



STAFF REPORT

City Council

Meeting Date:

11/12/2024

Staff Report Number:

24-189-CC

Regular Business:

Waive the first reading and introduce an ordinance amending Title 11 of the municipal code to revise sections related to stopping, parking and standing for vehicles, and establish parking restrictions for oversized vehicles

Recommendation

Staff recommends the City Council waive the first reading of and introduce an ordinance (Attachment A) amending Title 11 of the existing municipal code related to stopping, parking and standing for vehicles, and establish parking regulations related to oversized vehicles. Staff recommendations for potential changes to the regulations and process, and the proposed oversized vehicle regulations are summarized below.

Policy Issues

Changes to the City's Municipal Code are policy considerations that require City Council authorization. Menlo Park Municipal Code §8.28 establishes rules for the use of City parks and facilities and §11.24 specifies rules for parking on streets and roads and City-owned parking lots.

The proposed changes are consistent with the California Vehicle Code, including recent legislation, Assembly Bill 413 (AB 413), adopted in 2023 that prohibits parking within 20 feet of intersections and near crosswalks to improve visibility and pedestrian safety, and policies CIRC-7.2 Off-Street Parking and CIRC-7.4 Public Parking Management of the General Plan Circulation Element.

Background

As with many municipal codes and local regulations, established regulations must be reviewed periodically to bring them in line with developments in state statutes and regulations, current best practices and changes in case law.

The City of Menlo Park receives multiple complaints daily regarding various parking issues: from vehicles parked in excess of 72 hours, to vehicles parked block safe line of sight and creating traffic safety hazards, to red-zone and blocked driveway complaints.

The proposed amendments revise existing municipal parking regulations to enhance safety, clarity and enforceability within the city. First, parking regulations are proposed to be updated to align with the restricted overnight access to parks and other public recreation facilities, ensuring consistency across public spaces. Additionally, the ordinance proposes removing penalty language that overlaps with California Vehicle Code provisions, deferring instead to state-controlled penalties and local fee schedules for clarity.

New parking restrictions are recommended to improve traffic safety by increasing visibility and reducing obstructions from parked vehicles at crosswalks throughout the city, thus promoting safer traffic flow and

enhancing safety for vehicular, bicycle and pedestrian traffic. In addition, a new section regulating oversized vehicles is proposed.

The authority for enforcing state and local parking rules are also proposed to meet current standards, along with clerical adjustments to the organizational structure and designated authority for signage and enforcement, aligning these responsibilities with contemporary roles within the city's administration.

It remains the commitment of the Menlo Park Police Department to take a community policing approach to all enforcement not requiring crime control or immediate public safety action. Specifically in regard to regulating parking matters, this means a human connection approach whenever possible, including providing sufficient warning and discussion of any relevant services needed whenever it is appropriate and apparent. This aspect of the City's approach toward first responder contacts related to any such enforcement situation remains a high priority for the police department.

Together, these revisions are designed to support safer, more efficient, and easily enforceable parking management throughout the city.

Analysis

The proposal before City Council addresses a number of regulations across multiple sections in Title 11 of the Menlo Park Municipal Code. Revisions include authorities for the establishment of appropriate signage, expanded language to cover parking enforcement authority for lots designated for City parks and facilities, revised enforcement language to clarify residential parking zones and overnight restrictions, provisions to increase safety by restricting parking in areas that present a visibility hazard to vehicles, pedestrians and bicyclists, and an added section to address enforcement of oversized vehicles in the City of Menlo Park. The revisions are fully detailed in Attachment A and summarized below.

