



TO: ANTIOCH PLANNING COMMISSION

FROM: Forrest Ebbs, Community Development Director

SUBJECT: Ordinance Amending Title 9, Chapter 5 Regarding the Regulation of the Parking of Motor Vehicles, including Recreational Vehicles, on residential parcels

DATE: June 15, 2022

REQUEST

The Planning Commission will review draft amendments to Title 9, Chapter 5 (Zoning Ordinance) of the Antioch Municipal Code regarding the off-street parking of motor vehicles, including recreational vehicles, on residentially zoned parcels. The proposed ordinance would permit the parking of motor vehicles, including recreational vehicles, on residential parcels without a City-issued permit. Standards are proposed that regulate location/setbacks, maintenance, paved parking surfaces, and other site and operational requirements.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council adopt the Ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) regarding the regulation of the parking of motor vehicles, including recreational vehicles, on residential parcels.

SITE LOCATION

The proposed amendments would be effective Citywide on all parcels used for residential purposes.

BACKGROUND

The parking of recreational vehicles (RV) in the front yard of a residential parcel is currently prohibited by Antioch Municipal Code (AMC) Section 5-1.202.1 unless the vehicle is:

1. Parked outside of the front yard in either a side or rear yard, and on an improved surface,
2. Parked temporarily for the purpose of loading/unloading for a period of no more than 24 hours,
3. The sole means of transportation for its owner, or
4. Registered with the City of Antioch.

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The City of Antioch allowed registration in accordance with criteria 4 from October 23, 2007 through April 30, 2008. During this time, the City issued 445 RV registrations. The program was continued until May 13, 2009 when an additional 519 RV registrations were issued. In total, 965 RV registrations were approved, and the City currently recognizes 946 RV registrations, as 19 were either revoked or surrendered.

The registration process has been closed since 2009 and new residents may not apply for RV registration and may not park an RV in their front yard. The existing registrations are valid only for the property and its owner or occupant when the registration was issued – they may not be transferred to new owners or moved to a new address. They may be amended for a replacement vehicle, though only one vehicle is allowed per site. Code Enforcement staff conducted a basic survey of 100 RV registrations and found that just 24 of the surveyed properties still contained an RV. In the remaining cases, it is assumed that the original registrants have moved, sold their RV and the new owners/occupants do not have an RV. Staff suggests that approximately 227 (24%) of the existing 946 registrations may be valid. Simultaneously, there is an observed increase in the parking of RVs in front yards outside of the registration process, which has resulted in numerous complaints and enforcement action.

2022 City Council Direction

The City Council considered this issue on May 10, 2022 and directed staff to pursue a more effective and equitable system to regulate the parking of RVs in residential neighborhoods.

The AMC currently regulates the parking of motor vehicles and recreational vehicles in various sections, including the following:

- 5-1.201.1- Prohibits the parking of RVs, with exceptions, and establishes the RV registration process.
- 5-1.202 (D) – Prohibits the storage of inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof within view of the public right-of-way. This applies to RVs and other motor vehicles.
- 9-5.3830 – Prohibits the use of an RV for temporary or permanent residence anywhere in the City of Antioch, outside of an RV park.
- 9-5.1101 – Prohibits the parking of vehicles, trailers, or other object such as to create a traffic obstruction at an intersection. This affects parking in areas of the front yard of corner lots.
- 9-5.1718 – Requires that 25% of lots in new residential subdivisions offer a 10 foot wide side yard RV parking space on the garage side of the lot.

The parking of RVs or other motor vehicles on public streets is addressed elsewhere in the AMC and in State law, and is not before the Planning Commission for consideration.

ANALYSIS

In response to the City Council direction, staff is recommending a comprehensive consolidation and amendment to the Antioch Municipal Code (AMC) to provide a clear and equitable regulatory system to govern the parking of motor vehicles, including recreational vehicles (RVs), on residential parcels.

The present regulations treat RVs separately from motor vehicles, though the complaints and considerations are similar. The proposed amendments uniformly address the parking of all motor

vehicles and provide additional regulations specific to RVs. Staff's goals for these regulations area as follows:

1. Create an equitable system that is accessible to new residents and would replace the former RV registration system.
2. Address the aesthetic and safety concerns associated with parking of vehicles in the front yard and, especially, oversized RVs.
3. Offer simple and effective regulations that are easily understood by residents and readily enforced, if necessary, by Code Enforcement staff.
4. Place the new regulations entirely within the Zoning Ordinance, which would shift the appeal process from the Board of Administrative Appeals to the Planning Commission, and recognize them as land use regulations. The RV registration process is currently housed under the City's property maintenance standards, which fall outside of the Zoning Ordinance.

