



No. 01
03-21-17

CITY COUNCIL AGENDA

1104-03

MEETING DATE: MARCH 21, 2017

TO: CITY COUNCIL/CITY MANAGER

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: DISCUSSION OF PROCESS TO STUDY CITYWIDE OVERNIGHT
PARKING POLICIES

Approved for Agenda:


City Manager's Office

SUMMARY

Concerns expressed by the community regarding the current operation of the City's overnight parking regulations (restriction of on-street parking between the hours of 2:00 a.m. and 5:00 a.m.) have resulted in the need to perform a comprehensive study of the City's existing regulations in order to determine if changes should be made to better address parking needs in affected neighborhoods. In addition, further study is needed to see if the City's ordinance needs to be amended to address a California Attorney General's opinion regarding differentiating between single-family and multi-family residences for the purposes of issuing parking permits. Staff is recommending that this be a citizen-led effort, with an extensive public engagement component, in order to ensure the broadest level of participation in this very sensitive policy-related matter.

RECOMMENDATION

Staff recommends that City Council take the following actions:

1. Authorize the Transportation and Circulation Commission to appoint an ad hoc Overnight Parking Advisory Subcommittee of no more than three members to conduct a study, including an extensive community engagement process, of the City's existing overnight parking policies and develop recommendations for revisions.
2. Direct staff to return with an ordinance establishing an enforcement moratorium on overnight parking during the study period.

FISCAL IMPACT

Technical and logistical support to the Subcommittee will be provided by City staff and will not result in a fiscal impact. Staff recognizes that there would be a reduction in citation revenue during any enforcement moratorium, as well as offsetting savings in staff time. Should the Council direct staff to return with an action in this regard, it will include a full analysis of the fiscal implications of such a moratorium.

BACKGROUND

In 1924 the Board of Trustees of the City of Fullerton adopted Ordinance No. 314 restricting parking on all paved streets between the hours of 1 a.m. and 5 a.m., and further restricting all parking on any newly-paved streets for a period of 90 days. Adopted as an emergency ordinance in a city that was beginning the rapid transition from dirt roads and horse-and-buggy transportation to freshly-laid asphalt and Model Ts, its primary goal was to preserve new pavement. As the City grew and more paved streets were constructed, the overnight parking restriction simply expanded along with it. Over the years various modifications to the law were made, including changing the hours from 2:00 a.m. until 5:00 a.m., but otherwise it remained much as it had been adopted in 1924.

The City's period of most rapid growth occurred between the years 1950 and 1979 when over 33,100 new housing units were constructed in Fullerton. Beginning in the late 1960s residents began complaining to the City Council about a lack of parking in their neighborhoods and started to challenge the usefulness of the overnight parking restrictions. Similar to today's situation, the source of much of the conflict was between people who lived in apartments and those living in single-family houses. The City Council directed the Transportation and Circulation Commission to study alternatives, but they were never able to agree on a new course of action. Ultimately, the City's overnight parking ban was challenged in court and was found to be overly-vague and, potentially, discriminatory. Rather than remove the law, the City Council created strict new findings that focused on the preservation of public health, safety and welfare, and clarified definitions, and adopted a new overnight parking ban as an emergency ordinance on March 4, 1970.

Controversy continued to plague the overnight parking regulations and in 1974 the City Council included a ballot question that asked voters if they supported the ban. Although the vote did show continued support for the overnight parking ban, there was some speculation as to the vote's validity given that apartment residents were not well-represented at the polls. Advisory in nature, the vote did not establish any new laws. Finally, in 1979 the City Council created a process whereby streets could be exempted from the overnight restrictions resulting in the creation of most of today's exempt areas. Some minor amendments have been made to the law since that time, including the creation of the current Select Street Exemptions process and the establishment of temporary exemption and hardship exemption provisions. As a companion to the overnight ban a strict new law meant to ensure that apartment garages were used for parking, rather than storage, was enacted in 2005.

