

# Attachment 1

## **RESIDENTIAL PARKING MANAGEMENT POLICY FINAL - Updated May 2019**

Upon receiving a parking request/complaint from a residential neighborhood in the form of a letter from the Homeowners Association or a City provided petition form from a majority of the property owners on the street or streets where the parking concerns exist, staff will begin the following three-phased review process. Parking reviews require a significant amount of staff time and resources. Therefore, a specific request will only be evaluated once in any 24-month period. The City will exhaust the least intrusive alternative at each phase of the evaluation process prior to moving on to subsequent phases that entail a greater degree of intervention.

### **Resident Education**

The City will provide information to the residents that includes an overview of the investigation process and explains that parking concerns generally fall into two categories: (1) California Vehicle Code ("CVC") or Lake Forest Municipal Code ("LFMC") parking violations that the City can enforce; and (2) Situations that cause concerns in neighborhoods, but do not represent CVC or LFMC parking violations. This second category is essentially a civil matter, but in limited circumstances, the City may be able to institute a parking management program. The Traffic Engineering Manager will decide which methods/approaches best address the parking concerns.

If the Traffic Engineering Manager ultimately determines that permit parking may be appropriate, the Permit Parking Program must meet the criteria under Phase 3 (which includes approval by a minimum of 67% of the affected property owners) and receive a recommendation from the City Council's designee.

### **PHASE 1: Fact Finding**

The City will begin the analysis of the request by collecting information and conducting field reviews. The scope of the analysis will be based on the professional judgment of the Traffic Engineering Manager and the particular circumstances of the situation. The analysis may include, but is not limited to, a review of site development plans, a review of collision history, conducting traffic counts, conducting license plate surveys, reviewing potential parking strategies and assessing the potential effectiveness of parking enforcement. If the Traffic Engineering Manager determines that the residential neighborhood is adversely impacted by overflow parking, staff will begin Phase 2.

### **PHASE 2: Request for Voluntary Action**

If the initial findings indicate a potential for mitigating parking impacts from nearby developments (residential, commercial, industrial, etc.), the City will meet with appropriate representatives from the nearby developments to collect additional information regarding their available on-site parking and their parking policies. If opportunities exist to add parking spaces on private property, the City will request that

the nearby development(s) consider adding parking. In addition, the City may request the nearby development(s) to revise parking policies that may be impacting adjacent neighborhoods. The City will also request that the Orange County Sheriff's Department ("OCSD") provide parking enforcement as time and personnel permits.

This phase may also include meeting with the appropriate representatives of the impacted residential neighborhood (e.g., Homeowners' Association (HOA) board, HOA property manager, property owners, etc.). If the Traffic Engineering Manager determines that the steps taken in Phase 2 have addressed the parking concerns, then no additional action will be taken. If the Traffic Engineering Manager determines that the steps have not addressed the parking concerns, then the residential neighborhood may qualify for a parking program.

### **PHASE 3: Consideration of Parking Restrictions**

In this phase, parking restrictions may be considered to mitigate residential neighborhood overflow parking generated by nearby developments. Parking restrictions may include, but are not limited to, overnight parking bans, limited areas of no parking (red curbs, etc.), street sweeping parking restrictions, commercial vehicle parking restrictions and permit parking. The Traffic Engineering Manager will recommend a specific parking program based upon the particular circumstances of the situation.

If permit parking is the recommended alternative by the Traffic Engineering Manager, the City will determine the appropriate time of day and time of year restrictions. Although permit parking restrictions are usually full time, there may be situations where limited permit parking may be adequate. For example, if the parking impacts are limited to late night and early morning hours, then overnight restrictions may be sufficient. For a high school, only daytime restrictions during school hours and school days may be appropriate.

In order to consider permit parking all of the following criteria must be met:

1. Upon review by the Traffic Engineering Manager, the existence of overflow parking in a residential neighborhood is verified and the neighborhood meets the definition of "Impacted Area."
2. Existing land-use has resulted in inadequate spacing (distance) between a residential neighborhood and the nearby development that generates the overflow parking.
3. Reversal or mitigation of the conditions at nearby development that are creating the overflow parking is not within the City's control.
4. Nearby development will not voluntarily enact changes to mitigate the overflow parking.

5. By anonymous mail-in ballot, at least 67% of the impacted area property owners (one vote per property) approve instituting a Residential Permit Parking Program. If a vote is not received from a property owner, it will be considered a “no” vote. In order to try and maximize voter participation, the City will send a follow up letter approximately one week before the ballots are due to any property owners who have not submitted a ballot at that time.

6. Implementation of a permit parking program is compliant with Section 22507 of the California Vehicle Code.

7. The cost to implement the permit parking program can be absorbed by budgeted City activities or borne by the impacted area.

