



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: October 6, 2009

To: Honorable Mayor & City Council

From: Aaron Kunz, Deputy Director of Transportation *AK*
Roxanne Diaz, Chief Assistant City Attorney

Subject: **Request of Mayor Krasne to Reconsider the Resolution of the City Council to Modify Preferential Permit Parking Zone YY on the 1200, 1300 and 1400 Blocks of Park Way and the Resolution of the City Council Providing Preferential Parking Permits to the Beverly Hills Presbyterian Church for Zone YY.**

Attachments: 1. Resolutions

INTRODUCTION

At the City Council meeting on September 15, 2009, the City Council adopted two resolutions: (1) Resolution of the Council of the City of Beverly Hills to Modify Preferential Permit Parking Zone YY on the 1200, 1300 and 1400 Blocks of Park Way; and (2) A Resolution of the Council of the City of Beverly Hills Providing Preferential Parking Permits to the Beverly Hills Presbyterian Church for Zone YY.

The first resolution implemented the following on the 1200, 1300 and 1400 blocks of Park Way: (i) modified the parking regulation on the north (residential) side of Park Way to "No Parking Anytime, Except by Permit YY"; and (ii) modified the parking regulation on the parking meters on the south side of Park Way by adding a "No Parking, 8:00 p.m. to 2:30 a.m., Daily, Except by Permit YY" to the 43 metered parking spaces adjacent to Beverly Gardens Park. The second resolution provided up to 25 preferential parking permits to the Presbyterian Church for daily use in Zone YY. For special events, the church is able to obtain up to 48 preferential parking permits. Each resolution was passed on a 3-2 vote with Vice Mayor Delshad, Councilmember Brucker and Councilmember Brien voting yes and Mayor Krasne and Councilmember Mirisch voting no.

DISCUSSION

Mayor Krasne has requested that the City Council "reconsider" the passage of the two resolutions. Reconsideration is a parliamentary procedure that allows the City Council to vote on whether to reconsider a matter if a member on the prevailing side of a vote moves to reconsider the matter. Beverly Hills Municipal Code Section 2-1-10 sets forth the procedure for reconsideration of an action and provides that a motion to reconsider any action taken by the City Council at a formal meeting may be made only on the day

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the action was taken or at the next succeeding adjourned or regular meeting. A Councilmember on the prevailing side of the vote, however, must make the motion for reconsideration. Any Councilmember may second it.

The City Council meeting of October 6, 2009 is the "next succeeding regular meeting" after adoption of the resolutions described above. Therefore, a motion for reconsideration of these resolutions may be properly made at the October 6 meeting. However, in order to reconsider the resolutions passed on September 15th, a motion for reconsideration must be made by Vice Mayor Delshad, Councilmember Brucker or Councilmember Brien, each of whom voted to adopt the resolutions. If such a motion is made and is passed at this meeting, then the City Council may reconsider the action previously taken on the two resolutions at this meeting or at a subsequent meeting.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

No recommendation.



David D. Gustavson
Approved By

RESOLUTION NO 09-R-12699

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS TO MODIFY PREFERENTIAL PERMIT
PARKING ZONE "YY" ON THE 1200, 1300 AND 1400
BLOCKS OF PARK WAY

WHEREAS, on May 7, 2009, the Traffic & Parking Commission reviewed a request for a modification to Preferential Permit Parking Zone "YY" on the 1200, 1300 and 1400 blocks of Park Way;

WHEREAS, pursuant to Beverly Hills Municipal Code Section 7-3-206, a qualifying petition to modify the existing regulation for Preferential Permit Parking Zone "YY" on the north side of the 1200, 1300 and 1400 blocks of Park Way was received and filed;

WHEREAS, the petition sought to modify the existing regulation on the north side of Park Way from "1-Hour Parking, 8:00 a.m. to 2:00 a.m., Daily, Except by Permit" to "No Parking Anytime, Except by Permit;"

WHEREAS, during the permit zone proceeding, the residents of Park Way requested additional time limit regulations at the meters located on the South Side of Park Way during the permit zone proceedings, which currently provides for "2-Hour Parking, 8:00 a.m. to 6:00 p.m., Except Sunday;"

WHEREAS, on May 7, 2009 the Traffic & Parking Commission made a recommendation to the City Council to modify the existing parking regulation on the north side and the south side of Park Way;

WHEREAS, the City Council reviewed this matter on July 21, 2009 and the matter was additionally reviewed by the City Council/Traffic & Parking Commission Liaison Committee;

