

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 10/24/05		Item Number: <u>A-3</u>	
AGENDA ITEM: Consideration of Introduction of an Ordinance Amending Various Provisions of Chapter 7.03 of the Culver City Municipal Code Relating to the Parking of Oversized, Non-motorized and Commercial Vehicles, 72-Hour Parking Limitation, and Vehicle Habitation.			
Contact Person/Dept.: Heather Iker/City Attorney; Sgt. Mike Webb/Police Department		Phone Number: (310) 253-5660/(310) 253-6250	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Via mail on October 11, 2005: Homeowners' Associations and Neighborhood Groups; All residents on Culver Boulevard between Sepulveda Boulevard and Elenda Street; Via mail or e-mail on October 11, 2005: Persons who have requested notice or commented on this issue at past Council Meetings; Via e-mail on October 11, 2005: Chamber of Commerce; Downtown Business Association; Via e-mail on October 12, 2005: The Good Sam RV Club; Via e-mail on October 19, 2005: Master Notification List.			
Department Approval: Carol Schwab, City Attorney (10/12/05); John Montanio, Chief of Police (10/13/05)		CAO Approval: N/A	
City Controller Approval: Marlee Chang 10/19/05			
<u>RECOMMENDATION:</u> That the City Council consider the introduction of an Ordinance amending various provisions of Chapter 7.03 of the Culver City Municipal Code relating to the parking of oversized, non-motorized and commercial vehicles, 72-hour parking limitation, and vehicle habitation (Attachment 1). <u>BACKGROUND:</u> Over the last few years, the City has experienced an increase in complaints regarding the parking and/or storage of oversized vehicles, including recreational vehicles, campers, trailers and boats, on City streets in residential and commercial areas throughout the City. Such complaints have consisted of concerns regarding safety issues, including reduced visibility of drivers when backing out of driveways and entering intersections, resulting from oversized vehicles being parked on public streets and rights-of-ways; as well as concerns about visual blight and persons living in vehicles. In addition, the City has also received complaints regarding persons			

City of Culver City, California
City Council Agenda Item Report

parking inoperable vehicles in the public streets in violation the City's prohibition against parking a vehicle for more than 72 consecutive hours, and circumventing the law by pushing their vehicle a few inches or removing chalk marks, in order to avoid being issued a parking citation.

There are various methods of addressing these issues, including vigorous enforcement of current provisions in the Culver City Municipal Code ("CCMC"), which address some but not all of the complainants' concerns, or adopting stricter regulations, such as prohibiting the parking of these vehicles on public streets altogether.

At its meeting of June 13, 2005, the City Council discussed additional options for regulating oversized vehicles, including consideration of what other cities are doing to regulate these vehicles. After discussing the matter, the Council determined that a complete prohibition on the parking of oversized vehicles on all public streets should be considered and directed staff to come back with a proposed ordinance similar to the City of Costa Mesa's regulations (Attachment 2 – excerpt from 6/13/05 minutes; and Attachment 3 – Costa Mesa regulations).

DISCUSSION:

A. CURRENT PROVISIONS:

Currently, existing CCMC regulations provide the City with the following enforcement capabilities regarding the parking of oversized, non-motorized and commercial vehicles upon residential and commercial streets, including the parking of inoperable vehicles, and regulations relating to vehicle habitation:

- CCMC § 7.03.030 prohibits overnight parking on certain streets, except by permit (Attachment 4).
- CCMC § 7.03.220 (A) (1) prohibits the parking of any vehicle upon any street or alley, for more than a consecutive period of seventy-two (72) hours (Attachment 5).
- CCMC § 7.03.220 (B) prohibits, with limited exceptions, the parking of any *detached* camp trailer, carry-all, dumpster, semi trailer, special construction equipment or trailer, upon any street between 2:00 a.m. and 6:00 a.m. (See Attachment 5).
- CCMC §§ 7.03.220 (D) and (E) prohibit the parking of commercial vehicles, except for loading and unloading purposes. (See Attachment 5).

