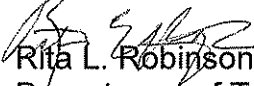


**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE**

Date: March 12, 2009

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

From: 
Rita L. Robinson, General Manager
Department of Transportation

Subject: **PARKING OF TAXICABS IN RESIDENTIAL AREAS - CF-07-3326**

RECOMMENDATIONS

That the City Council direct the City Attorney to prepare an ordinance to amend Los Angeles Municipal Code Section 80.69.2 to exempt taxis from restrictions prohibiting commercial vehicles from parking in residential areas for periods exceeding three (3) consecutive hours.

DISCUSSION

Background

Council Motion CF 07-3326 (Hahn-Rosendahl) requested that the City Attorney work with the Los Angeles Department of Transportation (LADOT) to prepare and present an ordinance to amend Los Angeles Municipal Code (LAMC) Section 80.69.2 to exempt taxis from parking in residential areas. LADOT investigated this request and presented a report (Attachment A) to the Transportation Committee on September 26, 2008. At that meeting, LADOT and the City Attorney advised the Committee that there had not been a substantial number of these types of citations issued in the past three years, and that allowing this exemption may set a precedence for other types of commercial vehicles requesting this same type of exemption in the future. LADOT was directed to investigate the practices of other cities in southern California on this issue and work with the City Attorney to complete the ordinance amendment to allow taxicabs to park for extended periods in residential areas.

The Department, in cooperation with the City Attorney, has drafted amending language to LAMC, as directed by the Council motion. The amendment incorporates conditions that staff believes are reasonable to allow taxicabs to park in residential areas. Those conditions include the limitation of one taxi vehicle per residence, and the requirement that each vehicle be parked in accordance with all posted parking restrictions - including the display of restricted parking permits where applicable.

The City Attorney will finalize and present an appropriate implementing ordinance, should the Committee & the Council agree/adopt the recommendation.

The primary concern to be addressed in amending the code is the hardship faced by some taxi drivers who do not have access to off-street parking at their residences and are not allowed to park their taxicabs on residential streets near their homes for longer than three (3) consecutive hours.

Practices in Other Cities

Staff contacted and/or researched the codes of the following cities to determine which, if any, jurisdictions allow taxicabs or other commercial vehicles to park for extended periods (particularly overnight) in residential areas:

San Gabriel
Burbank
West Hollywood
San Diego
El Monte
Monterey Park
Glendale
Downey
Cerritos
Pasadena
Culver City
Menlo Park

We did not find any city that specifies in their local code that taxicabs may park in residential areas. However, we were able to determine that San Diego allows defacto taxicab residential parking, in that there is no code addressing or prohibiting the practice.

Most of the cities surveyed do specifically limit commercial vehicle parking (which includes taxicabs) in residential areas. Such restrictions are codified in the City of San Gabriel, Burbank, West Hollywood, El Monte, Monterey Park, Glendale, and Downey. Some cities, such as Inglewood and Pasadena, limit restrictions against extended residential parking by commercial vehicles to those that exceed a certain weight, such as 5,000 pounds. Those exceptions would make it technically legal for typical taxicab sedans to park on residential streets overnight in those cities.

Cerritos and Menlo Park have overnight parking restrictions on all vehicles. However, they issue parking permits to residents without specifically prohibiting commercial vehicles.

Attachment B provides a narrative of the practices and codes of several of the cities cited above.

Considerations for Allowing Residential Taxicab Parking in Los Angeles

Staff recommends that if taxicabs are to be regarded as regular private passenger vehicles for the purposes of parking in residential areas, then they should obey all posted or painted signage and curb markings, including any requirements to obtain permits in preferential parking districts. It is recommended that just one taxicab be allowed the exemption per residence. Some taxicab companies are located in or near residential areas of the City. Without the residence restriction, it could be possible for multiple taxicabs to take up limited residential parking spaces in their neighborhoods, with a negative impact on available parking for residents.