The proposed amendment introduces definitions for Motor Vehicle and Recreational Vehicle, neither of which are currently defined in the Zoning Ordinance. These proposed definitions are as follows:

RECREATIONAL VEHICLE. A personal vehicle, including but not limited to, a camping trailer, motorhome, tent trailer, fifth-wheel trailer, unmounted camper shell, boat, personal watercraft, utility trailer, or other mobile recreational equipment or watercraft, or any empty trailer intended for or capable of carrying any of the above.

MOTOR VEHICLE. Any automobile, truck, trailer, Recreational Vehicle, or other vehicle or equipment that is required to be registered with the California Department of Motor Vehicles.

The proposed regulations would allow owners or occupants of any property used for residential purposes to store a motor vehicle, including an RV, in the front yard on a paved surface directly adjacent to the existing driveway and the nearest interior property line, as depicted in Figure 1.



FIGURE 1

The vehicle must not overhang the sidewalk, must be operational and registered, and must be maintained in good repair. One RV would be allowed in each front yard and it could not be inhabited for any duration. A maximum of 50% of the front yard could be paved for parking.

When stored in a side or rear yard, the motor vehicle would need to meet other standards. It would need to be stored behind a 6' fence, located on a paved or gravel surface, and must take access either directly from the existing driveway or from a corner side frontage. Examples are shown in Figure 2.



FIGURE 2

In all cases, vehicles over 8' tall, which includes motorhomes and camping trailers, would need to be located 3' from the adjacent property line and 3' from a gas meter, electric panel, or emergency egress (bedroom) window.

The Planning Commission is asked to provide a specific recommendation regarding the installation or use of detached driveways or parking pads in the front yard for parking of motor vehicles. In most cases, houses that were planned to provide side or rear yard RV parking have the additional space located adjacent to the existing driveway as shown in Figure 2 above. In some cases, however, there is a larger side yard opposite the driveway. In this case, a property owner may desire to access the rear yard by crossing the front yard or may desire to use the front yard for vehicle parking. This scenario is shown in Figure 3.



FIGURE 3

The Planning Commission is asked to discuss this option and make a clear recommendation to the City Council on whether this condition should be permitted. In many newer neighborhoods, rolled curbs are used and a new driveway apron would not be required to accommodate this

situation. When solid curbs are in place, a new driveway apron would be required as you may not drive over a curb to access parking. The installation of a second driveway would likely eliminate the on-street parking in front of this house, which has a cumulative impact on the neighborhood. Further, the creation of a second driveway/parking area is inconsistent with the established aesthetic of most neighborhoods. Staff does not recommend that this situation be permitted and is requesting affirmation from the Planning Commission.

Public Right-of-Way

In most neighborhoods in Antioch, the property line begins ten feet inward from the curb and the public right-of-way includes the roadway, sidewalk and any landscape areas within 10' of the curb. This area is used to house utilities, vaults, water meters, and other necessary infrastructure. As a result, any modification to the forwardmost 5' of landscape in the front yard often requires approval of an Encroachment Permit from the Engineering Division of the Public Works Department. In reviewing applications for Encroachment Permits, the Division considers the presence of utilities and the implications of the proposed improvements. The Encroachment Permit would be required for any driveway expansions or new installations that cross over this 5' utility area and additional requirements would be imposed as appropriate. In some cases, an Encroachment Permit may not be issued due to conflicts with utilities or other objects in the right-of-way. In these cases, a vehicle parking pad may not be permitted.

Title 5, Chapter 1, Property Maintenance

The proposed changes impact both the Zoning Ordinance (Title 9, Chapter 5) and the Property Maintenance Ordinance (Title 5, Chapter 1). The Planning Commission is charged with forwarding recommendations for amendments to the Zoning Ordinance but is not called to do so with other sections of the Antioch Municipal Code. The attached resolution offers recommendations on both sections because the overall effort is intertwined and the amendments to the Zoning Ordinance rely on the changes outside of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

There is no physical construction or permanent land changes associated with the off-street parking of motor vehicles or recreational vehicles on existing, developed property. The proposed Zoning Code amendments are exempt from CEQA pursuant to Section 15061 (b) (3).