City of Culver City, California
City Council Agenda Item Report

- CCMC § 7.03.242 prohibits using a vehicle parked or standing upon any public street, alley, right-of-way, public park or other public property for habitation (Attachment 6).
- CCMC § 37-83 (F) prohibits the parking of commercial vehicles in residential zones, except for loading and unloading purposes (Attachment 7).

B. SURVEY CITIES:

As discussed at the June 13, 2005 Council Meeting, staff has looked at several other cities to see how they are regulating the parking of oversized, non-motorized and commercial vehicles. The survey cities include Beverly Hills, Costa Mesa, Long Beach, Los Angeles, Newport Beach, Redondo Beach, Santa Monica, Thousand Oaks, Torrance, and West Hollywood. Several cities, including Costa Mesa, Redondo Beach, Newport Beach, Santa Monica, Thousand Oaks and West Hollywood have established parking regulations for large vehicles, including pick-up trucks, RVs and commercial vehicles exceeding a certain size or weight. Other cities do not provide for any special regulations pertaining to these types of vehicles.

	Oversized Vehicles	Trailers	Commercial Vehicles
Beverly Hills	X	X	X
Costa Mesa	X	X	X
Long Beach	X		
Los Angeles		X	X
Newport Beach	X	X	X
Redondo Beach	X	X	X
Thousand Oaks		X	X
Torrance	X		
Santa Monica	X	X	X
West Hollywood	X		

(See Attachment 8 for detailed information relating to these regulations.)

City of Culver City, California
City Council Agenda Item Report

C. PREVIOUSLY DISCUSSED OPTIONS:

Before directing staff to bring back the proposed Ordinance, the City Council considered the following options for regulating oversized vehicles.

1. Time Restrictions.

a. Prohibiting overnight parking or parking within designated hours. Per CCMC § 7.03.030, the City currently prohibits the parking of vehicles on certain streets between the hours of 2:00 a.m. and 6:00 a.m., unless the City issues an overnight parking permit. Enforcement of this provision prohibits persons from overnight parking of oversized vehicles on designated streets. This provision applies to only limited areas of the City, which have been established by resolution of the City Council (e.g. Bentley Avenue near Tellefson Park). It is a useful enforcement tool to prevent individuals from living in their vehicles in those particular areas, but does not provide an enforcement mechanism to address complaints relating to obstruction of drivers' views, visual blight, and habitation in vehicles parked on other streets where there is no overnight parking prohibition. This prohibition could be amended to include longer hours for prohibition and/or additional streets.

b. 72-hour prohibition. Per CCMC § 7.03.220, the City currently prohibits the parking of any vehicle for more than 72 consecutive hours. Marking tires would permit the City to remove any vehicle parking in the same location for more than that time period, as most tire markings wear off only if the vehicle is moved some distance. (It should be noted that chronic violators of the 72-hour parking restriction, who know the system, may resort to washing off the chalk marks.) The City can impose stricter standards in this regard, e.g. no parking for more than 48 consecutive hours, or no parking for more than 72 hours in any thirty (30) day period; however, the same difficulties with enforcement will apply. At a prior City Council Meeting, it was suggested by a resident that the City amend its 72-hour parking restriction to be consistent with the City of Los Angeles. The City of Los Angeles deems a vehicle parked or left standing in excess of seventy-two (72) consecutive hours, unless during that period of time the vehicle is either driven a minimum of one mile after leaving its parking space or has been removed from the space altogether (Attachment 9). Staff has considered this option and determined that it would be difficult to enforce. Parking enforcement officers would need to have visual access to a vehicle's odometer to determine whether the vehicle has been moved at least one mile. This would be extremely difficult because not all odometers are visible from the outside of the vehicle, those that are visible can be easily obscured by the vehicle owner, and newer vehicles have digital odometers which are not visible at all when the vehicle ignition is turned off. Police Department staff will be attending an upcoming conference on this issue, which is a problem for

City of Culver City, California
City Council Agenda Item Report

most cities, and may have some new ideas to present to the Council at a future meeting.

Overall, time restrictions are the most difficult to enforce and require more staff time, due to the need to constantly monitor vehicles to ensure they are not exceeding the designated time limits. Overnight parking restrictions usually require enforcement by sworn police officers, unless the City has parking enforcement staff working during times other than normal business hours.