Key changes to ordinances:

1. 11.24.009 Restrictions established – signs designating:
 - The revision specifies that the City Council will establish parking restrictions, and the city manager will designate affected areas with appropriate signs.
 - The revisions provide language that includes parking lots at publicly accessible park and recreational facilities as described by definitions in §8.28.020. This will allow the City more authority to control parking regulations in areas under the City's control, closing gaps in existing regulatory language.
 - This includes the removal of subsection (d), simplifying regulations.
2. 11.24.025 and 11.24.026 Designation of no parking zones:
 - To comply with AB 413 vehicles: Stopping, standing and parking, this change authorizes the public works director to designate no parking zones adjacent to driveways and specific areas near crosswalks and intersections.
 - These revisions will provide for enhanced safety for vehicular, bicycle, and pedestrian travel and reduce line-of-sight hazards throughout the City.
3. 11.24.050 Night parking prohibited:
 - The revision modifies the definition of residential zones where parking between 2 a.m. and 5 a.m. is not allowed. The exemptions for certain governmental or emergency activities are maintained.
 - This makes the regulation inclusive of newly established residential zones (R-4-S and R-MU), and allows for overnight parking regulation of City facility-related parking lots. These changes help address concerns raised about overnight parking at parks and City facilities that has limited access for patrons of these facilities, especially in early morning hours. Two specific examples where

overnight parking concerns have been identified in the past are at Nealon Park near Little House and at the Belle Haven Community Campus and Kelly Park.

4. 11.24.070 Removal of vehicles parked for 72 or more hours:
 - Slight changes in the language continue to authorize removal of vehicles parked for over 72 consecutive hours without notice in accordance with existing state law and emphasizes it may also be enforced as an infraction.
 - Consistent with other revised sections of the code, this section also emphasizes the ability of the City to enforce parking regulations in City facility-related parking lots.
5. 11.24.075 Removal of vehicles parked in violation of oversized vehicle restriction:
 - This is a new municipal code section to address the adverse impacts of oversized vehicle parking. These vehicles pose public safety risks by obstructing access, reducing visibility and causing wear on roadways. Additionally, they can create environmental hazards by discharging waste when parked for extended periods of time.
 - The new code language defines an oversized vehicle and outlines parking prohibitions, including restrictions on parking between 2 a.m. and 5 a.m., consistent with §11.24.050 Night parking prohibited.
 - Exemptions will exist for emergency conditions, governmental operations, residents readying their own recreational vehicles for use overnight, or distinct commercial operations are detailed in the regulation. Penalties, including citation and towing, are also described.

These proposed changes aim to enhance public safety, clarify parking regulations, and address specific community concerns about oversized vehicles and overnight park use.

To reiterate the philosophy of the police department in the enforcement of any of these provisions, if any of the parking restrictions enumerated above are related to persons appearing to use their vehicles for habitation – absent any urgent public safety need or apparent criminal activity compromising the safety and security of the public – the police department will proceed with a community policing approach. This will include connecting with involved individuals to assess for any immediate personal safety needs, advice and connection to available resources and services, and an admonition regarding the regulations and potential enforcement implications (citation and/or towing, etc.) if efforts to mitigate the situation are refused or ignored. The police department will document and track such efforts before enforcement in those circumstances.

This will not, however interfere with the City's empowerment of first responder personnel to act immediately to provide for the overall safety and welfare of the general public under circumstances requiring more immediate enforcement action.

Next steps

The City's Public Works Transportation Division would develop an implementation plan for the installation of the required signs for these new regulations related to oversized vehicles. Because the implementation of the red curb zones or signs to restrict parking at all marked and unmarked crosswalk would be costly and resource intensive if installed all at once, staff proposes to first install red curb markings or signs adjacent to marked crosswalks near schools, parks and downtown, and on high priority Vision Zero corridors. As streets are resurfaced through the City's annual paving program, other locations would be addressed.

Once the second reading has been approved by City Council and the 30 day period has passed, the regulations will be valid. Following that, upon proper signage or markings being placed in accordance with these regulations, the police department will commence with warnings in the signed or marked areas for no

less than 30 days before any enforcement.

Impact on City Resources

The proposed ordinance amendments have been developed using existing staff resources from the police and public works departments and the city attorney's office. Enforcement of these amendments is anticipated to be largely absorbed within existing resources.

The public works transportation sign and striping budget would be used to implement the required signs for these new regulations. Staff anticipates that a budget amendment of under \$30,000 would be necessary for the creation and installation of new signs for oversized vehicle regulations as proposed. Staff will return to City Council during the mid-year budget amendment process to incorporate this additional funding if these ordinance amendments are adopted.

