



**CITY OF SALINAS
COUNCIL STAFF REPORT**

DATE: AUGUST 8, 2023
DEPARTMENT: OFFICE OF THE CITY ATTORNEY
FROM: CHRISTOPHER A. CALLIHAN, CITY ATTORNEY
TITLE: AN ORDINANCE AMENDING THE EXCEPTIONS TO THE REGULATION OF PARKING OF OVER-SIZED VEHICLES

RECOMMENDED MOTION:

Consider adopting an Ordinance amending the exceptions to the regulation of parking of over-sized vehicles codified at Salinas Municipal Code section 20-18.030.

EXECUTIVE SUMMARY:

Over-sized vehicles, defined at section 20-18.020 of the Salinas Municipal Code to include “any vehicle or trailer or combination of vehicles or trailers in excess of twenty feet in length or seven feet in height, exclusive of any projecting light or devices allowed under the California Vehicle Code,” may not be parked on any public street or other public place within the city. The purpose and intent of this prohibition is “to provide for the public health, safety, and welfare of the [C]ity’s residents and other users of the [C]ity’s roadways and other public spaces by decreasing excessive parking of over-sized vehicles and recreational vehicles on public streets and in other public spaces.” (Salinas Municipal Code section 20-18.010) Certain over-sized vehicles are excepted from the prohibition to allow for short-term activity and to allow for emergency vehicles to be readily-available when needed. The proposed ordinance amends the definition of “emergency vehicle” to exclude certain over-sized vehicles from the exception.

Council member Rocha, with the support of Council member Gonzalez, requested this amendment be brought forward to the City Council for consideration.

BACKGROUND:

In 2018, the Salinas City Council adopted regulations prohibiting the parking of over-sized vehicles on public streets and other public places. Those regulations are codified at Article XVIII of Chapter 20 of the Salinas Municipal Code. Certain vehicles were excepted from the regulations including commercial vehicles, vehicles engaged in loading and unloading, catering vehicles permitted by the City to operate on the public streets, and emergency vehicles. Included within the exception for emergency vehicles are “vehicle[s] belonging to or under contract with federal, state, or local government authorities, or a public utility.” This provision was included within this exception to allow two trucks used by companies (and their drivers) which held tow franchises

with the City or with the California Highway Patrol to park their tow trucks in front of or near their residences so they may access them in the event of a call for service. Tow franchisees are held to performance standards, including a time period in which they must respond to a call for service. The drivers' ready access to their tow trucks was seen as a necessary exception to the parking regulations even though the tow trucks may exceed the size limitations of the parking regulations.

Since the adoption of the parking regulations, residents have raised concerns with tow trucks being parked in residential neighborhoods. The tow trucks affect sight visibility, extend into the roadways thereby affecting the free flow of traffic, and take up parking within residential neighborhoods. To address this concern, the proposed ordinance amends the definition of "emergency vehicle" to make the exception applicable only to "authorized emergency vehicles" as that term is defined in California Vehicle Code section 165. Authorized emergency vehicles are, for example, ambulances, fire trucks, and other similar vehicles. Tow trucks under franchises with the City and/or California Highway Patrol would no longer come within this exception and, if they exceed the size limitations, could no not be parked on any public street or other public place unless they have received an authorized emergency vehicle permit from the California Highway Patrol. Such tow trucks would need to be parked at a tow yard or other such place. Removal of tow trucks from the exception may require amendments to the City's Tow Service Franchise Agreements to allow for additional time for the tow companies to respond to calls for service.

CEQA CONSIDERATION:

The adoption of this Ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that the adoption of this Ordinance there is no possibility that the activity in question may have a significant effect on the environment. [CEQA Guidelines Section 15061(b)(3).]

STRATEGIC PLAN INITIATIVE:

The proposed ordinance meets the City Council's goals of Public Safety and Effective and Culturally Responsive Government.

DEPARTMENTAL COORDINATION:

The City Attorney's Office did not specifically coordinate with other departments on the proposed ordinance.

FISCAL AND SUSTAINABILITY IMPACT:

Adoption of the proposed ordinance would not have an impact on the City's General Fund.

ATTACHMENTS:

Ordinance