



CITY ATTORNEY'S OFFICE

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3403 • FAX: (408) 777-3366
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: July 1, 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:

On June 24, the Planning Commission considered various options for updating the City of Cupertino's oversized vehicle parking restrictions that prohibit vehicles from parking in a public right-of-way for more than 72 hours. The Planning Commission adopted a recommendation, and staff was directed to bring that recommendation to the City Council for consideration and possible action.

The Planning Commission's recommendation addresses issues with the current 72 hour parking restriction. A restriction that is easily avoided, thus allowing oversized vehicles to remain parked on public streets for extended periods of time and creating the opportunity for vehicles to congregate in certain sections of the City. On April 22 and again on June 24, the Planning Commission considered these issues. At the June 24 meeting, the Planning Commission conducted an in-depth study session where it considered various options for best addressing the issues with the current ordinance. After receiving a staff report and public comment the Commission deliberated and ultimately approved the following recommendation.

Planning Commission Recommendation

1. Parking oversized vehicles in the City's right-of-way is prohibited, except that an oversized vehicle may park in the City right-of-way for 3 consecutive hours from 6 am to 8pm (day) and one hour from 8 pm to 6 am (night).
2. The City will offer annual resident parking permits for oversized vehicles, allowing residents to park vehicles they own on a residential street for 72 hours. After 72 hours, the vehicle must be moved to a new location 1,500 feet from the first location. There should be no charge for the annual permit.
3. Nonresidents may obtain five (5) 72-hour parking permits per year, allowing them to park an oversized vehicle in the City right-of-way, but may not park within 1,500 feet of a commercial district. Staff is to determine the permit fee.
4. The City should install signage at Alves and Bandle and other problem areas.
5. The City should evaluate the program after one year.

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 has been 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." The Code also states that "[w]ith the exception of alleys, the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed." This provision allows cities to regulate the parking of vehicles, including oversized vehicles, on city streets.

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. Here we defined "oversized vehicle" to mean any motorized vehicle as defined in California Vehicle Code section 670 or a combination of motorized vehicle(s) and/or non-motorized vehicle(s), including any attached

trailers, vehicle or loads thereon, which exceeds 22 feet in length, and/or 6 feet in width and 7 feet in height. This current recommendation incorporates this same definition.

Members of the public shared concerns, expressing 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 travel, or when they host visitors traveling in RVs. These residents 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, including a permit system for parking oversized vehicles within the City, and to gather further input from the Commission before presenting options to the City Council for consideration of formal ordinance amendments. That study session occurred on June 24, where staff presented various options for the Planning Commission to review and discuss. Planning Commissioners raised a range of considerations, including how to balance effective enforcement while prioritizing the needs of residents and emphasizing the importance of easy access to permits for residents.

Several residents and Commissioners acknowledged that oversized vehicles parked on certain streets create visibility issues, particularly when turning, and noted that many other cities have adopted similar ordinances.

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 for violations of Cupertino Municipal Code section 11.24.130. Staff estimates that 85-90 percent of these vehicles move within the allotted time, but usually only a few feet, thereby remaining in the same general area. For every 115 tags, there are approximately four (4) citations issued, about 3.5% of all tagged vehicles.

Annually, the City receives approximately 200 complaints related to oversized vehicles. Many of the complaints received by the City are submitted anonymously and originate from a variety of sources, including verbal reports, emails, 311 calls, or instances where an officer is flagged down in the field. 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 to RVs 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

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.

Planning Commission's Recommendation In Detail

General Rule:

The parking of oversized vehicles in the City right-of-way is prohibited, except that an oversized vehicle may park in the City right-of-way for three (3) consecutive hours from 6 am to 8pm (day) and one hour from 8pm to 6am (night).

Exception for Residents

Allow residents to obtain an annual City permit to park one oversized vehicle per household in the City right-of-way for 72 hours. Thereafter, the vehicle must be moved 1,500 feet and remain away for 72 hours. A permitted resident may park the oversized vehicle for unlimited 72-hour blocks of time in the City right-of-way.

Exception for Nonresidents

Nonresidents may obtain up to five (5) 72-hour parking permits per year from the City to park an oversized vehicle in the public right-of-way. However, parking is prohibited within 1,500 feet of the location the vehicle most recently occupied or within 1,500 feet of a commercial district. The City would charge a fee for such permits, with the specific amount to be determined by staff.

Signage

The City should install signage at Alves and Bandle and other problem areas. It was unclear whether the Planning Commission included the recommendation that signage also be placed at all entrances to the City to allow for more efficient enforcement, but staff recommends that the City do so.

Program Evaluation after one year

The City should evaluate the program after one year.

