



CITY ATTORNEY'S OFFICE

INTRODUCED BY COUNCILMEMBER NOEL GALLO

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE TO ADD CHAPTER 10.73 TO TITLE 10, VEHICLES AND TRAFFIC, TO ESTABLISH REQUIREMENTS FOR THE PARKING OF OVERSIZED VEHICLES ON CERTAIN NARROW STREETS AND MAKING APPROPRIATE FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, the regular or routine parking and/or storage of oversized vehicles on the City's narrow roadways can pose traffic safety concerns because the size of the vehicles on narrow roadways encroach into the vehicle lane of travel, thereby increasing the risk of collisions involving bicycles and vehicles; and

WHEREAS, narrow streets typically have more properties and driveways spaced closer together, which could create greater visibility concerns with the presence of oversized vehicles; and

WHEREAS, the City Council finds that restricting the parking of oversized vehicles on narrow roadways will promote the safety of public roadways for motorists and bicyclists by eliminating such impediments in the lane of travel; and

WHEREAS, the City of Oakland has seen an increase in the number of complaints related to the routine or regular parking and/or storage of such vehicles in residential and commercial areas throughout the City; and

WHEREAS, regular or routine parking and/or storage of such vehicles on Oakland City streets obstructs the line of sight from intersections and driveways and impairs effective ingress and egress of emergency and critical service vehicles; and

WHEREAS, regular or routine parking and/or storage of such vehicles on Oakland City streets frequently results in access to bike-lanes being blocked or impeded;

WHEREAS, regular or routine parking and/or storage of such vehicles on residential streets interferes with the normal flow of vehicle traffic, especially on narrow streets; and

WHEREAS, regulating the parking of such vehicles improves the safety of streets for motorists, pedestrians, bicyclists, and children by improving visibility and driving conditions; and

WHEREAS, current parking regulations are inadequate to address the problem of parking such vehicles on residential streets; and

WHEREAS, California Vehicle Code Section 22507 authorizes a city to "prohibit or restrict the stopping, parking, or standing of vehicles...on certain streets or highways, or portions thereof, during all or certain hours of the day." This provision permits a city to prohibit or restrict the parking of oversized vehicles, including recreational vehicles, on some or all streets of a city with appropriate signage;

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

SECTION 1. Title 10 of the Oakland Municipal Code is amended to add, Chapter 10.73 – Oversized Vehicle Parking, as set forth below (section numbers and titles are indicated in **bold** type; additions are indicated by underscoring and deletions are indicated by ~~striketrough~~).

SECITON 2. Code Amendments.

Title 10, Chapter 10.73 is added to the Oakland Municipal Code as follows:

Chapter 10.73 – Oversized Vehicle Parking

10.73.010. Purpose. This Chapter establishes parking limitations on certain narrow streets in order to improve emergency vehicle ingress and egress, traffic conditions and visibility, and bicycle safety conditions.

10.73.020 Definitions. The following words and phrases when used in this Chapter shall the following meaning:

- A. Oversized Vehicle. Any vehicle, as defined by California Vehicle Code Sec. 670, or combination of vehicles, which exceed twenty-two (22) feet in length, or seven (7) feet in width, or seven (7) feet in height, exclusive of projecting lights or devices allowed by Sec. 35109 and Sec. 35110 of the California Vehicle Code, but including any load in or on a vehicle which effectively causes the vehicle's length, width or height to exceed the standards in this section.
- B. Narrow Street. Any City street or right-of-way that is forty (40) feet or less in width and designated as a narrow street by resolution of the Oakland City Council as required by California Vehicle Code Sec 22507.

10.73.030 Parking of Oversized Vehicles on Certain Narrow Streets Prohibited. No person shall park any oversized vehicle on a Narrow Street, except as exempted by this Chapter.

10.73.040 Exemptions. Section 10.73.030 shall not apply to any of the following:

- A. Any oversized vehicle actively engaged in the loading or unloading of materials, supplies or goods for the purpose of delivery or pick-up of said materials, supplies, or goods at an adjacent business or residence for no longer than sixty (60) minutes.
- B. Construction vehicles with a valid City of Oakland-issued permit.
- C. Any narrow street that is designated as a commercial loading zone.
- D. Any vehicle belonging to or under contract with federal, state or local government authorities, or a public utility, and any emergency vehicles as defined by California Vehicle Code Sec.165.
- E. Any commercial, business, or public transit bus or commuter shuttle for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time.
- F. Wheelchair-accessible vans with a valid disabled placard or license plate issued and properly displayed pursuant to the California Vehicle Code.

10.73.050 Resolution Required. This Chapter shall not be enforced until a resolution is adopted by Oakland City Council prohibiting parking of oversized vehicles on specified streets, or portions thereof, that are less than forty (40) feet wide.

10.73.060 Signage. The City Administrator, or designee, shall place signs or markings giving adequate notice of this Oversized Vehicle parking restriction. This section shall not be enforced until such signage has been installed.

10.73.070 Penalties. In addition to the penalties for parking violations set forth in Title 10, Vehicles and Traffic, of the Oakland Municipal Code, vehicles parked in violation of this section shall be subject to removal from the public right-of-way at the registered owner's expense. The registered owner of the vehicle shall be liable for the cost of all towing and storage fees. Warning signs shall be posted giving notice that vehicles parked in violation of this section are subject to towing and storage at the owner's expense.

10.73.080 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3. California Environmental Quality Act (CEQA). This action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (existing facilities) and 15061(b)(3) (common sense exemption). Both of the foregoing provides a separate and independent basis for CEQA compliance, and when viewed collectively, provides an overall basis for CEQA compliance.

SECTION 4. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

3139715v3

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING THE OAKLAND MUNICIPAL CODE TO ADD CHAPTER 10.73 TO TITLE 10, VEHICLES AND TRAFFIC, TO ESTABLISH REQUIREMENTS FOR THE PARKING OF OVERSIZED VEHICLES ON CERTAIN NARROW STREETS AND MAKING APPROPRIATE FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This ordinance establishes requirements for the parking of oversized vehicles on City streets that are 40 feet or less in width in order to facilitate the ingress and egress of emergency vehicles and provide for improved safety and visibility for vehicular, bicycle, and pedestrian traffic. This ordinance does not affect any street that is 40 feet or less in width until the City Council designates such a street by resolution. This ordinance also requires the City Administrator to place signs on affected streets prior to commencing any enforcement. This ordinance exempts certain commercial vehicles and commercial zones, as well as vehicles possessing a disabled placard or construction permit.