WHEREAS, the matter was brought back to the City Council at the September 15, 2009, for its review and determination;

WHEREAS, the Planning Department has reviewed the proposed project and has determined that the project is not subject to the California Environmental Quality Act and has issued a Categorical Exemption;

NOW, THEREFORE, the City Council of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. The City Council considered the public testimony provided at the July 21, 2009 and September 15, 2009 City Council meeting as well as the testimony provided at the May 7, 2009 Traffic & Parking Commission meeting in addition to the staff reports. Based on the evidence presented at those meetings and the staff reports, the City Council finds:

A. Commuter vehicles are the cause and source of unreasonable noise, traffic hazards and environmental pollution of the residential environment on the 1200, 1300 and 1400 blocks of Park Way. The 1200, 1300 and 1400 blocks have become a location for juveniles and persons to congregate during the day and especially at night due to its unique location which is adjacent to Beverly Gardens Park. Vehicles parked utilize Park Way as a rest area which interferes with the residential quality of the neighborhood. In addition, the drivers and passengers of the parked vehicles loiter on Park Way, litter by depositing their trash on the street and/or resident's lawns and engage in excessive noise by yelling and talking loudly during the evening hours adjacent to the resident's homes. Residents have testified that loud music is

played from the parked vehicles and vehicles have been seen driving erratically on Park Way, which is concern to the safety of the residents as well as the children in the area. Similar activity has been observed and/or reported and investigated by the Beverly Hills Police Department and the Public Works & Transportation Parking Enforcement Division. The incidents noted above are caused by the commuter vehicles parked in the area which, as demonstrated herein, interfere with the tranquility and garden quality of the residential neighborhood on Park Way, the peace and welfare of the residents and contribute to the environmental pollution of the street by adding additional vehicle congestion as well as pollution caused by passengers in those vehicles littering. Last, commuter vehicles regularly interfere with the available public street parking adjacent to the residential property as indicated in the parking occupancy surveys.

B. There is no other reasonable alternative which is feasible or practical to reduce the identified issues caused by the parking of vehicles on Park Way to acceptable levels. By adopting the proposed restrictions, vehicles and their passengers will no longer be able to congregate in front of the residential properties on the north side of Park Way nor will the vehicles and their passengers be able park on the south side of Park Way in the evening hours which will serve to reduce the loitering, noise, littering and other adverse impacts to the neighborhood. The displaced commuter vehicles will not unduly impact surrounding residential areas. The testimony indicates that: (i) vehicles park on this street do so because of the street's unique location adjacent to the park; (ii) those vehicles and their passengers, however, are not visiting the park but rather are loitering, among other things, in the neighborhood which is interfering with the residential environment on Park Way. Once the new restrictions are in place, parking will still be available at the metered spaces on the south side of Park Way.

Section 2. Based on the findings set forth herein, the City Council hereby approves modification of Preferential Permit Parking Zone “YY” as follows:

A. On the north side of the 1200, 1300 and 1400 blocks of Park Way, parking shall be as follows: “No Parking Anytime, Except by Permit YY.”

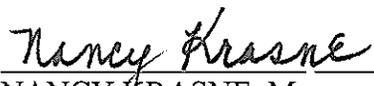
B. On the south side of the 1200, 1300 and 1400 blocks of Park Way, add the following parking restriction to the 43 metered parking spaces: “No Parking, 8:00 p.m. to 2:30 a.m., Daily, Except by Permit YY.”

Section 3. This application has been environmentally reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq., hereafter the Guidelines) and the City’s environmental guidelines. The City has determined that the application qualifies for a Class 1 Categorical Exemption (Existing Facilities) in accordance with the requirements of Section 15301(c) of the Guidelines because the application involves the operation of existing public streets and there is no expansion of the use of the public streets within the YY Zone beyond that existing at the time of the City’s determination.

Section 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and certification to be entered in the Book of Resolutions of the Council of the City.

