



Agenda Report

Fullerton Transportation and Circulation Commission

MEETING DATE: SEPTEMBER 14, 2023

TO: TRANSPORTATION & CIRCULATION COMMISSION

SUBMITTED BY: PUBLIC WORKS/TRAFFIC ENGINEERING DIVISION

PREPARED BY: DAVID ROSEMAN, CITY TRAFFIC ENGINEER

SUBJECT: RECOMMENDATIONS FOR ADMENDMENTS TO THE
EARLY MORNING PARKING PROHIBITION PROGRAM

SUMMARY

Consideration of City Traffic Engineer recommendations to amend Section 8.44.080 of the Fullerton Municipal Code pertaining to the early morning parking prohibition and its program, policies and procedures.

RECOMMENDATION

Concur with the City Traffic Engineer's suggested approach and recommend to City Council that Section 8.44.080 of the Fullerton Municipal Code pertaining to the early morning parking prohibition be amended to make hardship exemption permits more inclusive, resident friendly, and attainable for residents with inadequate off-street parking.

DISCUSSION

As a result of recent concerns expressed by residents regarding the City's early morning parking prohibition program, the City Council at its April 4th meeting directed staff to review existing regulations, policies and procedures pertaining to the program, in an effort to recommend changes to create a program that is more resident friendly, reduce neighborhood conflicts, and streamline the process. City Council also suggested the consideration of a permit program for residents with unusual parking challenges.

HISTORY

In 1924 the Board of Trustees of the City of Fullerton adopted Ordinance No. 314 prohibiting parking on all paved streets between the hours of 1:00am and 5:00am in an attempt to preserve and extend the life of the new pavement. As the City grew and more paved streets were constructed, the overnight parking restriction simply expanded along with the new paved roads. Over the years minor modifications to the law were made

related to hours, justifications, and exemptions; however, conceptually the early morning parking prohibition remains in effect much as it was when it was first adopted.

The City's period of most rapid growth occurred between 1950 and 1979 when many new residents and paved streets came to Fullerton. In the early 1960's some residents began complaining about the lack of parking in their neighborhoods and questioned the usefulness and necessity of the early morning parking prohibition. Similar to today, residents primarily living in single family homes with adequate off-street parking supported the early morning parking prohibition and others residing in properties with insufficient off-street parking to accommodate resident needs supported elimination of, or exemptions to, the parking prohibitions. The controversy between neighbors over the need and fairness of the early morning parking prohibitions continued and in 1974 the City Council included a ballot question that asked voters if they wanted to retain or eliminate the early morning parking prohibition. The results of the vote indicated that 68% supported continuation of the ordinance. Advisory in nature, the vote did not establish any new laws.

In response to resident calls for modifications to the early morning parking prohibition, in 1979 the City Council directed a number of changes to the law and its interpretation creating processes where streets found to be parking deficient could be exempted from the early morning parking prohibitions. City staff proceeded to identify those streets considered "parking deficient", which were primarily in areas of multi-family housing, thus creating the majority of today's exempt areas. Minor amendments have since been made to the law to include the creation of the current "Select Street" exemption process and the establishment of "Temporary" and "Hardship" exemptions, see Attachment 1 (Exhibit "A"); along with adopted policy & procedures, Attachment 2 (Exhibit "B").

Today, the majority of the City's exempt streets are in neighborhoods zoned either R-3 or R-1 preservation zones. The older R-1 zoned neighborhoods, where most early morning parking prohibition exemptions were granted, were constructed with narrow single-car garages. An evolution of changes to the City's residential parking standards between 1961 and 1976 indicates that the City was attempting to respond to complaints about on-site parking deficiencies by increasing the minimum residential parking standards. This approach was beneficial in addressing new development parking demand; however, it was only marginally effective addressing the citywide issue since the areas experiencing off-street parking deficiencies were already constructed and physical constraints of the properties themselves made it impossible to add more parking without demolishing units. Attachment 3 (Exhibit "C") identifies those streets in the City currently approved for exemptions to the early morning parking prohibitions.

In 2017, City Council created an Ad-Hoc Committee consisting of residents and staff to seek community input regarding the need for, effectiveness of, and hardships created by, the early morning parking prohibition ordinance. The Committee's goal was to determine what changes, if any, should be made to the existing early morning parking prohibition program. On December 4, 2017, the Ad-Hoc Committee presented the Transportation & Circulation Commission (T&CC) with the following three alternatives to consider:

Alternative 1: Eliminate the Early Morning Parking Ordinance

There was little support for this strategy as expressed by residents participating in the community outreach efforts and the collective opinion of the Ad-Hoc Committee.