Analysis of Recommendation

General Rule:

The general restriction of parking oversized vehicles on City rights-of-way, allows for efficient travel, removes visual screens, and efficiently addresses the concerns associated with long-term parking issues, while still accommodating short-term stops by pass-through travelers by allowing some limited parking. This approach discourages long-term dwelling in the public right-of-way.

Possible concerns: Enforcing the three hour daytime parking window and the one hour nighttime parking window will be difficult to enforce and may result in many more calls to code enforcement personnel to report violations.

Annual Resident Permit

Possible Benefits: The annual permit recommendation for residents ensures residents the convenience of parking their oversized vehicles near their homes for up to 72 hours at a time, at which time they must move the vehicle at least 1,500 feet. The annual permit eliminates the need for residents to repeatedly apply for short-term permits. Offering the permit at no charge ensures that the program remains accessible to all residents.

Possible concerns: The unlimited nature of this permit allows residents to repeatedly park and repark the vehicle so long as each 72 hours it moves the vehicle 1,500 feet from its previous location. This may result in resident-owned oversized vehicles parking permanently in the City right-of-way so long as the owner moves the vehicle every 72 hours, which may raise concerns about neighborhood aesthetics and reduced curb space.

Nonresident Permits

Possible Benefits: This allows for friends, family, or tourists visiting residents or the City to park oversized vehicles for 72 hours, supporting access to the City. The limitation of 5 permits per year discourages long-term dwelling or repeated stays. Charging a fee for nonresident permits helps offset administrative costs and frivolous permit requests. It also allows Code Enforcement to be aware of the oversized vehicles within the City's jurisdiction, allowing enforcement.

Possible Concerns: This limits the nonresidents ability to visit the City with an oversized vehicle if they have exceeded the five permit rule. Nonresidents may view this rule as unwelcoming.

Signage

Possible Benefits: Installing signage at problem areas, such as Alves and Brandley and other areas of concern give notice to the oversized vehicle owners regarding the City's parking rules. Such signage will improve compliance with, and ease of enforcement of, the City's oversized vehicle parking rules.

Additionally, the Planning Commission's recommendation provides for a uniform, citywide regulation, with certain permit exceptions, rather than different regulations for residential and commercial areas. This consistent

citywide regulation allows the City to post signs at only City entrances rather than throughout the City, which significantly reduces signage and installation costs. The City of Redwood City has a uniform, citywide regulation regarding oversized vehicles, 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.

Program Evaluation at One Year Mark

Possible Benefits: Allows the City to assess the effectiveness of the ordinance in addressing oversized vehicles. This provides an opportunity for the public to provide feedback, evaluate enforcement challenges, and understand the permit usage data to determine effectiveness. This also allows the City to adjust the ordinance based on that evaluation.

Possible Concerns: The one-year mark might be too soon to fully evaluate the program's impact. It will take time to install signage, build public awareness, and establish enforcement. Change may not be visible right away.

Estimated Program Costs

The Planning Commission's suggestions entail the use of City issued permits, which does add cost. Staff estimates that the issuance of a particular permit costs the city approximately \$46.50, including estimated staff time and use of City resources. But staff anticipates receiving only 3 to 4 permit applications per week, which results in only incremental additional expense. If the volume increases, additional personnel may be needed. Managing the annual resident permit process will also increase staff time, but likely not substantially.

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 the Planning Commission's recommendations.

This past fiscal year, the City collected approximately \$180,000 in citation fees related to parking violations for the violations of Municipal Code Section 11.24.130. Each citation carries a fee of \$82.81. In 2024 and 2025, 21 citations were issued to recreational vehicles (RVs), resulting in \$1,718.22 in citation revenue related to RVs during that period. The relatively low revenue from RV citations is due in part to the fact that many of these vehicles move only a few inches—just enough to avoid being cited—while remaining in the same general area.

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 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 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.

Reasons for Recommendation and Available Options

Staff offers the recommendation of the Planning Commission for discussion and consideration.

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. Adding location-specific signage in problematic areas might increase that number by an additional \$10,000. Staff time will also be required, but will not require the need to add additional staff.

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 Council can decide how much they would like to charge them.

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

Unhoused Policies/Determine best practices for limited-budget smaller cities to manage the unhoused. Review RV practices in surrounding cities for impacts and potential adoption. Review transitional housing outcomes in surrounding cities. Policies to include nimble contingency plans.

Council Goal

Quality of Life

California Environmental Quality Act

No California Environmental Quality Act impact.

Prepared by: Vrunda Shah, Deputy City Attorney

Floy Andrews, Interim City Attorney

Reviewed by: Chad Mosley, Director of Public Works

Benjamin Fu, Director of Community Development

Approved for Submission by: Tina Kapoor, Interim City Manager