The proposed ordinance may benefit bandit cab operators because it will also allow them to park their marked bandit taxis in residential areas. It would be discriminatory for the City to mandate that only City permitted taxis be allowed the residential parking exemption because it is entirely possible for Los Angeles City residents to own taxis licensed in other jurisdictions. It is not feasible for Parking Enforcement personnel to be able to recognize whether apparent stickers and permits from other jurisdictions are valid. Some bandit taxis do not have dome lights. Staff believes that all taxis to be exempted in the ordinance be required to have dome lights.

Many Los Angeles permitted taxis display advertising on the vehicles. It is unknown how local residents will react to the sight of marked taxis (with advertising) parking for extended periods in their neighborhoods.

LAMC Section 80.69.2

The LAMC Section pertaining to parking commercial vehicles in residential areas is 80692 (Section 80.69.2), which states:

SEC. 80.69.2. PARKING - COMMERCIAL VEHICLES.

(Amended by Ord. No. 168,782, Eff. 7/12/93.)

No person shall park or leave standing any commercial vehicle or any other vehicle exceeding 22 feet in length as measured from bumper to bumper, other than a house car, on any public street where a majority of the buildings situated on the property contiguous thereto is used for residential purposes, whether as single-family dwellings or as multi-family dwellings, nor shall any person park or leave standing any commercial vehicle for more than three (3) hours on any other public street, except that any vehicle regulated herein may park notwithstanding such prohibition or in excess of such time limitation:

(1) While loading or unloading property, and additional time is necessary to complete such work; or

(2) When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, and additional time is necessary and reasonable to complete such service.

The provisions of this section shall not apply to trailers and semitrailers regulated by the provisions of Section 80.69.1 of this Code. As used in this section, the term "commercial vehicle" shall mean:

- (1) a truck tractor; or
- (2) a motor vehicle with commercial license plate; and
- (A) exceeding 22 feet total length including bumpers, or

(B) 22 feet or less in length with the name of a business enterprise or establishment or a sign advertising a product or service painted, attached, or otherwise affixed on or to the exterior thereof.

The recommended change to SEC. 80.69.2. is indicated in bold and italics as follows:

SEC. 80.69.2. PARKING - COMMERCIAL VEHICLES.
(Amended by Ord. No. 168,782, Eff. 7/12/93.)

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- (2) a motor vehicle with commercial license plate; and
- (A) exceeding 22 feet total length including bumpers, or
- (B) 22 feet or less in length with the name of a business enterprise or establishment or a sign advertising a product or service painted, attached, or otherwise affixed on or to the exterior thereof.

The provisions of this section shall not apply to:

(3) taxicabs equipped with a dome light, limited to one taxicab vehicle per residence; and that each such taxicab vehicle shall be parked in accordance with all posted parking restrictions, including the requirement to display a restricted parking permit(s) where applicable.

FISCAL IMPACT

This change will result in a slight reduction in parking enforcement revenue. Staff found that 705 tickets were issued for parking taxicabs in a residential area during the three-year period of calendar years 2005 through 2007. This equals an annual rate of 235 tickets per year. The cost of a violation of Section 80.69.2 is \$63, if the violator pays the ticket before accumulating a late penalty. Therefore, the exemption of taxicabs will result in the loss of approximately \$14,805 annually. The actual total could be higher when accounting for possible late penalties and additional new citations for the same vehicle within a 12 month period. Late penalties for the first violation within a 12 month period are \$126 for the first and \$136 for the second late penalty. For a second violation within 12 months, the ticket cost rises to \$88, with \$176 for the first late penalty and \$186 for the second. For a third and all other violations within a 12 month period, the citation costs \$118, with \$236 for the first late penalty and \$246 for the second.

COORDINATION

The City Attorney will finalize and present an appropriate implementing ordinance, should the Committee & the Council agree/adopt the recommendation.

