

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 09/07/10

Reviewed by: BP

SUBJECT: Amendment of Albany Municipal Code Section 9-10.21 Prohibiting On-Street Parking of Oversized Vehicles – SECOND READING

REPORT BY: Mike McQuiston, Chief of Police

STAFF RECOMMENDATION

1. Adopt Ordinance No. 2010-02 amending Albany Municipal Code Sections 9-10.21 to prohibit oversized vehicle parking on any public street or highway with certain exemptions, including a grace period for oversized recreational vehicles currently owned by Albany residents; and
2. Adopt Ordinance No. 2010-05 amending Albany Municipal Code Section 9-1.1 to change the definition of annual holidays relative to traffic and parking enforcement, and add definitions for oversized and recreational vehicles.

BACKGROUND

Some residential neighborhoods in Albany, particularly the Masonic Avenue and Buchanan Street corridors (and adjacent streets), experience a higher level of *on-street storage* of large vehicles. These vehicles typically appear to be principally used for either commercial enterprise or recreational use. Unattended utility trailers (with or without loads) as well as boat trailers are also frequently stored in the public right-of-way.

Based upon the investigation of periodic complaints received by the police department, on-street storage of these vehicles:

- Affects the quality of life in these neighborhoods
- May pose a hazard to pedestrians, bicyclists, and other vehicles

The Albany Municipal Code currently contains provisions and prohibitions that address a multitude of violations, including abandoned vehicles and overnight parking of vehicles 8,000 lbs or more. However, enforcement efforts have only yielded a minimal impact on this activity and its neighborhood effects, consequently City Council referred the matter to the Traffic and Safety Commission to perform a review of city ordinances regulating on-street parking of large vehicles in residential areas. Following hearings conducted by the Traffic and Safety Commission, that body recommended City Council approve changes to Section 9-10.21 of the Albany Municipal Code restricting oversized vehicle parking on

any public street within the city. These changes also expanded the definition to include height, width and length of the vehicle.

This matter has come before the City Council three times (5/3/2010, 7/6/2010 and 7/19/2010). On each occasion, City Council has provided staff with feedback and suggested language for incorporation into the proposed ordinance. Council members have expressed a strong desire to implement the ordinance in an equitable yet effective manner.

At the July 19, 2010 meeting, City Council referred the proposed ordinance language back to staff to address the remaining concern of unintended potential impacts on the homeless, the disabled, and owners of vehicles which are not oversized, but may nonetheless, be found in violation due to the proposed ordinance's use of a "Recreational Vehicle" definition (e.g. camper trucks and van conversions).

DISCUSSION

The ordinance language changes, previously proposed by staff, made a distinction between *oversized vehicles* and *recreational vehicle*. However these changes did not effectively define which recreational vehicles would be subject to either exemption or enforcement of the ordinance provisions. This led to confusion and left some ambiguity about the enforcement aspects of the proposal. For example, how would the proposed ordinance affect smaller recreational vehicles, such as pick-up trucks with campers or camper shells, van conversions and large specialty vehicles used in the transportation of the disabled.

Rather than try to further refine the ordinance language, staff has opted to make a philosophical change in the ordinance to address the original nature of the complaints received from members of the public. Thus, for the proposed ordinance to apply, the vehicle must *first* meet the definition of an oversized vehicle (length, height, width, or weight) or, be a dolly or trailer not connected to a towing vehicle. If the vehicle is found to be either oversized or an unconnected dolly or trailer, then it may be in violation of the ordinance, however exceptions do apply.

Rather than lump all possible recreational vehicles into the ordinance, the ordinance only deals with oversized vehicles, and then provides a recreational vehicle exception from there. If an Albany resident owns a recreational vehicle, the ordinance only comes into play if the vehicle is first determined to be an oversized vehicle. For example, if the vehicle is oversized but also fits the definition of a recreational vehicle, an Albany resident may seek exemption from the ordinance. Staff has also simplified the definition of a recreational vehicle in an attempt to clarify its meaning.

