



## STAFF REPORT

**TO:** PLANNING COMMISSION

**FROM:** Corey Simon, Senior Planner

**DATE:** October 9, 2007

**SUBJECT:** Public hearing to review proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include modifying the regulations governing the storage of vehicles and the parking of recreational vehicles ("RV's") within a minimum required front yard.

The Draft regulations to be reviewed by the Planning Commission incorporate changes resulting from the Commission hearings of April 24, 2007 & September 11, 2007, and Community meeting held by Staff on July 19, 2007.

### RECOMMENDATION

Review proposed regulations, formulate recommendation(s) to City Council and direct staff to prepare resolution recommending adoption of an Ordinance amending Title 22, Chapter 36 of the Martinez Municipal Code regarding front yard and recreational vehicle parking.

### ENVIRONMENTAL REVIEW

The proposed text amendments are categorically exempt from the requirements of CEQA under 15305 – Class 5; Minor Alterations in Land Use Limitations.

### BACKGROUND

The City's current work on new regulations on RV parking began in 2006, when the City Council directed staff and the Commission to work on new regulations that would limit what some residents view as an aesthetic liability in the community. Since February 2007, when staff initially proposed an draft ordinance that would have banned the parking of RV's in front yards, the Commission has been discussing various ways of achieving a more balanced regulation – one that addresses the aesthetic and safety concerns while preserving some opportunities for front yard RV parking. The basic framework for the current draft was presented at a public workshop in July 2007. At that time, most agreed that limited parking within the front yard may be permitted, but it should only be permitted on a "parking pad" adjacent to the driveway. Such "parking

pads" are to be paved surfaces, of up to 12' width, typically the length of the adjacent driveway. But unlike the driveway, no "curb cut" would be created at the street – so the RV would be maneuvered to use the existing driveway's curb cut. This "parking pad" would only be permitted between the driveway and the closest interior side property line, limiting the potential for RV parking to a fraction of the total front yard width.

While this broad consensus can be the basis of a workable compromise, the details of ***what size of RV may be parked, and what, if any "setback" should be maintained from the back of sidewalk*** were extensively discussed at the July 2007 workshop and last Planning Commission meeting of September 11, 2007. A resolution was not reached, and at the conclusion of the September 11 meeting, the Commission directed staff to return with options regarding the use of "parking pads" adjacent to the driveway, hoping to expand the number of RV owners that could be accommodated. Otherwise, the Commission reached consensus on several other issues, including the grandfathering of pre-2003 parking permits, but only for a specific size of vehicle and residence (i.e. such rights can not be transferred to a future resident or vehicle).

## DISCUSSION

Since the last meeting, the City Attorney has reviewed the draft Ordinance, and made several technical modifications (such as the definition of "recreational vehicle"), to assure the regulations will apply to the broadest range of vehicles intended. Current options for the use of "parking pad" are illustrated in Attachment A. A new draft Ordinance (with City Attorney's recommended refinements), is provided as Attachment B.

### *TOPIC 1: OPTIONS FOR PERMITTED VEHICLES ON PARKING PAD*

#### Commission's September 11, 2007 direction for removing 7' height limit to expand types of RV's that would be allowed on parking pad

At the last meeting, many RV owners spoke in support of expanding the range of vehicle that could legally park on the proposed "parking pads". Staff's original proposed definition of "Small Recreational Vehicle" (maximum height of 7') would preclude the ability to park the typical "Class "C" motor home (often the length of a big car - 20'-22' – but over 7' tall; and referred to by staff as the "Small/Tall") on the "parking pad". Some Commissioners wished to see an alternative in which such vehicles could use this parking pad. The Commission discussed the concept permitting taller RV's and/or not addressing height in the "Small" definition. The Commission also discussed whether a 5' or 10' setback from sidewalk should be required. (A divided Commission narrowly supported a minimum 10' setback, even though such a requirement would severely limit the number of such vehicles that could actually use the pad.) Staff considered introducing a new category of RV ("Small/Tall"; RV of up to 22' in length and 12' in height) to go with the previously proposed "Small" and "Oversized" categories. A minimum setback from sidewalk of 10' for "Small/Tall" and but only 5' for "Small" was also discussed. Both Planning and Code Enforcement staffs believe that the introduction of an additional category – each with differing setback requirements - will yield little aesthetic benefit, and the added complexity may hamper enforcement.

If the Commission wishes to allow such "Small/Tall" vehicles to use these pads, it can simply omit any definition of "Small Recreational Vehicles," rather than introduce a new category. Without the "Small" category, the proposed regulations would allow any standard Recreational Vehicle (defined as anything up to 12' in height or 35' in length), to use the parking pad, provided that a minimum setback from the sidewalk is maintained regardless of vehicle length. But to provide a meaningful allowance for RV owners, a 5' rather than 10' setback is recommended. If the 5' setback is adopted, the more common front yard setback of 20'-25' found in Martinez will physically limit the use of the parking pads to the "Small/Tall" Class "C" vehicle the Commission discussed. While in a few cases (where an individual residence has an atypically deep front yard) an RV longer than 20'-22' may be able to use the parking pad. With this current proposal to accommodate such Small/Tall vehicles, the regulations would be simplified with now only one special category - the "Oversized" Recreational Vehicle - with a proposed definition of over 35' long or 12' tall (these oversized would be still prohibited from parking on the front yard "parking pad" or any minimum required side yard).

Recommended option for front yard pad use (OPTION "2" in ATTACHMENT B):

- No definition of "Small Recreational Vehicles"
- Use restriction would read:

*A single Recreational Vehicle as defined in section 22.04.442, may be parked adjacent to the driveway on a permitted paved area or pad provided that the Recreational Vehicle is parked a minimum of five (5) feet behind the back of sidewalk, or five (5) feet behind the front property line in cases where there is no sidewalk. (No Oversized Recreational Vehicle may be parked on any such paved area or pad.)*

More restrictive option for Commission consideration (OPTION "1" in ATTACHMENT B

Should the Commission find that the 10' setback should be maintained for all RV's that are taller than the typical car, the original definition of "Small Recreational Vehicle" and stack requirements as they were proposed in the July workshop should be revisited. "Car Sized" vehicle would have no setback requirement (just as cars have no requirement for a setback from back of sidewalk), but all other Recreational Vehicles would have a 10' setback requirement. It should be recalled that for most RV owners, the garage structure blocks access to the side yard, so the only place to park the entire length of the RV is within the front yard, between the garage and the sidewalk. A 10' setback would typically only allow for a 15' long vehicle, thus making that pad virtually useless for anything other than a "Small" (i.e. less that 7' tall vehicle) for which the setback would not apply.

Less restrictive option for Commission consideration (OPTION "3" in ATTACHMENT B

Alternatively, the Commission could find that limiting front yard parking of RV's to the "parking pad" adjacent to the driveway is, by itself an appropriate level of regulation for a community that currently has no effective regulation. In such an option, there would be no special category of "Small", nor would there be any requirements for setbacks

from sidewalk. While such an approach is attractive for its simplicity and high degree of accommodation, it would only bring very limited aesthetic relief to those who requested the drafting of an ordinance. Furthermore, the omission of the setback requirement will worsen driver and pedestrian visibility, which could lead to greater safety hazards than the two other options.