Adoted: September 15, 2009

CITY OF BEVERLY HILLS, a municipal corporation



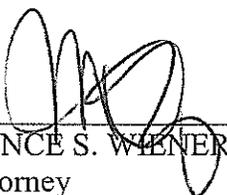
NANCY KRASNE, Mayor

ATTEST:



BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT



DAVID D. GUSTAVSON
Director of Public Works & Transportation



AARON KUNZ
Deputy Director of Transportation

RESOLUTION NO. 09-R-12700

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS PROVIDING PREFERENTIAL
PARKING PERMITS TO THE BEVERLY HILLS
PRESBYTERIAN CHURCH FOR ZONE YY

Whereas, pursuant to Vehicle Code Section 22507(b), the city may provide preferential parking permits for members of organizations or other designated groups to park on specified streets if the City determines that the use of the permits will not adversely affect parking conditions for residents and merchants in the area;

Whereas, the Public Works & Transportation Department (“Department”) has conducted a parking survey in conjunction with an amendment to Preferential Parking Zone YY, which encompasses the 1200, 1300 and 1400 blocks of Park Way;

Whereas, patrons and visitors to the Beverly Hills Presbyterian Church located at the 505 South Rodeo Drive near the west end of Park Way, frequently park on Park Way during church services, weddings and other meetings;

Whereas, on September 15, 2009, the City Council adopted a resolution modifying Preferential Permit Parking Zone YY which modifies the parking regulation on the north side of Park Way to “No Parking Anytime, Except by Permit YY” and modifies the parking regulation on the south side of Park Way by adding a “No Parking, 8:00 p.m. to 2:30 a.m., Daily, Except by Permit YY” to the existing regulations at the meters;

Whereas, to alleviate any impact from the modification to Preferential Parking Zone YY and in conjunction with that resolution, the City desires to provide a

limited number of Zone YY Preferential Parking Permits to the Church in the manner set forth herein;

NOW, THEREFORE, the City Council of the City of Beverly Hills does hereby find, determine and resolve as follows:

Section 1. The recitals set forth above are true and correct and incorporated herein.

Section 2. Preferential Parking Permit Zone YY ("Zone YY") encompasses only the 1200, 1300 and 1400 blocks of Park Way ("Park Way"). Nine single-family residences are located within Zone YY (3 homes per block) with a total of 24 spaces on the north side of Park Way and 48 parking spaces on the south side of Park Way. The south side of Park Way is adjacent to Beverly Gardens Park. Zone YY is unique in that only nine single-family residences are located within the Zone YY and there are no other residential uses or adjacent commercial uses in that zone.

Section 3. Because of the unique characteristics of Zone YY, the City Council finds that authorizing preferential parking permits to the Church for use in Zone YY will not adversely affect parking conditions for residents and merchants in the area. First, residences located within Zone YY generally utilize off-street parking (i.e. on their property) to meet their parking needs. Should additional parking be necessary, there is a total of 72 spaces within Zone YY, which more than accommodates any additional parking that residents in Zone YY may have in addition to the use of the spaces by the Church. This is also supported by the parking surveys of March 17, 2009 and April 19, 2009, which were attachments to the Agenda Report of July 21, 2009, and are

incorporated herein by this reference. In addition, residents from the area may park at the meters on Park Way. However, this is unlikely to occur because residents on adjacent streets have street parking available to them in front of their homes and there is no evidence that indicates such residents utilize Park Way. Second, there are no commercial uses located adjacent to Zone YY. Commercial uses are located on Santa Monica Boulevard which is more than one block away to the south and there is a public park that buffers Santa Monica Boulevard and Park Way. Moreover, there are five public parking surface lots on Santa Monica Boulevard as well as street-parking to accommodate the needs of those commercial businesses. Accordingly, the City Council hereby approves the issuance of preferential parking permits for the Church for use in Zone YY in the manner set forth herein.

Section 4. The City Council hereby authorizes the Public Works and Transportation Department to provide up to 25 preferential parking permits to the Church daily for use only in Zone YY during restricted permit parking hours and up to 48 preferential parking permits for daily use for special events as determined by the Director of Public Works and Transportation. The manner in which the permits are distributed is up to the discretion of the Director of Public Works and Transportation or his designee.

Section 5. Persons issued a permit pursuant to this Resolution may use the permit for parking in Zone YY solely in connection with activities at the Church. Permits issued to the Church and subsequently issued to a third party for their use as set forth herein may not be sold, rented, leased or caused to be sold, rented or leased to any other person, whether or not for any value or consideration. The permit shall be subject to

immediate revocation if the provisions of this resolution have been violated or if the permit holder violates Section 7-3-212 of the Beverly Hills Municipal Code.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and her certification to be entered in the Book of Resolutions of the Council of the City.

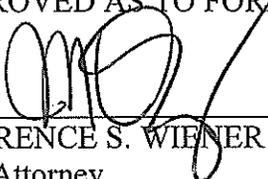
Adopted:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

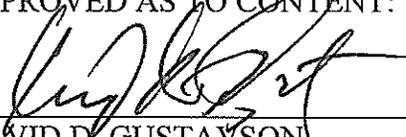
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