



PLANNING COMMISSION

AGENDA REPORT

VII 1

MEETING DATE: NOVEMBER 14, 2011

ITEM NUMBER:

SUBJECT: COMMERCIAL VEHICLE PARKING ON PUBLIC STREETS

DATE: NOVEMBER 2, 2011

FOR FURTHER INFORMATION CONTACT: CLAIRE FLYNN, AICP *off*
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DESCRIPTION

This is a follow-up to the discussion from the September 12th Planning Commission meeting. Pursuant to the request of Chair McCarthy, this item relates to concerns with commercial vehicle parking in public streets (Title 10, Chapter X, Section 10-185 of the Municipal Code.)

RECOMMENDATION

Provide direction.

BACKGROUND

Title 10

Title 10, Motor Vehicles and Traffic, is enforced by the Police Department.

The definition of "**commercial vehicle**" is derived from State Law. It is defined as any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-four (84) inches 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 nonmotorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle. (Title 10)

"**Large motor vehicle**" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than twenty-two (22) feet in length or is both more than eighty-four (84) inches in width and more than eight-four (84) inches in height. The term "large motor vehicle" does not include a commercial vehicle, a pick-up truck without a camper or sports utility vehicle.

Section 10-185 of Title 10 regarding parking regulations for commercial vehicles is attached (Attachment 1). If there are any recommended changes to Title 10 of the Municipal Code, the Code amendment would be considered by the City Council.

Title 20

In Title 20, Property Maintenance, of the Costa Mesa Municipal Code, the following conduct is prohibited in a residential zone and enforced by Code Enforcement:

- Keep, store, or maintain in any residential zone or on any residentially-developed property any of the following:
 - (1) Construction and/ or business equipment, supplies, materials, or machinery of any type or description;
 - (2) Buses, tow trucks, dump trucks, flatbed trucks, tractors, tractor trailers, truck trailers; or
 - (3) Any other commercial vehicle over 25-feet long or 8 feet in height or 90-inches wide.

ANALYSIS

The following is a summary of the items discussed at the September meeting:

- Note: Staff to be available for questions. A staff representative from the Police Department and from the Code Enforcement Division will be attending the meeting to provide information regarding practical enforcement of the Title 10 and Title 20 provisions for commercial vehicles.
- Survey of other Cities. A brief survey of some Orange County cities revealed that that the definition of a commercial vehicle, as well as the parking regulations, were comparable to those contained in the Costa Mesa Municipal Code.

City	Number of Hours able to park	Extended Hours	Weight	Length / Width
Irvine	2 hour on-street parking	2 hour on street parking between the hours of midnight and 5 am.	10,000 pounds	L: 20 feet W: 84 inches
Newport	2 hours (public streets) <i>Exception:</i> waiver from police department	No overnight on-street parking.	10,000 pounds	L: 20 feet W: 84 inches
Huntington Beach	72 hours with permit 2 hour on-street	Chief of police can issue a temporary permit	10,000 pounds	L: 20 feet W: 84 inches
Anaheim	2 hour on-street	2 hour on street parking between the hours of midnight and 5 am.	10,000 pounds	L: 20 feet W: 84 inches

- *There may be legal issues associated with departing from the definition of commercial vehicles as defined by State Law.* The City Attorney's office considered the issue related to changing the definition of commercial vehicles to include other mid-sized motor vehicles used for commercial purposes (i.e. plumber's pick-up trucks, landscaper's vehicles, etc.). Expanding the commercial vehicle definition to include these types of vehicles, and thereby applying certain parking restrictions to these vehicles, may be subject to legal challenges.

SUMMARY

Planning Commission may wish to receive/file this item or provide other direction to staff. Additional work activity greater than 4 hours of staff time would need to be authorized by City Council. If such activity is authorized, an amendment to Title 10 would be processed by the Police Department and to Title 20 by the Development Services Department.

Attachment: Section 10-185 Excerpt

cc: Deputy City Attorney
Public Services Director
City Engineer
Transportation Svs. Manager
Fire Protection Analyst
Staff (4)
File

Sec. 10-185. - Use of streets for parking and/or storage of certain vehicles prohibited.

(a)

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

(1)

"Chief of police" means the Chief of Police of the City of Costa Mesa, or his designee.

