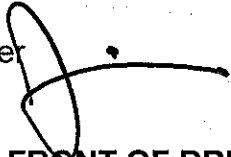


**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**

Date: November 7, 2011

To: The Honorable City Council
c/o City Clerk, Room 395, City Hall

Attention: Honorable Bill Rosendahl, Chair
Transportation Committee

From: Jaime de la Vega, General Manager
Department of Transportation 

Subject: **APRON PARKING / PARKING IN FRONT OF DRIVEWAYS
CF-10-1673**

SUMMARY

This report provides policy recommendations to allow parking on a driveway apron and parking in front of driveways.

PREFACE

The Los Angeles Department of Transportation (LADOT) recommends that the City Council consult, in closed session pursuant to Government Code Section 54956.9(a), with the Office of the City Attorney regarding any pending lawsuits that may relate to the proposed policy.

Government Code Section 54956.9(a) requires that the City Council state publicly prior to the closed session, what subdivision of this section authorizes the closed meeting, and the closed session is being held to confer or discuss with, or receive advice, from, legal counsel regarding pending litigation.

RECOMMENDATIONS

1. REQUEST the City Attorney to prepare an ordinance to amend the definition of "parkway" in Section 42.00(a) of the LAMC as follows:

"Parkway" shall mean that area between the edge of the roadway and the adjacent property line excluding that area occupied by the sidewalks **or the apron**. Parkway shall also include any area within a roadway which is not open to vehicular travel.
2. REQUEST the City Attorney to prepare an ordinance to delete the definition of "parkway" in Section 80.00(h) of the LAMC.
3. REQUEST the City Attorney, in cooperation with LADOT, to prepare an ordinance establishing a permit system for parking parallel to the curb in front of a driveway pursuant to CVC Section 22507.2.
4. DIRECT LADOT to establish administrative procedures to implement a permit system for parking parallel to the curb in front of a driveway pursuant to CVC Section 22507.2 and report back with a request for any additional resources needed to implement the program.
5. DIRECT LADOT, with the assistance of the CAO, to determine the permit fees so that all direct and indirect costs are recovered and that there is no impact on the General Fund.
6. DIRECT LADOT to resume enforcement of LAMC 80.53 upon City Council adoption of the amendment to LAMC Sec. 42.00(a).

IMPLICATIONS

Upon Council adoption of a revised definition of LAMC Sec. 42.00 (a), both parking entirely within an apron and parking on an apron and partially in a parking lane will be allowed, subject to compliance with all other state and city laws, as described below.

GENERAL APPROACH

The City Council should seek to adopt the most simple, clear, concise and, safest law possible to address apron parking and parking in front of driveways. This will make the law more understandable to the constituents and minimize ambiguity about the law. It will also help enforcement officials, especially LADOT traffic officers, enforce the law appropriately.

DEFINITIONS

The following are the current definitions of key terms referenced in this report:

“Driveway Approach” shall mean that portion of a driveway lying in the public right of way between the curb face or roadway of a public street and the property line thereof, and including both apron and side slopes. (LAMC Sec. 62.00)

“Apron” shall mean that portion of a driveway approach, exclusive of side slopes or driveway curb returns, extending from the gutter flow line to the property line. (LAMC Sec. 62.00) [Emphasis added]

“Roadway” shall mean the portion of the street intended for use by vehicular traffic, including parking lanes. (LAMC Sec. 62.00) [“Parking lanes” are not further defined in LAMC.]

“Sidewalk” shall mean any surface provided for the exclusive use of pedestrians. (LAMC Sec. 62.00)

