



Agenda Report

Fullerton City Council

MEETING DATE: APRIL 4, 2023

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEPHEN BISE, CITY ENGINEER / ASSISTANT PUBLIC WORKS DIRECTOR

PREPARED BY: DAVE ROSEMAN, CITY TRAFFIC ENGINEER

SUBJECT: TRANSPORTATION AND CIRCULATION COMMISSION
DECISION TO DENY AN EARLY MORNING PARKING
EXEMPTION ON BOTH SIDES OF WEST WHITING
AVENUE BETWEEN FORD AVENUE AND HIGHLAND
AVENUE APPEAL

SUMMARY

Consideration of an appeal of a Transportation and Circulation Commission (TCC) decision to deny an early morning parking exemption on both sides of West Whiting Avenue between Ford Avenue and Highland Avenue.

RECOMMENDATION

1. Deny appeal and sustain the Transportation and Circulation Commission recommendation.

OR

2. Concur with initial City Traffic Engineer recommendation to approve the petition and sustain appeal of the Transportation and Circulation Commission decision to deny an early morning parking exemption on both sides of West Whiting Avenue, between Ford Avenue and Highland Avenue.

CITY MANAGER REMARKS

This is an appeal from TCC's original decision to deny an early morning parking exemption. The recommendation to TCC from the City's Traffic Engineer was approval of the petition.

In addition, the City Manager received an email from an individual who initially signed the petition, who now does not support an early morning exemption. Their email is attached.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Infrastructure and City Assets.

FISCAL IMPACT

No fiscal impact should City Council approve the appeal. The Public Works Fiscal Year 2022-23 Adopted Budget includes costs associated with approval of the appeal such as sign installation and maintenance.

No fiscal impact should City Council deny the appeal.

DISCUSSION

Whiting Avenue is an east / west residential street with a 25 miles per hour prima facie speed limit. This segment of Whiting Avenue has a 36-foot curb-to-curb roadway width with one lane of traffic in each direction. The City allows on-street parking on both sides of the street except for the early morning parking restriction period between 2:00 a.m. and 5:00 a.m. This segment of roadway consists of single-family homes with small single and double car garages which staff determined constitutes an off-street parking deficiency.

Fullerton Municipal Code Section 8.44.080 provides for exemptions to the early morning parking prohibition when a majority of property owners on both sides of a street support an exemption and the City considers the area as off-street parking deficient. Staff reviewed the petition and found 64% (seven out of eleven) of property owners on the north side of the street and 54% (seven out of thirteen) of property owners on the south side of the street in support of an exemption. Staff verified property owner signatures on the petition using County Assessors records. Exhibit B (Attachment 3) provides a graphic representation by property of owner opinions related to this matter.

The City Traffic Engineer recommended approving the request to the Traffic and Circulation Commission based on the level of support demonstrated on the petition and the determination that West Whiting has deficient off-street parking. Staff notified all property owners affected by the proposed change of the TCC meeting. Staff received no letters, emails or phone calls in opposition to the proposal prior to the publication of the TCC Agenda Report, however, several property owners voiced opposition to the exemption immediately prior to, or during, public comment at the March 6, 2023 TCC meeting.

The TCC voted 4 – 1 to deny the request for an exception to the 2:00 a.m. to 5:00 a.m. early morning parking restriction on both sides of West Whiting Avenue between Ford Avenue and Highland Avenue. The Public Works Department received an appeal of this decision, seeking further City Council consideration.

Staff has received one additional letter of support since the March 6, 2023 TCC meeting, one additional letter of opposition and one phone call in opposition of the exemption. Exhibit C (Attachment 4) provides an updated graphic outlining property owner opinions regarding the matter of an exemption. The updated graphic shows that

55% (six out of the eleven) of property owners on the north side of the street and 54% (seven out of thirteen) of property owners on the south side of the street currently support the request for an exemption. Thirteen property owners in total support the petition, six property owners do not favor of the petition and five property owners have not provided a response.

The City Traffic Engineer based his recommendation on the fact that the property owners along West Whiting Avenue have complied with all requirements outlined in the Municipal Code for granting approval of their request for an exception to the early morning parking prohibition. Furthermore, the City Traffic Engineer finds no other notable or remarkable circumstances or conditions that would justify denying the property owners along West Whiting Avenue on-street parking in the early morning hours as the City has granted to other similar property owners.

Attachments:

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Vicinity Map
- Attachment 3 – Original Petition Map
- Attachment 4 – Revised Petition Map
- Attachment 5 – Opposition Email
- Attachment 6 – TCC Staff Report

cc: City Manager Eric J. Levitt