## TOPIC 2: SPECIAL CIRCUMSTANCES

- ❖ Current Draft provides special relief for RV owners in the Downtown area (typically in the R-1.5, R-2.5 and R-3.5 zoning districts)

Under the draft Ordinance, driveways leading to 2-car garages can not be used for RV parking, as the driveway is needed for access to the two required parking spaces. In the downtown area, only one covered space is required. Given the relatively small lots downtown, the Commission directed staff to provide an option for downtown owners who have 2-car garages, but insufficient lot wide to create a parking pad. Proposed text is provided below:

***Parking in R-1.3, R.25 and R-3.5 Zoning Districts. In addition to parking on parking pads, a single Recreational Vehicle may be parked on the driveway of a two-car garage of a residence in the R-1.5, R-2.5 and R-3.5 Zoning District, provided that: a) such a Recreational Vehicle does not block access to the one required covered parking spaces within the garage and b) the vehicles meets the setback requirements prescribed above for parking pad use.***

- ❖ Definition of 72 hour period (in which RV's can be parked in driveways) has been provided:

Under the draft Ordinance, all driveways can be used for RV parking for up to a "72 hour period," to allow for staging before and after use. To prevent abuse of this short term allowance, the following text is proposed:

***For the purposes of chapter 22.36; "Off Street Parking and Loading Facilities", a "72 hour time period" shall mean a distinct 72 hour time period, separated by not less than 10 calendar days, in which a recreation vehicle that otherwise could not be parked within a front yard, may be parked within such yard for the purpose of loading and unloading and similar staging activities before or after use of such vehicle.***

## ATTACHMENTS

- Illustration of parking pad use
- Full text of existing and proposed regulations in "strikeout/redline" format
- September 11, 2007 meeting minutes
- Staff report for meeting of September 11, 2007 (without attachments)
- Correspondence and newspaper articles (received/published since September 11, 2007)

# ATTACHMENT A

OPTIONS FOR PARKING PAD-2007.OCT.01

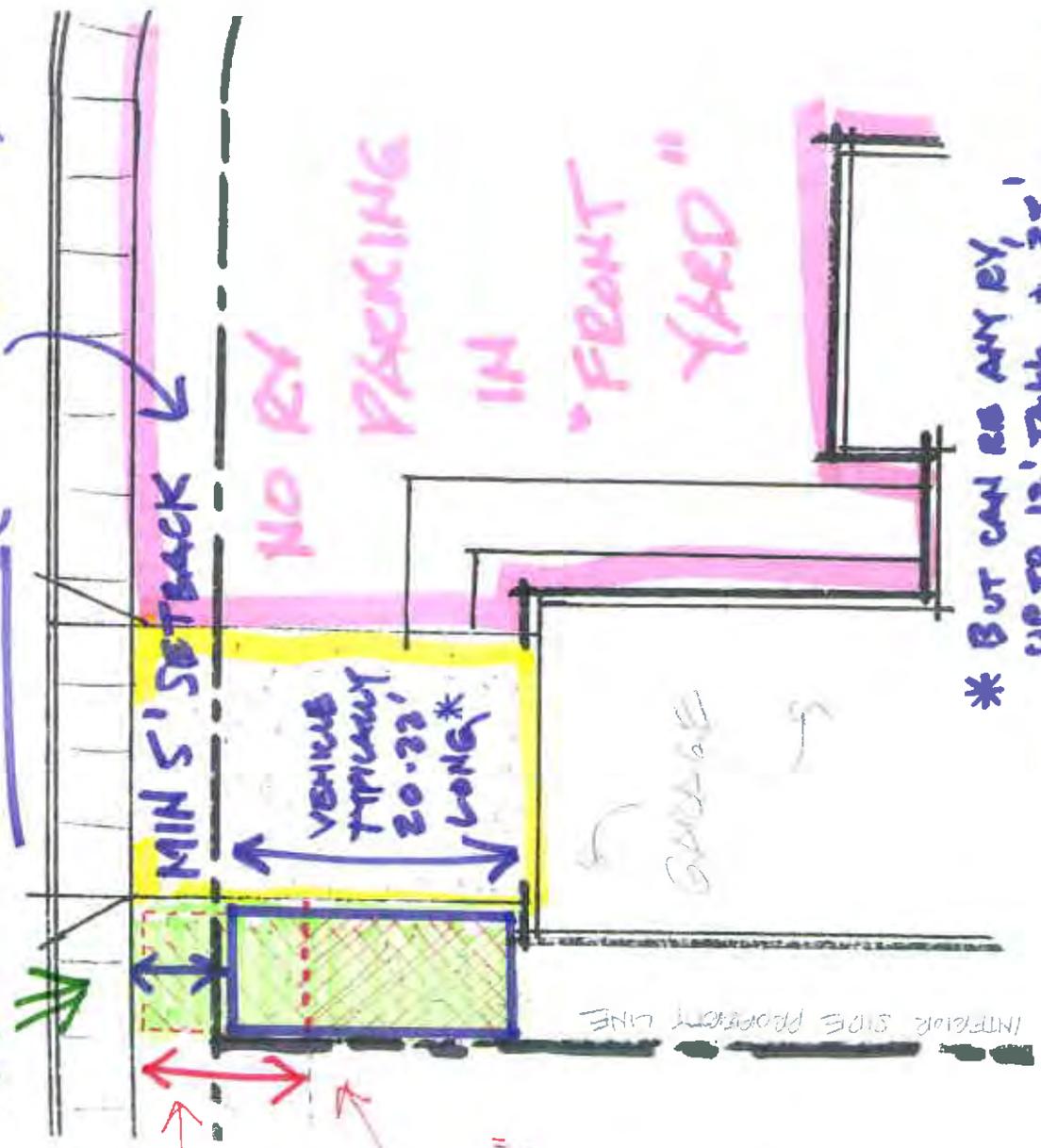
"PARKING PAD"

OPTION 2 (RECOMMENDED)

OPTION 1

(AS PRESENTED @ JULY WORKSHOP)

- 0' SETBACK, BUT ONLY FOR "SMALL RV" NO MORE THAN 7' TALL
- 10' SETBACK FOR ALL RV'S OTHER THAN "SMALL"



\* BUT CAN BE ANY RV, UP TO 12' TALL + 35' LONG - IF 5' SETBACK IS MAINTAINED

# ATTACHMENT B

PLANNING COMMISSION REPORT, OCTOBER 9, 2007

## (REVISED DRAFT – October 9, 2007 Planning Commission)

WITH CHANGES SINCE SEPTEMBER 11, 2007 P.C. MEETING

PROPOSED NEW TEXT SHOWN AS: *Proposed new rules*  
PROPOSED DELETED TEXT SHOWN AS: ~~Text to be deleted~~

### 22.04.092 Commercial Vehicle [NEW DEFINITION]

*“Commercial Vehicle” shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that Commercial Vehicle shall not include a Pickup Truck as defined in the California Vehicle Code as the same may be amended from time to time..*

### 22.04.362 Mobile Storage Container [NEW DEFINITION]

*“Mobile Storage Container” means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, “POD” units, and other pre-fabricated structures intended for the storage or transport of goods.*

### 22.04.442 Recreational Vehicle (“Definitions”)

~~“Recreational vehicle” means a boat trailer, camper on a truck not exceeding ¾ tones, motorcycle or any other vehicle manufactured for the expressed purpose of providing recreational activities.~~

*A. “Recreational Vehicle” means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:*

- 1) *All terrain vehicle;*
- 2) *Bus;*
- 3) *Camp Trailer;*
- 4) *Camper;*
- 5) *Fifth-wheel travel trailer;*
- 6) *Golf cart;*
- 7) *House car;*
- 8) *Motor truck;*
- 9) *Schoolbus;*
- 10) *Semitrailer;*
- 11) *Snowmobile;*
- 12) *Tow truck;*
- 13) *Trailer;*
- 14) *Trailer coach;*
- 15) *Trailer bus;*
- 16) *Truck tractor;*

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- 17) Utility trailer;
- 18) Youth bus

**B. Recreational Vehicle shall also mean any of the following:**

- 1) Horse trailer;
- 2) Off road Motorcycle;
- 3) Boat;
- 4) Jet Ski or other Watercraft

**OPTIONS FOR SPECIAL SUB-CLASSES OF RV'S"**

Option of "Small" definition as proposed by staff:

**22.04.443 Recreational Vehicle, Small [NEW DEFINITION]**

***"Small Recreational Vehicle" means any Recreational Vehicle, as defined in Section 22.04.442, that does not exceed any of the following dimensions: a) height of seven (7) feet; b) length of twenty two (22) feet; or c) width of ten (10) feet.***

Option of "Oversized" definition as proposed by staff

**22.04.445 Recreational Vehicle, Oversized [NEW DEFINITION]**

***"Oversized Recreational Vehicle" means any Recreational Vehicle, as defined in section 22.04.442, that exceeds either: a) a height of twelve (12) feet; or b) a length of thirty five (35) feet.***