Alternative 2: Retain the Ordinance and Create a Permit System.

This alternative would eliminate the select street exemption process and replace it with a needs-based permit system. The new permit would be limited to Fullerton residents who lacked access to sufficient off-street parking where they lived. The number of permits would be limited to vehicles registered at the address and there would be a permit fee sufficient to cover the cost of administering the program. The Ad-Hoc Committee conducted extensive outreach on this alternative and based on in-person discussions and a citywide survey, found strong support for a needs-based permit system.

Alternative 3: Streamline the Administration of the Existing Program.

Absent any other changes to the early morning parking prohibition ordinance and the select street exemption process, it was proposed that the processing of exemptions would become an administrative task conducted by Public Works staff and approved by City Council without T&CC review. In this case the T&CC would become an “appeals body” to which residents may request a review of the initial administrative decision by Public Works staff.

At the conclusion of the presentation the Commission heard public testimony, engaged in debate and ultimately voted to recommend Alternative 2 to City Council for approval. On February 20, 2018, City Council considered the Commission’s recommendation and decided to receive and file the report taking no action on the recommendation.

EARLY MORNING PARKING PROHIBITION PROGRAM REVIEW AND OPTIONS

In accordance with City Council’s recent directive to review the early morning parking prohibition program, members of the Public Works and Police Departments met to review the early morning parking prohibition program, policies, and procedures. The meeting began with a thorough review of the history of the program and quickly transitioned to a collaborative discussion about the challenges faced by residents and staff alike in the processing of requests, the administration and procedures of the program, and enforcement. The discussion then turned to how best to modify the program to make it more resident friendly, reduce neighborhood conflicts, and streamline the process. One key aspect that kept coming forward in the discussions is the issue of potential impacts of proposed changes to those residents that have already secured exemptions under the current program. After much discussion and debate about alternatives and potential consequences, the group collectively settled on the three options provided below.

Option 1 – Repeal the Early Morning Parking Ordinance

Repealing the early morning parking prohibition ordinance would ultimately eliminate all administrative efforts and costs associated with the program, would

eliminate on-street parking access disparities between single-family and multi-family housing, and provide additional on-street overnight parking relief for all residents that do not have sufficient off-street parking. In addition, time allocated for existing ordinance enforcement could be reassigned to other areas of need. Repeal of the ordinance would allow both resident and non-resident vehicles to be continuously parked on most City streets for up to 72 hours before being subject to citation. Repealing the ordinance would also require the removal of thousands of ordinance related signs posted both at entrances to the City and on currently exempted streets. The cost of removal of the ordinance related signage is unknown but is expected to be significant. This option is likely to be unpopular with residents that have sufficient off-street parking for their needs and support the current parking prohibition for the benefits it provides. This option is also likely to gain little support from residents that already live on exempted streets since there would be little to no benefit in their access to parking. Although this option would require the least City resources in the long-term, it is unlikely to be supported by a majority of residents at this time; therefore, Option 1 is not recommended.

Option 2 - Develop a Citywide Early Morning Parking Permit Program

This option would be similar to that which was previously recommended by T&CC to City Council back in 2017. Under a citywide early morning parking permit program the current block exemptions and hardship permits would be replaced by on-street early morning parking permits that would be available to residents with vehicles registered to addresses in the City. Such a permit parking program would need to be self-funded through permit fees, be enforceable using available staffing resources, and have a per parcel permit limit. The permit program should treat all households similarly, not create an incentive to park on the street, and exclude permits for certain types of vehicles such as trucks, trailers, recreational vehicles, campers, vehicles for hire, and commercial vehicles. If the parking permits were available online to residents without any assessment of need, the program could be simpler to administer than the current program; however, it may result in a significant expansion of vehicles parked on City streets overnight. However, if the permit program required some assessment of parking deficiency, or other subjective criteria, the program could be more difficult and costly to administer than the current program, especially upon startup when thousands of residents would have to acquire permits to continue parking over night as they do today under the existing program. Additionally, similar to Option 1, all of the existing ordinance related signage in the City would either have to be removed or replaced with signs indicating that resident parking is allowed in the early morning hours by permit only.

Although an early morning parking permit program may appear to be a viable solution, the implementation of such a program would require significant effort/cost and would most likely result in negative consequences for those residents benefiting from the current program. For example, those residents that currently live on exempted streets, where they aren't required to have permits or pay any fees to park overnight, would, under a citywide permit program, have to

obtain permits and pay fees. Likewise, those residents that live on streets where early morning parking is prohibited could potentially see the programs benefits eroded as neighbors obtain permits and begin parking overnight on their block. Since replacement of the existing early morning parking prohibition program with a resident only permit parking program is likely to be costly to implement/administer and would most likely benefit fewer residents than it impacts, Option 2 is not recommended.

