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PLANNING COMMISSION STAFF REPORT

Meeting: June 24, 2025

Subject

Study Session regarding possible updates to oversized vehicle parking restrictions in the public right-of-way.

Recommended Action

Recommend that the City Council consider the Planning Commission's recommendation to amend Sections 11.24.130 (72-hour parking limit), Section 11.24.200 (removal of vehicles), Section 11.28.010 (definition of oversized vehicles), and Section 11.28.020 (vehicle parking regulations) of the Municipal Code, to enhance the current prohibition on parking oversized vehicles for more than seventy-two (72) hours on any public street.

Executive Summary:

Staff was directed to bring this item to the Planning Commission to consider options to update the City of Cupertino's oversized vehicle parking restrictions on public rights-of-way. The current regulatory framework is problematic due to the 72-hour parking restriction being easily avoided, hence allowing oversized vehicles to remain parked on public streets for extended periods and creating the opportunity for vehicles to congregate in certain sections of the City.

On April 22, 2025, staff brought this issue before the Planning Commission. At that meeting, staff was asked to return with a more detailed report for further discussion. Based on that further study and analysis staff is proposing three options for the Planning Commission's consideration, that are briefly summarized below and fully described on pages 7 - 8.

Recommended Option 1: Require a City-issued permit to park an oversized vehicle within any City public right-of-way for a maximum of 72 hours, including residential streets, with certain exceptions. Add signage at City entrances.

Alternative Option 2: Allow only City residents with a required City-issued permit to park an oversized vehicle on City public right-of-way including residential streets for a maximum of 72 hours, with certain exceptions. Add signage at City entrances.

Alternative Option 3: Require that all vehicles be moved a minimum distance of 1500 feet after 72 hours of being parked on any City street, and remain at least 1500 feet away from the original location for 72 hours. Add signage at City entrances.

Background

Currently, Cupertino Municipal Code Section 11.24.130 prohibits the parking of any vehicle or trailer on any public street for more than a consecutive period of 72 hours. The City is now considering updates to the City's parking requirements to provide more efficient enforcement, balance the needs of residents and visitors, close enforcement loopholes, and prevent long-term parking on public streets.

Pursuant to California Vehicle Code Section 22507, a city is authorized 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 allows cities to regulate the parking of vehicles, including oversized vehicles, on city streets.

Towards this end, on April 22, 2025, the Planning Commission discussed a proposed ordinance amending Sections 11.24.130, 11.24.200, 11.28.010 and 11.28.020 of the Cupertino Municipal Code pertaining to restrictions on oversized vehicle parking (a) on public streets, (b) in residential districts and (c) near customer-facing retail establishments. During the meeting Commissioners questioned the purpose and scope of such an ordinance. Specifically, they requested that staff clarify the problem and provide available data, including the number of citations issued, enforcement efforts and whether such efforts have been effective.

Members of the public also shared concerns. Several residents expressed opposition to a blanket ban on oversized vehicles in residential neighborhoods, explaining that many Cupertino residents rely on being able to park their RVs at home while preparing for or unloading from travel. Additionally, one Commissioner noted that some residents may host visitors traveling in RVs and suggested that a permit program be considered.

Based on these discussions and community feedback, staff determined that a study session would be helpful to explore policy options and gather further input from the Commission before presenting options to the City Council for consideration of formal ordinance amendments.

Current Practice

Cupertino's enforcement of its oversized vehicle parking restrictions is currently complaint-driven. When a complaint is submitted or when a City staff member observes a potential violation, Code Enforcement staff conducts an inspection. If warranted, the City places a warning tag or sticker on the vehicle, documents its location, and marks the tire using a paperclip or other marker to monitor movement. After 72 hours, Code Enforcement reinspects the vehicle. If the marker has been disturbed, it is presumed the vehicle has been moved and no citation is issued. If the marker remains, the City issues a citation.