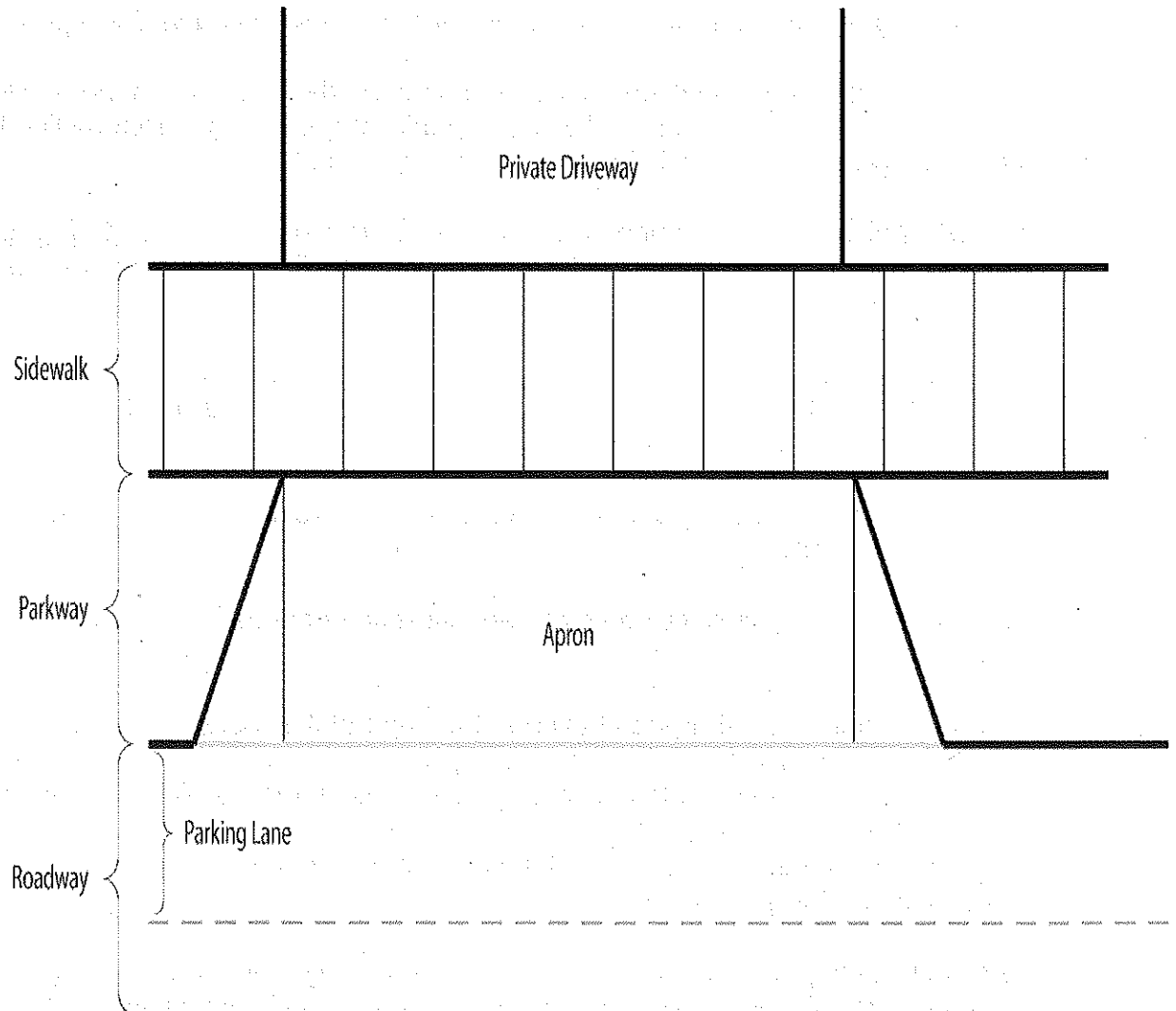
Note that the LAMC currently contains two different, but substantially similar, definitions for “parkway”:

“Parkway” shall mean that area between the edge of the roadway and the adjacent property line excluding that area occupied by the sidewalks. Parkway shall also include any area within a roadway which is not open to vehicular travel. (LAMC Sec. 42.00(a))

“Parkway” shall mean that portion of a street other than a roadway or a sidewalk. (LAMC Sec. 80.00(h))

The following diagram (Diagram 1) further illustrates the key terms and concepts as discussed in this report. Note that currently there is no official definition for the term “apron” in the California Vehicle Code (CVC) however it is defined in the Los Angeles Municipal Code (LAMC).

Diagram 1



CITY PROHIBITION ON PARKING ON PARKWAYS (INCLUDING APRONS)

Until recently parking on parkways-- and therefore apron parking -- was prohibited by city law. On October 12, 2011, City Council suspended enforcement of LAMC Sec. 80.53 (C.F. 11-1676), which states:

"No person shall stop, stand or park a vehicle within a parkway".

Apron parking was prohibited under LAMC Sec. 80.53 because the current definition of "parkway" in LAMC Sec. 80.00(h) includes the area defined as the "apron".

City Council also requested the City Attorney to prepare an ordinance to repeal the definition of LAMC Sec. 80.00(h) so that city laws are clearer and allow for apron parking. LADOT has been working with the Office of the City Attorney to develop such language.

