

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: MUNICIPAL CODE AMENDMENT; REGULATIONS OF TRUCK ROUTES, WEIGHT LIMITS AND TRUCK PARKING (CITY INITIATED)

DATE: OCTOBER 5, 2004

Needs: For the City Council to consider proposed updates to the City's regulations on truck routes, truck weight limits, and truck parking. This is a continued open public hearing from September 7, 2004.

Facts:

1. Chapter 12.146.010 of the Paso Robles Municipal Code deals with Truck Routes, and Chapter 12.38.040 addresses Parking Commercial Vehicles and Commercial Equipment in Residential, Commercial and Industrial Zones. A copy of the existing code provisions is attached.
2. At the September 7, 2004 meeting the City Council considered a proposed update to both the truck route requirements and truck parking provisions. The Council determined to defer consideration of establishing truck routes for two years, and to continue discussion of truck / commercial vehicle parking for thirty days.
3. The continuance of the provisions for truck / commercial vehicle parking was to provide time for refinements to be made to the proposed ordinance.
4. Deferring the consideration of establishing of truck routes and adopting provisions to better control on-street parking of commercial vehicles is consistent with the recommendations of the Planning Commission made at their meeting of August 10, 2004.
5. The attached "Exhibit A" is intended to address the suggestions / comments raised at the September 7, 2004 City Council meeting with the exception of proposing restrictions on the parking of Recreational Vehicles (RVs). Since RVs are not commercial vehicles, and since restrictions on the parking of RVs would seem a broader policy question, it is suggested that if the City Council wishes to pursue a study of this subject that RV parking controls be the subject of a separate code amendment.

Analysis
and

Conclusion:

As expressed by the Police Chief at the September 7, 2004 City Council meeting, refinements to the limitations on truck / commercial vehicle parking would be helpful to provide the Police Department the tools necessary to address truck parking problems.

Establishing clearer restrictions regarding on-street parking of trucks was also a part of the Planning Commission's recommendation and consistent with public testimony received by the Planning Commission. The truck parking provisions in the attached "Exhibit A" would:

- encourage businesses with trucks to accommodate the trucks on-site, within appropriate parking areas;
- maintain the four hour time limit for on-street parking (but still provide flexibility for longer time when actively loading / unloading);
- preclude on-street truck parking between 10 PM and 6 AM (the current restriction is against truck parking from 2 AM to 6 AM).

Policy

Reference:

General Plan policies (in Particular Circulation Element CE-3 and CE-4);
Municipal Code Provisions 12.46.010 and 12.38.040

Fiscal

Impact:

If the City Council concurs with the commercial vehicle parking provisions, a combination of signage and public information would be needed to implement the code; each sign would cost approximately \$100 installed; there would also be staff time costs making the public and businesses aware of the provisions of the code.

Options:

- a. That the City Council (1) approve attached Resolution No. 04-xx adopting a Negative Declaration; (2) revise the text of Section 12.38.040 in accordance with the attached Exhibit A, by introducing for first reading attached Ordinance No. XXX N.S. and setting October 19, 2004 as the date for second reading of said Ordinance, and (3) direct staff to provide public information to communicate new Commercial Vehicle Parking requirements.
- b. Same as above, plus direct staff to initiate a Municipal Code Amendment to consider restrictions on RV parking;
- c. Amend, modify, or reject the foregoing options.