Environmental Review

The proposed action is exempt from environmental review because adoption of the proposed ordinance does not qualify as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§15060, subds. (c)(2), (c)(3), 15061, subd. (b)(3).)

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Ordinance

Report prepared by:

Dave Norris, Police Chief

Azalea Mitch, Director of Public Works

Report reviewed by:

Nicole H. Nagaya, Deputy City Manager

ORDINANCE NO. XXXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING 11.24.009, 11.24.025, 11.24.026, 11.24.050, AND 11.24.070 OF CHAPTER 11.24 (STOPPING – STANDING – PARKING) OF TITLE 11 (VEHICLES AND TRAFFIC) OF THE MENLO PARK MUNICIPAL CODE TO AMEND EXISTING PARKING RESTRICTIONS RELATED TO USE OF PUBLIC PARKING LOTS NEAR PARKS AND OTHER RECREATIONAL FACILITIES, AMEND EXISTING PARKING RESTRICTIONS RELATED TO REMOVAL OF VEHICLES PARKED IN EXCESS OF SEVENTY-TWO HOURS, AND PROHIBIT PARKING NEAR CROSSWALKS; AND ADD A NEW SECTION 11.24.075 OF CHAPTER 11.24 (STOPPING – STANDING – PARKING) OF TITLE 11 (VEHICLES AND TRAFFIC) OF THE MENLO PARK MUNICIPAL CODE TO ESTABLISH A PROHIBITION ON OVERNIGHT PARKING OF OVERSIZED VEHICLES

WHEREAS, the City of Menlo Park is a general law city; and

WHEREAS, pursuant to §7 of article XI of the California Constitution and the City's general police powers, the City is empowered and charged with responsibility for the health, safety, and welfare of its citizens; and

WHEREAS, California Assembly Bill 413 amends Vehicle Code §22500 authorizing the City to prohibit parking within 20 feet of marked or unmarked crosswalks or 15 feet where a curb extension is present, on the vehicle approach side of the streets; and

WHEREAS, implementing parking restrictions at intersections or mid-block crosswalks improves drivers' sightlines of crosswalk users and reduce collision risks; and

WHEREAS, expanding the scope of parking regulations to include publicly accessible park and city facility lots promotes consistent enforcement and aligns with community safety goals such as the City's Vision Zero policy to eliminate all traffic fatalities and serious injuries by 2040; and

WHEREAS, Vehicle Code §22507 authorizes the City to prohibit or restrict the stopping, parking, or standing of oversized vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, the parking of oversized vehicles can create public safety concerns; and

WHEREAS, oversized vehicles can obstruct access to rights-of-way, reduce sight distance, and reduce visibility at intersections; and

WHEREAS, these obstructions, in turn, can create increased hazardous traffic conditions and risks of collision and endanger to motorists, bicyclists, pedestrians, and other members of the public; and

WHEREAS, the City Council desires to limit parking of oversized vehicles on City streets and prohibit encroachments on City streets; and

WHEREAS, the City Council wishes to provide limited exceptions to the prohibitions on oversized vehicles in the public right-of-way; and

WHEREAS, the City Council desires to update the Menlo Park Municipal Code to enact an oversized vehicle parking restriction.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

Section 1.

The City Council of the City of Menlo Park does hereby find that the above referenced recitals are true and correct and material to the adoption of this ordinance.

Section 2.

Section 11.24.009 (Restrictions established—Signs designating) of the Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~):

- (a) The City Council shall, by ordinance or resolution, establish such parking, or stopping, standing and parking restrictions or prohibitions as may be necessary, and the city manager or designee shall designate such streets, portions of streets or city-owned parking lots, including but not limited to parking lots at publicly accessible park and recreational facilities (as those terms are defined in Chapter 8.28.020), by appropriate signs or markings giving effect to such parking or stopping, standing and parking restrictions or prohibitions.
- ~~(d) The fine and bail forfeiture for each such separate violation of this section shall be two dollars.~~

Section 3.

