STAFF REPORT

MEETING
DATE:                January 24, 2017

TO:                  City Council

FROM:                Robert Brown, Community Development Director
                     Adam McGill, Police Chief

PRESENTER:          Robert Brown, Community Development Director

SUBJECT:             CONSIDERATION OF AMENDMENTS TO SECTION 18-10 (TRUCK
                     ROUTES AND PARKING) OF THE MUNICIPAL CODE TO REGULATE
                     PARKING OF COMMERCIAL VEHICLES EXCEEDING 10,000
                     POUNDS ON PUBLIC STREETS AND FINDING THAT ADOPTION
                     THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE
                     CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA),
                     PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

REQUEST

Consider holding a public hearing and introducing an ordinance amending Section 18-10 of the
Novato Municipal Code to regulate on-street parking of commercial vehicles in all zoning districts
except light industrial/office areas and finding that both ordinances are exempt from the
requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines
Section 15061(B)(3).

RECOMMENDATION

Hold the public hearing and introduce the ordinance.

DISCUSSION

There has been a noticeable increase in the number of large commercial trucks parking on City
streets including North Redwood Boulevard, South Novato Boulevard and Seventh Street over the
past several months. These vehicles affect the availability of on-street parking for business
customers and residential guests, can reduce visibility of motorists and may constitute visual
blight. Many cities restrict long-term parking and storage of large commercial vehicles on public
streets to address such impacts.
Proposed Ordinance Modifications

Section 18-10.2 of the Municipal Code currently restricts truck routes on City streets (portions of Redwood Boulevard, San Marin Drive, Atherton Avenue, DeLong Avenue, Novato Boulevard, Diablo Avenue and Rowland Boulevard), but there are no restrictions on where large commercial vehicles (5+ tons) can park other than a code requirement that all vehicles parked on-street must be operable and moved every 72 hours to update operational requirements. Proposed ordinance revisions include the following:

- Prohibit parking of large commercial vehicles (5+ tons) on public streets in all zoning districts except light industrial/office districts for more than one hour, unless actively involved in loading/unloading activities.

- Creation of an exception process to allow temporary truck parking beyond one hour subject to application to the Public Works Director, subject to criteria and an appeal process.

The proposed exclusion of light industrial/office districts would allow truck parking within the Bel Marin Keys Industrial Parks, the Hamilton Landing offices and the area of North Redwood Boulevard fronting the Birkenstock property. The reason for the exclusion is to provide additional flexibility for businesses in areas that are entirely service commercial/industrial uses, are generally not adjacent to residential neighborhoods or where all on-street parking is already prohibited (e.g., along Hangar Avenue in Hamilton).

The Police Department would be responsible for enforcement of the new regulations, and have indicated their intent to provide written warnings on trucks presently parking on-street during the month prior to the ordinance effective date to advise owners of the new regulations prior to issuance of citations.

ENVIRONMENTAL ASSESSMENT

The proposed Zoning Ordinance changes are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because there is no possibility that the proposed amendments which are minor regulatory changes will have a significant effect on the environment.

PUBLIC OUTREACH

Due to the citywide nature of the ordinance amendments, a public notice was printed in the Marin Independent Journal two weeks prior to the City Council meeting.

FISCAL IMPACT

None, other than potential minor citation revenue to cover enforcement costs.
ALTERNATIVES

1. Adopt the amendments adding Section 18-10.4 as advertised and presented.
2. Introduce modified amendments.
3. Request additional information or analysis from staff.

ATTACHMENTS

1. Draft Ordinance adding 18-10.4 (On-street Parking of Commercial Vehicles)
An ordinance of the city council of the city of Novato adding section 18-10.4 to the Novato Municipal Code relating to regulation of on-street parking of commercial vehicles and finding the adoption thereof exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b)(3).

WHEREAS, Section 18-4 of the Novato Municipal Code currently limits commercial truck routes on City streets to reduce potential conflicts with passenger vehicles and impacts on street maintenance due to the presence of heavy commercial vehicles; and

WHEREAS, the City Council wishes to amend the Novato Municipal Code to further restrict long-term on-street parking of large commercial vehicles to make on-street parking available for patrons of commercial establishments and residential guests, to minimize potential safety impacts caused by visual obstruction of motorists, pedestrian and bicycles caused by the presence of large vehicles along roadways and near driveways, intersections, crosswalks and bicycle routes and to minimize visual blight of large vehicles parked for extended periods along frontages of commercial and residential buildings; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision on the proposed amendment to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to the amendment; and (3) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to business permitting and regulation within the City of Novato. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FALLS:

SECTION 1.

The City Council hereby finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Section 15061 (b)(3) because it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.
SECTION 2.

The City Council hereby adopts Section 18-10.4 of the Novato Municipal Code to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 3.

Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 4.

Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 5.

Posting. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance; and

*   *   *   *   *   *   *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 24th day of January, 2017, and was passed and adopted at a regular meeting of the Novato City Council on the ____ day of _____, 2017.

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

__________________________
Mayor of the City of Novato
Attest:

__________________________
City Clerk of the City of Novato

Approved as to form:

____________________________
City Attorney of the City of Novato
EXHIBIT A

18-10 - Truck Routes and Parking.