**22.04.600 Yard, Front.**

~~**"Front yard" means a yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.**~~

***"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable zoning district standards.***

**22.04.630 Yard, Street-Side Side [NEW DEFINITION]**

***"Street -side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is***

***an area extending across the full length of the lot between the street side property line and the minimum required street side yard setback distance, as required by the applicable zoning district standards.***

**22.36.080 Parking--Design Criteria. [AMENDED SECTION]**

- A. Off-street parking facilities provided in compliance with this chapter shall meet the following design and dimension criteria:
1. Each parking space shall be not less than 20 feet in length and 9 feet in width exclusive of aisles and access drives, except that a parking space required to be located in an enclosed garage shall be not less than 20 feet in length and 10 feet in width, exclusive of utility areas.
  2. Each parking space shall be accessible from a street or alley.
  3. Entrances and exits shall be provided at locations approved by the City Traffic Engineer and the Planning Department.
  4. The parking area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water.
  5. Wheel stops shall be provided only where needed for safety or to protect property.
  6. Lighting provided in off-street parking areas shall be directed away from adjoining premises and streets such that it does not cause off-site glare and nuisance. The type and location of luminaries shall be approved by the Planning Director.
  7. Where a parking area adjoins a street or another site, a landscaped strip not less than 5 feet in depth shall be planted with plant materials not less than 5 feet in height and permanently maintained, except that within 50 feet of a street, intersection the height of plant materials including earth berms, other than trees shall be not more than 3 feet above the curb elevation.

**[DISCRETIONARY FRONT YARD PARKING PAD PROVISION – TO BE DELETED]**

- ~~8. One parking area, 10 feet in width may be located within the required front yard subject to the granting of a permit under this section. There shall be no fee for this permit, unless heard by the Planning Commission. This parking area shall be limited to use for operative automobiles, recreational vehicles, boats on licensed trailers and licensed travel trailers.~~
- ~~b. No permit is required for a parking area located in the side yard of the exterior side yard of a corner lot where appropriately screened, as determined by the City Code Enforcement Officer.~~
- ~~e. Parking within the required front yard shall be allowed by permit issued by the City Code Enforcement Officer. The parking permit shall run with the land and shall be transferable provided all conditions herein stated are complied with by the property owner. Approval of the front yard parking area shall only be granted if the Code Enforcement Officer finds that the following conditions are met, and no objections are filed under Subsection f. below:~~
- ~~(i) Front yard parking shall be permitted only when it can be demonstrated by the applicant that parking within the side or rear yard would pose a serious~~

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~~hardship or extenuating or exceptional circumstances exist. In all cases, parking within side or rear yards shall be the first consideration.~~

~~(ii) The front yard parking area shall not obstruct, obscure or otherwise restrict sight distances of any intersection. Vehicles and any associated screening shall comply with standards established in Chapter 22.34.090.~~

~~(iii) Parking within the front yard shall not in any way adversely impact adjoining property owners.~~

~~d. The Code Enforcement Officer shall deliver written notices to residences adjacent to the proposed parking area and to residences across the street and any other residences directly visually impacted by the establishment of a front yard parking area.~~

~~The notice shall describe the type of vehicle to be parked, the location and size of the proposed parking pad, and (at the applicant's option) the maximum size of vehicle which could be parked on the pad.~~

~~e. Anyone receiving notice and who is aggrieved by the installation of a parking pad shall file signed, written objections with the Code Enforcement Officer no later than ten working days after notice is delivered.~~

~~f. Objections received within the ten day period shall be submitted to the Planning Commission for hearing and decision.~~

~~g. The applicant may also appeal to the Planning Commission any decision of the Code Enforcement Officer. Appeals should be submitted no later than ten working days after the Code Enforcement Officer makes a determination.~~

~~h. All permits issued by the Code Enforcement Officer or the Planning Commission shall be subject to the following conditions, plus any additional conditions needed to carry out the intent of this section:~~

~~(i) The vehicle permitted above shall be fully licensed as stipulated in the California State Vehicle Code.~~

~~(ii) Parking surface shall be concrete, gravel, asphalt or decomposed granite.~~

~~(iii) The parking area must be well maintained and kept free from the accumulation of waste materials including debris, garbage and weeds or other unsightly materials.~~

~~(iv) Utility trailers, camper shells and other non motorized and/or non recreational vehicles shall be permitted in the front yard pad for periods of 72 hours or less.~~

~~(v) The permit shall be limited to a vehicle the same size and type as stated in the original application, or to the maximum size of vehicle described in the notice given to the affected residences.~~

~~i. Failure to comply with any of the above conditions will result in the revocation of the parking permit by the Code Enforcement Officer and/or possible issuance of a citation~~

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8. *Parking areas may not be located within yard areas, as follows:*

- a. *Restrictions for non-residential properties: For properties in all Zoning Districts, other than R-and RR- Residential Districts, no parking area may be located in a minimum required front yard or minimum required street-side side yard.*
- b. *Restrictions for residential properties: For properties within R- and RR- Residential Districts, and for any property not in a R- and RR- District with residential use, no parking area may be located within a front yard, or street-side yard, with the following exceptions and restrictions:*
  - i. *Driveways. A residential driveway conforming to the requirements of Section 22.36.090, which prescribes a maximum driveway width of 24' width and that a driveway is not to exceed 30% of the width of any lot; and subject to the limitations prescribed in Section 22.36.085.*
  - ii. *Parking pads. A paved area or "pad" parallel to a driveway; and subject to the limitations prescribed in Section 22.36.085. A Front yard parking pad may only be located between the driveway and the nearest interior side property line. A parking pad may not be located between the driveway and the secondary street of a corner lot, or between the driveway and the farther of the two interior side property lines; and may not exceed a width of 12'.*
  - iii. *Street-side side yards. A paved area or "pad" may be permitted within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.085.*
  - iv. *Deep front yards. Notwithstanding the limitation prescribed for parking pads in subsection ii above, a parking area or "pad" may be located in front yards areas that are 50', or more, behind the property line.*
  - v. *Paving Surfaces. For parking areas and pads other than driveways, permitted surfaces may include gravel and/or decomposed granite in addition to concrete and asphalt surfaces.*

**22.36.085 Parking—Where permitted on Residential Property [NEW SECTION]**

- A. *Parking of Licensed and Operable Vehicles Permitted. Except as limited in Section 22.36.85 B-C below, licensed and operable motor vehicles may be parked in the following areas:*

1. Driveways. On any approved residential driveway.
2. Parking pads. On a paved area or "pad" parallel to a driveway. Vehicles on such a pad must be parked perpendicular to the street, and such vehicles may not block access to garage.
3. Street-side side yards. On a paved area or "pad" within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.085B-C.
4. Deep front yards. On a paved area or "pad" in front yards areas that are 50', or more, behind the property line.

**B. Parking on non-paved surfaces is prohibited. Notwithstanding any provision hereof, the parking of vehicles on-unpaved surfaces is prohibited.**

**C. Limitations on Parking of Recreational and Commercial Vehicles .**

1. Front yards and street-side side yards. No Recreational Vehicle or Commercial Vehicle shall be parked within the front yard or street-side yard of any property zoned R or RR or upon any property with a residential use for more than a 72-hour period, with the following exceptions and restrictions:

**a. Parking pads. OPTIONS FOR USE OF PARKING PADS**

<p><b>Option 1:</b> as proposed by staff at July workshop [<b>most restrictive and maximizes safety</b>]</p> <ol style="list-style-type: none"> <li><b>i.</b> A single Small Recreational Vehicle, as defined in section 22.04.443, may be parked adjacent to the driveway on a permitted paved area or pad; or</li> <li><b>ii.</b> A single Recreational Vehicle may be parked adjacent to the driveway on a paved area or pad provided that the Recreational Vehicle is parked a minimum of ten (10) feet behind the back of sidewalk, or ten (10) feet behind the front property line in cases where there is no sidewalk. (No Oversized Recreational Vehicle may be parked on any such paved area or pad per subsection 3)</li> </ol>
<p><b>Option 2:</b> as discussed by Commission at 9/11 meeting: [<b>RECOMMENDED BY STAFF</b>]</p> <p>A single Recreational Vehicle as defined in section 22.04.442, may be parked adjacent to the driveway on a permitted paved area or pad provided that the Recreational Vehicle is parked</p>