Section 11.24.025 (Designation of no parking zones adjacent to driveways) of the Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~):

~~The transportation manager~~ public works director or designee is authorized to designate a no parking zone and to paint the curbs red within six feet (6') of a driveway if the ~~transportation manager~~ public works director or designee determines that cars parked within such distances are causing an obstruction of the driveway or are interfering with reasonable ingress and egress from the driveway.

Section 4.

Section 11.24.026 (Designation of no parking zones adjacent to driveways, intersections, and crosswalks) of the Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~strikethrough~~):

~~The complete streets (transportation) commission is authorized to designate no parking zones adjacent to driveways, intersections, and crosswalks at up to five (5) spaces per location if the complete streets commission determines that parked vehicles are obstructing visibility, interfering with reasonable ingress and egress, or obstructing safe bike lane travel requiring striping adjustments, except where the location is within the area designated as the "Downtown/Station Area" in the El Camino Real/Downtown Specific Plan, which shall be limited to three (3) spaces per location.~~

- (a) A person shall not stop, park, or leave standing any vehicle, whether attended or unattended, within twenty (20) feet of the vehicle approach side of any marked or unmarked crosswalk or fifteen (15) feet of any crosswalk where a curb extension is present. The space may be used for bicycle parking. The space may be used as commercial loading zones if located in the "Downtown/Station Area" in the El Camino Real/Downtown Specific Plan and in the "Commercial" areas as designated in the General Plan. The public works director or designee is authorized to designate a no parking zone using signs or painting the curb red

to conform to this regulation and may install traffic control materials to restrict access to this space to prevent violations of this regulation.

- (b) The complete streets (transportation) commission is authorized to designate no parking zones adjacent to driveways, intersections, crosswalks, and other locations at up to five (5) spaces per location if the complete streets commission determines that parked vehicles are obstructing visibility, interfering with reasonable ingress and egress, or obstructing safe transit or bike lane travel requiring striping adjustments, except where the location is within the area designated as the "Downtown/Station Area" in the El Camino Real/Downtown Specific Plan, which shall be limited to three (3) spaces per location.

Section 5.

Section 11.24.050 (Night parking prohibited) of the Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~):

No person shall stop, stand or park a vehicle at any time between the hours of two a.m. and five a.m. upon those certain streets or portions thereof located within a residential zone or located within three hundred feet (300') of a residential zone, or in a public parking lot, including parking lots serving parks and recreation facilities (as those terms are defined by Chapter 8.28.020).

Physicians engaged in professional calls, persons engaged in governmental duties or emergency activities are exempt from this provision. A "residential zone" includes all lands ~~located within the following zoning districts of the city: RE, RES, R 1 S, R 1 U, R 2, R 3, R 3 A, R 3 C and R L U~~ where residential uses are a permitted or conditional use as defined in Title 16 zoning code.

Section 6.

Section 11.24.070 (Removal of vehicles parked for seventy-two or more hours) of the Menlo Park Municipal Code is hereby amended to read as follows (additions in underline, deletions in ~~striketrough~~):

When a vehicle is parked or left standing upon a street or highway for seventy-two or more consecutive hours, the chief of police or his designated representative may remove such vehicle or cause the same to be removed without notice. ~~Any such vehicle left standing for such period shall be deemed to have been abandoned by the registered owner.~~ It shall be an infraction to park or leave standing a vehicle upon a street or highway for seventy-two or more hours. It shall be an infraction to park or leave standing a vehicle in a public parking lot, including parking lots serving parks and recreation facilities (as those terms are defined by Chapter 8.28.020) for seventy-two or more hours.

Section 7.

A new §11.24.075 (Removal of vehicles parked in violation of oversized vehicle restriction) is hereby added to the Menlo Park Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 8.

The City Council finds that this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the ordinance does not qualify as a project and will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§15060, subds. (c)(2), (c)(3), 15061, subd. (b)(3).)

Section 9.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.

This ordinance shall take effect thirty (30) days after passage by the City Council.

