

**CITY OF MOUNTAIN VIEW
MEASURE C**

Shall City of Mountain View Ordinance No. 15.19, which prohibits parking of oversized vehicles (such as recreational vehicles, boats and large trucks) except wheelchair-accessible vans with a valid disabled placard and those exempted for short duration activities (such as loading and unloading, and emergency vehicles) on narrow streets 40 feet or less in width, be adopted?

**YES
NO**

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE C**

Ordinance No. 15.19 amends Articles I and VIII of Chapter 19 of the Mountain View City Code relating to oversized vehicle parking on narrow streets. The ordinance adds a definition of "Oversized Vehicles" as any vehicle, or a combination of connected vehicles, which exceeds 22 feet in length or 7 feet in width or 7 feet in height, such as recreational vehicles, boats and large trucks. The proposed definition of oversized vehicles would generally exclude passenger vans and pickup trucks. The ordinance prohibits Oversized Vehicles to be parked on narrow streets less than or equal to forty (40) feet in width, or portions thereof, except wheelchair-accessible vans with a valid placard or license and Oversized Vehicles that are parked for short duration activities (such as loading and unloading, and emergency vehicles). The ordinance would not be enforced without a resolution of the City Council setting forth the prohibition on specified streets and would not be enforced until the installation of signage and markers giving notice of the restrictions by the public works director.

The City Council adopted this ordinance on October 22, 2019. In compliance with the California Elections Code, the City Clerk received a petition for a referendum on Ordinance No. 15.19 and the Santa Clara County Registrar of Voters determined that the referendum obtained sufficient petition signatures to qualify for the ballot. Ordinance No. 15.19 was immediately suspended through the referendum process as required by the Elections Code.

If the measure is approved by a majority of the voters, Ordinance No. 15.19 will become a valid and binding ordinance of the City. The ordinance will be considered as adopted upon the date that the vote is declared by the City Council, and will go into effect 10 days after that date. If the measure is not approved by a majority of the voters, the City Council may not re-enact Ordinance No. 15.19 for a period of one year after the date of disapproval by the voters.

The above statement is an impartial analysis of Measure C. If you desire a copy of the measure, please call the City Clerk at (650-903-6304) and a copy will be mailed at no cost to you. Copies are also available in the City Clerk's Office and on the City's website at www.mountainview.gov.

Submitted by:

Krishan Chopra
City Attorney
City of Mountain View

COMPLETE TEXT OF MEASURE C

ORDINANCE NO. 15.19

AN ORDINANCE AMENDING ARTICLES I AND VIII OF CHAPTER 19 OF THE MOUNTAIN VIEW CITY CODE RELATED TO OVERSIZED VEHICLE PARKING ON NARROW STREETS

WHEREAS, the public roadways of Mountain View are frequently used to regularly or routinely park or store oversized vehicles used for work purposes or for human recreation and habitation, including recreational vehicles, campers, trailers, motorhomes, and boats; and

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

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

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

WHEREAS, the regular or routine parking and/or storage of oversized vehicles on City roadways reduces the effective ingress and egress of emergency and critical service vehicles; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 19, Article I, Section 19.1 of the Mountain View City Code is hereby amended by adding the following definition:

"Oversized vehicle. Any vehicle, as defined by California Vehicle Code Sec. 670, or combination of vehicles, which exceed twenty-two (22) feet in length, or seven (7) feet in width, or seven (7) feet in height, exclusive of projecting lights or devices allowed by Sec. 35109 and Sec. 35110 of the California Vehicle Code, but including any load in or on a vehicle which effectively causes the vehicle's length, width or height to exceed the standards in this section."

Section 2. Chapter 19, Article VIII, Division 3, Section 19.79.4 of the Mountain View City Code is hereby added to read as follows:

"SEC. 19.79.4.-Parking of oversized vehicles on certain narrow streets prohibited.

a. No person shall park any oversized vehicle on narrow streets less than or equal to forty (40) feet in width, or portions thereof, as set forth by resolution of the city council.

b. **Exemptions.** Subsection (a) above shall not apply to any of the following:

COMPLETE TEXT OF MEASURE C-Continued

1. Any oversized vehicle actively engaged in the loading or unloading of materials, supplies or goods in the delivery of goods, wares, merchandise or other materials at an adjacent business or residence for no longer than sixty (60) minutes;