PARKING STANDARDS

During the height of housing construction in Fullerton, the City's parking standards were a "once-size-fits-all" requirement of one for each dwelling unit with no additional requirement for guest parking. The 1957 Zoning Ordinance reads as follows:

Use Parking Spaces Required – Dwellings, one or two-family, or multiple – 1 for each dwelling unit.

In 1961 the multi-family parking standards changed increasing parking for multiple family units to 1½ enclosed parking spaces for each unit, which was further broken down by dwelling units on a lot, presumably to control for fractional spaces. No guest parking was required.

In 1962 a standard for R3 development added a ½ space per unit for an effective rate of 2 spaces per unit. There was no requirement for additional guest parking, but a credit of one space for every 20 feet of usable street frontage of the lot or parcel could be credited toward guest parking. This appears to have been in conflict with the overnight parking ban.

In 1968 the R3 standards changed to be based on bedroom, rather than unit, count as follows:

1 bedroom/bachelor	1½ enclosed spaces
2 bedrooms	2 enclosed spaces
3 or more bedrooms	2 enclosed spaces + ½ additional in garage, carport, or open for each bedroom in excess of 2

Guest parking could no longer be accommodated on the street.

In 1972 standards for R3 again changed for 1 bedroom/bachelor units requiring that one space must be in a garage and the ½ space could be open or enclosed. Design changes allowed for carports and compact stalls, but tandem stalls were prohibited.

In 1976 the R3 parking requirements remained the same, but one space for every two units was now required to be designated for guest use and be evenly distributed throughout the development for the convenience of guests.

In acknowledgement of this long history of residential parking standards, at least as it relates to residential parking in the R-1, R-1P, R-2 and R-2P zones, the current parking standard is:

Built before June, 1963 and less than five bedrooms – one car garage. (Note that there is no guest requirement.)

The majority of the City's exempt streets are in neighborhoods zoned either R-3 or Preservation Zone with dwellings that were constructed prior to 1965. The R-1 neighborhoods that have overnight exempt status were constructed with single-car garages in compliance with the standards at that time. This chronology of the evolution of changes to the City's residential parking standards indicates that the City was attempting to respond to complaints about lack of on-site parking by increasing the minimum parking standards. This approach was not effective due to the fact that almost all of the affected areas were already constructed and physical constraints on the properties themselves made it impossible to add more parking without demolishing units. The areas of the City that have expressed a need for more on-street parking are primarily those where the housing was built to a standard of one-parking space per unit, or less, with no guest parking.

CURRENT IMPLEMENTATION AND ENFORCEMENT PROCESS

There are three City departments that are involved in the various implementation and regulatory aspects of the overnight parking ban – Police, Public Works and Community Development (Code Enforcement). An attachment detailing each of the duties performed by these departments is included with this memo. In general, each of these departments spends hundreds of hours per year dealing with the various exemption and enforcement aspects of administering the overnight parking ordinance. (Attachment 1 – Overnight Parking Process by Department).

CALIFORNIA ATTORNEY GENERAL'S OPINION

According to Opinion 14-304, published on April 14, 2016 by California Attorney General (now United States Senator) Kamala Harris, local authorities, in issuing long-term parking permits, are not authorized to distinguish among residents based on the type of dwelling in which they live.

The City currently has an ordinance that provides for a short-term (4 years) hardship parking exemption for the 2:00 a.m. to 5:00 a.m. parking restriction. As written, the intent is to provide the exemption in single family residential developments. As such, the merits and legality of this process will need to be studied along with the other City-wide parking management issues identified in this report.