TMD


idc09-009.tmd.Taxi Residential Parking Ordinance

Attachments: 2

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

Date: September 26, 2008

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

From: *fol* Rita L. Robinson, General Manager 
Department of Transportation

Subject: **REVIEW OF PARKING CITATIONS ISSUED TO TAXICABS IN
RESIDENTIAL AREAS - CF-07-3326**

SUMMARY

Council Motion CF 07-3326 (Hahn-Rosendahl) requested that the City Attorney work with Los Angeles Department of Transportation (LADOT) to prepare and present an ordinance to amend Los Angeles Municipal Code Section 80.69.2 to exempt taxis from parking in residential areas. LADOT has investigated this request and has reviewed the extent and nature of tickets issued to taxis in recent years. This report, with attachments, presents a tally and comparison of all parking tickets issued to taxis from January 2005 to January 2008.

RECOMMENDATION

That this report be RECEIVED AND FILED, as it is submitted for informational purposes only and no further action is required.

DISCUSSIONCitation Statistics

Staff reviewed all of the parking tickets issued by LADOT Traffic Officers to Los Angeles' permitted taxicabs in the three-year period from January 2005 to January 2008. Some of the vehicles did not have a three year active period (placed into service after January 2005); so the average review period was actually 2.12 years for all 2,239 taxicabs reviewed. A total of 5,319 total tickets, covering all types of parking violations, were issued during the review period equating to 1.12 tickets issued per cab, per year. Of the 5,319 total tickets

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TRANSPORTATION**

issued, 705 or 13.3% were issued for parking a commercial vehicle (taxicab) in a residential area (see Attachment A).

Staff analyzed the 705 tickets issued for parking a commercial vehicle in a residential area during the three-year period. These tickets were distributed among 455 different taxicabs (20% of the fleet). Of the 455 vehicles receiving a parking citation for this violation, 308 (68%) had only one ticket issued during the three-year review period. Ninety-three vehicles had two tickets, 33 vehicles had three tickets, eight vehicles had four tickets, eight vehicles had five tickets, two vehicles had six tickets each, one vehicle had seven tickets, one had eight tickets, and one had 13 tickets; 1,784(80%) of the 2,239 taxicabs reviewed did not receive any residential parking citations (see Attachment B). The total number of tickets for parking taxicabs in residential areas equates to 0.15 tickets to each cab per year when reviewing the entire 2,239 fleet and approximately 0.73 tickets per year when reviewing the 455 cabs that did receive such parking tickets.

About 53 vehicle owners received three or more residential tickets during the review period. This represents a very small percentage (2.34%) of total taxi vehicle operators.

LAMC Section 80.69.2

The LAMC Section pertaining to parking commercial vehicles in residential areas is 80692 (Section 80.69.2), which states:

SEC. 80.69.2. PARKING - COMMERCIAL VEHICLES. (Amended by Ord. No. 168,782, Eff. 7/12/93.)

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(1) While loading or unloading property, and additional time is necessary to complete such work; or

(2) When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked, and additional time is necessary and reasonable to complete such service.

The provisions of this section shall not apply to trailers and semitrailers regulated by the provisions of Section 80.69.1 of this Code. As used in this section, the term "commercial vehicle" shall mean:

- (1) a truck tractor; or
- (2) a motor vehicle with commercial license plate; and
- (A) exceeding 22 feet total length including bumpers, or
- (B) 22 feet or less in length with the name of a business enterprise or establishment or a sign advertising a product or service painted, attached, or otherwise affixed on or to the exterior thereof.

Analysis

The data clearly show that there are relatively few citations issued for taxis parked in residential areas. In addition, the number of drivers for whom such tickets appear to be an ongoing problem is very small.