2. Complete Prohibition

The City currently prohibits the parking of commercial vehicles in residential zones; however, another option would be a complete prohibition of the parking or storage of oversized vehicles (based on dimensions of the vehicle) and non-motorized vehicles (i.e. detached trailers, boats, etc.) on all City streets. Vehicle Code § 22507 (a) provides “Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles . . . on certain streets or highways, or portions thereof, during all or certain hours of the day.”

The prohibition can be by specific street name, or by streets in a residential, commercial and/or any other zone. If a complete prohibition is adopted, the City should allow for certain exceptions, such as parking for the purposes of loading and unloading. Further, in residential zones, additional exceptions may include, parking for the purposes of cleaning, battery-charging, or other activity preparatory or incidental to travel. Any such exceptions may be limited to a specific period of time (e.g. not to exceed forty-eight (48) consecutive hours, if in a residential zone, and a shorter period of time if in a commercial zone). The difficulty in enforcing these exceptions is similar to enforcement of time-restricted parking regulations.

The benefit to a complete prohibition is that it is less difficult to enforce than regulations based on time restrictions. If police or parking enforcement staff see the vehicle on a street where it is prohibited, they can cite or, if the ordinance so provides, tow the vehicle, without expending the added staff time necessary to monitor the vehicle to determine if it exceeded a designated time period.

D. PROPOSED ORDINANCE:

The below discussion serves as an overview of the proposed Ordinance.

1. Large Motor Vehicles

The proposed Ordinance prohibits the parking of large motor vehicles on *any* public street except for limited periods of time and for the limited purpose of activities

City of Culver City, California
City Council Agenda Item Report

preparatory and incidental to travel, including, but not limited to, loading, unloading, cleaning, and battery-charging. Such parking may only occur for a period of time not to exceed 48 consecutive hours (or 72 consecutive hours where authorized by the Chief of Police). A "large motor vehicle" is defined as any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than twenty feet (20') in length, or is *both* more than eight-four inches (84") in width and more than eighty-four inches (84") in height. The term "large motor vehicle" does not include a commercial vehicle, as defined in the proposed Ordinance, a pick-up truck without a camper or a sports utility vehicle.

2. Non-motorized Vehicles

Current CCMC provisions only prohibit the parking of non-motorized vehicles (i.e. detached trailer, boats, etc.) between the hours of 2:00 a.m. and 6:00 a.m., but do not restrict these vehicles from parking on the City's streets during all other hours. The proposed Ordinance would prohibit the parking of non-motorized vehicles on *any* public street at *any* time, except when attached to a motor vehicle or large motor vehicle *and* parked for the limited time and purpose as allowed for large motor vehicles. A "non-motorized vehicle" is defined as any trailer, boat, or any other device used for transporting persons or property, that is not self-propelled.

3. Commercial Vehicles

Although current CCMC provisions regulate the parking of commercial vehicles, the proposed Ordinance further specifies the restrictions and exceptions for these vehicles. The Ordinance limits the parking of commercial vehicles on *any* public street to a period of time not to exceed three (3) hours, with certain exceptions. Reasonable time periods in excess of three (3) hours are permitted for certain necessary activities, such as making pick-ups or deliveries of goods; making deliveries of materials used in the repair, construction, etc. of the building to which such repair or construction is being made; and making emergency repairs to the vehicle itself. An exception to the 3-hour rule is also made where additional time is reasonably necessary when the vehicle is parked in connection with the performance of a service to or on a property in the block upon which the vehicle is parked. A "commercial vehicle" for purposes of these provisions is defined as any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty feet (20') in length, any single commercial vehicle or combination of said vehicles eighty-four inches (84") or more in width, or any single commercial vehicle or combination of said vehicles having a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or more. A commercial vehicle includes a truck tractor, but does not include a large motor vehicle or non-motorized vehicle as defined in the Ordinance or a pick-up truck without a camper or a sports utility vehicle.

City of Culver City, California
City Council Agenda Item Report

4. Exemptions

The proposed Ordinance includes an exemption for motor vehicles, large motor vehicles, non-motorized vehicles and commercial vehicles that are parked on the street pursuant to a permit, lease, license or other entitlement issued by the City. In addition, consistent with current CCMC provisions, the Ordinance exempts government, public utility and emergency vehicles from these parking restrictions.

