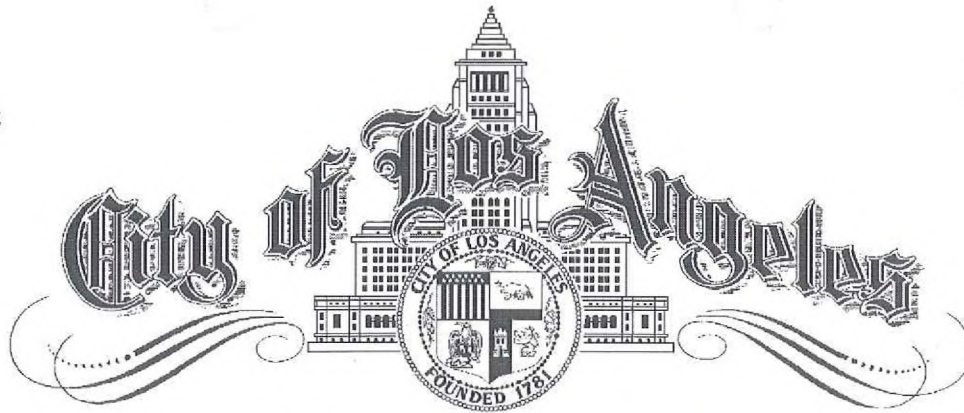


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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R10-0129
MAY 12 2010

REPORT RE:

**TRANSMITTAL OF TWO ALTERNATIVE DRAFT ORDINANCES AMENDING
SECTION 80.69.4 OF THE LOS ANGELES MUNICIPAL CODE TO CHANGE THE
DEFINITION OF OVERSIZE VEHICLES AND MODIFY THE PROCEDURE TO
ESTABLISH OVERSIZE VEHICLE PARKING RESTRICTIONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, CA 90012

Council File No. 09-3036

Honorable Members:

On January 29, 2010, your Honorable Body requested that this Office draft an ordinance amending the definition of oversize vehicles in Los Angeles Municipal Code (LAMC) Section 80.69.4, and creating a process through which a Councilmember could establish oversize vehicle parking restrictions and request the Los Angeles Department of Transportation (LADOT) to install oversize vehicle parking restriction signs. This office has prepared and now transmits for your consideration a draft ordinance (Alternative A), approved as to form and legality, that tracks the Council's request to amend the definition of oversize vehicles. The Alternative A ordinance contains a process pursuant to which the Council may establish an oversize vehicle parking restrictions through adoption of a resolution. Additionally, the Alternative A ordinance creates a process pursuant to which a single Councilmember may request that the

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LADOT investigate and make a recommendation regarding the establishment of oversized vehicle parking restrictions and thereafter request the creation of the restrictions through the adoption of a Council resolution.

In connection with this Office's Rule 38 consultation with the LADOT, LADOT recommended three changes to the draft ordinance requested by Council. Accordingly, this Office also has prepared and now transmits an alternative ordinance (Alternative B) for Council consideration that amends the definition of oversized vehicles, and creates two methods for Council to create oversized vehicle parking restrictions with LADOT input: one method through the adoption of an ordinance; and one method through the adoption of a resolution after LADOT investigation and recommendation. The Alternative B ordinance also requires that oversized vehicle restrictions apply to an entire block, as opposed to merely a portion of a block. Lastly, the Alternative B ordinance eliminates the "loading or unloading" requirement for residents seeking a permit to park an oversized vehicle at or adjacent to their homes for up to three consecutive days.

Background and Summary of Ordinance Provisions

On January 29, 2010, the Los Angeles City Council requested that this Office draft an ordinance amending the definition of oversized vehicles, and creating a process by which a Councilmember could establish oversized vehicle parking restrictions and request the LADOT to install oversized vehicle parking restriction signs. The Alternative A ordinance transmitted herewith complies with the Council's request to revise the definition of oversized vehicles, and codifies a procedure by which a Councilmember may request the LADOT to investigate and recommend whether to establish oversized vehicle parking restrictions. Under the Alternative A ordinance, Council by resolution may establish oversized vehicle restrictions. In addition, under the Alternative A ordinance, Council by resolution may establish oversized vehicle restrictions after a single Councilmember requests LADOT to investigate and report regarding whether to establish oversized vehicle parking restrictions.