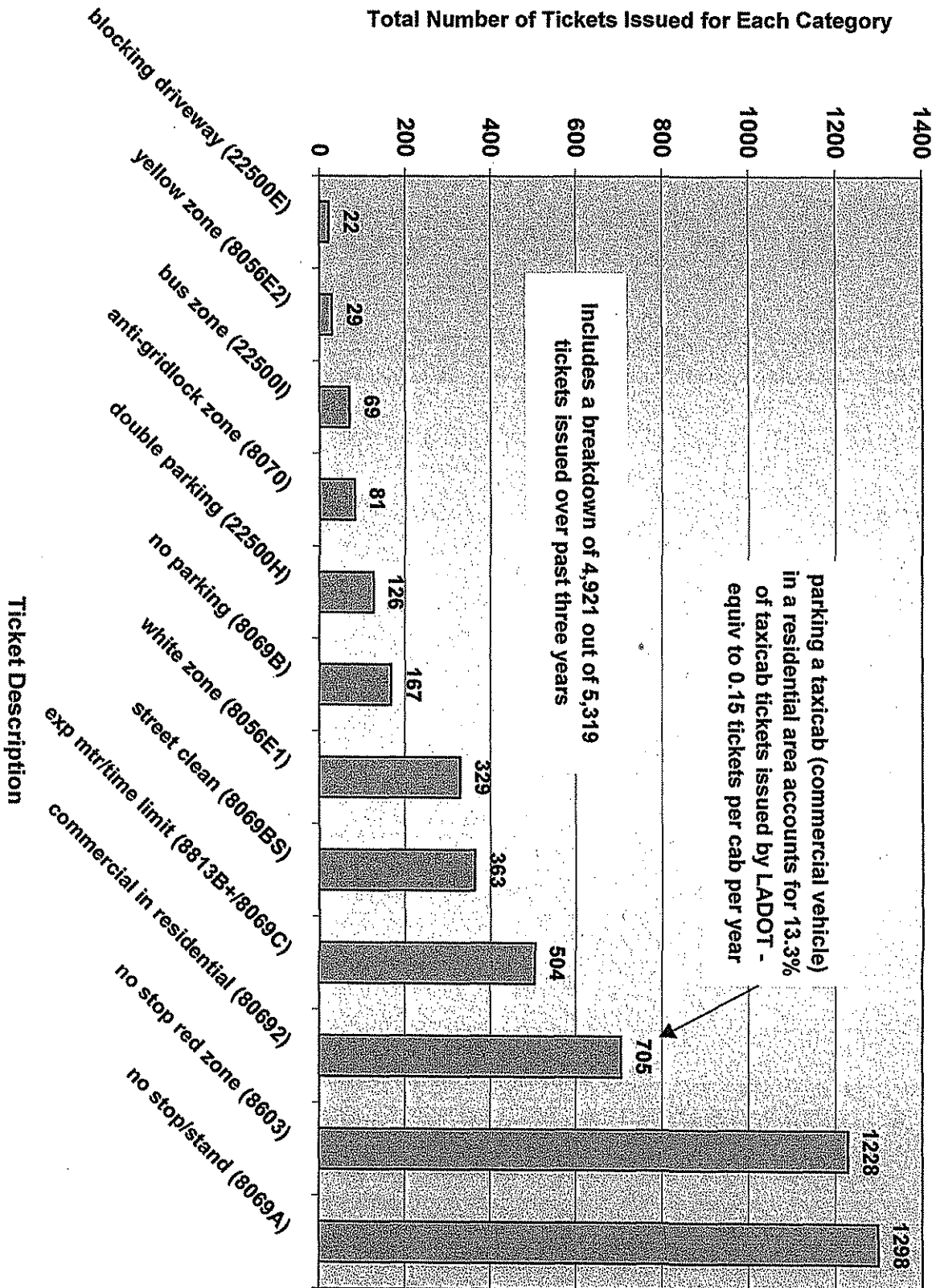
The City Attorney suggests caution in considering requests by a small number of taxi operators for the City to revise the LAMC to exempt taxicabs from restrictions on commercial vehicles parking in residential areas. Taxicabs are, of course, not the only type of commercial vehicles with drivers who might like to park their working vehicles in residential areas beyond the three-hour limit. The statute applies to all manner of other businesses, including delivery services, carpet cleaners, plumbers, building contractors, etc., each of whom could make just as compelling an argument as taxicab operators for an exemption.