(2)

"Commercial vehicle" shall mean any vehicle having more than two axles, or any single commercial vehicle or combination of said vehicles which exceed twenty (20) feet in length, any single commercial vehicle or combination of said vehicles eighty-four (84) inches 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 nonmotorized vehicle as defined herein or a pick-up truck without a camper or sports utility vehicle.

(3)

"Large motor vehicle" shall mean any house car, pick-up truck with camper, recreational vehicle or other vehicle that measures more than twenty-two (22) feet in length or is both more than eighty-four (84) inches in width and more than eight-four (84) inches in height. The term "large motor vehicle" does not include a commercial vehicle as defined herein, a pick-up truck without a camper or sports utility vehicle.

(4)

"Nonmotorized vehicle" shall mean any trailer or any other device that is not self-propelled.

(5)

"Motor vehicle" shall mean a passenger vehicle, pick-up truck without a camper, sports utility vehicle, motorcycle and motor-driven cycle but shall not include a house car.

(6)

"Residential district" shall mean any area within the city which is zoned R1, R2-MD, R2-HD, R3, and those portions of planned community districts and specific plan districts which are specified for residential uses.

(b)

Measurements. To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.

(c)

No person who owns or has possession, custody, or control of any motor vehicle shall park, or leave standing, such a motor vehicle upon any public street, highway or alley for more than a period of seventy-two (72) consecutive hours.

(d)

No person shall, at any time, park or leave standing any large motor vehicle or nonmotorized vehicle on any public street, highway or alley except:

(1)

In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle or large motor vehicle, parked adjacent to the owner's residence are allowed for the purposes of loading, unloading, cleaning, battery-charging, or other activity preparatory or incidental to travel for a period of time not to exceed forty-eight (48) consecutive hours.

(2)

In residential districts, large motor vehicles or, nonmotorized vehicles attached to a motor vehicle, parked adjacent to the owner's residence may be allowed for up to an additional twenty-four (24) consecutive hours, but no more than a total of seventy-two (72) consecutive hours, provided an extension has been granted by the chief of police. The chief of police shall establish general standards for an extension provided for by this section.

(3)

Any large motor vehicle, or nonmotorized vehicle which is attached to a motor vehicle or large motor vehicle that is parked on a public street pursuant to either subsections (1) or (2) hereinabove shall, at the end of the permitted period of time, whether forty-eight (48) or seventy-two (72) hours, be removed from its location and shall not be parked on any public street for the purposes stated hereinabove for a period of at least forty-eight (48) hours.

(e)

No person who owns or has possession, custody or control of any vehicle or nonmotorized vehicle which is six (6) feet or more in height (including any load thereon) shall park or leave standing any such vehicle on a street or highway within forty-five (45) feet of any intersection.

(f)

No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturers gross vehicle weight of ten thousand (10,000) pounds, shall park or leave standing any such commercial vehicle on a street or highway which is prohibited to commercial vehicle traffic pursuant to section 10-248 of this Code.

(g)

No person who owns or has possession, custody or control of any commercial vehicle exceeding a manufacturers gross vehicle weight of ten thousand (10,000) pounds, shall park or leave standing any such commercial vehicle on any restricted street between the hours of 2:00 a.m. and 6:00 a.m.

(h)

No person who owns or has possession, custody, or control of a commercial vehicle exceeding a manufacturers gross vehicle weight of ten thousand (10,000) pounds, shall park or leave standing any such commercial vehicle for more than three (3) hours on any public street, highway, roadway, alley or thoroughfare, except:

(1)

For such reasonable time in excess of three (3) hours that may be necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure or for the purpose of delivering materials to be used for repair, alteration, remodeling, or construction of any building or structure upon a restricted street or highway; or

(2)

For such reasonable time in excess of three (3) hours that may be necessary when such vehicle is parked in connection with the performance of a service to or on a property in the block in which such vehicle is parked; or

(3)

For such reasonable time in excess of three (3) hours that may be necessary time to make emergency repairs.

(i)

Vehicles found in violation of this section may be cited or removed, or both cited and removed in accordance with section 10-69

(j)

The minimum fine for any violation of this section shall be set by the city council by separate resolution.