IDENTIFICATION OF GOALS AND PROPOSED APPROACH

As it was last adopted in 1970 (Ordinance 1656) the goals of the overnight parking ban were based on the need to protect the public health, safety and welfare based on the following findings:

- (a) In that frequent sweeping of litter, refuse and trash from streets is required to prevent disease and unsightly appearances and such sweeping can be done most economically and efficiently while vehicles are not parked thereon, and*
- (b) In that frequent police patrolling of streets is required to deter, prevent and detect criminal activity and there is greater need for such patrolling between the hours of 2:00 a.m. and 5:00 a.m. than at other times and such patrolling can be done*


most economically and will best accomplish its purpose while the streets are free from parked vehicles, and

- (c) In that the reduction of unnecessary parking on streets during all hours is required to reduce the injuries to children and other pedestrians entering upon a street between, or from the front of, vehicles parked thereon and such reduction will be accomplished by prohibiting the 2:00 a.m. to 5:00 a.m. parking of vehicles thereon and thereby promoting the off-street parking of vehicles during all hours, and*
- (d) In that streets can be kept free from parked vehicles with the least public inconvenience between the hours of 2:00 a.m. and 5:00 a.m.*

It would be difficult to make these findings today and, given that exemptions are granted, it may be the case that these original goals are no longer applicable. That said, there may still be some utility to regulating overnight on-street parking in residential zones, but a process to better understand the community's ideas in this regard is needed prior to making any significant changes to the existing program.

In order to begin a community dialogue about on-street overnight parking, staff recommends that an ad hoc subcommittee of the Transportation and Circulation Commission be formed, the Overnight Parking Advisory Subcommittee, that will hold a series of community forums in various areas of the City to gather information about the challenges each neighborhood faces as it regards overnight parking and determine if there is consensus to change or even eliminate it. Staff, as part of their support role to the Subcommittee, will provide research on overnight parking programs in other cities and conduct a public information effort, including an online survey. This information can then be used by the Subcommittee to determine what changes, if any, should be made to the existing overnight parking ordinance, which can then be brought back to the Transportation and Circulation Commission for a formal recommendation to the City Council.

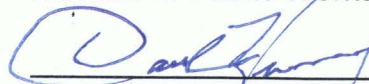
This process should be conducted in English and Spanish and staff will provide technical and logistical support to the Subcommittee during the process, which is estimated to take between three to four months. During this time, staff would recommend that there be an enforcement moratorium, but that parking control officers would still respond to calls in order to provide informational citations that can be used to inform people of the effort to study the overnight parking ban. If this approach is acceptable to the City Council, staff will return with the actual moratorium language for formal action.



Karen Anderson Haluza, AICP
Director of Community Development



Donald Hoppe
Director of Public Works



David Hinig
Police Chief

Attachments:

Attachment 1 – Overnight Parking Process by Department

Attachment 2 – Presentation

Overnight Parking Process by Department

Public Works Department		
Action	Volume	Approx. Time Required
Contacts (either by phone or in person at the public works counter). Typically divided equally between residents and non-residents. Of the Contacts staff addresses, only 2-3 are pursued to T&CC each year.	Approximately 4-6 per week. In times of heavy enforcement, 4-6 calls a day.	Traffic Engineering staff will spend 30-60 minutes per person depending on the particular situation
	Total Time Spent per month	15 hours
Overnight Exemption Process		
1. Review petition for completion and compliance with criteria.	2-3 Per Year	1 hour
2. Perform a field evaluation of the location.		30-60 minutes
3. Prepare mailing list, write outreach letters and process mailings to residents.		2 hours
4. Prepare staff report and analysis for T&CC.		1 hour
5. Clerical staff preparation for T&CC.		1 hour
6. T&CC meeting attendance (minimum of 2 TE staff).		30-60 minutes per request.
7. Traffic Engineering Consultant (Mark Miller) review of application.		30-60 minutes per request
8. Traffic Engineering staff prepares mailing list and outreach letters to residents on affected street.		1 hour
9. Preparation of T&CC minutes.		1 hour
10. Preparation of staff report and resolution for City Council.		1.5 hours
11. PW clerical staff preparing item for Council.		1.5 hours
12. Director of Public Works reviews Agenda Letter and attends City Council Meeting. Items are typically on regular business.		1.5 hours
13. Issue work order, install signs and file paperwork.		3.5 hours
14. Update the City's website.		1 hour
	Total Time Spent per Exemption Request	19 hours

Code Enforcement

Code Enforcement does not take in or respond to overnight parking complaints. Complaints that addressed by Code Enforcement are those conditions created as a result of not allowing on-street parking. Those complaint types include:

- Lawn/Yard Parking;
- Vehicles blocking sidewalk;
- Garages not being used for parking (in complexes with more than 4 units);
- Cones being placed on street to save parking spots in the streets that are exempt from overnight parking.