Staff believes that by crafting an ordinance that prohibits oversized vehicles, with exceptions for certain locally owned oversized recreational vehicles, instead of prohibiting all recreational vehicles, the likelihood of disparate impact on the homeless (who frequently utilize smaller, more compact RV's, camper cars and van conversions or pick-ups with campers or shells) is reduced. Staff also has included an additional exception for specialty vehicles used in the transportation of the disabled.

Summary of currently proposed oversized vehicle parking regulations as shown on the attached ordinance amendments:

- Defines oversized vehicles by either: length (over twenty-two feet), height (over ninety-six inches), width (over ninety inches) or weight (over 8,000 lbs).
- Prohibits oversized vehicles from parking within 100 feet from a street corner.
- Establishes exemptions for:
 - 48 hours loading and unloading of an oversized recreational vehicle or trailer before or after a trip for residents with a permit
 - repairs to public buildings
 - guest of residents who secure a permit to park an oversized recreational vehicle or trailer (which cannot exceed 3 days)
 - persons actually making emergency repairs thereon
 - picking up or delivering goods, etc. or delivering materials for construction
 - moving vans while making pick-ups or deliveries
 - hauling of special purpose equipment and parking while equipment is in use
 - oversized recreational vehicles owned by Albany residents before July 1, 2010 (with a sunset date of July 1, 2015)
 - vehicles owned by the City or used by agents of the City, or any public agency while engaged in the legitimate activity of said agency (i.e. AC Transit, East Bay Paratransit, Albany Unified School District, etc.)
 - any commercially manufactured motor vehicle designed and equipped primarily for the safe and efficient day-to-day transportation needs of disabled persons
- Police Chief or his/her designee may issue a permit for other exemptions on a case by case basis.

The current proposal incorporates Council's previously expressed desire to give owners of oversized recreational vehicles 48 hours to load/unload before/after a trip and provides an exemption for Albany residents who owned an oversized recreational vehicle as of July 1, 2010, thus the following language is included:

Any person who has been a resident living in Albany before July 1, 2010 who has owned an oversized recreational vehicle registered to an Albany address prior to July 1, 2010 and continues to own the same recreational vehicle is authorized to park, after having obtained a permit issued by the Police Department, that recreational vehicle on the public street or highway on his/her block of residence in accordance with Section 9-10.21. Only one oversized recreational vehicle per household is excepted under the provisions of this section. This 'Albany Resident' exception will expire on July 1, 2015. Said permits may be revoked if compliance with all conditions are not met.

As discussed in a previous staff report on this matter, if passed, a permit system will need to be established, presumably by the Police Department. Staff will return to Council at a later date (tentatively October 2010) with a recommended oversized recreational vehicle parking permit program.

Staff recommends maintaining the current fine for a violation of AMC 9-10.21 (set in the Master Fee Schedule at \$39.00). The fine would apply uniformly to any violation of the section.

ANALYSIS

By incorporating language and suggestions from City Council, staff and members of the public, staff believes that the proposed ordinance will serve to address the safety and quality of life factors that first brought the matter of oversized vehicles to the attention of City Council. However, options do remain for Council consideration:

- Council may modify the oversized vehicles to be allowed, restricted, or prohibited in the short or long term.
- Council may modify the timeline for allowing oversized recreational vehicles owned by residents on a permit basis.
- It has been suggested by some members of staff and the public that the restriction on parking of oversized vehicles within 100' of an intersection be reduced to 50' due to the small size of many neighborhood blocks. The ordinance as presented in this staff report and attachments maintains the 100' distance previously established by City Council resolution.

SUSTAINABILITY IMPACT

Parked oversized vehicles may impede pedestrians and bicyclists. They also impair visibility and affect the safety of persons who choose to walk or ride a bicycle.

FINANCIAL IMPACT

This ordinance will result in an increase in workload to Albany Police Department operations due to increased demands for enforcement, permit issuance, and evaluating exemption requests. It is possible these costs may be offset in part or in whole through an oversized recreational vehicle parking permit program which charges a fee for this service.

Attachments:

- Ordinance No. 2010-02 – Amending Sect. 9-10.21 for Oversized Vehicle Parking (language changes made following July 19, 2010 City Council meeting shown with underlines)
- Ordinance No. 2010-05 – Amending Section 9-1.1 regarding Definitions (new language shown with underlines)