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*a minimum of five (5) feet behind the back of sidewalk, or five (5) feet behind the front property line in cases where there is no sidewalk. (No Oversized Recreational Vehicle may be parked on any such paved area or pad per subsection 3)*

Option 3: option proposed for discussion by staff [most lenient]

*A single Recreational Vehicle as defined in section 22.04.442, may be parked adjacent to the driveway on a permitted paved area or pad. (No Oversized Recreational Vehicle may be parked on any such paved area or pad per subsection 3)*

- b. Parking in R-1.3, R.25 and R-3.5 Zoning Districts. In addition to parking on parking pads, a single Recreational Vehicle may be parked on the driveway of a two-car garage of a residence in the R-1.5, R-2.5 and R-3.5 Zoning District, provided that: a) such a Recreational Vehicle does not block access to the one required covered parking spaces within the garage and b) the vehicles meets the setback requirements prescribed above for parking pad use*
- c. Street-side side yards. Recreational Vehicles may be parked within a Street-side side yard provided such vehicles are behind a 6 feet tall solid fence, in locations where such required screening is permitted by Section 22.34.090; Fences, Walls and Hedges.*
- d. Deep Front Yard. Notwithstanding the limitations set forth herein, Recreational Vehicles and Commercial Vehicles may be parked on paved surfaces in front yards areas that are fifty (50) feet, or more, behind the front property line.*
- 2. Side and Rear Yards. Recreational Vehicles and Commercial Vehicles may be parked on an approved paved surface or "pad" within side and rear yards.*
- 3. Notwithstanding any provision hereof to the contrary, Oversized Recreational Vehicle, as defined in Section 22.04.443, may be not be parked within any front yard, or any minimum required side or street-side side yard, nor may an Oversized Recreational Vehicle be parked within 5' of a rear property line.*
- 4. Notwithstanding any provision hereof to the contrary, un-mounted camper shells, including but not limited to cab-over campers not mounted within Pickup Truck bed, may be not be parked within any front yard, or any minimum required, side or street-side side yard.*

5. *Notwithstanding any provision hereof to the Contrary, Recreational Vehicles used for the transportation of horses may be parked on a residential property in the RR- Rural Residential Zoning Districts.*
6. *No RV may be occupied for living, sleeping or any other purposes while parked per the limitations listed above; other than a visitors' RV which may be used for the guest's accommodations for not more than one week*

**22.36.086 Parking— Mobile Storage Containers** [NEW SECTION]

- A. *Except as provided in subsection b, below, no Mobile Storage Container shall be placed or parked on any property located in an R or RR zoning district or upon property upon which is located a residential use for more than a 72-hour period. A Mobile Storage Container may be not be placed upon or parked on a residential property more than four (4) times in a calendar year.*
- B. *Long term use of a Mobile Storage Container for on-site storage may be permitted within side and rear yards, subject limitations prescribed in Section 22.12.265; Accessory Structures.*

**22.36.087 Parking - 72 Hour time limit**

*For the purposes of chapter 22.36; "Off Street Parking and Loading Facilities", a "72 hour time period" shall mean a distinct 72 hour time period, separated by not less than 10 calendar days, in which a recreation vehicle that otherwise could not be parked within a front yard, may be parked within such yard for the purpose of loading and unloading and similar staging activities before or after use of such vehicle.*

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# ATTACHMENT C

PLANNING COMMISSION REPORT, OCTOBER 9, 2007

## PLANNING COMMISSION MEETING *DRAFT* MINUTES

CITY OF MARTINEZ  
PLANNING COMMISSION  
REGULAR MEETING  
September 11, 2007

### CALL TO ORDER - ROLL CALL

Chair Hughes announced that the Commission was awaiting the arrival of one more Commissioner to ensure a quorum on all items.

The meeting was called to order at 7:05 p.m., with all members present except Commissioners Busby and Korbmacher, who were excused.

Staff present included Assistant City Manager, Community & Economic Development Karen Majors, City Attorney Veronica Nebb, Deputy Community Development Director Albert Lopez, and Senior Planner Corey Simon.

### REGULAR ITEMS

3. *Front Yard & RV Parking Public hearing to review proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include placing limitations on the parking of recreational vehicles within the minimum required front yard of residential lots. The proposed maximum lengths of RV's to be permitted has been adjusted as per the July 19, 2007, Community Workshop. The Planning Commission will make its recommendations to the City Council, which will consider the possible amendments at a future date to be announced. Applicant: City of Martinez*

Commissioner Burt returned to the meeting. Chair Hughes asked that respect be shown for all opinions.

Senior Planner Corey Simon & Deputy Community Development Director Albert Lopez presented the staff report, beginning with a review of the July community workshop, including a PowerPoint presentation.

Mr. Simon concluded the report with a discussion of past approvals and permits to be grandfathered in, and the need for non-discretionary approval standards. He also reviewed changes to the draft ordinance since it was last before the Planning Commission.

Public hearing opened.

DIANE ESSARY asked whether the ordinance would be enforced on complaint basis or by someone looking for violators. City Attorney Veronica Nebb said all code enforcement is done on a complaint basis, and Assistant City Manager, Community & Economic Development, Karen Majors clarified that there is only one employee in code enforcement presently.

Ms. Essary expressed appreciation for everyone's efforts to reach a compromise. She thought this ordinance is a fair and equitable solution. She encouraged all to join in support with her and husband Neil.

BRIAN MORTENSEN said he missed the July workshop. He was concerned that there seemed to be some prejudice towards RV and boat owners, and he has written a letter to the City Council about the necessity for family-oriented activities that RV owners and users participate in. He asked for support of "grandfathered" approval for his pad permit, since he has put time and expense into the installation of the pad. He was also concerned about the implication that current pad permits are "illegal" or noncompliant.

Commissioner Burt asked whether existing pad permits are in compliance with the new ordinance. Mr. Simon said there is no way to know, but grandfathering of the 30 or so existing permits should be possible. However, there is the need to deal with future handling of existing permits.

Commissioner Burt confirmed with staff that not all of the permits will meet the new standards.

Mr. Mortensen again urged consideration for existing permits.

RUSS HOLT commented on the definitions in the ordinance. Mr. Simon confirmed that the definitions have been refined.

SHELDON SLAD commented on his permit and the pad that he installed on his property, in compliance with current City ordinance. However, his permit request was never approved since the process was stopped while it was still pending. He asked the City to consider that RV parking usually goes with a house, and the grandfathering should continue with the property.

Commissioner Allen asked for clarification on his situation, which he reviewed. Commissioner Allen asked staff about pending applications. Mr. Simon said there might be 3-5 that were applied for but never approved.

JAMES DAVIS said he doesn't store his RV in front of his house, and he uses it 40 weekends out of the year. He asked about length restrictions and time restrictions. He also questioned definitions of "oversized" vehicles in the ordinance since lengths have changed under DMV statute.

Mr. Lopez said there are different rules for lots as large as his. Mr. Simon reviewed provisions for the various districts.

Chair Hughes asked speakers to focus on the policies of this ordinance, as opposed to their specific situations.

TONY HENNIG agreed that RVing, boating and camping are family-oriented activities. He acknowledged that the merits of policies are great, but there should be some compromise to allow family activities to continue on a regular basis. He also noted that long-term storage is costly and inconvenient.

JACK BROWN said his RV complies with the proposed ordinance. He questioned whether RV parking really affects real estate value.

VICTOR DARNER, owner of a 22 foot RV with a pad next to his garage, said the current ordinance will require him to move it. He commented on an article in the newspaper on Sept. 3rd regarding Michelle Cussler's opposition to RV ordinances in Antioch and elsewhere; noting that lawyers have been hired to oppose new restrictions.

Ms. Majors questioned the size and location of his RV. Mr. Darner showed on a diagram.