At the same time, the restriction has been in place because the City Council determined many years ago that property owners, homeowners, and renters were entitled to expect that commercial vehicles would be restricted from parking for extended hours in residential areas. It appears unlikely that granting exceptions to the commercial vehicle parking restrictions would be well received by local residents and property owners.

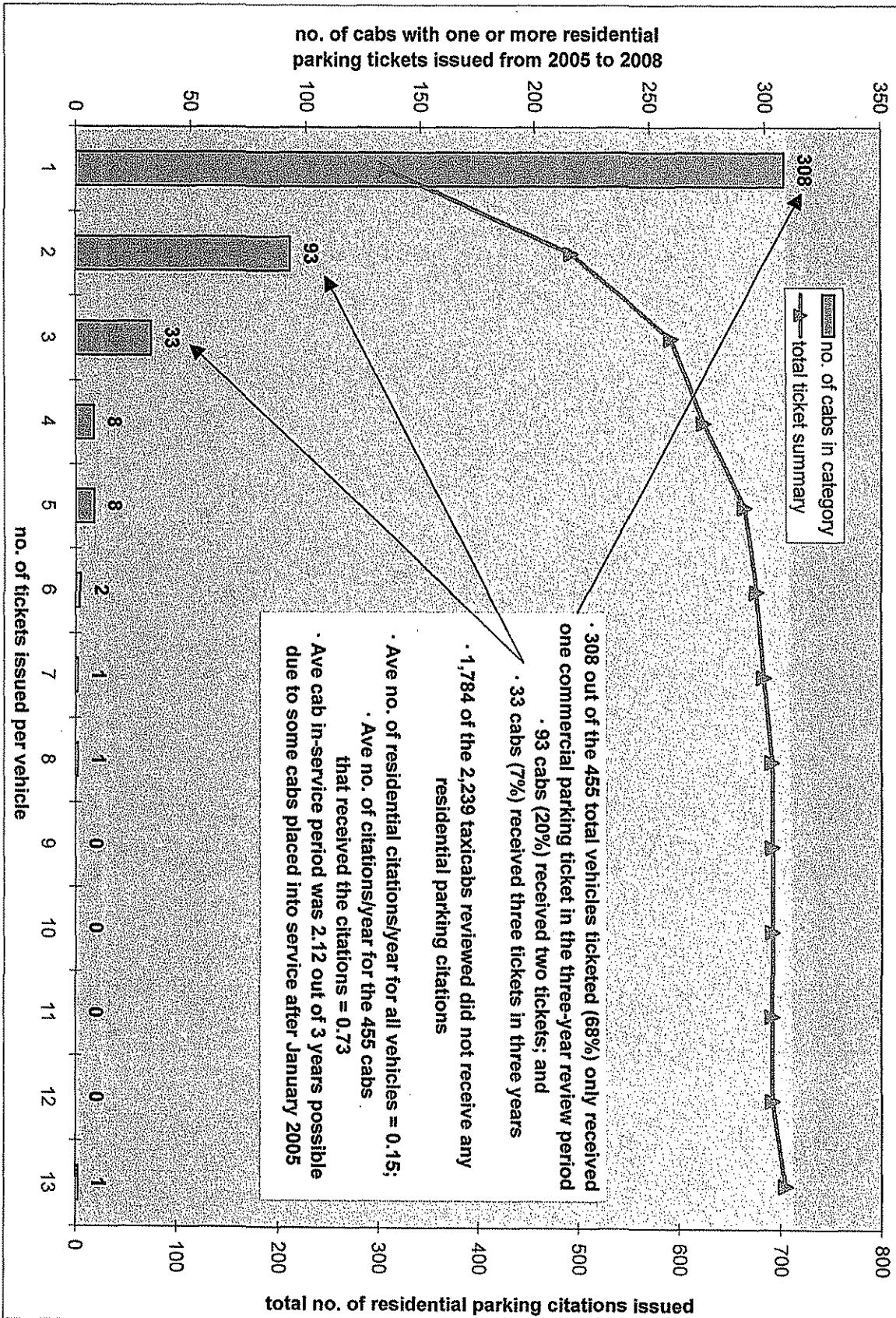
Attachments: 2

Hail-A-Taxi & Residential Related Parking Ticket Figures
 as Issued by LADOT for All Current Cabs from Jan 2005 to Jan 2008