2. Construction vehicles with a valid City of Mountain View-issued excavation or encroachment permit;

3. Commercial loading zones;

4. Any vehicle belonging to or under contract with federal, state or local government authorities, or a public utility, and any emergency vehicles as defined by California Vehicle Code Sec. 165;

5. Any commercial, business or public transit bus or commuter shuttle for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time; and

6. Wheelchair-accessible vans with a valid disabled placard or license plate issued and properly displayed pursuant to the California Vehicle Code.

c. This section shall not be enforced until a resolution is adopted prohibiting parking of oversized vehicles on specified streets, or portion thereof, less than forty (40) feet wide.

d. **Signage.** The public works director shall place signs or markings giving adequate notice of the restriction. This section shall not be enforced until such signage has been installed.

e. **Penalties.** In addition to the penalties for parking violations set forth in this Chapter, vehicles parked in violation of this section shall be subject to removal from the public right-of-way at the registered owner's expense. The registered owner of the vehicle shall be liable for the cost of all towing and storage fees. Signs shall be posted giving notice of the removal of vehicles parked in violation of this section."

Section 3. Effective Date. The provisions of this ordinance shall be effective June 30, 2020.

Section 4. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 5. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 6. Adoption of this ordinance would provide limitations on the use of public streets for parking, and is, therefore, categorically exempt from environmental review pursuant to the CEQA Guidelines,

COMPLETE TEXT OF MEASURE C-Continued

Section 15301, concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use and Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City considered the potential exceptions to the categorical exemptions pursuant to Section 15300.2 and concluded they are not applicable. The regulation of on-street oversized vehicle parking to generally prohibit oversized vehicle parking and address public health and safety considerations does not impose a significant cumulative impact over time but would reduce the parking of such vehicles on City streets; is not an unusual circumstance for a modern city, particularly one in the highly dense Bay Area; does not impact scenic or historical resources; and does not entail hazardous sites as it relates to on-street parking.

ARGUMENT IN FAVOR OF MEASURE C

A "YES" vote on Measure C prevents oversized vehicles from parking on narrow neighborhood streets that are 40 feet or less in width.

Measure C was developed with significant community input to address the public health and safety concerns resulting from having oversized vehicles parking on narrow streets.

Many Mountain View residents expressed serious safety concerns about oversized vehicles parking in their neighborhoods. When they park on narrow streets, they make it difficult to see children, walkers, runners, bicyclists, and vehicles, especially at driveways and intersections, creating safety issues. And some vehicles are leaking waste or other hazardous liquids that can create public health and environmental issues.

Measure C includes limited exceptions for some oversized vehicles to park on narrow streets such as vehicles with disabled placards, and oversized vehicles actively loading or unloading items. Nearby cities have parking regulations that discourage or prevent vehicles from parking on their city streets resulting in more oversized vehicles in Mountain View than in surrounding communities.

The housing crisis has hit Mountain View as it has hit other cities. It is heartbreaking to see people living in vehicles. Thus, the Mountain View City Council is working hard to build more affordable housing and mitigate displacement. The City of Mountain View has led the way to ensure that people living in vehicles are safe. Our Safe Parking Program still has capacity and offers displaced Mountain View families, families with students in local schools, people who work in Mountain View, and elderly or disabled individuals a safe place to park, as well as assistance with their daily needs, and more importantly assistance towards securing more stable housing.

Measure C ensures our neighborhoods are safe and does not jeopardize our Safe Parking Program which is a safety net for many.

Vote Yes on Measure C to protect Mountain View neighborhoods.

Jac Siegel
Former Mayor/Council Member

Robert Cox
Old Mountain View Resident

Shari W. Emling
Martens-Carmelita Resident

Pam Lehner
49 year Cuesta Park Resident

Albert H. Jeans
Stierlin Estates Resident

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

The proposed "narrow streets" parking prohibition goes too far.

- Measure C is not needed to address the public health and safety concerns cited by proponents. Legitimate traffic safety issues, such as obstructed visibility at driveways or intersections, can be remedied by restricting parking at problem locations. Any RV leakage can be addressed under a current ordinance that imposes steep penalties for discharges and incentivizes violators to correct such problems.
- Mountain View's current municipal code defines "narrow streets" as streets up to 30 feet wide, but Measure C redefines this term to include streets up to 40 feet wide, greatly expanding the scope of the prohibition to include all but a few Mountain View streets. Measure C's overly broad scope leaves little space for RV parking.
- Safe Parking lots really help, but existing RV lots are **at or near capacity**, are **temporary**, and finding additional RV lots has been challenging.
- New affordable housing takes years to build and will not meet the immediate needs of RV residents.
- Housing insecurity and displacement in our community disproportionately impact people of color, who have historically been disadvantaged by racism. Displacing more people by drastically restricting RV parking would perpetuate racial injustice.