TERRY NORTON asked whether her cab-over camper would be the violating ordinance. Mr. Simon said driveways have a 72 hour restriction, but less than 22' would be allowed in a space next to the driveway as long as it is clear of the sidewalk.

Ms. Norton expressed concern that downtown residents in a certain socio-economic group are being penalized. Mr. Lopez acknowledged that not everyone would be able to meet conditions to park an RV on their property.

Commissioner Burt agreed that many of the downtown lots will not have space. Commissioner Avila noted that some don't even fit all the cars for the households.

Chair Hughes acknowledged that smaller lot size needs to be taken into consideration. Commissioner Allen confirmed with Ms. Norton that her vehicle will not fit into her garage and is not her primary vehicle.

(ROD CARPENTER and CHARLES DOOLIN were no longer present when their speaker cards were announced.)

TIMOTHY DYES commented on financial difficulties faced by some RV owners. He thought this issue should be put on the ballot for the people to vote on.

LORI SARTEE asked about grandfathering the pads but not the vehicles, because an existing pad could be used for a larger RV. Ms. Nebb said it depends on how the Council and Commission choose to handle the grandfathering provisions, and she reviewed different possibilities. She acknowledged that it was a good question that needs to be

addressed.

Ms. Sartee disputed whether those opposed to RV parking were necessarily opposed to family activities. She also commented on the change in size limits from "car-size" to 22' long, 10' high.

KELLY WEIR noted there are many RV issues in his neighborhood. He asked whether there is some enforcement on the issue already. He expressed doubt that 30' RVs were the real issue, since there are limited numbers in the City. He also noted that his CCRs already have restrictions about vehicle parking. He was also concerned that blocking garbage cans could be a health and safety issue. He reminded the Commission that property values are a big issue today.

JERRY ANSEMI commented on the need for compromise from all parties. He noted that earlier permits were not for the pad, but for RV parking. He also indicated that, under the previous ordinance, only those neighbors visually impacted could have a say in the matter, based on health and safety, not aesthetics. He asked how the City will keep track of the RVs parked and whether variances will be allowed. The earlier permits were no-fee permits, and he said a person should not have to pay a fee to park on his own property. He indicated the proposed ordinance should be workable, but the City should have some flexibility for pick-ups with cab-over campers parking in the driveway. He briefly discussed the intents of the original ordinance.

CAROL ROCHA expressed appreciation for the efforts of staff to listen to everyone and to adjust the ordinance as much as possible. She urged the Commission to accept the recommendation of staff. She also urged a spirit of compromise.

MAURICE HOLMAN commented on the need to have access to back yard areas, if parking is allowed there. He asked whether access could be on the other side from the driveway. He also urged the City to work with people to help them comply with the new ordinance.

DAVID PIERSALL commented on issues raised with the first agenda item tonight, related to height, landscaping and fitting in with existing homes in the neighborhood. He asked the Commission to consider the impacts of 30' motorhomes in front yards. He also questioned whether RVs were entitlement and/or necessary for family activities to happen. He acknowledged there was room for some compromise, but he urged the Commission to consider something more restrictive than the proposed ordinance.

LAURA MATTHEWS, long-time resident and RV owner, said she was unaware of the current ordinance and provisions against RVs. She indicated she has never had complaints from her neighbors about her RV, and she could not understand some people's opposition to RVs. She also noted that senior citizens are a large part of RV owners, and they cannot afford storage fees. She asked for consideration of existing RV owners.

Mr. Darner asked about the complaint-driven enforcement. As long as no one complains, is it ok? Ms. Nebb asked Mr. Simon to clarify the size provisions, which he did. She also explained that complaint-driven doesn't mean those with no complaints are legal.

Mr. Slad asked whether there would be restrictions on the number of RVs that can be parked on lots. He questioned whether the proposed provisions would be infringing on his rights.

TONY ROCHA asked Mr. Simon to clarify what height is allowed for a small RV. Mr. Simon said 7'.

Mr. Simon also responded to questions of Mr. Slad regarding the number of RVs and time limitations; and he clarified that an unmounted camper shell would be considered unlicensed and inoperable and must be in the backyard.

Mr. Anselmi suggested a maximum of 10' would be more reasonable, since very few are under 7'. He also reviewed the different classifications of vehicles.

Ms. Nebb noted that the DMV classifications cited by Mr. Anselmi might not be applicable, and size limitations are more enforceable.

Mr. Simon discussed the rationale behind the size distinctions made in the ordinance.

Mr. Anselmi recommended a 12' height limitation.

Ms. Essary noted that the height of the vehicle will usually be proportional to the length. She recommended that the ordinance focus on length instead.

WADE HANSON commended staff for such an outstanding job. He agreed the focus should be on length, not height. He also passed out a flyer showing that RV parking is an asset when selling a home.

GREG JOHNSON questioned whether he could receive a ticket for a passenger vehicle parked in his driveway for more than 72 hour. Mr. Simon clarified exceptions to the 72 hour rule.

Ms. Essary asked the next steps in process, which Chair Hughes reviewed.

Mr. Darner asked how and when a decision would be announced, which Chair Hughes also explained.

Public hearing closed.

Commission comment.

Commissioner Allen asked, and staff clarified provisions related to size, passenger vehicles (including motorcycles), and restrictions for non-residential properties.

Commissioner Allen also discussed possibilities for variances to the ordinance limitations. Ms. Nebb commented on the difficulty in making clear findings for approval of a variance to the provisions.

Commissioner Allen expressed concern about maintenance of required parking (rather than filling one's garage with stuff and parking in the driveway or on street). She was also concerned that the 72 hour restriction could be overcome by alternating parking on-site and on the street. Ms. Nebb acknowledged some difficulties with allowing the 72 hour exemption. She also noted that all projects approved since 1995 have required CCRs to address the issue of storage. She also indicated that ensuring that a resident is maintaining the required amount of parking is difficult to enforce.

Commissioner Allen said her initial thought was to put all RVs behind fences, not in front yards.

Code Enforcement Officer Bill Dillard clarified that the 72-hour on-street parking is a vehicle code provision, and there are consequences for moving a vehicle only incrementally.

Ms. Nebb said similar provisions could be added to the ordinance.

Commissioner Allen clarified that a storage vehicle is not addressed here. Staff said the RV definition could be expanded to include more types of vehicles.

Commissioner Burt commented that cars filled with junk are generally parked on the street. She complimented staff and members of the community for coming up with an ordinance nothing like Antioch's, while developing an ordinance that meets everyone's needs.

Commissioner Burt was concerned about people who did apply for a permit in an attempt to comply with regulations in effect at the time that the ordinance was stopped. She thought the three or four applications "in-process" should be included in the grandfathering provisions, and the grandfathering should deal with the size of the vehicle, not the pad itself. Ms. Nebb commented on the purpose of the original ordinance. She also noted that those in process could be difficult to grandfather, since there is no way to know whether they would have been approved.

Commissioner Burt said hopefully most of those already applied for should meet the conditions of ordinance. She expressed concern about people who have multiple recreational vehicles, indicating there should be reasonable limitations. She was also concerned about inconsistencies among City properties, especially those in annexed areas, and the need for exceptions. She agreed that height was not too much of a concern for her. She also agreed with Ms. Norton about the lack of pad space on downtown lots. Otherwise, she was very impressed with the ordinance and would have no problem recommending it to Council.

Commissioner Kluber asked whether a sunset clause could be added to the grandfathered permits. Ms. Nebb agreed an amortization period could be included. Commissioner Kluber suggested a 3-year limit.

Commissioner Kluber agreed with Commissioner Burt and Ms. Norton about limitations on downtown properties. He also noted that there would be more opportunity for public input at the City Council level.

Ms. Nebb commented that staff ought to propose some provision for smaller lots if the Commission is supportive, prior to sending the ordinance to Council.

Mr. Simon suggested an amendment for the R3.5 zoning district, which should include the smaller downtown lots.

Commissioner Avila also thanked staff and the community for a great compromise ordinance, one that is very generous. She was concerned about RVs that exceed the 10' height. Mr. Simon clarified related provisions.

Commissioner Avila asked about the grandfathering provision and whether it will create a burden for staff to monitor the status of each permit. She agreed with Commissioner Burt that some exceptions would be reasonable for the downtown.