Total Number of Tickets Issued for Each Category



**Ticket Distribution for Taxicabs Cited for Parking a Commercial Vehicle in a Residential Area
705 Total Tickets Issued to 455 Different L.A. Taxicabs from Jan 2005 to Jan 2008**



ATTACHMENT B

PRACTICES OF OTHER CITIES

City of Glendale

10.36.090 Parking of commercial vehicles in residential districts limited.

No person shall park any commercial vehicle more than five hours in any residential district except:

- A. While loading or unloading property, and time, in addition to such five-hour period, is necessary to complete such work; or
- B. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on property in the block in which such vehicle is parked, and time, in addition to such five-hour period, is reasonably necessary to complete such service. (Prior code § 27-111)

10.36.100 Parking of commercial vehicles-Permit.

- A. The parking of a commercial vehicle on any street in violation of the provisions of this chapter may be permitted by the chief of police when the vehicle is necessary in connection with work or services being performed on the premises adjacent thereto.
- B. Application for a permit authorized by this section shall be made to the chief of police upon forms provided by the chief of police. The permit shall be issued by the chief of police upon payment to the chief of police of a permit fee of one dollar per day for each vehicle to be parked; provided, however, that a hood for a meter may be furnished upon a deposit of five dollars returnable upon surrender of the hood in operable condition, in lieu of a permit, by the chief of police at a cost of fifteen dollars per hood per year, payable in advance. No permit issued under the authority of this section shall be for a period of more than five calendar days nor shall the permit be issued more than one regular city business day prior to the first day covered by the permit. All fees collected shall be credited by the director of finance and administrative services to the parking fund. (Prior code § 27-112)

City of Inglewood

Section 12-59. Parking and Storage Prohibited.

(A) It is unlawful for any person to drive, park or store any vehicle, trailer, boat and the like upon any portion of a residential front yard or street side yard except if parked upon a paved driveway that provides access to a garage in conformance with the provisions of Section 12-12 of this Chapter. In the event an existing garage is not provided with paved driveway access, then such vehicles may drive or park only upon the most direct path between the curb break and garage door, said path not exceeding the width of a single driveway (twelve feet).

(B) It shall be unlawful for any person to park, on a regular basis, or store any commercial vehicle, commercial trailer or construction equipment upon any portion of any residential property, unless maintained in conjunction with grading or construction that is occurring on said property. Exception: commercial vans and small trucks that are also used for family transportation may be parked in the garage or in compliance with the provisions of subsection A above.

(C) Parking spaces for the vehicles of customers and employees of any business in any zone, as required by the provisions of Sections 12-44 to 12-46 of this Chapter, shall not be utilized for the storage of merchandise, materials, or service vehicles specifically maintained for said business or for any other individual or business.

(Ord. 87-3 3-17-87)

Section 3-65.2. Overnight Parking Prohibited.

It is unlawful for any person to park any commercial vehicle as defined in California Vehicle Code Section 260 with a manufacturer's gross vehicle weight rating of ten thousand pounds or more, on any public street between the hours of eight p.m. and six a.m. except when such vehicle is making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on said street or is used for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located on said street for which a building permit has previously been obtained. The prohibition of this Section shall not apply to any portion of the street bounded on both sides by property zoned for manufacturing use.

(Ord. 2349 7-31-79; Ord. 2482 7-17-84)

Cerritos Overnight Parking Information

Overnight parking permits allow residents to park on Cerritos streets from 3 a.m. to 5 a.m. Street parking without a permit is prohibited in Cerritos between 3 a.m. and 5 a.m., seven days a week, to help keep streets clear and to allow neighbors and Sheriff's deputies to quickly identify suspicious vehicles. For information about applying for a permit, call the City's Community Safety Division at (562) 916-1266 or see below.