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR THE CODE AMENDMENT 01-004
REVISING THE CITY'S REGULATIONS REGARDING TRUCK ROUTES, TRUCK WEIGHT LIMITS AND
COMMERCIAL VEHICLE PARKING

WHEREAS, the Paso Robles Municipal Code has provisions in Chapter 12 addressing truck routes and commercial vehicle parking; and

WHEREAS, the subject code sections have internal inconsistencies regarding weight limits, and policy provisions of the 2003 General Plan update have not been addressed; and

WHEREAS, Municipal Code Amendment 2001-004 proposes to provide further refinements to the content of Chapter 12 regarding truck routes, truck weight limits, and commercial vehicle parking; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, at its July 27, 2004 and August 10, 2004 meetings, the Planning Commission held duly noticed public hearings on the proposed Code Amendment to accept public testimony on the proposal, including the environmental determination; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission recommended to the City Council that the proposed Code Amendment be approved and that a Negative Declaration be adopted; and

WHEREAS, public notice of intent to adopt a Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, based on the information and analysis contained in the Initial Study and the attachments thereto, a determination has been made that the proposed Code Amendment qualifies for adoption of a Negative Declaration.

NOW, THEREFORE, the City Council of the City of El Paso de Robles, using its independent judgment and analysis, does hereby:

1. Find and determine that the proposed Code Amendment will not have a significant impact on the environment.

This finding and determination was made based upon the substantial evidence presented at the public hearing, including the whole record before the City Council (including the Initial Study, the Staff Report, the proposed Code Amendment, and any public comments or testimony received thereon); and,

2. Adopt a Negative Declaration for the proposed Code Amendment.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 5th day of October 2004, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 12.00 ET SEQ. AND RELATED PROVISIONS OF THE
MUNICIPAL CODE (MUNICIPAL CODE AMENDMENT 2001-004 – TRUCK ROUTES,
TRUCK WEIGHT LIMITS AND COMMERCIAL VEHICLE PARKING)

WHEREAS, the Paso Robles Municipal Code has provisions in Chapter 12 addressing truck routes and commercial vehicle parking; and

WHEREAS, the subject code sections have internal inconsistencies regarding weight limits, and policy provisions of the 2003 General Plan update have not been addressed; and

WHEREAS, Municipal Code Amendment 2001-004 proposed to provide further refinements to the content of Chapter 12 regarding truck routes, truck weight limits, and commercial vehicle parking; and

WHEREAS, at its meetings of July 27 and August 10, 2004, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council defer consideration of establishing truck routes for a period of two (2) years but to approve the proposed ordinance amending provisions related to parking of commercial vehicles; and

WHEREAS, based on consideration of information received at its meetings of August 17 and September 7, and October 5, 2004, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's July 27 and August 10, 2004, public meetings;
- e. Introduced said ordinance for first reading; and

WHEREAS, on October 19, 2004, the City Council held second reading of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 12.38.040 Parking commercial vehicles and commercial equipment in residential, commercial and industrial zones are hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A".

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on October 5, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of October 2004 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Paso Robles Municipal Code Provisions
Truck Routes and Parking of Commercial Vehicles

12.46.010 Truck routes.

A. AUTHORITY TO DESIGNATE. Whenever any ordinance of this city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic engineer is authorized to designate such street or streets by appropriate signs as "Truck Traffic Routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons.

B. DRIVING ON. When any such truck traffic route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

C. EXCEPTIONS. The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction of Public Utilities Commission; (2) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 197 N.S. § 160, 1956)

12.38.040 Parking commercial vehicles and commercial equipment in residential, commercial and industrial zones.

A. Definitions.

1. Commercial Equipment. For the purposes of this section, the term "commercial equipment" shall include, but shall not be limited to, backhoes, tractors, bucket loaders, air compressors, concrete mixers, road rollers, concrete pumps, pole and pipe dollies, and similar transportable equipment.

2. Commercial Motor Vehicle. A "commercial vehicle" is a vehicle of a type required to be registered under the State of California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed to be used or maintained primarily for the transportation of property. Recreational Vehicles (RV) are not considered commercial vehicles unless they are utilized for commercial purposes.

3. Residential Zone. For the purpose of this section the term "residential zone" shall include all zones listed as R-A, R-1, R-2, R-3, R-4, and R-5 on the then current zoning map.

4. Trailer. A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle, whether or not part of its

weight rests upon or is carried by any other vehicle. As used in this section, "trailer" shall not include a vehicle designed for human habitation or human occupancy.

B. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of weight, upon public street or public or private property in the city within any residential zone, except:

1. While performing a service requiring the loading or unloading of goods and/or property to premises in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such work is completed; or
2. When such commercial motor vehicle, trailer, and/or commercial equipment is parked in connection with, and in the aid of the performances of services to or on a property in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such service is complete; or
3. The commercial motor vehicle, trailer and/ or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours.

C. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of ~~ten~~ six thousand (6,000) pounds or more, or trailer or commercial equipment irrespective of weight, for more than four (4) hours on any public street ~~or on public or private property~~ in the city within the following zones, to wit: OP Office Professional Zone, CP Neighborhood Commercial Zone, C-1 General Commercial Zone, C-2 Highway Commercial Zone, C-3 Commercial-Light Industrial Zone, PM Planned Manufacturing Zone, or M-PD Manufacturing Planned Development Zone. Further, on-street parking of commercial vehicles is prohibited between the hours of 10 PM and 6 AM, between the hours of two a.m. and six a.m., or for more than four hours except between the hours of six a.m. and two a.m., except:

1. That the commercial motor vehicle, trailer and/or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours; or
2. That the nature of the particular service to be performed or material or equipment to be delivered require a longer period of time to complete than the time limit described in this section; or
3. ~~That the commercial motor vehicle, trailer and/or commercial equipment is owned or operated by the commercial use on the private property upon which it is to be parked; or~~

4. ~~D. That such e~~ Commercial motor vehicles, trailers and/or commercial equipment, if parked on private property, shall be parked upon improved and designated parking areas. Such commercial vehicle parking areas may be approved by the planning commission pursuant to the provisions of Title 21,

Chapter 23 of the Municipal Code (use permits, etc.). The use of such parking areas shall be limited to a period not to exceed four hours or such lesser period of time the vehicle operator is utilizing the services provided by the business use of the premises; ~~or unless that the commercial motor vehicle, trailer and/or commercial equipment is owned or operated by the commercial use on the private property upon which it is to be parked or~~ ~~5. T~~ that the commercial motor vehicle, trailer and/or commercial equipment is operated and parked by a registered transient guest of a motel or hotel is parked within approved designated commercial vehicle parking areas upon the business premises. Such commercial parking areas may be approved by the planning commission pursuant to the provisions of Title 21, Chapter 23 of the Municipal Code (use permits, etc.).

~~D.~~ E. Whenever a commercial motor vehicle, trailer and/or commercial equipment is parked or left standing in violation of this section, such commercial motor vehicle, trailer and/or equipment may be removed and stored. (Ord. 552 N.S. § 1, 1988)

Paso Robles Municipal Code Provisions
Truck Routes and Parking of Commercial Vehicles

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B. DRIVING ON. When any such truck traffic route or routes are established and designated by appropriate signs the operator of any vehicle

exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

C. EXCEPTIONS. The provisions of this section shall not apply to: (1) passenger buses under the jurisdiction of Public Utilities Commission; (2) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (Ord. 197 N.S. § 160, 1956)

12.38.040 Parking commercial vehicles and commercial equipment in residential, commercial and industrial zones.

A. Definitions.

1. Commercial Equipment. For the purposes of this section, the term "commercial equipment" shall include, but shall not be limited to, backhoes, tractors, bucket loaders, air compressors, concrete mixers, road rollers, concrete pumps, pole and pipe dollies, and similar transportable equipment.

2. Commercial Motor Vehicle. A "commercial vehicle" is a vehicle of a type required to be registered under the State of California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed to be used or maintained primarily for the transportation of property.

3. Residential Zone. For the purpose of this section the term "residential zone" shall include all zones listed as R-1, R-2, R-3 and R-4 on the then current zoning map.