(3) "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where 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 activity is not subject to CEQA."

ATTACHMENTS

- A. Resolution 2022-xx with Exhibit A Draft Ordinance

**ATTACHMENT A
PLANNING COMMISSION RESOLUTION
WITH EXHIBIT A
(SEPARATE PAGE)**

**PLANNING COMMISSION
RESOLUTION NO. 2022-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING TITLE
9, CHAPTER 5 (ZONING ORDINANCE) OF THE ANTIOCH MUNICIPAL CODE REGARDING
THE PARKING OF MOTOR VEHICLES, INCLUDING RECREATIONAL VEHICLES, ON
RESIDENTIAL PARCELS**

WHEREAS, the parking of recreational vehicles is currently declared a public nuisance by Antioch Municipal Code Section 5-1.201.1 unless specifically excluded by provisions contained therein;

WHEREAS, one such exclusion is the City of Antioch Recreational Vehicle Registration Program (Program) that ended in 2009 and includes 946 current registrations;

WHEREAS, those not currently registered through the Program may not lawfully park a recreational vehicle in the front or side yard of their property;

WHEREAS, it is in the interest of the City of Antioch to offer the opportunity for those not enabled by the Program to park recreational vehicles in the front or side yard of their property;

WHEREAS, the proposed amendments would create regulations for the parking of motor vehicles, including recreational vehicles, in the front, side or rear yard of residential parcels in a manner that minimizes impacts on public safety and neighborhood aesthetics;

WHEREAS, the proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, as they will minimally impact the use of land at existing facilities;

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on June 3, 2022 for the Planning Commission public hearing held on June 15, 2022;

WHEREAS, on June 15, 2022, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and documentary; and

WHEREAS, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission does hereby make the following findings for recommendation to the City Council approval of the Zoning Amendment:

1. The public necessity, convenience, and general welfare require the amendments to the Zoning Ordinance. The City of Antioch has grown significantly since 2009 and new residents to the City desire the opportunity to park motor vehicles, including recreational vehicles, on residential parcels. The proposed regulations enable the

equitable and responsible parking of motor vehicles while mitigating the impacts on public safety and neighborhood aesthetics.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby recommends the City Council adopt the Ordinance, attached as Exhibit A, amending Title 5, Chapter 1 (Property Maintenance) and Title 9, Chapter 5 (Zoning) of the Antioch Municipal Code regarding the parking of motor vehicles, including recreational vehicles, on residential parcels.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

FORREST EBBS
Secretary to the Planning Commission

ATTACHMENT A – EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING THE ANTIOCH MUNICIPAL CODE REGARDING THE PARKING OF MOTOR VEHICLES, INCLUDING RECREATIONAL VEHICLES, ON RESIDENTIAL PROPERTY

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The Antioch Municipal Code regulates the parking of motor vehicles, including recreational vehicles, on residentially used property through in Title 5, Chapter 1, Property Maintenance, and in Title 9, Chapter 5, Zoning.

SECTION 2:

The City Council finds that current regulations do not adequately and equitably regulate the parking of motor vehicles, including recreational vehicles, as they rely on a registration process that is not available to new residents and offer differing standards for automobiles and recreational vehicles.

SECTION 3:

The City Council finds that it is in the public interest to expand opportunities for parking motor vehicles, including recreational vehicles, on residentially used property subject to clear and fair standards and regulations.

SECTION 4:

Section 5-1.201.1, When Storage of a Recreational Vehicle is a Public Nuisance, is hereby repealed.

Section 5-1.202(D), Parking and Storage of Vehicles and Equipment, is hereby amended to read as follows:

(D) ~~Parking and storage of vehicles and equipment.~~

~~(1) Any outdoor parking or storage of any inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof, including watercraft so that it is within the view from the public right of way:~~

~~—(a) Any vehicle that is not currently registered with the California Department of Motor Vehicles to operate legally on a public street is deemed inoperable for purposes of this section.~~

~~(b) Lawfully operating junk yards are exempt from § 5-1.201(A) provided such businesses are located within a zone permitting such business and conducted in accordance with all regulations applicable thereto.~~

~~(2) Parking or storage of motor vehicles or other mobile equipment in any area not designated as a parking space on the approved site plan or on any~~

~~unpaved surface including, but not limited to, dirt, grass or any other surface that is not concrete or a similar paving material.~~

(13) Parking or storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for residential uses so that it is within the view from the public right-of-way except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.