City of Menlo Park

OVERNIGHT RESIDENTIAL PARKING:

Purchase Overnight Parking Permits at the Police Station during City business hours or by Clicking the "PayPal" Image Below...

- You MUST be a Menlo Park City resident to purchase permits
- Absolutely NO REFUNDS will be given
- Permits purchased online will be mailed out the following City business day, not including weekends and Holidays, and must be mailed to a Menlo Park address
- Limit of 50 permits January thru June, and another 50 from July thru December



GENERAL SUMMARY:

Parking any vehicle is prohibited between 2:00 a.m. and 5:00 a.m. on all residential streets, or within 300 feet of a residential area, within the City of Menlo Park.

The parking ordinance is in effect 7 days a week, 365 days a year. All vehicles parked on any Menlo Park residential street overnight must have a permit or are subject to citation.

All parked vehicles will receive one courtesy warning (whether a permit is displayed or not). The purpose of the courtesy notice is to inform those who are unaware of the ordinance, since no signs are posted. Vehicles that have received prior warnings are listed in our computer system, and will be cited if later found parked without a permit.

HISTORY AND PURPOSE OF THE ORDINANCE:

The ordinance was enacted in 1963 and has been upheld by the courts, several different majority votes of city residents and has been actively enforced ever since. The benefits of the ordinance to city residents and businesses are many:

- Issuing permits assures that vehicles belong to our residents and their guests.
- Our streets are free of the congestion of over-parking from too many cars.
- Better distribution of cars parked overnight in higher density areas.
- Suspicious, stolen, abandoned and disabled vehicles are easily checked, identified and removed.
- Less overnight crime by reducing suspect and possible victim vehicles.
- Officers patrolling many residential streets deter some crimes.
- Street cleaning and maintenance is assured.
- Easier access to residences during nighttime emergencies.
- A cleaner and better-looking city.

City of San Gabriel

Overnight Parking Law Changes

Effective October 6, 2005

Beginning October 6, 2005 parking vehicles on all city streets is prohibited **between 2:00 a.m. and 6:00 a.m., any day of the year** unless a vehicle has a valid City issued parking permit.

Per S.G.M.C. Section 72.034 **All vehicles** are prohibited from parking on any part of Valley Blvd., Las Tunas Drive, Cameron Way and that portion of San Gabriel Blvd. between Las Tunas Drive and the Interstate 10 interchange **between the hours of 2:00 a.m. and 6:00 a.m., any day of the year** whether the vehicle has a permit or not.

Parking permits may be purchased from permit vending machines that are located at the front of the San Gabriel Police Department, 625 S. Del Mar Avenue, and the San Gabriel Parks and Recreation Department, 250 S. Mission Drive. These vending machines are available to the public 24-hours each day. The cost of the permit is three dollars for each night of parking. Exact change is recommended as the permit vending machines return all change in coins.

For parking permits to be valid, you must legibly write the complete license number or Vehicle Identification Number on the space provided and display the permit face up on the driver's side dashboard.

Parking of commercial use vehicles, passenger trailers, motor homes, house cars, campers, boats, boat trailers and commercially licensed vehicles is prohibited on city streets and no permits are issued for these vehicles.

City of Pasadena

With growth and new development came concern for preserving the unique quality of life in Pasadena. The need for parking regulations increased and, in June of 1950 an ordinance was passed to control on-street parking by eliminating parking on City streets from 2 a.m. to 6 a.m. It was imposed to allow street cleaning during these early hours and to easily identify vehicles that were abandoned.

However, residents with no temporary or permanent parking available to them may apply for annual daytime or overnight on-street parking permits, allowing them to park during those hours. All residents and/or visitors may also obtain a temporary overnight parking exemption (TOPE) for their vehicle or for a guest vehicle at any of the five conveniently located TOPEs or online TOPEO. Click for information on 2008-2009 Holiday Overnight Parking Citation Moratorium.