4. Trailer. A "trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle, whether or not part of its weight rests upon or is carried by any other vehicle. As used in this section,

"trailer" shall not include a vehicle designed for human habitation or human occupancy.

B. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more, or trailer or commercial equipment irrespective of weight, upon public street or public or private property in the city within any residential zone, except:

1. While performing a service requiring the loading or unloading of goods and/or property to premises in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such work is completed; or
2. When such commercial motor vehicle, trailer, and/or commercial equipment is parked in connection with, and in the aid of the performances of services to or on a property in the block in which such commercial motor vehicle, trailer, and/or commercial equipment is parked until such service is complete; or
3. The commercial motor vehicle, trailer and/ or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours.

C. It shall be unlawful for any person to park or store any commercial motor vehicle having a manufacturer's gross vehicle weight rating of ten thousand pounds or more, or trailer or commercial equipment irrespective of weight on any public street or on public or private property in the city within the following zones, to wit: CP Neighborhood Commercial Zone, C-1 General Commercial Zone, C-2 Highway Commercial Zone, between the hours of two a.m. and six a.m., or for more than four hours except between the hours of six a.m. and two a.m., except:

1. That the commercial motor vehicle, trailer and/or commercial equipment is immobile due to accident or mechanical breakdown. In such case, said commercial vehicle, trailer and/or commercial equipment may be legally parked for a period not to exceed twenty-four hours; or
2. That the nature of the particular service to be performed or material or equipment to be delivered require a longer period of time to complete than the time limit described in this section; or
3. That the commercial motor vehicle, trailer and/or commercial equipment is owned or operated by the commercial use on the private property upon which it is to be parked; or
4. That such commercial motor vehicle, trailer and/or commercial equipment, if parked on private property, shall be parked upon improved and designated parking areas. Such commercial vehicle parking areas may be approved by the planning commission pursuant to the provisions of Title 21, Chapter 23 of the Municipal Code (use permits, etc.). The use of such parking areas shall be limited to a period not to exceed four hours or such lesser period of time the vehicle operator is utilizing the services provided by the business use of the premises; or

5. That the commercial motor vehicle, trailer and/or commercial equipment operated and parked by a registered transient guest of a motel or hotel is parked within approved designated commercial vehicle parking areas upon the business premises. Such commercial parking areas may be approved by the planning commission pursuant to the provisions of Title 21, Chapter 23 of the Municipal Code (use permits, etc.).

D. Whenever a commercial motor vehicle, trailer and/or commercial equipment is parked or left standing in violation of this section, such commercial motor vehicle, trailer and/or equipment may be removed and stored. (Ord. 552 N.S. § 1, 1988)

ICATION

PER NOTICES

MISSION/CITY COUNCIL
NG

Telegram Tribune

October 6 2001

December 4, 2001
(City Council)

**NOTICE OF PUBLIC HEARING AND INTENTION
TO ADOPT ORDINANCE PROHIBITING
COMMERCIAL VEHICLES ON
RESIDENTIAL STREETS**

NOTICE IS HEREBY GIVEN that the City Council of the City of Paso Robles will hold a Public Hearing to consider adoption of an ordinance prohibiting commercial vehicles in excess of 10,000 (ten thousand) pounds or more from through travel on residential streets, in accordance with Section 35705 of the California Vehicle Code.

The City Council's hearing will take place in the Council Chambers at 1000 Spring Street, Paso Robles, California, at the hour of 7:30 p.m. on Tuesday, December 4, 2001, at which time all interested parties may appear and be heard.

For further particulars as to the proposed ordinance, any questions may be directed to Kenneth Hutchings, City Engineer, at telephone (805) 237-3860.

If you challenge this action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Dennis Fansler, City Clerk

October 6, 2001

5547374

Adopt Ordinance Prohibiting Commercial
Vehicles on Residential Streets

i _____, employee of the Community

ent, Planning Division, of the City

lo hereby certify that this notice is

ied legal newspaper notice for the