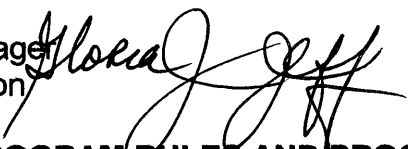


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: March 13, 2007

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall
Attention: Honorable Wendy Greuel, Chair, Transportation Committee

From: Gloria J. Jeff, General Manager
Department of Transportation 

Subject: **OVERNIGHT PARKING PROGRAM RULES AND PROCEDURES,
C.F. NO. 05-0242**

RECOMMENDATIONS

That, if the City Council is in agreement with the attached draft Overnight Parking Program Rules and Procedures, the City Council:

1. REQUEST the City Attorney, with the assistance of the Department of Transportation, to prepare a draft ordinance amending LAMC Section 80.54 to reflect the changes in the Overnight Parking Program proposed in the draft Rules.
2. DIRECT the Department of Transportation to promulgate, subject to City Council approval, rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54.
3. DIRECT the Department of Transportation and the Police Department to develop a Memorandum of Understanding clearly specifying each department's role in the enforcement of the Overnight Parking Program.

DISCUSSION

On December 15, 2006, a motion (Greuel/Rosendahl, CF No. 05-0242) was introduced directing the Department of Transportation (DOT) to develop general rules and procedures for the implementation of Overnight Parking Districts (OPDs) in the City of Los Angeles. The motion stated that the "establishment of OPDs was intended to be another tool to address a variety of public safety and public welfare issues associated with vehicles that have no legitimate reason to be parked overnight in a given area. The goal was to provide

enough flexibility in the ordinance so that staff could tailor the program to address a specific parking issue in a neighborhood. As the City begins to establish OPDs throughout the City, staff is experiencing practical and technical challenges in providing such a flexible program. It appears that program parameters are needed that will address these issues, yet continue to allow OPDs to be developed to deal with the specific parking issues in each community”.

DOT originally developed Ordinance No. 176,861 (effective September 14, 2005) in cooperation with Council staff and staff of the City Attorney and Police Department as a tool to address criminal and public nuisance activities associated with non-resident vehicles parked late at night in the Venice and Baldwin Village areas of Los Angeles. The ordinance established Los Angeles Municipal Code (LAMC) Section 80.54 prohibiting parking between 2:00 a.m. and 6:00 a.m. and gave the Council the authority to identify, by Council resolution, those areas (OPDs) where DOT was authorized to post signs and enforce the 2:00 a.m. and 6:00 a.m. parking prohibition. LAMC Section 80.54 was designed to be applicable Citywide, with the flexibility to customize the requirements of each OPD according to the particular problems and circumstances of the area. DOT envisioned that each OPD would be created by a Council Resolution that would establish the boundaries of the District; list any locations where overnight parking restrictions were not allowed to be posted; specify the maximum number, type and cost of Overnight Parking Permits authorized for issuance to each Dwelling Unit; identify the overnight parking restriction(s) authorized for use within the District; and clarify the procedures to have overnight parking restriction signs installed on each block.

Lessons Learned

The first Overnight Parking District, OPD No. 501 on Ledge Avenue and Kling Street in Council District 4, was established by Council action on March 29, 2006. Since then, the Council has approved 12 more OPDs; and at least 12 more OPD requests are pending.

Of the 13 OPD requests approved by Council to date, approximately half of them had crime and public nuisance problems consistent with the original intent of the Overnight Parking Program and hence are consistent with the new rules and procedures proposed in this report. Other problems that the overnight parking program has been used to address include violations of the 72-hour limit on parking in one place and residents of nearby apartment buildings parking on streets with single-family homes. Since the City already has more appropriate tools to address 72-hour violations (LAMC Section 80.73.2) and parking supply issues on single-family residential streets (LAMC 80.58), the Department recommends refocusing the Overnight Parking Program on its original purpose.

Although LAMC 80.54 is a parking prohibition that DOT Traffic Officers are authorized to enforce, it was originally intended to provide an additional tool for the Police Department to address crime and public nuisance problems. Therefore, it is more appropriate for Police Officers to patrol and enforce these parking prohibitions, which usually involve people being present in the vehicles being cited.

DOT planned to use its existing preferential parking permit sales contractor, Affiliated Computer Services (ACS), to sell Overnight Parking Permits, but found that the limitations of ACS' permit sales software required a simplification and standardization of the Overnight Parking Permit sales parameters (e.g., maximum number permits, permit fees, etc.). In hindsight, DOT also realized that overnight parking prohibitions without permit exemptions (i.e., "No Parking 2 AM to 6 AM") should not have been part of the OPD process requiring adoption of a Council resolution to identify where these restrictions would be posted and enforced. Instead, DOT should have been given authority to simply install these signs where appropriate criteria were met. Only those residential areas with inadequate off-street parking that qualified for overnight parking prohibitions with permit exemptions for residents (i.e., "No Parking 2 AM to 6 AM, **Except By Permit**") would then require Council action to establish an OPD.