18-10.1 Vehicles Exceeding Weight Limit Prohibited. Pursuant to Section 35701 of the Vehicle Code, any vehicle exceeding the maximum gross weight limit of five tons is hereby prohibited from traveling upon or parking upon the following streets:

All city streets for their entire length within the limits of the City of Novato, with the exception of Redwood Boulevard between Rowland Boulevard and San Marin Drive, Atherton Avenue, DeLong Avenue from Redwood Boulevard to Highway 101 Bypass, Novato Boulevard westerly of Diablo Avenue, Diablo Avenue easterly of Novato Boulevard, San Marin Drive, Rowland Boulevard between Redwood Boulevard and Highway 101.

18-10.2 Designated Truck Route Streets. As authorized for under subsection 18-10.1, the streets described below are hereby designated to be streets upon which traveling or parking upon is permitted by any vehicle exceeding a maximum gross weight limit of five tons. The city traffic engineer shall designate the following streets by appropriate signs as a "Truck Route" for the movement of such vehicles:

Redwood Boulevard between Rowland Boulevard and San Marin Drive, Atherton Avenue, DeLong Avenue from Redwood Boulevard to Highway 101 Bypass, Novato Boulevard westerly of Diablo Avenue, Diablo Avenue easterly of Novato Boulevard, San Main Drive, Rowland Boulevard between Redwood Boulevard and Highway 101.

18-10.3 Exceptions. The operator of any vehicle exceeding the weight limit of five tons shall drive or park on such truck route and none other, except that nothing in this chapter shall prohibit any such commercial vehicle coming from a truck route having ingress and egress by direct route to and from restricted streets, when necessary for the purpose of making pick-ups or deliveries of merchandise from or to any building located on such restricted streets, 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 such restricted streets, for which a building permit has previously been issued. The provisions of this chapter shall not apply to passenger busses under the jurisdiction of the public utilities commission or to any vehicle owned by a public utility or licensed contractor while necessarily in use in the construction installation or repair of any public utility.

18-10.4 On-street Parking of Commercial Vehicles.

a. Residential Districts. No person shall park any commercial vehicle of more than ten thousand (10,000) pounds unladen gross weight for more than one hour upon any city street or portion thereof, within any residential district (Division 19.10), planned residential development district (Division 19.14), community facilities district (Division 19.14), agricultural district (Division 19.08), or parks/open space district (Division 19.14) within the city.
b. Commercial/Office/Industrial Districts. No person shall park any commercial vehicle of more than ten thousand (10,000) pounds unladen gross weight for more than one hour upon any city street or portion thereof, within any commercial and/or office district (Division 19.12), planned district (Division 19.14), or mixed use district (Division 19.14) within the city, with the exception of light industrial/office districts.

c. Streets in Dual Districts. In circumstances where one side of a section of a particular street is in a residential district (as defined in subsection A of this section), and the other side of the same street is in a commercial district (as defined in subsection B of this section), no person shall park any vehicles as described in subsections A and B of this section, on either side of the street in a dual district.

d. Loading and Unloading. Commercial vehicles which, in the ordinary course of business, are in the process of 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.

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, shall not be permitted except pursuant to subsection E of this section.

e. Request for Exception.

1. The owner of a commercial vehicle of more than ten thousand (10,000) pounds may apply for a permit to exceed the parking time limits specified herein. The owner shall complete a parking permit application provided by the public works department, and shall pay the appropriate permit fee. The permit fee shall be set in accordance with procedures established by the city for rates, charges and fees. The exception permit shall be for a term of one year, and shall be renewable.

2. Upon the submission of the completed application and fee, the permit application shall be reviewed by the Director of Public Works, who shall consider the following, nonexclusive criteria:

   a. Site distances from intersections or driveways that might be affected;
   b. Traffic patterns and flows at the location;
   c. Proximity to any residential district;
   d. Nature of the operation or business of which the vehicles are a part;
   e. The location of the primary place of business of the applicant in relation to the location for which exception is sought;
   f. Any other factor reasonably related to commercial vehicle street parking which may affect the public health, safety or welfare.

3. After review, the Director shall determine whether or not to issue the exception permit and, if granted, to impose any appropriate conditions upon the permit. The Director shall notify, in writing, the applicant, all owners of property abutting the street for
which the exception permit is sought, and the local homeowners association, of his
decision. An exception permit shall not become final until thirty (30) days after the
date this notice was deposited in the mail. A copy of the issued permit shall be visibly
displayed on the dashboard of the authorized commercial vehicle while parked on City streets.

4. Appeal. The applicant and/or any other affected party may, within thirty (30) days of
the date notice was deposited in the mail by the Director pursuant to subsection (E)(3)
of this section, appeal the grant or denial of an exception permit to the City Council
by presenting to the City Clerk, a written notice of appeal clearly stating the grounds
for the appeal and shall pay the appropriate filing fee. The Council shall hear the
appeal at a noticed public hearing and its decision shall be final. The exception permit
shall be stayed until the appeal is heard and decided by the City Council.

5. Revocation. An exception permit can be revoked by the Director for the following,
nonexclusive reasons:

   a. Violation of any condition placed upon the exception permit;
   b. A change in any of the circumstances listed in subsection (E)(2) of this section;
   c. Any facts demonstrating that the vehicle parking permitted under the exception
      permit is detrimental to the public health, safety and welfare.

A permittee may, within thirty (30) days of the date notice of the revocation was
deposited in the mail by the director, appeal the revocation by presenting to the Public
Works Department, a written notice of appeal clearly stating the grounds for the appeal.
The appeal will be heard and decided in the same manner as specified in subsection
(E)(4) of this section.