At community meetings, most speakers wanted to find appropriate places where RVs could park, away from residences or busy streets. **We agree.** Removing RVs as a shelter option will have negative consequences for all of us.

Mountain View can and should find better alternatives.

Vote No on Measure C.

Maria Marroquin
Mountain View Resident and Community Leader

Dave Atkins
Attorney, Mountain View Homeowner, Hope's Corner Volunteer

Neha Marathe
Senior Attorney, Law Foundation of Silicon Valley

Bruce England
Mountain View Coalition for Sustainable Planning

Michael Kahan
Mountain View Homeowner, Co-Director of Stanford Program on Urban Studies

ARGUMENT AGAINST MEASURE C

Vote No on Measure C, the "Narrow Streets Oversize Vehicle Parking Ordinance". Families living in street-parked RVs are among the **essential workers** supporting our community. For families who cannot afford apartment rents, RVs provide shelter from wind, cold, **and** the COVID-19 virus. This ordinance would end parking for RVs on nearly all Mountain View streets. Measure C is too extreme. The City needs to develop a better plan for RV parking.

- Where could RVs park if Measure C passes? Streets with bike lanes are already closed to RV parking. By preventing RVs from parking on streets narrower than forty feet, Measure C eliminates RV parking on nearly all remaining streets.
- County-supported safe parking lots for RVs are currently operating near capacity and providing around 60 parking spaces at two sites. These sites have capacity for less than half of the 200+ RVs as reported by recent city counts.
- RV residents facing reduced income during COVID-19 are supported by community connections—schools, churches, food programs. Measure C in effect tells these residents, including immigrant families and people of color, to move along—**out of Mountain View**.
- In the middle of a pandemic, Measure C would harm public health by denying RV residents the ability to shelter in place.
- Mountain View affordable housing waitlists have hundreds of applicants. Rents on older Mountain View apartments average \$2600, too high for low income residents. Since 2016, 900+ apartments have been approved for demolition, causing significant displacement. Where are these displaced families to go?

Council needs to pursue solutions other than this overly broad parking restriction. Expanded safe parking, street parking outside of high-traffic and residential areas, and permanent affordable housing for RV residents could all be parts of a real solution.

Our City can do better. **Vote No on Measure C.**

Nancy Noe
Former Vice Mayor, Mountain View

Marilyn Ann Winkleby
Mtn. View Homeowner/Professor of Medicine, Emerita, Stanford University

Danielle Cannon
Pastor, The Highway Community of Mountain View

Dave Arnone
Treasurer, Move Mountain View/Lots of Love Safe Parking Program

Sabahunnasr Munawar
Renter, Mountain View Housing Justice Coalition

REBUTTAL TO ARGUMENT AGAINST MEASURE C

Mountain View must address the impact oversized vehicles have on narrow streets, while continuing to assist those living in oversized vehicles to transition to more stable housing and a better quality of life.

- Mountain View is a leader in affordable housing with over 2,200 below market rate units existing or in the pipeline to be built.
- The City has invested over \$2.2 million in services for the homeless, and in partnership with Community Services Agency and the County has helped over 160 homeless families move into stable housing, and provided social services to hundreds.
- People living in oversized vehicles are as diverse as the rest of the population. It is estimated that more than 50% of the oversized vehicles are being used by people without a previous Mountain View address.
- Public streets are not designed or intended for oversized vehicle habitation, as they lack the infrastructure for basic human services. Taxpayers have been funding measures to address public health concerns by providing additional street sweeping, garbage pickup, and sanitation services in areas where oversized vehicles congregate.
- Safe Parking Lots have case workers to help people transition to a better life. Oversized vehicles are not sustainable homes.
- Especially during the COVID-19 pandemic every effort is being made to help people in Mountain View, including over \$2.5 million in rent relief.
- Implementation of this ordinance will allow time for transition.

Vote "YES" on Measure C to address public health and safety concerns and prohibit oversized vehicles from parking on narrow streets.

John McAlister
Mountain View City Councilmember

Yue Tootoo Thomson
Cuesta Park Resident

Leslie F. Murdock
Sylvan Park Resident 30 yrs

Karin Dillon
Cuesta Park Resident

Arnold S. Leon
Rex Manor Resident