

CITY OF FOSTER  
DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES  
PLANNING DIVISION  
ADMINISTRATIVE POLICY

Subject: Enforcement of complaints regarding recreational vehicles parked on private property or on public streets that have been filed by the owner with the City as a principal form of transportation.

Policy No.: P-89-008

Authorization for Policy: Rule 1, Section 1.05, Administrative Regulations of the Personnel Rules of the City of Foster City and Estero Municipal Improvements District (August 3, 1981)

Date of Planning Director's Approval: November 8, 1989

Effective Date of Policy: November 8, 1989

Background and/or Problem Statement: Recently, the City Council adopted ordinances governing the parking and storage of recreational vehicles and boats on public streets and private property. These ordinances affect Chapter 17.64 (Vehicle and Recreational Vehicle Storage) and Chapter 10.32 (Stopping, Standing and Parking) of the Foster City Municipal Code.

Section 17.64.020.C6 of Chapter 17.64 of the Municipal Code provides that vehicles which are over 6'6" in height or more than 25' in length, used as a principal form of transportation for the residents of the dwelling unit, demonstrated by a letter or City-approved information form on file with the City, may be parked in a private driveway, subject to meeting six (6) criteria outlined in the Section.

Section 10.32.252.F of Chapter 10.32 of the Municipal Code provides that vehicles which are over 6'6" in height or more than 25' in length which are owned by residents who have no driveway, whose driveway is too small, or reside in apartment, townhouse or condominium residential complexes that do not provide parking for such vehicles, and who use the subject vehicle as a principal form of transportation, may be parked on a public street between 2 a.m. and 6 a.m. in accordance with all other applicable provisions of this Chapter upon submitting a letter to the City demonstrating that the vehicle is used as a principal form of transportation for the owner(s). If, however, the owner of the subject vehicle does have access to a driveway or parking area capable of providing parking for the vehicle, that area shall be used rather than parking the vehicle on a public street.

In anticipation of initial and on-going enforcement by the Police Department regarding Chapter 10.32 and the City Code Enforcement Officer regarding Chapter 17.64, this policy is being prepared in order to provide guidance to City staff, now and in the future. It is intended to bring specificity regarding procedures to be followed with respect to the enforcement of these ordinances and consistency to enforcement irrespective of the staff person(s) actually conducting the enforcement.

Purpose of Policy:

1. To ensure that the provisions of Section 17.64.020.C.6 and Section 10.32.252.F of the Municipal Code are enforced fairly, consistently and in accordance with the direction of the City Council.
2. To ensure that over time, as staff changes, enforcement of the above Sections of the Municipal Code are enforced in the same manner as originally intended by the City Council.
3. To ensure that enforcement procedures are clear and specific.

Policy: When a call is received complaining about a recreational vehicle parked on a public or private street or in a private driveway which the caller suspects may have been registered as a principal for of transportation for the vehicle's owner but is now being parked or stored on such a basis that it is no longer or at least not currently being used on a very frequent basis as either a work-related vehicle or in the conduct of daily chores or errands, this matter shall be investigated by the Code Enforcement Officer or other person as assigned by the Director of Planning in the following way:

- The information shall be logged in on a standard Zoning Investigation Report form.
- The Code Enforcement Officer or other assigned staff shall personally visit the location where the subject vehicle is alleged to be currently stored or parked and verify that it is so parked; additionally, a description of the vehicle (color, make, license plate number) shall be taken and any violations of City law shall be noted.
- For a minimum of at least tree days, once each day (at different times), staff shall visit the subject location to determine whether or not the vehicle is being used.
- If after 3 days of observation staff determines that the vehicle is not being used, the ownership of that vehicle shall be determined using the assessor's parcel book, if the vehicle is on private property, or via a license plate verification conducted by the Police Department if on a public street.
- Once ownership has been determined, the owner of the vehicle shall be telephoned by staff and staff shall, in a polite, nonthreatening manner, explain the nature of the call, why, it is being made and ask whether or not the person is still using the vehicle as a principal form of transportation and whether there are temporary unusual circumstances which warrant its being parked without being used over the last several days.
- If the owner of the vehicle offers a reasonable explanation regarding why the vehicle is not being used (e.g., illness, vacation, other reasonable circumstances), staff will ask for an approximate date when the owner expects the vehicle to again be subject to frequent use. If the intended date for resuming frequent use of the vehicle is reasonable, the matter shall at that point be dropped and enforcement proceedings will not continue unless the vehicle is not used after the approximate date offered by the owner. If the vehicle is not used on a regular and frequent basis after the date

anticipated by the owner, the owner shall be recontacted by telephone to determine why and a new approximate date for resumption of such use shall be specified.

- If the owner does not or cannot offer a reasonable explanation regarding why the vehicle is not being used, staff will check with the Director of Planning to determine whether or not to pursue the matter and begin abatement proceedings.
- If the Director of Planning determines that a valid reason has not been offered, staff will begin abatement proceedings using the City's standard abatement procedure and letter-writing process, consisting of an initial formal warning letter followed by a second and third letter, and finally, referral to the City Attorney. The first letter sent to the owner of the vehicle parked for a period of time exceeding what is expected of a vehicle which is a principal form of transportation shall additionally include copies of Chapter 17.64 and Chapter 10.32 for that owner's information.

At any point along the way, should any unusual circumstances arise, the Code Enforcement Officer or other assigned staff shall immediately contact the Director of Planning and, in his or her absence, the City Manager.

Attachment:  
Zoning Investigation Report Form

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Richard B. Marks  
Director of Planning and Development Services