Chair Hughes said he was also impressed with staff's listening and reacting to concerns on all sides of the issue. He was appreciative of the respect shown by the audience and speakers at this hearing as well.

Chair Hughes said he preferred leniency with the grandfathering provisions, including those permits that have been pending while this ordinance was being developed. He said he would also like some flexibility to consider exceptions.

Chair Hughes expressed concern no setbacks would be required for a 22' long, 7' high RV, but a 6' fence requires a setback. He felt there should be some setback requirement regardless of the size of the vehicle. He also acknowledged concerns about the downtown, noting he would be supportive of staff providing exceptions for small lots.

Commissioner Allen asked Ms. Nebb about properties that were annexed from the County, which would have been required to have RV space screened from public view but no setbacks. Ms. Nebb reviewed legal considerations.

Commissioner Allen said she felt legal permits should be honored. Ms. Nebb discussed difficulty with grandfathering the parking of a vehicle, noting that grandfathering generally would disappear when an owner ceases to use it for the approved purpose. She indicated that installing a pad represents a small investment on the part of a property owner.

Commissioner Allen suggested grandfathering for current permit owners, subject to

verification and perhaps a deed restriction. Ms. Nebb said a deed restriction would not be feasible, but grandfathering limitations are reasonable. She suggested the Commission consider ultimate time limits for simplicity.

Ms. Majors said 3-5 years would be reasonable, which will limit the administrative burden of monitoring. She acknowledged that monitoring the permits would not be an extreme burden, but a time limit would still be helpful.

There was discussion among staff and the Commission regarding possible time limits or sunset provisions for existing permits.

Chair Hughes expressed concern about honoring the commitment made to owners who conformed to City rules. He was not sure about enacting a sunset provision.

Chair Hughes also said the permit should run with the property or the vehicle (of like type or size) until the property or vehicle is sold.

Commissioner Allen said an RV of the same size, similar or smaller, even if a different type, should meet the requirement.

After further discussion, Ms. Nebb noted that the Commission still needed to discuss small lot provisions, height limits, expanding the definition of RV, clarifying the 72 hour rule, and whether there should be a 5 or 10' setback.

By consensus, the Commission agreed to expanding or clarifying the types of vehicles, and to clarifying the 72 hour rule clarification.

Commissioner Kluber said he agreed that since the height is proportional to the length, the ordinance should deal with length only. Commissioner Burt and Chair Hughes agreed that seemed reasonable as well.

Commissioner Allen said she was still not clear why the height of a fence is limited, but not RVs. Commissioner Kluber said, "People recreate with RVs, not fences."

Mr. Simon clarified, and the Commission confirmed they wanted to delete the 7' height, but keep the 12' limit.

Regarding required setbacks, Commissioners Burt and Kluber thought 5' was sufficient; Commissioners Avila and Allen and Chair Hughes thought 10' was better.

Chair Hughes and Commissioners Burt and Allen felt there should be some allowance for variances.

Mr. Simon clarified that the Commission thought there should be a provision restricting storage vehicles.

On motion by Harriett Burt, seconded by Frank Kluber, to continue the item to the meeting of October 9, 2007, with hearing notices to be sent out. Motion unanimously passed 5 - 0. Yes: Mark Hughes, Harriett Burt, Anamarie Avila Farias, Frank Kluber, and Donna Allen. (Absent: Lynette Busby, Fred Korbmacher.)

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# ATTACHMENT D

2007. OCT. 09

## STAFF REPORT

**TO:** PLANNING COMMISSION

**FROM:** Corey Simon, Senior Planner

**DATE:** September 11, 2007

**SUBJECT:** Public hearing to review proposed zoning text amendments to the Martinez Municipal Code Chapter 22.36; Off-Street Parking. Proposed changes include modifying the regulations governing the storage of vehicles and the parking of recreational vehicles ("RV's") within a minimum required front yard.

The Draft regulations to be reviewed by the Planning Commission incorporate changes resulting from the Commission hearing of April 24, 2007 & Community meeting held by Staff on July 19, 2007.

### RECOMMENDATION

Review proposed regulations, formulate recommendation(s) to City Council and direct staff to prepare resolution making recommendation for or against adoption of an Ordinance amending Title 22, Chapter 36 of the Martinez Municipal Code regarding front yard and recreational vehicle parking.

### ENVIRONMENTAL REVIEW

The proposed text amendments are categorically exempt from the requirements of CEQA under 15305 – Class 5; Minor Alterations in Land Use Limitations.

### BACKGROUND

The Planning Commission last discussed this item on April 24, 2007. The Commission did not take action on a recommendation at that time, and directed staff to: a) provide greater public outreach, such as through City Newsletter, of proposed regulations; and b) continue to modify the draft regulations to provide a greater accommodation for limited parking of RV's in front yards. Staff refined the idea of allowing parking pads between the driveway and the nearest side property line, and presented this option at a public meeting held on July 19, 2007, in the Council Chambers. As per the Commission's directions to staff, the public meeting was widely advertised, with an article in the City's newsletter, as well as being publicized by stories in the Record and Gazette. With over 70 people attending, many speakers reiterated their desire for no

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restrictions on RV parking. In contrast, others found the draft regulations too lenient. But those RV owners willing to entertain some form of compromise offered further refinements to the "parking pad" concept. Incorporating these "size limits" thresholds offered at the public meeting, the regulations as currently proposed are illustrated in Attachment A, the full text of the proposed zoning code amendment is provided as Attachment B. The following discussions are focused on the changes made since the April Commission hearing and as a result of the public meeting. The February 27, 2007, staff report and minutes are provided as Attachments C and D; the April 24, 2007, staff report and minutes are provided as Attachments E and F. Correspondence and newspaper articles received since the April 24, 2007, Planning Commission meeting (including articles addressing regulation of RV parking in neighboring cities, such as Antioch and Concord), are provided as Attachment G.

## DISCUSSION

### **PART 1: OVERVIEW OF CHANGES TO DRAFT REGULATIONS SINCE APRIL 24 HEARING:**

(TEXT OF PROPOSED ZONING CODE CHANGES, IN ~~STRIKEOUT~~ AND **HIGHLIGHT** FORMAT, PROVIDED AS ATTACHMENT B)

#### ➤ **ALLOWANCES FOR PARKING OF RV'S IN FRONT YARDS ON "PARKING PADS" BETWEEN THE DRIVEWAY AND THE NEAREST SIDE PROPERTY LINE.**

While parking of any vehicle would still be banned on what most people consider the "front yard," the small area located next to the driveway (usually in front of the utility gate into the side yard) could be used for long term (i.e. over 72 hours) parking of RV's with certain size limitations:

- ***A special subset of RV's with the proposed definition of "Small Recreational Vehicles" (not to exceed 22' length, 10' in width, 7' height) could be parked on the parking pad with no "setback" from sidewalk.***
- ***The parking pad could also be used for standard RV's, but such vehicle could be no closer than 5' from back of sidewalk. The "setback" from back of sidewalk is for the safety, and aesthetic perspective, of the pedestrian. Given that the distance between the back of sidewalk and the curb will vary, a setback requirement from "back of sidewalk" will inevitably create differing parking opportunities for RV owners (e.g. owners on streets with "planting strips" may have a shorter length available for parking.) As with any zoning standard, such variations are unavoidable.***
- ***The definition of "Oversized RV" has been increased from 30' to 35', so owners of vehicles of up to 12' high, and 35' long can potentially park within a side yard or on a parking pad.***

➤ **ADDITIONAL PARKING OPPORTUNITIES AVAILABLE TO OWNERS OF RELATIVELY LARGER LOTS (e.g. over 10,000 sq .ft.):**

Since the beginning of staff's development of the proposed regulations, the focus of the new regulations was on the "typical suburban" lot of between 6,000 sq. ft. to 10,000 sq. ft. in size. It is within this typical size range where RV owners - and neighbors of RV owners – have expressed a conflict. Therefore the draft regulations are focused to finding a compromise that will work on such sized lots. But Martinez has several neighborhoods of larger lots, where there is a greater opportunity for RV parking without being in conflict with neighbors. While it would be impractical to write regulations that would be unique to a specific lot size (as was suggested by a speaker at the public meeting), the regulations would be somewhat "self adjusting" to provide opportunities where lot size and or home placement allows for more open area on the lot:

- ***In any R- and RR- Residential Zoning District, parking of recreational vehicles a distance of 50' or more behind the property line is permitted within the front yard.***
- ***Oversized RV's would only be prohibited in the minimum required side yards (typically 10' to 20' on very large lots.) On large lots, much area would remain for parking of Oversized RV's, albeit closer to the owners' residences toward the center of the lot.***
- ***In the RR- Rural Residential Zoning Districts, the above restrictions do not apply to the parking of vehicles used for the transportation of horses.***

**PART 3: DISCUSSION OVER GRANDFATHERING/AMORTIZATION OF 30+ LEGAL "FRONT YARD PARKING PERMITS" ISSUED SINCE MID 1980'S:**

While only a fraction of the RV's currently parked in the City's front yards may have a legal permit issued from the mid 1980's though 2003 (when the City stopped issuing them), any new regulations would need to address what "grandfathered" right, if any, the City will extend to these permit holders. If the City is to adopt such new regulations, Staff would not recommend that old "parking pad" permits be grandfathered indefinitely, as the continued presence of these RV's could undermine enforcement of the new law. Conversely, the continuing presence of the few legally permitted RV's could be necessary if a compromise is reached. At this time staff is recommending:

- ***Existing permits be grandfathered indefinitely for original permit holder, but only for the original vehicle or vehicle of equal or lesser size.***
- ***Grandfathered permits would terminate upon sale and/or vacation of occupancy of original permit holder. Right to park will not be transferred to new residents.***

Any recommendation the Commission chooses to make toward the adoption of new regulations should address both a) period of amortization for current permit holders and b) any possible extensions to the normal "effective 30 days after adoption" period for new zoning regulations.

ATTACHMENTS

NIC, 2007. Oct. 09

- A. Illustration of allowable parking areas
- B. Full text of existing and proposed regulations in "strikeout/redline" format
- C. February 27, 2006 meeting minutes
- D. Staff report for meeting of February 27, 2006 (without attachments)
- E. April 24, 2006 meeting minutes
- F. Staff report for meeting of April 24, 2006 (without attachments)
- G. Correspondence and newspaper articles (received/published since April 24, 2007)

F:\Community Development\All Projects\Municipal Code Changes\Front Yard & RV Parking\VParkingRev3-PC RPT-2007 09 11.doc

2007. OCT. 09

THE TIMES

# Contra Costa

WEDNESDAY, OCTOBER 3, 2007

Local • Bay Area

PAGE A3

## Legality of RV ban is unclear

■ **ANTIOCH:** Lawyer for group says proposal 'untested area'; city attorney confident it will withstand muster

By Simon Read  
TIMES STAFF WRITER

An attorney retained by area boat and RV owners contends that Antioch's proposal to restrict the parking of recreational vehicles on private property is "an untested area of the law."

Dan Kelleher of the Walnut Creek law firm O'Brien and Kelleher, which specializes in property rights and zoning laws, said that although a city can impose regulations based on aesthetics, the law places strict guidelines on what that actually means.

"When you look at laws dealing with aesthetics, they are pretty much centered on billboards and advertising signs," said Kelleher. "There are some very narrow distinctions. What happens next, a city bans green cars or 1959 Caddys because the fins look ugly? Logic tells you there has to be some sort of limit."

Doug Knowles, secretary of the newly formed Recreational Vehicle and Property Rights Alliance, an organized gathering of local boat and RV owners, said the group approached the law firm earlier this month. No firm decision has been made regarding legal action, he said.

Antioch city leaders last week delayed approving language for a February ballot measure that, if passed, would limit where boat and RV owners could park their recreational vehicles. Antioch's City Council voted 3-2 to hold over the discussion until its Oct. 9 meeting, giving officials time to review additional draft language and possible alternatives to a public vote.

The issue is whether homeowners should be allowed to park their boats and motor homes in their driveways and side yards or be required to put them in storage. The City Council decided in June to put that decision before voters, saying the matter had become too divisive for city leaders to sort out on their own.

Concord officials are also considering putting the RV parking issue on the February ballot, prompting hundreds to voice their opposition at recent city meetings.

In Antioch, some city leaders have said parking large recreational vehicles in driveways can create eyesores and safety hazards.

"Certainly, there can be safety concerns in regards to parking," Kelleher said, "but the state has covered that field. Traffic and

See RV, Page 4

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# RV

FROM PAGE 3

safety regulations are covered by the state, but aesthetics aren't, so municipalities aren't preempted."

In 1980, an advertising company took San Diego to court when the city put restrictions on the placement of billboards. San Diego officials argued their intent was to minimize the distraction outdoor signs posed to motorists and pedestrians and "to preserve and improve the appearance of the city."

After much legal wrangling, the case made its way to the state appellate court.

"If, as plaintiffs maintain, the principal purpose of the ordinance is not to promote traffic safety but to improve the appearance of the community, such

a purpose falls within the city's authority under the police power," the court ruled.

Antioch City Attorney Lynn Tracy Nerland said the court's analysis was broad.

"It followed the predominant view nationwide that aesthetics alone are sufficient basis for the city's exercise of its police power to protect public health, welfare and safety," she said. "Other cities have adopted and enforced similar ordinances in California."

Nerland said she's confident Antioch's ordinance will withstand legal review if it passes a public vote but was quick to note the city has made no decision regarding ballot language.

"It's important to remember the matter is still under consideration," she said. "It's still a fluid situation."

*Simon Read covers Antioch. Reach him at 925-779-7166 or sread@bayareanewsgroup.com.*

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# City parks RV storage debate until October

■ **ANTIOCH:**  
Council holds off on ballot measure, receives criticism from all sides of issue

By Simon Read  
STAFF WRITER

City leaders have decided to hold off on approving language for a February ballot measure that, if passed, would limit where boat and RV owners could park their recreational vehicles.

Antioch's City Council voted 3-2 to postpone the discussion until its Oct. 9 meeting, giving officials time to review additional draft language and possible alternatives to a public vote.

The issue is whether homeowners should be allowed to park their boats and motor homes in their driveways and side yards or be required to put them in storage. The City Council decided in June to put that decision before voters, saying the matter had become too divisive for city leaders to sort out on their own.

Councilman Arne Simonsen asked the city staff to explore San Ramon's boat and RV ordinance.

"They took the Solomon approach and grandfathered existing homeowners who have RVs," Simonsen said. "This is a very good way to do it, though my preferred approach would be to do what we were elected to do. No matter what we do on the RV issue, there will be unhappy people."

Councilman Jim Davis said he had some reservations regarding the San Ramon approach.

"If you have a boat or RV at your house, you can keep it until you move. When you sell your home and the new occupant moves in, that person will have to store their recreational vehicle elsewhere," Davis said. "The problem I have is how are you going to govern that or enforce it?"

Davis said he favors allowing boat and RV owners to park one vehicle in their driveway as long as it poses no safety hazard, is properly maintained and legally registered.

"If we can save the money,

time and expense and not do a ballot measure, we should look at that," he said.

Simonsen echoed that sentiment. "I don't see a reason to punt this to the public, who may or may not care about it," he said.

Councilman Reggie Moore said he also favors a quick resolution.

"The city is facing a lot of issues," he said. "Frankly, this is an issue that probably not a lot of voters are going to give top priority to."

Michele Kuslits, who has rallied boat and RV owners against a public vote, accused the council of "skirting your duties by burdening taxpayers with unnecessary elections and legal expenses."

Consolidation of the special election with the February primary election will cost an estimated \$88,000, according to a city staff report.

"This is the gateway to the Delta," Kuslits told the council. "The river is just steps north of where you are sitting right now. You have a sailboat in your logo, and you're promoting boat races at this weekend's (Rivertown) Jamboree. Many families live here because of the recreational activities offered in this area."

