn by another vehicle, or any structure inspected, approved and designated as a recreational vehicle by and bearing the insignia of the State of California or any other State or Federal agency having the authority to approve recreational vehicles. "Recreational vehicle" may include, without limitation, any of the following: a "camp trailer", as defined by California Vehicle Code Section 242; a "fifth wheel travel trailer", as defined by California Vehicle Code Section 324; a "house car", as defined in California Vehicle Code Section 362; a "trailer" as defined in California Vehicle Code Section 630; a "trailer coach", as defined in California Vehicle Code Section 635; a mobile home, as defined by California Vehicle Code Section 396; a boat, watercraft, and/or a trailer for a boat or watercraft; a "park trailer" as defined in California Health & Safety Code Section 18009.3; a "recreational vehicle" as defined in California Health & Safety Code Section 18010; and a "truck camper" as defined in California Health & Safety Code Section 18013.4.
2. "Resident" shall mean a person who customarily resides and maintains a place of abode or who owns land within the City. It shall not mean a person who maintains an address at a mailbox drop, or who rents a room which is not his or her primary place of abode, nor shall it mean a person who maintains only a post office box, unless that person also provides evidence of residence at a street address within the City.
3. "Out-of-town visitor" shall mean any person who does not reside in the City who is temporarily visiting as a guest of a resident of the City, and who has applied for a Temporary RV Parking Permit.

B. Prohibitions.

1. Notwithstanding anything in Section 5.40.140 of this code to the contrary, except as provided in Subsections C and D of this Section, no person shall park, stop, or leave standing any Recreational Vehicle upon any public highway or public right-of-way or public property within the city.
2. No person shall display a fraudulent, forged, altered, or counterfeit Temporary RV Parking Permit or Permit number with the intent to avoid compliance with this Section.

C. Exemptions. The prohibitions in this Section shall not apply to any of the following:

1. A Recreational Vehicle for which a Temporary RV Parking Permit has been issued by the Parking Services Manager as provided in Subsection D;
2. A Recreational Vehicle parked, stopped, or left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed twenty-four (24) hours;
3. Any public emergency vehicle.

D. Temporary RV Parking Permits.

1. Temporary RV Parking Permits--Purpose. The purpose of authorizing the issuance of Temporary RV Parking Permits is to give owners of Recreational Vehicles the opportunity, for a limited time, to park the Recreational Vehicle on a public street or highway directly in front of (or the side of the property if it is a corner lot) their residence for purposes of loading and unloading, and to allow an out-of-town visitor who owns a Recreational Vehicle to park on a public street or highway directly in front of (or the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting for a limited time period, and to allow a Recreational Vehicle to be used on a temporary basis for a community-serving event, or, in order to provide flexibility in administration, as deemed appropriate by the Parking Services Manager.
2. Temporary RV Parking Permits—Limitations.
 - a. A resident with a Temporary RV Parking Permit who parks, stops, or leaves standing his/her Recreational Vehicle on a public street or highway other than directly in front of (or the side of the property if it is a corner lot) his/her residence will be subject to citation, towing, or both.
 - b. An out-of-town visitor with a Temporary RV Parking Permit who parks, stops, or leaves standing his/her Recreational Vehicle on a public street or highway other than directly in front of (or the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting will be subject to citation, towing, or both.
 - c. No person shall cause or permit any electrical, water, gas, telephone or other utility connection from any property to a recreational vehicle parked, stopped, or left standing on a public highway or street, including but not limited to electrical cords, extension cords, hoses, or cables, to encroach into any public right-of-way, including across or above any street or sidewalk.
3. Temporary RV Parking Permits—Application and Issuance. The Parking Services Manager or designee, is authorized to issue Temporary RV Parking Permits, pursuant to the following:
 - a. Residents. Each resident desiring a Temporary RV Parking Permit shall file with the Parking Services Department a completed City application form, signed under penalty of perjury, containing the following:
 - i. The name, address, and phone number of the registered owner of the designated Recreational Vehicle;

