

Agenda Item Wording:

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Public Hearing and first reading of Ordinance 2023-06 revising Visalia Municipal Code Chapter 10.16.210 Parking Commercial Vehicles in Residential Districts. A Notice of Exemption was prepared for the ordinance amendment in accordance with State California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Public Resources Code 21083). Notice of Exemption No. 2023-34 disclosed that the revisions to Section 10.16.210 will have no significant effect on the environment because the proposed ordinance will establish objective performance standards that regulate the parking of commercial vehicles in residential zones.

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Deadline for Action: 7/17/2023

Submitting Department: Community Development

Contact Name and Phone Number:

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Department Recommendation:

Staff recommends that the Visalia City Council hold a public hearing, receive a presentation, staff report, and introduce the first reading of Ordinance 2023-06, amending Visalia Municipal Code Section 10.16.210 as revised per the attached Ordinance No. 2023-06.

Background Discussion:

During the August 15, 2022 City Council meeting, staff presented a work session item to City Council regarding enforcement concerns and issues related to the parking of large scale commercial vehicles in residential districts. The Visalia Municipal Code (VMC) Section 16.16.210 reads as follows:

“No person shall park any commercial vehicle, having an unladen weight exceeding five thousand (5,000) pounds in any residential district except: (a) while loading or unloading property; or (b) when such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. A “residence district” shall be determined as per California Vehicle Code, Division 1, Section 240 or Section 515, or as those districts or areas zoned as residential and indicated as such on the city zoning map, including low-medium, and high-density residential.”

Complaints about parking commercial vehicles in residential neighborhoods has been an ongoing occurrence. In the past issues arose with large semi-trucks and/or their cab, but most recently City staff has received complaints for large commercial vehicles of a lesser scale that are not semi-trucks but violate the ordinance nonetheless due to unladen weight requirements as specified in Section 16.16.210 of the VMC. It is the enforcement

of these complaints that has generated concerns and questions from property owners found in violation of the ordinance as it currently reads.

During the work session presentation, public comment received from community members stated that the weight limitation of 5,000 pounds is no longer relevant today since most vehicles/trucks already exceed the weight limitation. In addition, comment was provided about the potential to afford property owners the ability to inquire on exceptions to this ordinance if their residential parcel is large enough to accommodate parking their commercial vehicle on-site without impacting the residential neighborhood and neighboring properties.

Additionally, staff has also received complaints regarding tow trucks being parked in residential areas. This is the result of the employee parking their tow truck vehicle at the home while they are on call. This is prevalent with several tow companies that have contracts with law enforcement agencies that require a 30-minute response to a call for service by officers. The code, as currently written, prohibits these vehicles from being parked within residential zoned areas. However, relocating the vehicle away from the residence would make it impossible to comply with the law enforcement service agreements. Under the proposed changes emergency vehicles that will be allowed to park in residential zones, may include tow trucks, ambulances, and some utility company vehicles.

Based on the information provided in the work session staff report and public comment received, Council directed staff to initiate amendments to VMC Section 10.16.210 for City Council's consideration at a future meeting.

Chamber of Commerce Meeting and Presentation

On October 12, 2022, staff, at the request of the Visalia Chamber of Commerce, presented and met with local business owners in attendance, to discuss potential changes to Section 10.16.210. Several business owners whose employees take home commercial vehicles that exceed the 5,000-pound unladen weight limit expressed their interest to find solutions that would permit their employees drive these vehicles home, but also understood the importance of not having these vehicles become a visual nuisance to residential neighborhoods.

The meeting resulted in identify reasonable solutions that have resulted in the proposed ordinance amendments to Section 10.16.210 as discussed below.

Proposed Revisions to Section 10.16.210:

Section 10.16.210 currently reads:

No person shall park any commercial vehicle, having an unladen weight exceeding five thousand (5,000) pounds in any residential district except: (a) while loading or unloading property; or (b) when such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. A "residence district" shall be determined as per California Vehicle Code, Division 1, Section 240 or Section 515, or as those districts or areas zoned as

residential and indicated as such on the city zoning map, including low-medium, and high-density residential.

Changes to City of Visalia Municipal Code, as specified by underline & italics for additions:

New Section 10.16.210.A:

- A. No person shall park any commercial vehicle that would require a Class A or Class B Commercial Drivers License (CDL) in any residential district except as follows:
1. While loading or unloading property; or
 2. When such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, or an authorized emergency vehicle or other vehicles parked in compliance with a law enforcement service agreement.
 3. In a manner not affecting the flow of traffic while parked on the street.