Action	Volume	Time Required (Minutes)
1. Intake of Complaint	Approx. 110 cases per year	5
2. Case Creation, Review, & Assignment to inspector		10
3. 1st Inspection & Case Report Entry		30
4. Notice of Violation Research		15
5. 2nd Inspection & Case Report Entry		30
6. Notice of Violation Research		15
7. Third Inspection		30
8. Report Finalization		10
	Total Time Per Case	2 hours 25 minutes

Police Department		
Action	Volume	Time Required (Minutes)
1. In-person or phone call complaints received specifically relating to overnight parking.	100 per month	3 – 3.5 hours per day. During a ten hour shift they on average spend a third of their time handling complaints/ and written appeals
Overnight Parking Enforcement		
1. A citizen calls in complaint about a specific area. Dispatch then enters a “call for service” and dispatches a Parking Control Assistant to inspect the area.	100 per month	Parking Control Assistants work 5 hour shifts and spend nearly all of that time on overnight parking enforcement.
2. Parking Control Assistant can either issue a citation or issue written warning. This enforcement is city wide.		
3. Traffic Sargent can also assign a Parking Control Assistant to a specific area to patrol in order to handle and address complaints through directed enforcement.		
Parking Ticket Appeals		
1. Once an appeal is received it is uploaded to our web based program called Turbo Data.	300 per month	5 minutes per appeal application
2. Police Liutenant reviews the appeals, which includes reading narrative, looking at photos, checking history- address and license plate of vehicle cited, and then rendering violation either liable or not liable.		1-3 hours per appeal depending on the number of appeals generated.

DISCUSSION OF PROCESS TO STUDY CITYWIDE OVERNIGHT PARKING POLICIES

CITY COUNCIL MEETING
MARCH 21, 2017



MAJOR MILESTONES IN FULLERTON'S OVERNIGHT PARKING REGULATIONS

1924

The City of Fullerton adopts Ordinance No. 314 prohibiting parking on paved streets between 1 a.m. and 5 a.m. and prohibiting all parking on newly-paved streets for a period of 90 days.

Adopted in order to preserve new pavement. Minor modifications were made to the law over the years, including changing the hours from 2 a.m. until 5 a.m., but it otherwise remained unchanged and its scope expanded as the City grew.

1970

The City's ordinance is challenged in court and found to be too vague.