- ii. The name, address, and phone number of the applicant(s) for the permit;
 - iii. Proof of residency. Acceptable proof of residency must be current and must include a California Driver's License or California Identification Card, and either a property tax bill or a public utility bill;
 - iv. The registration from the California Department of Motor Vehicles for the Recreational Vehicle or Trailer that shows the Recreational Vehicle is registered in the City of San Rafael;
 - v. The license number, make, and model of the designated Recreational Vehicle;
 - vi. The dates for which the permit is requested;
 - vii. Additional information the Parking Services Department may require.
- b. Out-of-town visitors. Each out-of-town visitor desiring a Temporary RV Parking Permit shall file with the Parking Services Department a completed City application form, signed under penalty of perjury, containing the following:
- i. The name, address, and phone number of the registered owner of the designated Recreational Vehicle;
 - ii. The name, address, and phone number of the applicant(s) for the permit;
 - iii. The registration from the California Department of Motor Vehicles, or equivalent agency for another state, for the Recreational Vehicle;
 - iv. The name, address, and phone number of the resident that is being visited;
 - v. The license number, make, and model of the designated Recreational Vehicle;
 - vi. The dates for which the permit is requested;
 - vii. Additional information the Parking Services Department may require.
- c. Community-serving uses and others. Each person or organization desiring a Temporary RV Parking Permit shall file with the Parking Services Department a completed City application form, signed under penalty of perjury, containing the following:
- viii. The name, address, and phone number of the registered owner of the designated Recreational Vehicle;
 - ix. The name, address, and phone number of the applicant(s) for the permit;
 - x. The registration from the California Department of Motor Vehicles, or equivalent agency for another state, for the Recreational Vehicle;
 - xi. The event or purpose for which the RV will be parked;
 - xii. The license number, make, and model of the designated Recreational Vehicle;

- xiii. The dates for which the permit is requested;
 - xiv. Additional information the Parking Services Department may require.
4. Temporary RV Parking Permits—Display. Temporary RV Parking Permits issued and approved by the Parking Services Department shall include the license plate number of the designated Recreational Vehicle, the date of permit issuance, and the day of permit expiration.
- a. Permits shall be displayed in the lower driver’s side of the windshield or nearest window of the Recreational Vehicle for which it has been issued so that it is clearly visible from the exterior of the vehicle. Permits shall be displayed on the side of the Recreational Vehicle for which it has been issued so that it is visible from the street, which is usually the left side.
 - b. The Parking Services Manager or designee is authorized to set up a Temporary RV Parking Permit call-in phone number or internet processing system.
5. Temporary RV Parking Permits—Duration.
- a. Residents. A Temporary RV Parking Permit issued to a resident shall be valid for one (1) calendar day. An applicant may request no more than three (3) consecutive Temporary RV Parking Permits (a total of three (3) calendar days of parking) at one time. Upon expiration of the permit, the applicant may apply for and be granted additional Temporary RV Parking Permits if the applicant still qualifies under the conditions set forth in this Section. In no event shall any person residence and/or designated Recreational Vehicle be issued more than thirty-six (36) Temporary RV Parking Permits for residents in any calendar year.
 - b. Out-of-town visitors. A Temporary RV Parking Permit issued to an out-of-town visitor shall be valid for a period not to exceed eight (8) calendar days. Upon expiration of the permit, the applicant may apply for and be granted additional Temporary RV Parking Permits if the applicant still qualifies under the conditions set forth in this Section. The Temporary RV Parking Permit will be tied to the residence being visited. In no event shall any person, residence and/or designated Recreational Vehicle be issued more than twelve (12) Temporary RV Parking Permits for out-of-town visitors in any calendar year.
 - c. Community-serving uses. A Temporary RV Parking Permit may be issued for a temporary community-serving use, such as a blood drive or mobile library stop, and shall be valid for a period not to exceed twelve (12) hours. In no event shall any person or organization be issued more than twelve (12) Temporary RV Parking Permits for community-serving uses in any calendar year.
 - d. Other. The Parking Services Manager, in his or her discretion, may issue Temporary RV Parking Permits for such other purposes and time periods, and with such conditions, as he or she shall deem appropriate for the promotion of the public health, safety or general welfare.

- E. Violations. Vehicles violating any provision of this Section may be cited and/or immediately removed.
- F. Signs. The Director of Public Works shall post streets signs giving notice of the parking prohibitions herein at appropriate locations on any streets within the city, including at the entrances and exits to the city. Such signs shall give notice that vehicles violating this Section may be cited/and or towed at the owner's expense.

DIVISION 7: SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

DIVISION 8: PUBLICATION; EFFECTIVE DATE.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

GARY O. PHILLIPS, Mayor

ATTEST:

ESTHER C. BEIRNE, City Clerk

The foregoing Ordinance No. 1941 was read and introduced at a regular meeting of the City Council of the City of San Rafael on the 6th day of July, 2016, and was ordered passed to print by the following vote, to wit:

AYES: Councilmembers: Colin, Gamblin, McCullough & Mayor Phillips

NOES: Councilmembers: None

ABSENT: Councilmembers: Bushey

and will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 18th day of July, 2016.

ESTHER C. BEIRNE, City Clerk