Doug Knowles, secretary of the newly formed Recreational Vehicle and Property Rights Alliance, said he's curious to see where the city takes the issue. At Tuesday's meeting, council members asked Kuslits whether members of the alliance would be open to parking just one recreational vehicle in their driveway.

Kuslits said she would have to run it past the organization's membership.

"Compromises can be nice and are generally a good thing," Knowles said, "but it's not something we want to do without knowing the potential benefits."

The organization has retained the Walnut Creek law firm of O'Brien & Kelleher LLP, said Knowles, adding the group has not yet made a firm decision regarding possible legal action.

Councilman Brian Kalinowski and Mayor Donald Freitas voted against delaying further discussion until October.

**Corey Simon**

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**From:** Albert Lopez  
**Sent:** Monday, September 24, 2007 9:17 AM  
**To:** 'lundbergn@sbcglobal.net'  
**Cc:** Corey Simon  
**Subject:** RV Comments

We received your comments on RV/Boat storage and parking. This item will come before the planning commission next month. If you'd like to be sent a public hearing notice, please give your address and we'll put you on this list. Your input at these meetings is important so that all viewpoints are heard. Thank you.

Albert Lopez  
Deputy Community Development Director  
City of Martinez

**From:** Norman Lundberg [mailto:[lundbergn@sbcglobal.net](mailto:lundbergn@sbcglobal.net)]  
**Sent:** Sunday, September 23, 2007 2:57 PM  
**To:** website  
**Subject:** rv/boat parking

I read in the Gazette that the city wanted input into the RV/boat parking situation. We live on Tahoe Dr. and have seen a huge increase in the parking of RV's, boats, trucks that never move, etc. in the past few years. The first thing that most people say upon coming to our home for the first time is "Wow, what's with the monster orange boat!" It is rarely taken out into the water where boats normally live, but rather rotates between the driveway, where it sticks out onto the sidewalk or sits in the street blocking the view of oncoming traffic. I am sure that these practices lower home value. One wonders that if one can afford these RVs and boats that certainly they can afford storage for them, as well when they are not being used, which is most of the time. These are just thoughts that need to be addressed as you debate the pros and cons of recreational equipment parking.

## Contra Costa

WEDNESDAY, SEPTEMBER 12, 2007

Local • Bay Area

## Dozens voice ideas on RV rule

■ **CONCORD:** Officials consider advisory panel, February ballot measure

By Tanya Rose  
STAFF WRITER

The ever-controversial RV parking issue in Concord could end up on the February ballot. Or if not, then at least one council member would like to see a citizens' group form to help city leaders tackle the white-hot issue.

"I'm inclined to ask for that help," vice mayor Bill Shinn said at a Monday night city meeting.

"I don't want to see disagreement, but a discussion on what we can do to fix this. At the same time, people need to understand that there are problem areas in the community we need to deal with."

Nearly 200 people showed up at a little-known City Council subcommittee meeting at the Concord Library to discuss a recent blowup over recreational vehicle and boat parking. For years, the city has not enforced its own rules, thereby letting residents park their trailers and other vehicles in their yards, in driveways and on streets.

Then in March, two council members, including Mayor Mark Peterson, directed city staff members to start enforcing the dormant law. That is when more than 200 letters went out, warning residents that they would be fined unless they put their vehicles either in their backyards, in off-site storage or in a side yard

### RV

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behind a fence. Residents then began to cry foul.

"You guys are telling me I can't park my coach in the same spot my parents parked it? Where it's been parked for the past 40 years?" resident Roy Haley said.

"This is wrong, guys. I've lived here too long for you to tell me I can't do this."

For people such as Haley, it is a property rights issue. As long as the vehicles are on the owner's property, and as long as they are kept up nicely, they should be left alone, they say.

"They key words here are 'common sense,'" said resident Barbara Malone. "The neighborhood won't go down in flames just because of a well-kept RV in a driveway."

But for Peterson, it is about beautification, and stopping neighborhoods from deteriorating — especially when it comes to cob-webbed, broken-down RVs that have sat in one spot on the street for years. The same goes for trucks with junk in the back and for rickety boats.

Shinn said he would like to see a cooperative air surround the issue.

He wants residents to help the council members rewrite the law — or perhaps not. Either way, public input is best, he said.

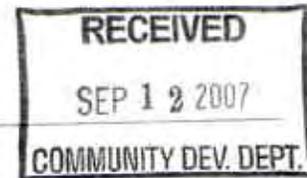
For now, fines are being suspended, pending an outcome on the issue.

And because so many people showed up Monday, and not all were allowed to speak because of a two-hour time limit for the meeting, there will be another public hearing at 5:30 p.m. Oct. 8 at the Concord Library.

That is when Shinn and Peterson, who serve on the Council Subcommittee on Policy Development and Internal Operations, will discuss options such as a ballot measure in February or a citizens' advisory group.

In Antioch, city leaders are putting the same issue to a vote, saying the matter has become too divisive for the City Council to render a decision on its own. Other cities are grappling with the issue, too. Last year, Brentwood began enforcing its existing ordinance to the chagrin of Delta-loving boaters. And before that, the city of Dublin went through a long-lagging public input process to write a new ordinance.

Reach Tanya Rose at 925-943-8345 or [trose@bayareanewsgroup.com](mailto:trose@bayareanewsgroup.com)

**Corey Simon**

**From:** Laura Austin  
**Sent:** Wednesday, September 12, 2007 11:40 AM  
**To:** Corey Simon; Anamarie Avila Farias; Donna Allen; Frank Kluber; Fred Korbmacher; Harriett Burt; Lynette Busby; Mark Hughes  
**Subject:** FW: Proposed RV Ordinance

Hello Everyone,

Antonio Rocha requested I forward this email to you.

Thanks,  
 Laura :o)

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**From:** Antonio Rocha [mailto:aerocha.sr@gmail.com]  
**Sent:** Wednesday, September 12, 2007 10:56 AM  
**To:** Laura Austin  
**Subject:** Proposed RV Ordinance

Hi Laura - We attended the Planning Commission meeting last night and are finally leaving on our trip. We had a few thoughts we'd like to share with Corey Simon & the Planning Commission members. Could you forward the body of this note to them? Thanks

We attended the Planning Commission meeting of 9/11 and again want to thank Staff & the Commission for their attention to public comments and the attempt to incorporate suggestions from this and previous meetings into the ordinance. Staff has proposed a 5 foot setback for RVs greater than 22 feet in length and taller than 7 feet in height. At the meeting last night there was a discussion of the RV setback regarding a 5 foot setback versus a 10 foot setback. At the beginning of the meeting it was stated by staff that the proposed ordinance would allow about 80 percent of RV owners to continue to park on their property. The reason most of these RVs are parked in the 'front yard' next to the garage is that they do not fit in the garage-side side yard. Most lots were designed with the larger side yard opposite the garage. Most of us would love to park our RVs behind the side yard fence, but the space is too narrow. A change in the setback from 5 feet to 10 feet would diminish the 80 percent by a significant number, because many home/RV owners could not fit even a 22 foot motorhome in their garage-side side yard. Consider that besides the eaves of houses extending into the side yard, there are often PG&E meters, air conditioners, side garage door access, etc, further reducing the available space in that side yard. As a side note in regards to the safety issue of parking close to the sidewalk - on our way home last night we observed many houses on corner lots with side yard fences up to the sidewalk that were 6 feet in height or greater (a 7 1/2 foot fence of this nature is next door to us) and also several houses with bushes and shrubs 8 feet or taller also extending to the sidewalk. These fences and shrubs block visibility as much or more than an RV parked in a similar location and may be less esthetically pleasing than a well-maintained RV.

We're also concerned about grandfathering in those existing permits. Those of us who have a permit made decisions based on the fact of the permit. While the cost of building a parking pad may be minimal, the cost of an RV is not. There may not be many of the permit holders who still live in the same house and have the same type and size of RV, but those of us who do would obviously like to continue to park as we have 'legally' done for years. Again, we hope that the staff recommendation meets with your approval.

We would appreciate it if you take the above concerns into consideration when you are reviewing this RV ordinance.

Thank you,  
Tony & Carol Rocha