In connection with this Office's consultation with LADOT pursuant to Rule 38, LADOT recommended three revisions to the draft ordinance requested by Council. Thus, although not specifically requested by Council, this Office also transmits an ordinance designated as Alternative B. Alternative B incorporates the LADOT suggestions made pursuant to Council Rule 38. The first change would provide two methods by which Council could establish oversized vehicle parking restrictions. Pursuant to the first method, Council could establish an oversized vehicle parking restriction through the adoption of an ordinance. The second process for the creation of oversized vehicle restrictions mirrors the process in Alternative A, whereby a single Councilmember could request that LADOT investigate and make a recommendation regarding the establishment of oversized vehicle parking restrictions and thereafter could request Council to establish the oversized vehicle parking restrictions through the adoption of a resolution.

In addition, Alternative B would require that oversized vehicle restrictions apply to an entire block, rather than merely to a portion of a block. LADOT recommends this change to promote harmony between neighbors on the same block.

Lastly, the Alternative B ordinance eliminates a requirement currently found in LAMC Section 80.69.4(c). Subsection (c) currently allows residents, through a permit process, to park an oversized vehicle in front of or adjacent to their property for up to three consecutive days for "loading or unloading." The LADOT recommends the elimination of "loading or unloading" restriction from the permit process as the restriction is unnecessary and difficult to enforce.

The California Vehicle Code limits the methods through which the City may impose parking restrictions. Specifically, Section 22507 allows a city to restrict parking on streets or highways only acting collectively as a body through the adoption of an ordinance or resolution, rather than allowing the imposition of restrictions through the action of a single legislator. Section 21 of the California Vehicle Code provides that "no local authority shall enact or enforce any ordinance on the matters covered by this code, unless expressly authorized." Therefore, to lawfully establish oversized vehicle parking restrictions, the City must comply strictly with the provisions of Section 22507, which requires the establishment of restrictions only by means of resolution or ordinance. Accordingly, neither the Alternative A ordinance nor the Alternative B ordinance provide a process pursuant to which a individual Councilmember could unilaterally, without concurrence by the entire Council through the adoption of a resolution or ordinance, establish oversized vehicle parking restrictions or request the LADOT to install oversized vehicle parking restriction signs.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the LADOT has recommended that Council find that the adoption of either of the two ordinances transmitted with this Report is exempt from the provisions of CEQA under Article 18, Section 15060 (c)(2) of the State CEQA Guidelines and Article II, Section 2(m) of the City CEQA Guidelines. If you concur, you should adopt this finding prior to or concurrent with taking action on either ordinance.


Council Rule 38 Referral

A copy of both draft ordinances was sent, pursuant to Council Rule 38, to the LADOT. LADOT concurs that the Alternative A draft ordinance accurately reflects Council's request with respect to the definition of oversized vehicle and Alternative B incorporates LADOT's recommendations regarding additional proposed revisions.

If you have any questions regarding this matter, please contact Deputy City Attorney Judith E. Reel at (213)978-7191. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:VLF:JER:lee
Transmittal

("A" ORDINANCE)

ORDINANCE NO. _____

An ordinance amending Section 80.69.4 of the Los Angeles Municipal Code to revise the definition of oversize vehicles and to establish a procedure to investigate and make a determination regarding whether the parking of such vehicles between 2:00 a.m. and 6:00 a.m. on designated City streets is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 80.69.4 of the Los Angeles Municipal Code is amended to read:

SEC. 80.69.4. PARKING OF OVERSIZE VEHICLES

(a) No person shall stop, stand or park, when authorized signs are in place giving notice of the restriction, any oversize vehicle, defined as a motor vehicle in excess of 22 feet in length or over 84 inches in height, between 2:00 a.m. and 6:00 a.m. The registered owner of the oversize vehicle or other person having control of the oversize vehicle shall also be in violation of this section if he or she has knowledge that the oversize vehicle had been so parked and the person parking had the express or implied permission to operate the oversize vehicle.

(b) Oversize vehicle restricted areas or streets may be established in either of the following manners:

(1) The Council may authorize, by resolution, the streets, or portions of the streets, upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating streets with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those streets, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(2) A Councilmember representing the district in which fewer than six street segments are impacted by the unrestricted parking of oversize vehicles may request the Department of Transportation to investigate and make a determination whether or not the parking of oversize vehicles on those street segments between 2:00 a.m. and 6:00 a.m. is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. For the purpose of this section, a street segment consists of both sides of a street between two adjacent intersecting streets. To make this request, the Councilmember shall send a letter to the Department of Transportation identifying

the street segments to be included in the restricted area, the reasons for the request, and verifying receipt of petitions showing support for the restriction by a substantial number of affected community residents.