Staff Analysis:

The revision to Section 10.16.210.A, as noted above, does away with the unladen weight requirement and identifies commercial vehicles that require a Class A or B license as being prohibited from parking in residential areas except for the purpose of loading/unloading or parked in connection with, or in aid of, the performance of a service to or on a property, and as permitted pursuant to Section 10.16.210.C as noted below.

New Section 10.16.210.B:

- B. For the purpose of this section the following definitions are defined as follows:
1. A "residence district" shall mean those districts or areas zoned as residential and indicated as such on the city general plan land use and zoning maps, including land use designations of very-low, low, medium and high density residential, and zoning designations of R-1-5, R-1-12.5, R-1-20, R-M-2, and R-M-3.
 2. Class A CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.
 3. Class B CDL as defined per the State of California Department of Motor Vehicles Commercial Driver Handbook.

Staff Analysis:

The addition of Section 10.16.210.B provides definitions as noted above to clarify a residential zone district and Class A and B licenses as defined by the California Department of Motor Vehicles.

New Section 10.16.210.C:

- C. Notwithstanding the provisions of subsection A of this section, for those properties with a zoning classification of R-1 R-1-12.5, R-1-20, R-M-2, and R-M-3, which also have a lot size greater than 10,000 square feet, it is lawful to park or permit to be

parked a commercial vehicle requiring a Class A or Class B license on private property if all of the following conditions are met:

1. No more than one commercial vehicle shall be parked on any parcel or private property.
2. The commercial vehicle shall be parked on a paved driveway or other improved non-pervious parking surface per city's paving standards and must not block the sidewalk.
3. The commercial vehicle shall be parked behind a six-foot high wood fence or gate constructed of permitted materials and shall screen the vehicle from the public street(s).
4. The vehicle shall not be parked in the minimum required front yard and/or side yard setbacks of any lot.
5. That a permit shall be applied for and issued administratively by the Community Development Director, with additional limitations as deemed reasonably necessary by the Director, prior to parking a commercial vehicle on a residential parcel.
6. The permit may be revoked by Community Development Director upon violation of any condition stated in the permit or this ordinance unless such violation is corrected within ten (10) days of notice of such violation.
7. If the event of a denial, revocation, or objections to limitations listed in the issuance of the permit an appeal may be made in writing to the planning commission in the same manner as an appeal under Visalia Municipal Code section 17.28.050.

Staff Analysis:

The addition of Section 10.16.210.C identifies objective performance standards that may otherwise permit a commercial vehicle that requires either a Class A or B license from parking in a residential zone subject to meeting the standards as noted above. As an example, a large tow truck vehicle or utility work truck that requires a Class B license to operate may be permitted to park in a residential zone (i.e., on-site), but the commercial tow truck vehicle is required to be parked outside of the required front and side yard setback areas, must be located behind a six-foot fence, parked on a paved surface and must obtain a parking permit. Failure to comply with any of the proposed objective performance standards will result in the commercial parking permit request being denied. Conversely, if the objective performance standards can be met, failure to adhere to these requirements will result in revocation of said permit.

Fiscal Impact:

The administrative fee that will be applied to this parking permit is \$35.00. This fee is similar to the Home Occupation Permit fee assessed for staff's review of all Home Occupation Permits.

Prior Council Action:

On August 15, 2022, Council received a presentation by staff seeking direction to make changes to Visalia Municipal Code 10.16.210 “Commercial Vehicles in Residential Districts.”

Other: N/A

Alternatives:

The City Council may, in lieu of staff recommendation, choose to leave Section 10.16.210 of the VMC unchanged.

Recommended Motion (and Alternative Motions if expected):

..recommendation

I move to introduce the first reading of Ordinance No. 2023-06, amending Visalia Municipal Code Section 10.16.210 as provided in the attached ordinance.

..end

Environmental Assessment Status:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption has been prepared for the project because Section 15061(b)(3) which states that the project is exempted from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed ordinance will establish objective performance standards that regulate the parking of commercial vehicles in residential zones.

CEQA Review:

The requested action is considered exempt under Section 15061(b)(3) of the State Guidelines for the California Environmental Quality Act (CEQA). A Notice of Exemption (NOE No. 2023-34) has been prepared for the project.

Attachments:

1. Ordinance No. 2023-06 – Amending Section 10.16.210 Parking commercial vehicles in residential districts
2. PowerPoint Presentation
3. Notice of Exemption No. 2023-34