Presently, Code Enforcement staff tags at least five vehicles per week. Staff estimates that 85-90 percent of these vehicles move only a few feet, remaining in the same general area. Per every 115 tags, there are approximately four (4) citations issued, about 3.5% of all tagged vehicles.

The low citation rate is largely due to common strategies used by oversized vehicle owners to avoid enforcement. These include moving the vehicle only slightly to reset the 72-hour clock, temporarily relocating the vehicle for approximately 24 hours before returning to the same spot, as well as coordinating with other vehicle owners to rotate parking spaces, effectively keeping vehicles in the same area while technically complying with the 72-hour movement requirement.

Annually, the City receives approximately 200 complaints related to oversized vehicles. A common concern relates to oversized vehicles that either have not been moved or have moved a minimal distance after 72 hours.

The current restrictions limiting vehicle parking on the City's streets are inadequate to prevent oversized vehicles such as RVs from parking for extended periods of time and congregating in certain areas of the City. A coordinated effort by certain RV owners has been witnessed by staff, where they moved their RVs by one vehicle length with the first moving to the last position every few days, such that no vehicle is required to leave the area, and thus avoiding violation of the current ordinance's 72-hour rule.

One area where this frequently occurs within the City is from Alves Drive to Saich Way (Steven Creek), behind the Target store, where numerous RVs are

“camped” in the public right-of-way. The table below describes the common locations where citations have been issued in 2024 and 2025.

Year	Frequency	Location in the City of Cupertino
2024	3	Foothill/ SCB
2024	2	Blaney/SCB
2024	1	McClellan/Bubb Rd
2024	6	Stelling/Rainbow
2024	1	Homestead/85
2024	8	Alves Dr/Bandley
2025	2	Alves Dr/Bandley
2025	1	S. De Anza/ McClellan
2025	1	Rancho Rinconada

Staff’s Proposal at the April 22 Planning Commission Meeting

On April 22, staff suggested the following proposed ordinance, which included three components: 1). Any vehicle parked in the same location for 72 consecutive hours must be moved at least 1,500 feet away from, and cannot return to, the original spot for at least 24 hours after leaving; 2). A complete ban on parking oversized vehicles in residential districts; and 3). A complete ban on parking oversized vehicles within 100 feet of commercial zones.

The proposed ordinance aimed to establish a minimum distance that vehicles must be moved to ensure they do not simply relocate to nearby spots or moved only a few inches away.

The ban on oversized vehicles in residential districts was intended to prevent these vehicles from shifting from commercial to residential neighborhoods, when the 72 hour was amended to require that vehicles move 1500 feet from their current location for 24 hours. The ban of oversized vehicles within 100 feet of commercial areas was intended to protect the City’s retail establishments from the impacts of RVs parked for extended periods of time near their customer facing operations.

As noted above, members of the public shared concerns about the blanket ban on oversized vehicles in residential neighborhoods, explaining that many Cupertino residents rely on being able to park their RVs at home while preparing for or unloading from travel.

Staff’s Current Proposal

Options 1 and 2 Require City-Issued Permits

Options 1 and 2 require a City-issued permit to park an oversized vehicle in a City right-of-way. There are various benefits to requiring permits. It allows City staff to track where oversized vehicles are parking, ensures the City is informed of how long each vehicle is expected to remain, and provides advance notice to support effective monitoring and enforcement.

All Three Options Allow for Limited Oversized Vehicle Parking in Residential Neighborhoods

All options allow residents to park their oversized vehicles near their residences for 72 hours. They may remain parked longer, as long as the vehicle is moved every 72 hours. Under options 1 and 2, the residents would be required to obtain an additional permit for each 72-hour period.

Benefits of Posting Regulations

Posting parking regulations through signage improves enforcement. However, the cost of installing signage in residential neighborhoods is prohibitively high. The Public Works Director estimates that creating and installing one parking sign costs approximately \$513. If the City were to install signs throughout its residential areas, which consist of about 93 linear miles, it would need to install approximately 372 signs, resulting in a total estimated cost of nearly \$200,000.