If an area meets the criteria, it is eligible to be considered by the City Council’s designee for recommendation of approval of a Residential Permit Parking Program. The designee will recommend an action relative to the proposed permit parking to the Traffic and Parking Commission that will make a final recommendation to the City Council. Approval of a Residential Permit Parking Program is at the sole discretion of the City Council.

## **Permits**

If the permit parking is approved for recommendation by the City Council’s designee and the City Council, then two (2) permits will be issued per property. Permits are limited to two (2) because each property should have existing off-street parking, which the City encourages residents to use for vehicular parking. For neighborhoods where permit parking was implemented prior to the 2017 revision of the Residential Parking Management Policy, permits will continue to be issued on the basis of one permit per registered vehicle.

Property owners or residents may apply for a third permit, if conditions provided in this section are met and/or there are exceptional or unusual circumstances, as determined by the City. Exceptional or unusual circumstances may include, but are not limited to, the following:

- Properties that have a driveway that is too short to allow vehicles to park legally thereby reducing the number of off-street parking spaces
- Parking needs for disabled individuals that cannot be accommodated on the property

The conditions provided in this section shall apply to all requests for third permits based on vehicle count and received on or after February 5, 2019 (the date when the Policy was revised to include these specific conditions). In order to be considered for a third permit based on vehicle count, the property owner or resident must demonstrate that the dwelling unit’s off-street parking spaces are being fully utilized and that the number of vehicles currently registered to the dwelling unit exceeds the dwelling unit’s

off-street parking by three or more. Planned Non-Operational (PNO) vehicles, off highway vehicles (OHVs), boats, trailers and other similar vehicles/items do not count toward the total. The City may verify the off-street parking and circumstances by, among other things, conducting an inspection of the dwelling unit's off-street parking spaces, including a garage inspection. The Traffic Engineering Manager, in his or her sole discretion, may approve or deny a third permit based on the applicant-provided information, any City verification of the dwelling unit's off-street parking, and any other applicable information

Applicants may appeal a denial of a request for a third permit by the Traffic Engineering Manager to the Director of Public Works. To appeal, the applicant must submit a written appeal to the City Clerk within seven (7) business days of receipt of the Traffic Engineering Manager's decision. The appeal must include the reasons for the appeal and any supporting evidence. The Director of Public Work's decision on the appeal is final.

The Traffic Engineering Manager may revoke a third permit issued to a dwelling unit upon a finding that the dwelling unit's off-street parking is not being adequately used, the number of vehicles registered to the dwelling unit no longer exceed the dwelling unit's off-street parking by three or more, and/or the exceptional or unusual circumstances that justified the issuance of a third permit no longer exist. All third permits, regardless of issuance date, shall be subject to revocation under this Policy. A dwelling unit's off-street parking is not being adequately used if, among other things, the dwelling unit's required off-street parking facilities and driveways are not being utilized for the temporary storage of motor vehicles in accordance with LPMC section 9.168.030(C)(1). The City may verify the off-street parking and circumstances by, among other things, conducting an inspection of the dwelling unit's off-street parking spaces, including a garage inspection.

The property owner or resident may appeal the Traffic Engineering Manager's decision to revoke a third permit to the Director of Public Works. To appeal, the applicant must submit a written appeal to the City Clerk within seven (7) business days of receipt of the Traffic Engineering Manager's decision. The appeal must include the reasons for the appeal and any supporting evidence. The Director of Public Work's decision on the appeal is final.

#### Fees for Permanent Parking Permits

Beginning on January 1, 2020, the City will charge a \$20 annual fee for each permanent (i.e., non-guest) parking permit issued under this Policy. This fee will apply to all permanent parking permits in all City permit parking program areas, regardless of when the permit parking program was implemented. The City will issue new permits for each calendar year. Beginning on January 1<sup>st</sup> of each year, any permits from previous years shall no longer be valid, and vehicles displaying invalid permanent permits shall be subject to citation. The maximum number of permanent permits that can be obtained will remain unchanged, as noted above. Property owners/residents are not required to obtain permanent permits. A property owner/resident may choose to have no

permanent permits if they can accommodate all their permanent parking needs on their property.

### Temporary Guest Permits

Property owners and residents may apply for temporary one-day guest permits. Temporary guest permits are available at no cost and can be obtained by submitting an application on the City's website or in-person at City Hall. These permits shall be used to accommodate guests that cannot park on the requesting party's property. The City monitors the issuance of temporary permits by address to ensure that property owners/residents are using this program as intended. If the City determines that a property owner/resident is improperly using the temporary guest permit program for any reason, including but not limited to, using temporary permits for long-term parking or as a way to avoid paying the annual permanent parking permit fee, then the City may take steps to address the issue including, but not limited to, revoking the privilege to obtain temporary guest permits.