5. Penalty and Removal

The penalty and removal provisions of new subchapter 7.03.600 *et seq.*, allow for the citation or removal, or both, of any vehicle parked in violation of these restrictions. The penalty imposed for a violation of the provisions of this subchapter will be a civil penalty established by resolution of the City Council. Staff recommends that the penalty be set at \$38.00, consistent with the majority of other types of parking violations in the City. If the proposed Ordinance is introduced, staff will return with a proposed resolution amending the current Civil Penalty Bail Schedule to include the penalties for the provisions of this subchapter, at the same time as the Ordinance is brought back for adoption. If the vehicle is removed, the vehicle owner will also be responsible for the removal and storage fees incurred by the Police Department. The procedures for removal and appealing the removal of a vehicle are in accordance with the California Vehicle Code and are already in place within the Police Department for other matters. Such procedures include the right to a hearing by the Chief of Police or his or her designee (the designee may not be the person who directed the removal of the vehicle).

6. Vehicle Habitation

Another major concern among residents has been complaints of persons living in recreational vehicles parked on the public streets. As discussed above, CCMC § 7.03.242 currently prohibits this practice; however, staff has included as part of the proposed Ordinance modifications to this Section in order to increase enforceability by better clarifying and defining the prohibited acts. The new section, as set forth in the Ordinance, prohibits using a vehicle as a temporary or permanent substitute for a residence or dwelling unit and indicates that evidence of a violation of this section includes use of the vehicle for living, sleeping, cooking and/or bathing purposes.

7. 72-Hour Parking Restriction

The general restriction prohibiting *any* vehicle from parking for a period of time in excess of 72 hours has been retained and the exemptions to this restriction have been clarified.

City of Culver City, California
City Council Agenda Item Report

E. ENFORCEMENT:

If the ordinance is adopted, permanent signage will be installed to provide the public with adequate notice of these parking restrictions, prior to enforcement. If the Council determines that additional public notification is required, options include a city-wide postcard mailing, or the posting of a “warning” notice on the affected vehicles prior to issuing a citation for the first time.

F. CONCLUSION:

In summary, the proposed Ordinance prohibits the parking of oversized, non-motorized and commercial vehicles on all City streets, except for limited periods of time and for limited purposes; provides for exemptions to the parking restrictions for government, public utility and emergency vehicles, and any vehicle that is parked on the street pursuant to a permit, lease, license or other entitlement issued by the City; and better clarifies and defines the City’s prohibition against vehicle habitation.

It is recommended that the Council consider the introduction of the proposed Ordinance and provide further direction to staff, if any, regarding public notification of the new restrictions.

FISCAL ANALYSIS:

The subsequent adoption of the proposed Ordinance may require increased enforcement activity for City staff, particularly the Police Department. These costs cannot be easily quantified. In addition, signage will need to be posted to provide adequate notice to the public of the new parking restrictions. The estimated cost for the installation of such signage is \$375.00 (approximately 15 signs will need to be posted throughout the City at an estimated cost of \$25.00 per sign). If the Council determines that additional notification measures should be taken, a city-wide postcard mailing will cost approximately \$6,000.00, and the posting of “warning” notices on affected vehicles prior to the issuance of a first citation will involve a nominal cost.

ATTACHMENTS:

1. Proposed Ordinance
2. Excerpt from minutes of June 13, 2005 Council Meeting
3. Costa Mesa regulations
4. CCMC § 7.03.030
5. CCMC § 7.03.220

City of Culver City, California
City Council Agenda Item Report

6. CCMC § 7.03.242
7. CCMC § 37-83 (F)
8. Survey of other cities' regulations
9. LAMC § 80.73.2

MOTIONS:

That the City Council:

1. Introduce the Ordinance amending Chapter 7.03 of the Culver City Municipal Code relating to the parking of oversized, non-motorized and commercial vehicles, 72-hour parking limitation and vehicle habitation.
2. Direct staff as to whether any additional public notification measures should be taken as discussed in the staff report.