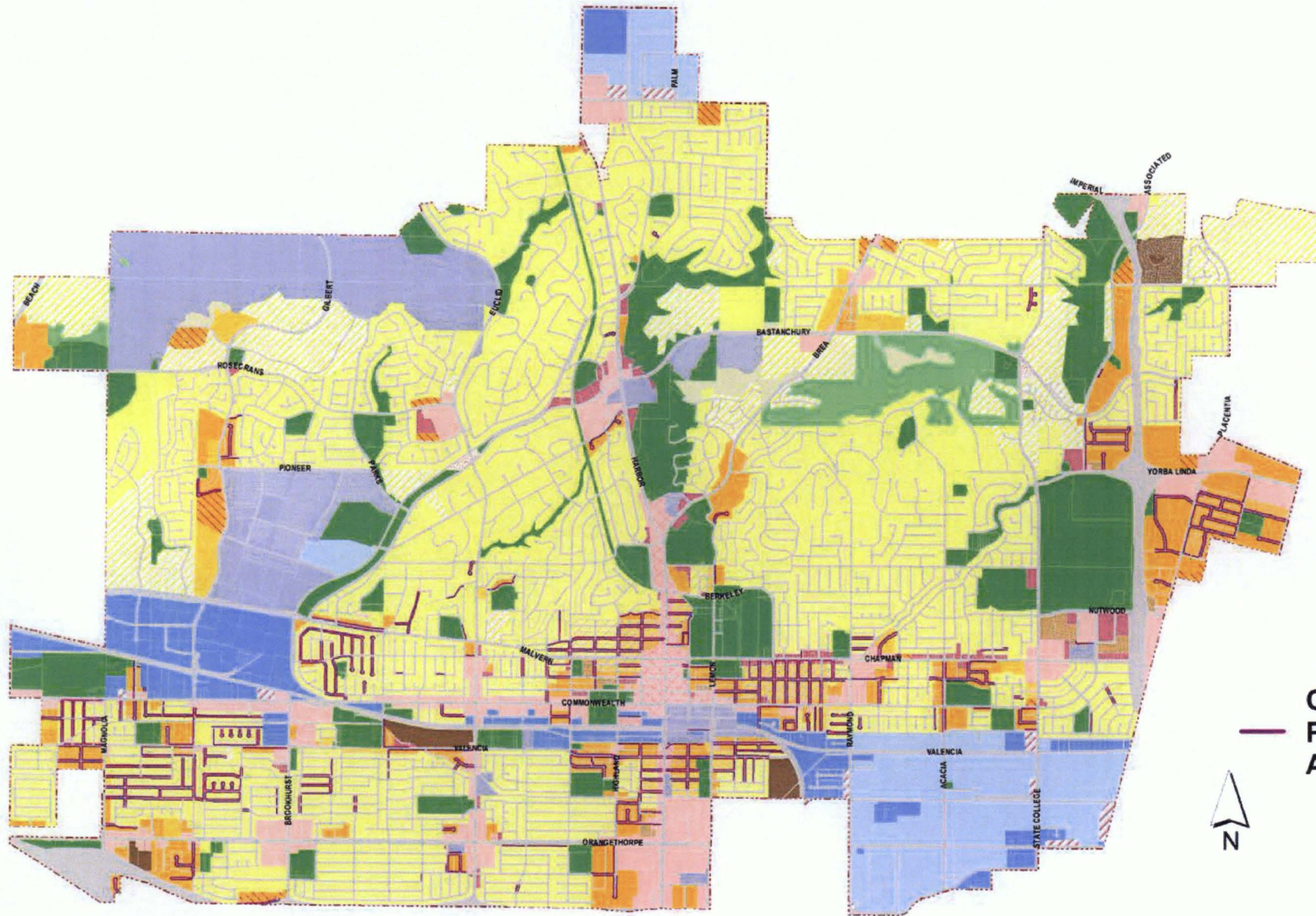
The City Council adopts a revised ordinance with new findings focused on preserving the public health, safety and welfare items, such as street sweeping, police patrols, and pedestrian safety.