AUTHORITY TO AUTHORIZE APRON PARKING AND PARKING IN FRONT OF DRIVEWAYS

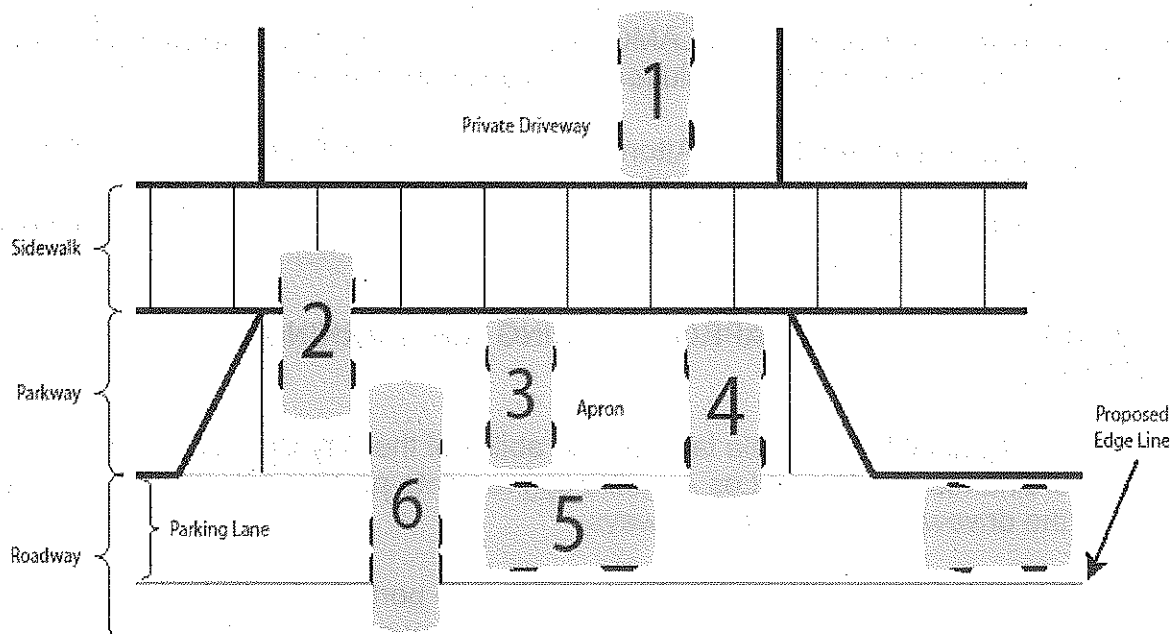
Based on the applicable California law and the ability of the City Council to amend the LAMC by ordinance, the City of Los Angeles can regulate parking either on the apron or in front of the driveway in the following ways:

1. Vehicles parked entirely within the apron (i.e. no portion of a parked vehicle encroaches on or extends over either the roadway or sidewalk) can be regulated by the City Council by ordinance using its police powers and amending the LAMC. No permit is required.
2. Vehicles parked partially within the apron and partially in the roadway but not extending beyond the parking area, when and where parking is allowed in the roadway on the same side of the driveway may be regulated by the City Council ordinance using its police powers and amending the LAMC. No permit is required.
3. Vehicles parked parallel to and in front of a driveway approach can be regulated by the City Council by ordinance through creating a permit system consistent with CVC Sec. 22507.2

DESCRIPTION OF LEGAL AND ILEGAL PARKING

The following (Diagram 2) illustrates the *proposed* legal and illegal types of parking related to apron parking and parking in front of a driveway.

Diagram 2



- Vehicle 1: Legally parked under current statutes.
- Vehicle 2: Not parked legally. Subject to Citation under CVC Section 22500(f).
- Vehicle 3: *Proposed* to be legally parked by amending LAMC Sec. 42.00 & 80.00; No permit is required.
- Vehicle 4: *Proposed* to be legally parked by amending LAMC Sec. 42.00 & 80.00; No permit is required.
- Vehicle 5: *Proposed* to be legally parked by adoption of permitting system under CVC Section 22507.2.
- Vehicle 6: Not parked legally. Subject to Citation under CVC Section 22500(h).

NEXT STEPS

If the Council approves this report, LADOT would install edge lines as necessary on streets to be identified, where regular apron parking occurs, to assist parking enforcement officials in enforcing CVC Section 22500 (h) for vehicles parking perpendicular in the apron and extending beyond the parking areas.