Option 3 – Modify the Hardship Exemption Permit

This option would retain the majority of the existing early morning parking prohibition ordinance continuing both the select street exemptions and temporary permits as they are administered, issued, and enforced today. However, the hardship exemption permit program would be revamped to be more inclusive, resident friendly, and easily attainable for most residents experiencing a shortage of off-street parking. Hardship exemption permits are currently only issued to specifically address an interim parking deficiency at a single-family residence due to a temporary increase in household parking demand that exceeds all available off-street parking spaces. Hardship exemption permits are issued in one-year increments from the date of issuance and are normally only renewable for up to four years. A maximum of one permit may be issued per residence to park immediately adjacent to the property for which the permit was issued. Applications for hardship exemption permits are evaluated based on a strict set of criteria outlined in the ordinance and permits are issued at the sole discretion of the Police Department. There is a \$250 administrative non-refundable fee to apply for a hardship exemption and if the request is granted annual permit fees apply. As a result of the strict rules and high cost, only a few hardship exemption permits are issued citywide each year.

Despite the current challenges for most residents posed by the existing hardship exemption permit program, a relaxing of the evaluation criteria and streamlining permit issuance processing, is the most viable approach to deliver on-street parking relief to disadvantaged residents without disrupting the benefits afforded others by the current ordinance provisions. It is recommended that the City's hardship exemption permit program be amended so that it is more similar to the City of Brea's overnight parking permit program. Additionally, modification of the hardship exemption permit program would most likely not result in a need to remove or replace existing ordinance signs posted in the City. Recommended revisions to the hardship exemption permit program could include, but are not limited to, the following:

1. Elimination of the single-family residence requirement, thus allowing permits to be issued to residents of all types of housing units.
2. Expansion of the number of allowable permits from one to two per parcel for single family homes and allow one permit per housing unit for townhomes, condominiums, apartments, and other multi-family housing parcels.

3. Elimination of the requirement that permits be affixed to the rear bumper.
4. Eliminate the requirement that permitted vehicles must be parked immediately adjacent to the vehicle's registered address, rather they can be parked within close proximity of the residence.
5. Elimination of the requirement that only property owners can apply for permits, thus allowing any residential occupant that has established residency in the City the opportunity to apply for a permit.
6. Elimination of the interim family hardship provisions, thus allowing permits to be issued regardless of the applicant's personal reason for seeking a permit.
7. Elimination of the four-year limit on permit renewals.
8. Elimination of onsite inspections by the Police Department as a condition of permit issuance or permit renewals.
9. Establishment of a provision that only passenger cars and commercial vehicles under 6,000lbs gross vehicle weight are eligible for permits.
10. Establishment of a provision that the applicant must self-certify that the property is in compliance with all City Code requirements related to on-site parking.
11. Establishment of a provision that all on-site parking spaces must be free of any obstructions and that there are more operable registered vehicles parked at the property than can be reasonably accommodated in the garage and driveway spaces.
12. Establishment of a provision that applicants must provide a listing of all registered vehicles being parked at the residence.
13. Establishment of a provision that permits can be transferable between registered vehicles of the same household.
14. Establishment that permits will not be issued to residents that reside on a street that already has a select street exemption.
15. Establishment of a provision that permits are to be issued on a calendar year basis and renewable annually.
16. Renaming of the permit from a hardship exemption permit to an early morning resident parking permit.

In addition to the changes noted above, it is recommended that the application and approval processes be administered through an online portal to expedite the review and issuance of the new early morning resident parking permits. It is also recommended that the annual permit fees be adjusted to provide for full cost

recovery of the new permit program. However, since the permit processing would no longer require an onsite inspection and there is likely to be a significant number of permits issued on an annual basis, it is anticipated that the cost of permits may be able to be reduced significantly. It is anticipated that there will be a strong demand for permits upon the initiation of the new permit, which will stabilize over time.

In consideration of the three options outlined above related to the early morning parking prohibition ordinance, it is requested that the Commission consider the various issues and options presented, hear public testimony, and concur with the City Traffic Engineer's recommendation to amend the hardship exemption permit program as outlined in Option 3 and move the matter forward to City Council for their consideration.

Attachments:

Attachment 1 - Exhibit "A" F.M.C. 8.44.080 Early Morning Parking Ordinance

Attachment 2 - Exhibit "B" Early Morning Parking Exemption Policy & Procedures

Attachment 3 - Exhibit "C" Early Morning Parking Exemption Map