1974

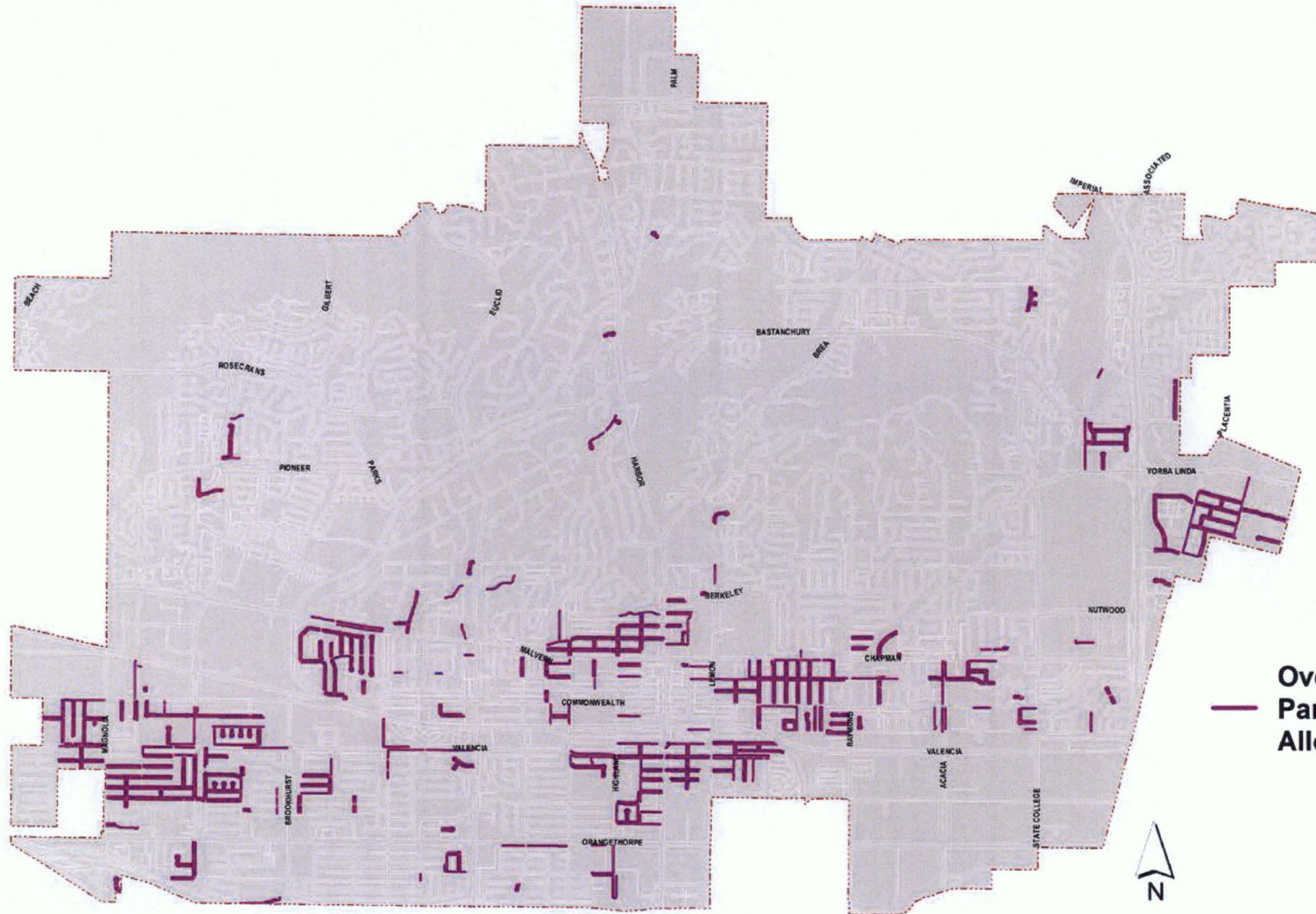
City Council includes a ballot question that asked voters if they supported the ban. Although the vote did show continued support for the overnight parking ban, there was some speculation as to the vote's validity given that apartment residents were not well-represented at the polls. Advisory in nature, the vote did not establish any new laws.

1979

Select Street Exemptions process was created and majority of exempt neighborhoods were established. They were primarily comprised of areas zoned R-3 or Preservation Zone constructed prior to 1965.