### **Removal of Permit Parking**

A request to remove permit parking will be subject to the same general requirements that are used to establish permit parking. Upon receiving a request to remove permit parking from a residential neighborhood in the form of a letter from the Homeowners Association or a City provided petition form from a majority of the property owners on the street or streets where the removal of permit parking is being requested, staff will begin a review process. A specific request will only be evaluated once in any 24-month period. The City will begin the analysis of the request by collecting information and conducting field reviews. The scope of the analysis will be based upon the professional judgment of the Traffic Engineering Manager and the particular circumstances of the situation. Information collection may include, but is not limited to, conducting traffic counts and conducting license plate surveys and assessing the potential impacts (if any) of removing permit parking. If the Traffic Engineering Manager determines that removal of permit parking is reasonable and appropriate for the conditions, the City will conduct a vote of the property owners to determine the level of support to remove permit parking.

By anonymous mail-in ballot, at least 67% of the impacted area property owners (one vote per property) must approve removing the Permit Parking Program. If a vote is not received from a property owner, it will be considered a "no" vote. In order to try and maximize voter participation, the City will send a follow up letter approximately one week before the ballots are due to any property owners who have not submitted a ballot at that time.

Removal of permit parking must also be compliant with the California Vehicle Code and the cost to implement the permit-parking program must be able to be absorbed by budgeted City activities or borne by the impacted area.

If an area meets the criteria noted above, it is eligible to be considered by the City Council's designee for recommendation of removal of the Permit Parking Program. The designee will recommend an action to the Traffic and Parking Commission that will make a final recommendation to the City Council. Removal of a Permit Parking Program is at the sole discretion of the City Council.

## **DEFINITIONS:**

### Residential Neighborhood Overflow Parking – New Requests

Residential Neighborhood Overflow Parking is defined as 75% of the frontage on a residential street available for parking is being occupied during any consecutive 6-hour period by vehicles generated from nearby development. Nearby development includes residential uses (single family and multifamily) and non-residential uses such as commercial or industrial or high schools. Parking from parks, other public recreational facilities and elementary/middle schools is not considered overflow parking and therefore does not meet the definition of Residential Neighborhood Overflow Parking. The 75% impact threshold may be lowered to 67% through a variance process, if certain conditions exist. The requesting party must request the variance in writing and provide supporting evidence and reasoning for the request. The variance request will be reviewed by the Traffic and Parking Commission, which will make a recommendation to the City Council on whether or not to grant the variance.

### *Impacted Area for New Requests*

An impacted area for a new request for permit parking is defined as any area experiencing overflow parking that:

- Precludes parking for one or more of the following: guests, maintenance workers, utility workers, deliveries (including mail delivery), trash pick-up, driveway access and other normal/typical uses of street parking
- Affects 30 or more dwelling units or 1,000 feet of frontage. If an entire street (such as a cul-de-sac) is less than 30 homes or 1,000 feet of frontage, then the street will be considered to have met this criterion without having to consider additional dwelling units or frontage from adjacent streets. All other criteria must still be met.
- Is continuous throughout at least a 6-hour period on an on-going basis. One time or occasional impacts would not meet this criterion.

### Residential Neighborhood Residual Overflow Parking

When a permit parking area is established, some of the displaced vehicles may (or may not) end up parking in adjacent residential areas. In cases where displaced vehicles do end up parking in adjacent residential areas, residents can request that the City complete a review to determine if the permit parking program should be expanded to include additional streets. At least 60 days must pass (from the date when the signs are installed in the original permit parking area) before the City will consider a request. This 60-day period will allow the parking conditions to normalize and for the required parking impact studies to properly assess the normalized parking conditions.

In cases of residual overflow parking the following criteria shall apply:

Residual Overflow Parking is defined as 50% of the frontage on a residential street available for parking is being occupied during any consecutive 6-hour period by vehicles generated from nearby development. Nearby development includes residential uses (single family and multifamily) and non-residential uses such as commercial, industrial or high schools. Parking from parks, other public recreational facilities and elementary/middle schools is not considered overflow parking and therefore does not meet the definition of Residual Overflow Parking.

#### *Impacted Area for Residual Overflow Parking*

An impacted area for a request for permit parking to address residual overflow parking is defined as any area experiencing residual overflow parking that:

- Precludes parking for one or more of the following: guests, maintenance workers, utility workers, deliveries (including mail delivery), trash pick-up, driveway access and other typical/normal uses of street parking
- Affects 15 or more dwelling units (or 500 feet of frontage)
- Is continuous throughout at least a 6-hour period on an on-going basis (One time or occasional impacts would not meet this criterion)