City of Culver City

Preferential Parking Program: The program provides a process to create permit parking in residential neighborhoods to minimize parking, and by extension, traffic intrusion by non-residents. Existing preferential parking districts include the area adjacent to Sony Pictures Entertainment Studio, Veteran's Park, Town Plaza, and various residential streets adjacent to other commercial areas. The use of preferential parking was established in 1978 by the City Council. The program was updated in 1990 and 2004 by the City Council.

Who can buy parking permits?

The City Council, by Resolution, mandated that only persons who reside within a parking permit district are eligible to purchase parking permits. **A maximum of two annual permits may be purchased by residents of each household** at a cost of \$16 per vehicle. By administrative policy, permit holders may also obtain two booklets of 12 one-calendar-day guest-parking permits, at a time, at no additional cost. Additionally, new 3-calendar-day guest-parking permits will also be available by request at no cost to permit holders.

How long is my parking permit valid?

The annual parking permit tags are valid through December 31 of the year noted on the permit. The one-day guest parking permits are only valid for the one-calendar day for which the qualifying resident issues them. (Be sure to fill out all three sections on the guest parking permit, including your parking permit number, then print your name, and sign the permit.). The 3-day guest parking permits will only be valid for the three consecutive calendar days the issuing resident indicates. **I am planning a gathering in my home. What can I do to make sure my guests do not get a citation?**

It depends on the number of vehicles you expect your guests to arrive in. If it is 12 or less, issue each vehicle a one-calendar-day guest-parking permit. If it is a larger number,

please contact Traffic Engineering, as listed in the beginning of this document. If the gathering is funeral-related, call the Community Service Bureau of the Police Department, at (310) 837-1221.

How does the parking permit protect my vehicle from being cited?

The permit exempts the vehicle, on which it is displayed, from the posted permit parking restrictions. It does not exempt the vehicle from any other parking restrictions, regulations, or laws. For example, it does not protect your vehicle from being cited when you park during scheduled street sweeping or in violation of posted prohibitions such as painted curb zones or proximity to fire hydrants etc.

City of West Hollywood

Mayor Prang has supported efforts to increase community policing and resident involvement. He initiated legislation to install all-way stops in many residential neighborhood intersections, supported residential speed limit reductions, and authored a ban on overnight commercial vehicle parking. Mayor Prang also initiated West Hollywood's restaurant grading Ordinance, requiring posting of Los Angeles County Health Department grades.

a. Parking permits for preferential parking districts shall be issued by the Director of Transportation and Public Works. The Director of Transportation and Public Works shall be responsible for establishing policies, administering procedures and disseminating information to the public regarding the distribution of parking permits at City Hall, the Sheriff's Department or other designated locations.

b. The number of permits to be issued to any one dwelling unit or to any merchant's business establishment (for its employees) shall be determined by the parking conditions within each district and set forth in the ordinance establishing the district.

c. Parking permits may be issued only to the following persons:

1. Residents or merchants within the prescribed preferential parking district or, if expressly provided in the ordinance establishing the district, on specifically designated streets or on portions of specifically designated streets. Commercial permits shall not, however, be issued to merchants who are required to provide off-street employee parking by conditions of a conditional use permit, planned development permit, specific plan or any other permit entitlement or approval.

2. The Director of Transportation and Public Works shall establish and administer policies and procedures for the distribution of parking permits for real

estate agents conducting open houses within a preferential parking district for their use and the use of persons viewing the open house.

owner's personal use.

4. Persons who are nonresidents of a preferential parking district and who are assigned a community garden plot in a community garden located within such preferential parking district may obtain one community garden permit annually for the person's use while attending the plot.

d. Parking permits shall not be issued to any person who has outstanding parking tickets.

e. It shall be the sole responsibility of the owner, operator, manager or driver of a vehicle for which a valid parking permit has been issued to become familiar with the provisions for and limitations on the use of the parking permits and ignorance of these provisions and limitations shall not be claimed as a defense in any action brought for illegal use of the permit.