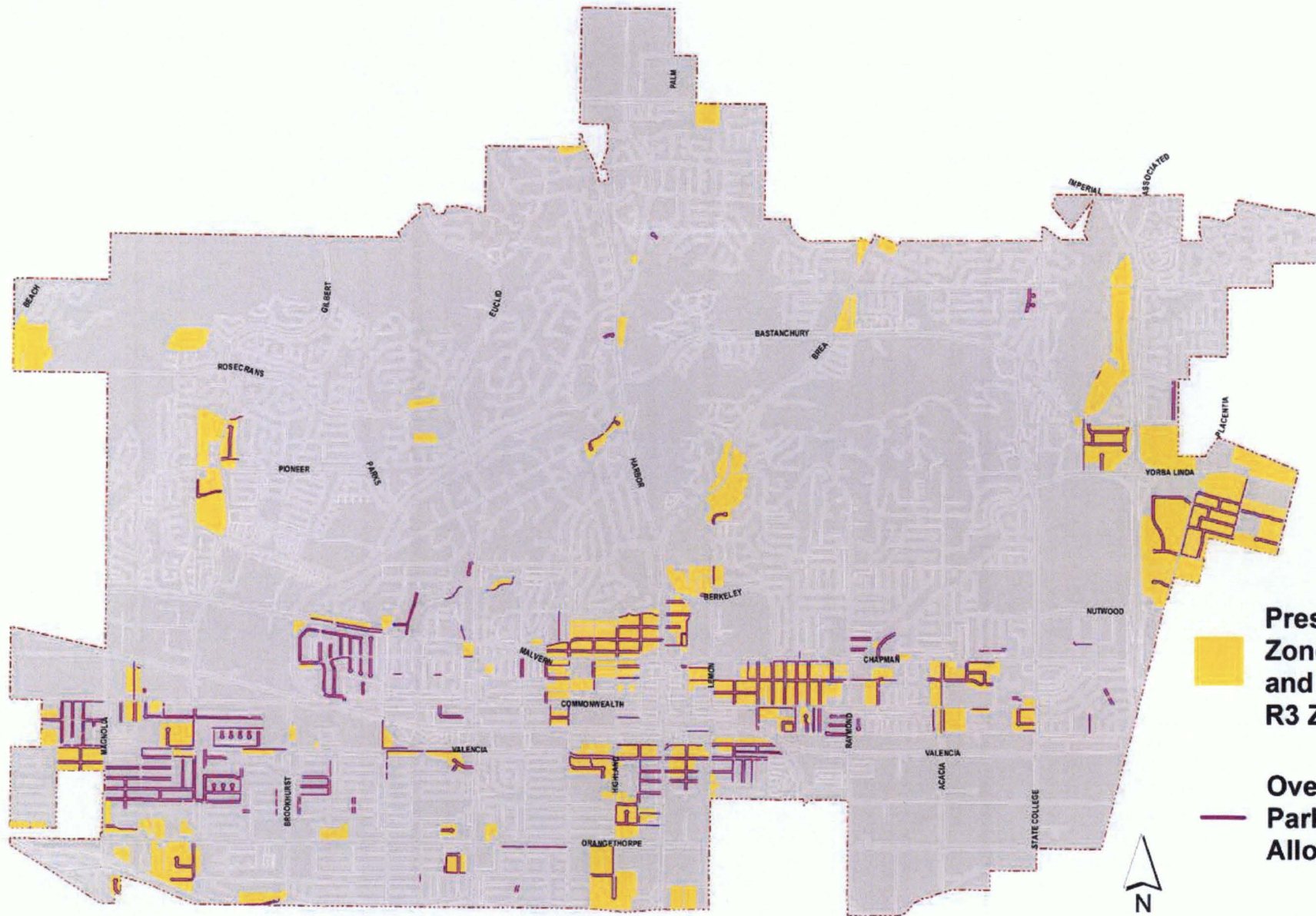


Overnight
Parking
Allowed



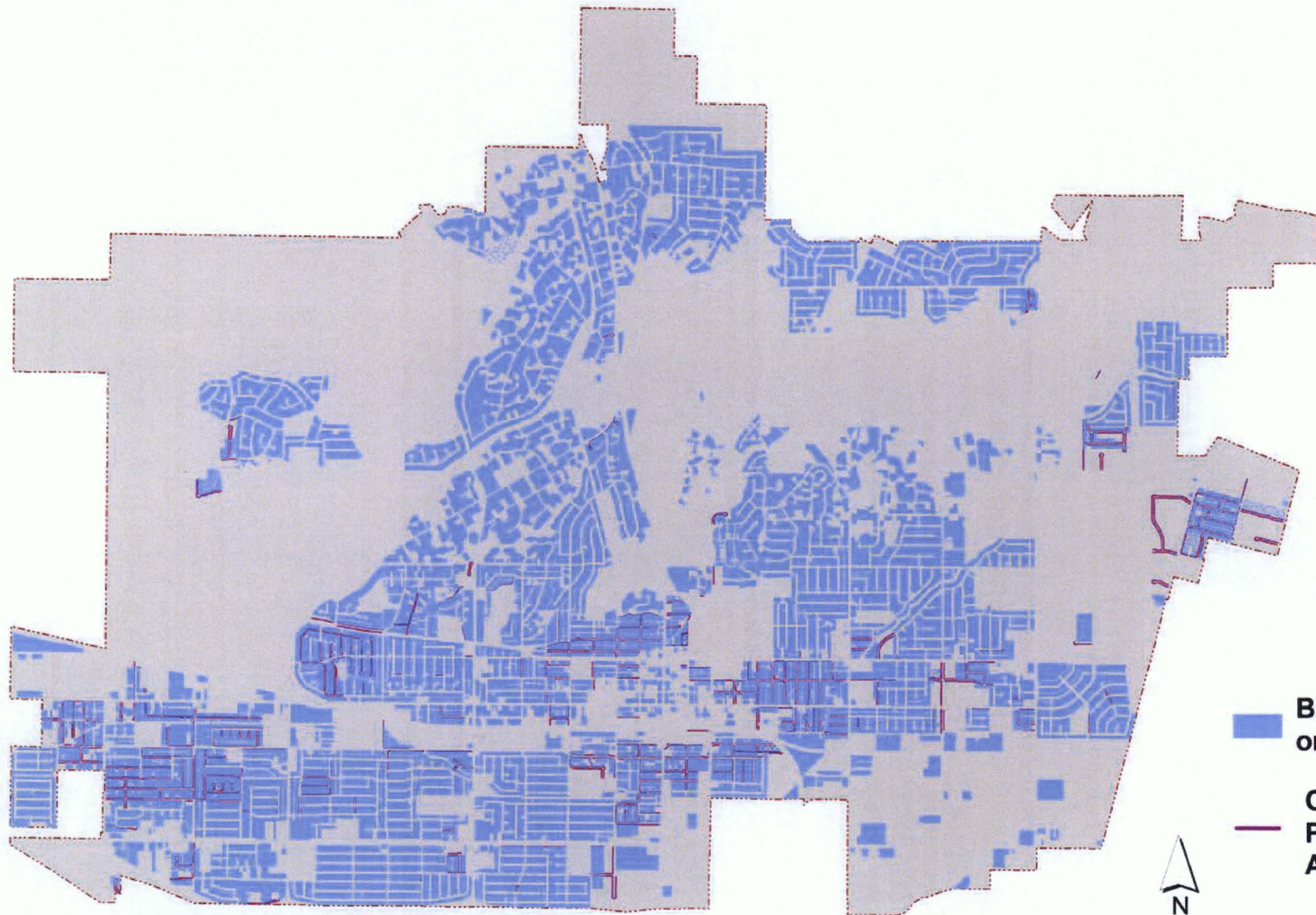
— Overnight
Parking
Allowed





**Preservation
Zones
and
R3 Zones**

**Overnight
Parking
Allowed**



-  Built 1965 or Earlier
-  Overnight Parking Allowed



RECOMMENDATION

Authorize the Transportation and Circulation Commission to appoint an ad hoc Overnight Parking Advisory Subcommittee of no more than three members to conduct a study, including an extensive community engagement process, of the City's existing overnight parking policies and develop recommendations for revisions.

Direct staff to return with an ordinance establishing an enforcement moratorium on overnight parking during the study period.