Section 9-5.3830, Recreational Vehicles, is hereby repealed and replaced with the following:

9-5.3830 PARKING AND STORAGE OF MOTOR VEHICLES ON RESIDENTIAL PARCELS.

It shall be unlawful for any person to keep or maintain or to permit to be placed, kept, or maintained any motor vehicle on any lot, piece, or parcel of land used for residential purposes, except as follows:

(A) **All Locations:** The parking of a motor vehicle on any parcel used for residential purposes is subject to the following standards:

- (1) The motor vehicle, if taller than 8', shall not be parked closer than 3' from an adjoining parcel.
- (2) A motor vehicle, including recreational vehicles, shall not be inhabited for any duration, as prohibited by Section 9-5.3830.
- (3) The motor vehicle may not be parked within 3' of a bedroom window or other required emergency egress window, or within 3' of an electrical panel or gas meter.
- (4) Except for recreational vehicles, motor vehicles in excess of one ton payload may not be parked on any parcel used for residential purposes.
- (5) Drainage from paved surfaces shall be contained wholly on the subject site and shall not be conveyed to a neighboring property.
- (6) The parking of vehicles or associated improvements are subject to the provisions of any underlying easement. Any improvements within or impacting the public right-of-way are subject to the prior issuance of an Encroachment Permit.

(B) **Front Yard:** When parked in the front yard, the motor vehicle shall be subject to the following standards:

- (1) The motor vehicle may be parked on the driveway to the existing garage or on an attached extension.
- (2) The motor vehicle may be parked on an attached extension of the existing driveway apron, subject to the following standards:
 - (a) The extension shall be paved with concrete or other material similar to the existing paved driveway.
 - (b) The extension shall only be located within the area between the existing driveway and the nearest interior property line.

- (c) The extension may extend inward to the center of the front yard no more than three feet.
- (d) Detached driveways or parking pads are prohibited.
- (e) A maximum of 50% of the front yard may be paved for parking purposes.
- (3) The motor vehicle, including recreational vehicles and motor vehicles stored on trailers, shall be operational and registered with the Department of Motor Vehicles as required by Section 5-1.202(D),
 - (a) Vehicle under repair may be permitted as regulated by Section 9-5.902.
- (4) Utility trailers may not be stored containing garbage, debris or other waste.
- (5) The motor vehicle shall not be parked in such a manner as to overhang a public or private sidewalk.
- (6) The motor vehicle, including any associated cover, shall be maintained in good repair with all exterior finishes in operable, watertight condition.
- (7) A maximum of one recreational vehicle may be stored in a single front yard.
- (8) The motor vehicle shall not be parked in such a manner as to present a site obstruction as described by Section 9-5.1101.

(C) **Rear Yard:** When parked in the rear yard, the motor vehicle shall be subject to the following standards:

- (1) The motor vehicle shall be stored behind a 6' solid fence or gate.
- (2) The motor vehicle shall be parked on a surface paved with concrete or similar material, or on pervious gravel.
- (3) Access to the rear yard must be from either the interior side yard adjacent to the existing driveway or, on corner lots, from a separate driveway from the adjoining frontage. Access may not be across the front yard. New driveways or access points are subject to approval of the City Engineer.

Section 9-5.203, Definitions, is hereby amended to include the following definitions:

RECREATIONAL VEHICLE. A personal vehicle, including but not limited to, a camping trailer, motorhome, tent trailer, fifth-wheel trailer, unmounted camper shell, boat, personal watercraft, utility trailer, or other mobile recreational equipment or watercraft, or any empty trailer intended for or capable of carrying any of the above.

MOTOR VEHICLE. Any automobile, truck, trailer, Recreational Vehicle, or other vehicle or equipment that is required to be registered with the California Department of Motor Vehicles.

SECTION 5: Severability:

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances,

shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 6. CEQA.

(3) "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where 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 activity is not subject to CEQA."

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I **HEREBY CERTIFY** that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of ____ 2022, and passed and adopted at a regular meeting thereof, held on the ____ day of ____ 2022, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

Lamar Thorpe, Mayor of the City of Antioch

ATTEST:

Elizabeth Householder
City Clerk of the City of Antioch