Section 11.

The City Clerk is directed to publish this ordinance as required by State law.

INTRODUCED on the twelfth day of November, 2024.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the __ day of __, 2024, by the following votes:

AYES:

NOES:

ABSENT:

RECUSED:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits

A. Removal of vehicles parked in violation of oversized vehicle restriction

11.24.075 Removal of vehicles parked in violation of oversized vehicle restriction

A. Purpose.

The purpose of this section is to reduce the adverse impacts associated with oversized vehicle parking. Such impacts include, but are not limited to, the following:

1. Oversized vehicle parking raises unique public safety concerns, including the obstruction of access to rights-of-way, reduced sight distance, and reduced visibility at intersections.
2. Oversized vehicles are typically heavier vehicles or trailers and thus have the potential to cause excessive wear and tear on roadways.
3. Oversized vehicle parking has been the source of environmental hazards in the City by discharging waste into the street. Such waste includes gas, oil, human waste, and other forms of hazardous waste. These discharges create unsanitary conditions for members of the public and also result in downstream impacts such as waste flows into the City's storm drains and receiving waterways.
4. Some oversized vehicles accumulate and discharge trash and debris in and around areas where vehicles are parked. The accumulation and storage of trash, debris, and other personal items in and around areas where oversized vehicles are parked has caused unsanitary conditions and accessibility hazards by obstructing and/or blocking walkways and preventing safe passage.

B. Definitions.

The following words and terms as used in this section shall have the following meanings:

1. Oversized vehicle means a motor vehicle under Vehicle Code §670 which also meets one or more of the following criteria:
 - i. exceeds seven and a half feet in height; or
 - ii. exceeds seven and a half feet in width; or
 - iii. exceeds twenty-two feet in length; or
 - iv. exceeds 10,000 pounds in weight.
 - v. To determine the height, width, or length of a vehicle, any extension to the vehicle caused by the mirrors, air conditioners, or similar attachments allowed by Vehicle Code §§35109, 35110, or 35111 of the Vehicle Code, shall not be included.
2. Any camp trailer, camper, fifth wheel travel trailer, house car, mobile home, trailer, trailer coach, as defined in Vehicle Code §§242, 243, 324, 362, 396, 630, 635, or any recreational vehicle as defined in Health and Safety Code §18010.

C. Parking of oversized vehicles prohibited.

Except as provided in subsection (d) below, no person shall stop, stand, park, or leave standing any oversized vehicle on any public street in the City between the hours of 2:00 a.m. and 5:00 a.m. The city manager or their designee, shall place signage on streets sufficient to give adequate notice of this prohibition.

D. Exemptions.

The prohibition in subsection (c) shall not apply to any of the following:

1. Oversized vehicles involved in an emergency or being repaired under emergency conditions. Emergency parking may be allowed for eight consecutive hours where an Oversized vehicle is left parked on a city street because of a mechanical breakdown or because of physical incapacity of the driver or owner.
2. Oversized vehicles belonging to federal, state, local authorities, or utility companies or agencies that are parked while the operator of the oversized vehicle is conducting official business.

3. Oversized vehicles actively engaged in loading and unloading deliveries of persons, merchandise, wares, supplies, goods or other materials in the course of construction or other work from or to an adjacent residence or building.
4. Oversized vehicles that are parked while the operator is actively engaged in performing a service to or on a property on the same City block where the oversized vehicle is parked.
5. Oversized vehicles that are parked on public streets immediately abutting the oversized vehicle's registered owner's address of record for no more than twice during any seven-day period and for the purposes of loading and unloading, cleaning, or other activity preparatory or incident to travel.

E. Administrative regulations.

The chief of police or their designee shall adopt administrative regulations governing the implementation of this Section. Said regulations may include notice, vehicle storage, and property inventory policies.

F. Violations.

Violators shall be subject to citation, towing, or both. Any member of the police department authorized by the chief of police may remove a vehicle that is stopped, standing or parked in violation of this Section, from the street or highway in the manner and subject to the requirements of Vehicle Code §22650 *et seq.*