The recommended options presented in this staff report recommend applying a uniform, citywide regulation, instead of having different regulations that apply to residential and commercial areas. A single, consistent citywide regulation would allow the City to post signs at only City entrances, which will significantly reduce signage and installation costs. The City of Redwood City has a uniform, citywide regulation regarding oversized vehicle, and has only posted signs on City entrances. So far, the City of Redwood City's oversized vehicle regulation has not been legally challenged. Under the scenario of posting signage at city entrances, we estimate that the City of Cupertino would need to install approximately 50 signs at an estimated total cost of only \$25,000. This is a cost-effective approach.

Estimated Additional Program Costs

Our current suggestions also entail the use of City issued permits, which adds cost. Staff estimates that the issuance of a permit costs the city approximately \$46.50 to cover the estimated staff time and use of City resources. Staff anticipates receiving 3 to 4 permit applications per week. If the volume increases, additional personnel may be needed.

While the City continues to enforce existing ordinances, there is a staffing shortage and the City is actively working to fill vacant positions. Once filled, Code Enforcement will have the necessary staffing resources needed to support an updated ordinance.

This past fiscal year, the City collected approximately \$180,000 in citation fees related to parking violations.

Legal Analysis

There can be legal risk associated with imposing regulations that impact unhoused communities, like the regulations being considered here. For instance, in 2019, the City of Mountain View adopted local regulations restricting parking of oversized vehicles on streets adjacent to certain bikeways and on narrow streets, which included more than half the streets in the Mountain View. A public interest group representing unhoused people sued Mountain View claiming the regulations violated the plaintiffs' constitutional and statutory rights. Eventually the parties settled whereby Mountain View agreed to amend the ordinance to change the process of ticketing and towing for oversized vehicles, preventing the immediate towing, and reimbursing the plaintiffs' attorneys' fees and costs of suit.

Separately, the City of Redwood City passed regulations implementing their new RV parking ordinance in 2020. To reduce the risk of a lawsuit, they opened a safe parking area for RVs that would otherwise have been forced out of the city. They operated the safe parking area for approximately three years until they left the City or moved on to other arrangements. The city's program has not been legally challenged.

However, both Mountain View and Redwood City instituted their heightened standard before the US Supreme Court decided the seminal case, *City of Grants Pass v. Johnson*, 603 U.S. 520 (2024). The Supreme Court overturned the Ninth Circuit's opinion, which had held that citing homeless people for camping on public property was "cruel and unusual punishment" unless alternate shelter was available. In so doing, the Supreme Court rebalanced the scales. Approximately 30 days after the *Grant Pass* ruling, Governor Gavin Newsom issued an executive order requiring state and local agencies to address encampments of unhoused persons.

It is also important to note that the Mountain View's ordinance focused on towing oversized vehicles as the first step in enforcing the municipal code, whereas the City of Cupertino's approach relies on citation as the first step.

The risk is further minimized if the City refrains from adopting a citywide ban on oversized vehicle parking. Allowing such vehicles to park under certain conditions reduces the potential for legal challenges.

Moreover, The Prince of Peace Lutheran Church offers a Rotating Safe Car Park (RSCP) that allows guests who are living in their cars to sleep, stabilize, recover, and gain access to social services. The RSCP services West Silicon Valley, including Cupertino. This is an additional option for those with oversized vehicles to secure a parking location.

Reasons for Recommendation and Available Options

Based on the research above, staff recommends a couple of options to discuss and consider.