Citizens and Council office staff also were not clear about how to specify the boundaries of an OPD. DOT ultimately decided that the most flexible approach was to identify a larger area in the establishing resolution and include authorization for DOT to install or remove overnight parking restrictions on streets within the OPD at the request of the Councilmember of the affected District.

Proposed Overnight Parking Program Rules and Procedures

DOT has developed the attached draft Overnight Parking Program Rules and Procedures to re-focus the Program on its original purpose and address all of the issues identified to date. If the Council is in agreement with the proposals contained in the draft Rules, the Department recommends that the City Attorney, in coordination with DOT, be requested to prepare a draft ordinance with appropriate amendments to LAMC Section 80.54; that DOT be directed to promulgate, subject to City Council approval, rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54; and that DOT and the Police Department be directed to develop a Memorandum of Understanding clearly specifying each department's role in the enforcement of the Overnight Parking Program.

DOT will process any pending and future requests for overnight parking restrictions in accordance with the Overnight Parking Program Rules and Procedures once they have been adopted by the City Council.

FISCAL IMPACT STATEMENT

DOT is proposing to restructure the Overnight Parking Program so that only those residential areas with inadequate off-street parking that qualified for overnight parking prohibitions with permit exemptions for residents would require Council action to establish an OPD. Overnight Parking Permit fees will be set at a level so that the revenue from permit sales and/or contributions from other sources such as grants would fully recover the cost of formulation, implementation, maintenance and enforcement of Overnight Parking Districts and the administration of the Overnight Parking Program. At this time, the annual

cost of this special service is unknown but it is expected to be somewhat less than the cost of the Preferential Parking Program. Therefore, the City Attorney has recommended that DOT set the initial OPD permit fees at a level of approximately two-thirds of the current PPD permit fees. A cost analysis of the Overnight Parking Program is planned to occur at the end of the 2006/2007 Fiscal Year, after the overnight parking program has been in effect for about one year; and the permit fees will be adjusted accordingly based on the results of that analysis. In addition to recovering the full cost of the Overnight Parking Program from permit fees, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the OPD's parking restrictions.

Overnight parking restriction signs without resident permit exemptions (i.e., not located within OPDs) would be fabricated, installed, maintained and enforced using existing Department resources and would represent an unbudgeted General Fund expense during the current fiscal year. Here too, the City may gain additional General Fund revenue from the issuance of parking citations to violators of these overnight parking restrictions.

COORDINATION

DOT has developed the attached draft Overnight Parking Program Rules and Procedures as a mechanism to engage the Council in a dialogue about the future of the Overnight Parking Program.

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Attachment

OVERNIGHT PARKING PROGRAM RULES & PROCEDURES

(Revised March 13, 2007)

GOAL: To deter crime and other public nuisances associated with the overnight parking of non-resident vehicles on City streets

1. Signs – prohibiting parking between 2 and 6 AM may be installed on any type of street regardless of adjacent land use but will only be installed where there is both demonstrated support for the signs and a documented problem.
 - a. General Criteria for Sign Installation – the following criteria shall be met for all proposed installations of Overnight Parking Program restrictions:
 - i. Demonstrated Support – The Councilmember makes a written request to DOT for sign installation and certifies that one of the following has occurred:
 1. Residents and business owners of blocks to be posted have submitted petitions requesting the installation of the signs and the Council Office has verified that the petitions were signed by an authorized representative of at least two-thirds of the total number of dwelling units plus business addresses on each street segment desiring the signs,
 - OR**
 2. The local Neighborhood Council, if there is one, has taken an official position in support of the installation of the signs on a particular street segment at a publicly noticed meeting.
 - ii. Documented Problem - LAPD's Area Captain or the Deputy City Attorney supervising the area's Neighborhood Prosecutor submits a written statement to DOT identifying a public nuisance-related crime problem associated with parked vehicles (e.g., people living in vehicles, lewd acts in vehicles, etc.) on the street segment and certifying that an adequate trial of less restrictive remedies has been unable to eliminate the problem.
- b. Procedure for Signs Without Exemptions – the following procedure shall be followed for the installation of "No Parking 2 AM to 6 AM" signs applying to all vehicles:

- i. DOT Determination – Based upon the information received, DOT takes one of the following actions:
 1. General Criteria Met – DOT notifies Council Office in writing of the approval of the sign installation request, writes work orders to fabricate and install signs, and notifies residents and businesses of street to be posted.
 2. General Criteria Not Met – DOT denies request and notifies Council Office in writing of the reasons for the denial.
- ii. Council Action – none required.
- c. Procedure for Signs with “Permit Exemptions” for Residents - the following additional, special criteria shall be met for all proposed installations of “No Parking 2 AM to 6 AM, Except By Permit” signs where residents may purchase permits exempting themselves and their guests from the parking prohibition:
 - i. Special Criteria for Resident Exemptions
 1. Dwelling units comprise 50 percent or more of the total number of dwelling units plus business addresses on the block face, AND
 2. The dwelling units lack adequate off-street parking as determined by DOT survey.
 - ii. DOT Determination – Based upon the information received, DOT takes one of the following actions:
 1. Both General and Special Criteria Met – DOT notifies Council Office and prepares and submits report to Council and draft resolution establishing an Overnight Parking District. Once Council adopts the resolution establishing the OPD, DOT writes work orders to fabricate and install signs, notifies residents and businesses of street to be posted, and commences sale of permits.
 2. General and/or Special Criteria Not Met – DOT denies the request and notifies the Council Office.
 - iii. Council Action – only required if both General and Special Criteria are met.
2. Permits – for residents of Los Angeles and their guests may purchase permits that exempt them from the “No Parking 2 AM to 6 AM, Except by Permit”

restrictions in the Overnight Parking District in which they reside in accordance with the following conditions:

a. Maximum Number and Fees for Permits

- i. Maximum of three Resident Permits to each dwelling unit in an Overnight Parking District for a fee of \$15.00 each per year.
- ii. Maximum of two Visitor Permits per dwelling unit in an Overnight Parking District at any one time valid for a maximum of four months at a fee of \$10.00 per permit.
- iii. Maximum of 10 one-day Guest Permits per dwelling unit in an Overnight Parking District per year for a fee of \$1.00 per permit,

OR

Maximum of 25 one-day Guest Permits per dwelling unit in an Overnight Parking District per day for a fee of \$1.00 per permit with the issuance of more than 25 one-day Guest Permits for the same day to a single dwelling unit requiring submittal to DOT of prior written approval from the affected Council Office.

3. Overnight Parking District Boundaries and Sign Installation Procedure – the Council resolution establishing an Overnight Parking District shall extend to include all of the contiguous street segments that meet the Special Criteria, whether or not the residents have requested the installation of the signs. Once the Council adopts the resolution establishing the OPD, DOT shall be authorized, with no further action of the Council, to install signs on any street segment within the OPD when the General Criteria have been met for the street segment.
4. Removal of Signs and/or Rescission of OPDs – the following criteria shall be met for all proposed removals of Overnight Parking Program restrictions:
 - a. Demonstrated Support - The Councilmember makes a written request to DOT for sign removal and certifies that one of the following has occurred:
 - i. Residents and business owners of street segments posted with overnight parking restrictions have submitted petitions requesting the removal of the signs and the Council Office has verified that the petitions were signed by an authorized representative of at least two-thirds of the total number of dwelling units plus business addresses on each street segment desiring the signs,

OR

- ii. The local Neighborhood Council, if there is one, has taken an official position in support of the removal of the signs on a particular street segment at a publicly noticed meeting.
 - b. Lack of a Documented Problem - LAPD's Area Captain or the Deputy City Attorney supervising the area's Neighborhood Prosecutor submits a written statement to DOT verifying that the public nuisance-related crime problem associated with parked vehicles that led to the installation of the overnight parking restrictions no longer exists.
5. Guidelines for Issuance of Permits – DOT shall be authorized to promulgate, subject to City Council approval, rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54.
6. Annual Adjustment of Permit Fees – the Overnight Parking Program qualifies as a special service for which the City is entitled to recover the full cost of administering, implementing, maintaining and enforcing the Program. Therefore, permit fees will be evaluated and adjusted annually for full cost recovery.
7. Enforcement Responsibility – the Los Angeles Police Department shall have primary responsibility for enforcement of the Overnight Parking Program due to the criminal nature of many of the activities the Program is designed to solve. LAPD may refer calls involving simple parking violations not associated with criminal activity to DOT's Traffic Officers, who will respond if resources are available.
8. Implementation of Overnight Parking Program Rules & Procedures
 - a. Ordinance No. 176,861 (LAMC Section 80.54) will need to be amended to be consistent with the above Rules & Procedures.
 - b. DOT will need to develop rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54.

AEW:

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