If the Council approves this report, the City Attorney will draft ordinances amending the necessary sections of the LAMC and the City Council would have to approve the ordinance(s) for the new law(s) to become effective.

Once the changes to these provisions of the LAMC have been enacted, vehicles will be able to park in the apron without a permit program being necessary.

For the proposed permit program LADOT will develop and administer an automated permit system along with the necessary guidelines and procedures for this process. Based on the number of requests and the administration load, LADOT may need additional appropriations and/or resources that have not been currently budgeted for. LADOT would work with the CAO to determine the permit fee so that all direct and indirect costs are recovered and so that there is no impact on the General Fund.

FISCAL IMPACT

If the City Council adopts a new policy regarding permit parking in front of driveways and directs LADOT to implement such a policy, there may be new costs not known at this time. Specifically, City Council may need to authorize new position authorities and appropriate funding for both direct and indirect costs in the near-term. Once a permit fee is established and collected, the program should be full cost recovery. LADOT will endeavor to minimize or eliminate or absorb any cost increase through the design and administration of a new permit program.

Attachment: 1

APPENDIX: RELEVANT STATE AND CITY LAWS

City Authorized to Regulate Parking on Portions of City Streets

The CVC generally provides authority to regulate parking on streets through prohibitions and restrictions.

CVC Sec. 22507. (a) Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day.

State Generally Prohibits Parking In Front of Private Driveways.

CVC Sec. 22500: No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to an ordinance.

State Prohibits Parking on Sidewalks

In Section 22500(f) of the California Vehicle Code (CVC), the state definitively prohibits parking on sidewalks and limits how much vehicle-mounted devices can overhang a sidewalk.

CVC Sec. 22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.

Lights, mirrors, or devices that are required to be mounted upon a vehicle under this code may extend from the body of the vehicle over the sidewalk to a distance of not more than 10 inches.

State Prohibits Parking on the Roadway Side of Parked Vehicles

In Section 22500(h) of the California Vehicle Code (CVC) prohibits parking on the roadway side of a parked vehicle.

CVC Sec. 22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway, except for a schoolbus when stopped to load or unload pupils in a business or residence district where the speed limit is 25 miles per hour or less.

State Law Requires Parallel Parking to the Curb Unless Otherwise Indicated

CVC Sec. 22502 (a) Except as otherwise provided in this chapter, a vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of the vehicle parallel with and within 18 inches of the right-hand curb, except that a motorcycle shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound a two-way roadway, right-hand parallel parking is required unless otherwise indicated.

In most residential areas of the city, parallel parking predominates. Moreover, a lowered curb exists in front of most driveway approaches in the city. If the area is determined to have no curb, then the CVC appears to require parallel parking. Furthermore, the CVC does not list any exception for driveways under this provision.

State Law Allows Local Authorities to Install Angle Parking

CVC Sec. 22503. Local authorities may by ordinance permit angle parking on any roadway, or left-hand parking upon one-way roadways of divided highways, except that no ordinance is effective with respect to any state highway until the proposed ordinance has been submitted to and approved in writing by the Department of Transportation.

While both CVC Sec. 22502 (a) and 22503 govern parking on roadways, both are silent on the issue of apron parking partially on the roadway

State Grants Limited Authority to Local Authorities to Allow Parking in Front of Driveways by Permit

CVC Sec. 22507.2. Notwithstanding subdivision (e) of Section 22500, a local authority may, by ordinance, authorize the owner or lessee of property to park a vehicle in front of the owner's or lessee's private driveway when the vehicle displays a permit issued pursuant to the ordinance authorizing such parking.

The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.

A local ordinance adopted pursuant to this section may not authorize parking on a sidewalk in violation of subdivision (f) of Section 22500.

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TRANSPORTATION

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MOTION

In many residential neighborhoods across the City, parking demand exceeds the current supply. The California Vehicle Code (CVC) does not allow on-street parking in front of driveways; however, the CVC does provide an exemption that allows local entities to permit this parking option through the implementation of a local permit process. Since opportunities to increase residential parking are severely limited, the City should examine the benefits of allowing individuals to park in front of their driveways as a way to increase residential parking supply.

I THEREFORE MOVE that the Los Angeles Department of Transportation be instructed to report on the steps that are necessary to implement the California Vehicle Code exemption to allow residents to legally park in front of their driveways.

PRESENTED BY: Bill Rosendahl
BILL ROSENDAHL
Councilmember, 11th District

SECONDED BY: Pal Koff

msr

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