Option 1: Requires a Permit to Park an Oversized Vehicle within any City Public Right-of-Way

- Prohibits the parking of oversized vehicles city-wide unless the owner obtains a City-issued permit to park the vehicle for 72 hours within the City. With such a permit, the owner may park in the public right of way under the following conditions:
 - The vehicle must be moved a minimum distance of 1500 feet every 72 hours, unless it is parked on private property.
 - Only five (5) permits per month for any vehicle may be issued.
 - Daytime Parking Exception: Oversized vehicles may be parked on public streets for up to two (2) hours during the hours between 6:00 am and 8:00 pm, regardless of whether the City-issued permit has been obtained.
 - Nighttime Parking Exception: Oversized vehicles may be parked on a public street for up to one (1) hour between the hours of 8:00 PM and 6:00 AM, regardless of whether the City-issued permit has been obtained.
- Add signage at City entrances.

Analysis: Staff recommends this option, which allows an owner to park their oversized vehicle within the public right of way for up to 72 hours with a valid City-issued permit. For any vehicle, the owner is allowed up to five permits per month for their vehicle, which equates to approximately two weeks, although the vehicle must move to a new location after each 72-hour period. The ordinance also accommodates vehicle owners who may be simply passing through town by allowing short-term parking for two hours during daytime hours and one hour during nighttime hours.

Option 2: Requires a Permit to Park an Oversized Vehicle within any City Right-of-Way, but Permits will only be issued to Residents of the City, or under an existing alternate option currently available at the City for Commercial vehicles.

- Same as Option 1, but only residents of the City may obtain the necessary permit.
- Current City regulations would remain effective that allow certain commercial vehicles to park in the public right-of-way for longer periods of time.
- Add signage at City entrances.

Analysis: This option requires all oversized vehicles owners to obtain a permit from the City to park their oversized vehicle within the public right-of-way for up to 72 hours. For any vehicle, the resident owner is allowed up to five permits per month for their vehicle, which equates to approximately two weeks, although the vehicle must move to a new location after each 72-hour period. As in option 1, the ordinance accommodates vehicle owners who may be simply passing through town by allowing short-term parking for two hours during daytime hours and one hour during nighttime hours.

Option 3: Requires that All Vehicles be Moved after 72 hours of Being Parked in any City Public Right of Way

- Prohibits the parking of oversized vehicles in the public right-of-way unless:
 - the oversized vehicle is moved a minimum distance of 1500 feet every 72 hours. After moving, the oversized vehicle must remain at least 1,500 feet away from the original location for 72 hours.
- Add signage to every City entrance.

Analysis: This option allows for oversized vehicles to park on the public street for up to 72 hours without a City-issued permit. To prevent vehicles from moving only a short distance or immediately returning to the same location, this option establishes a 1,500 foot radius around the original parking location. Once an oversized vehicle has vacated a location, it is prohibited from returning to that area for at least another 72 hours.

Staff recommends the 72 hour return restriction which would align with the City's existing enforcement process. When a complaint is received, staff clocks or marks the vehicle and re-inspects it after 72 hours to determine whether it has moved. If it has not moved, a citation is issued. Usually, many vehicle owners wait until the seventh day to move their vehicles.

However, if the ordinance only requires the vehicle to stay away for 24 hours, code enforcement would be facing recurring violations. A vehicle could leave briefly and return the next day, restarting the enforcement cycle. The 72-hour distance and return requirement ensures that enforcement cycle does not restart every week and complaints are not repeated weekly.

Fiscal Costs and Implementation

Sign installation: Signage would cost approximately \$513 per sign. Placing signs only at the entrances to the City is more cost-effective, as only about 50 signs are needed to cover all entry points. The total estimated cost for this approach is approximately +\$25,000.

Permit cost: It costs the City approximately \$46.50 to process an application, based on estimated staff time and use of City resources. Staff anticipates receiving 3 to 4 permit applications per week. If the volume increases, additional personnel may need to be hired due to current staffing shortages.

The City could impose a permit application fee that would defray some of the permit costs.

Sustainability Impact

No sustainability impact.

City Work Program Item/Description

None

Council Goal

Quality of Life

California Environmental Quality Act

No California Environmental Quality Act impact.

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