Upon receiving a written request from a Councilmember pursuant to this subdivision, the Department of Transportation shall conduct an investigation to determine whether or not the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. on the designated street segments is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. In making its determination, the Department shall consider all relevant factors, including without limitation, the location of driveways relative to parked oversize vehicles, the width of oversize vehicles when compared to other parked vehicles, the existing availability of parking, the impact the oversize vehicles are having on parking availability for residents and businesses, the effectiveness of restricting oversize vehicle parking in alleviating any adverse impact on the visibility of oncoming traffic, constrictions of the traveled way and reduced parking supply, and whether signs may be erected on the street segments in a manner that provides adequate notice of the restriction. The Department of Transportation shall report the results of its investigation and determination to the City Council. The City Council may by resolution authorize the street segments upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating street segments with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those street segments, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(c) Notwithstanding the above, the parking of oversize vehicles, as defined in Subsection (a) of this section, shall be allowed for the limited purposes of loading and unloading in areas established pursuant to the provisions of Subsection (b) of this section, provided that the oversize vehicle properly displays a valid permit that was issued in advance by the Department of Transportation. The permit for loading or unloading shall be issued for a fee of \$10.00 per day and for a period not to exceed three consecutive days. The use of this permit shall be limited to the purchasing resident's street segment, or adjacent street segment if authorized by the Department. A permit issued pursuant to this subsection shall not guarantee or reserve to the holder an on-street parking space.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By *Judith E. Reel*
JUDITH E. REEL
Deputy City Attorney

Date *May 12, 2010*

File No. _____

("B" ORDINANCE)

ORDINANCE NO. _____

An ordinance amending Section 80.69.4 of the Los Angeles Municipal Code to revise the definition of oversize vehicles and to establish a procedure to investigate and make a determination regarding whether the parking of such vehicles between 2:00 a.m. and 6:00 a.m. on designated City streets is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 80.69.4 of the Los Angeles Municipal Code is amended to read:

SEC. 80.69.4. PARKING OF OVERSIZE VEHICLES

(a) No person shall stop, stand or park, when authorized signs are in place giving notice of the restriction, any oversize vehicle, defined as a motor vehicle in excess of 22 feet in length or over 84 inches in height, between 2:00 a.m. and 6:00 a.m. The registered owner of the oversize vehicle or other person having control of the oversize vehicle shall also be in violation of this section if he or she has knowledge that the oversize vehicle had been so parked and the person parking had the express or implied permission to operate the oversize vehicle.

(b) Oversize vehicle restricted areas or streets may be established in either of the following manners:

(1) The Council may authorize, by ordinance, the streets upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating streets with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those streets, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

(2) A Councilmember representing the district in which fewer than six street segments are impacted by the unrestricted parking of oversize vehicles may request the Department of Transportation to investigate and make a determination whether or not the parking of oversize vehicles on those street segments between 2:00 a.m. and 6:00 a.m. is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. For the purpose of this section, a street segment consists of both sides of a street between two adjacent intersecting streets. To make this request, the Councilmember shall send a letter to the Department of Transportation identifying

the street segments to be included in the restricted area, the reasons for the request, and verifying receipt of petitions showing support for the restriction by a substantial number of affected community residents.

Upon receiving a written request from a Councilmember pursuant to this subdivision, the Department of Transportation shall conduct an investigation to determine whether or not the parking of oversize vehicles between 2:00 a.m. and 6:00 a.m. on the designated street segments is adversely impacting the visibility of oncoming traffic, creating constrictions in the traveled way, or substantially reducing the availability of parking for residents and businesses. In making its determination, the Department shall consider all relevant factors, including without limitation, the location of driveways relative to parked oversize vehicles, the width of oversize vehicles when compared to other parked vehicles, the existing availability of parking, the impact the oversize vehicles are having on parking availability for residents and businesses, the effectiveness of restricting oversize vehicle parking in alleviating any adverse impact on the visibility of oncoming traffic, constrictions of the traveled way and reduced parking supply, and whether signs may be erected on the street segments in a manner that provides adequate notice of the restriction. The Department of Transportation shall report the results of its investigation and determination to the City Council. The City Council may by resolution authorize the street segments upon which the parking of oversize vehicles shall be restricted between 2:00 a.m. and 6:00 a.m., except for those oversize vehicles displaying a valid permit issued pursuant to the provisions of Subsection (c) of this section. Upon Council action designating street segments with oversize vehicle parking restrictions, the Department of Transportation shall cause appropriate signs to be erected in those street segments, indicating the parking limitation prominently on the sign and stating that motor vehicles with valid permits shall be exempt from the restrictions.

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I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By Judith E. Reel
JUDITH E. REEL
Deputy City Attorney

Date May 12, 2010

File No. _____