



PLANNING COMMISSION MINUTES
Regular Meeting
July 21, 2011

West Hollywood Park Auditorium
647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Chair Yeber called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Allegra Alison led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Aghaei, DeLuccio, Huebner, Meister, Yeber, Vice-Chair Buckner, Chair Bernstein.

Commissioners Absent: None.

Staff Present: Bob Cheung, Senior Transportation Planner, Jackie Rocco, Parking Operations Manager, Oscar Delgado, Director of Public Works, Anne McIntosh, Deputy City Manager / Community Development Director, David DeGrazia, Acting Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

Discussion and clarification was given regarding the appeals process, urgency items, and Brown Act Regulations.

Christi Hogin, Assistant City Attorney, stated for the record the requested appeal by Commissioner Meister regarding 7982-7984 Santa Monica Boulevard, West Hollywood, California, will be agendaized as a New Business item on the August 4, 2011 agenda, for discussion regarding a request for a possible hearing review.

ACTION: Approve the Planning Commission Agenda of Thursday, July 21, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

5. APPROVAL OF MINUTES.

A. None.

6. PUBLIC COMMENT.

ED BUCK, WEST HOLLYWOOD, commented on the appeal process.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the appeal process.

7. ITEMS FROM COMMISSIONERS.

Vice-Chair Buckner thanked City Council for her re-appointment to the Planning Commission.

Chair Bernstein thanked City Council for his re-appointment to the Planning Commission. He requested the meeting adjourned in memory of Kathy Page.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. Zone Text Amendment.

Parking Credits Program:

Anne McIntosh, Deputy City Manager / Community Development Director, presented an overview and history of the Parking Credits Program.

David DeGrazia, Senior Planner, clarified the proposals are amendments to the Zoning Ordinance initiated by the City and applicable City-wide. Pursuant to Section 19.78.040 (Commission Action on Amendments), the Commission shall make a written recommendation whether to approve, modify, or deny the proposed amendments based on findings as outlined in Section 19.78.060 (Findings).

He continued with a history of the Parking Credits Program. He stated code required parking for new commercial properties has always been challenging in West Hollywood. Traditionally, zoning regulations have required that a new business meet its parking requirements by constructing parking spaces on the property where the business is located. In a completely built-out city like West Hollywood, these regulations make it virtually impossible for a new, more intense business, like a restaurant, to open in a vacant retail space.

In order to address the unique needs of West Hollywood, our Zoning Ordinance includes alternative provisions to allow a new business to meet its parking requirements if it cannot do so on-site. The Ordinance allows a business to locate its parking off-site through a parking use permit (PUP).

The PUP is issued as a land-use entitlement and allocates specific parking spaces on one property for the use of a business on another property. The process allows for a business to meet its required parking whether or not the customers actually use the parking. Over the years there has been concern that this was becoming "paper parking" rather than real parking since the primary concern was that the parking spaces be leased to meet code requirements and not whether they were actually used.

In 2009 the City moved forward in developing a more efficient method of managing parking for new and expanding businesses. The City of West Hollywood engaged Civic Enterprise Associates LLC to conduct a parking and economic development study for the City. One of the recommendations of the study was to establish a Parking Credit District program.

Under a Parking Credit District program, a city identifies a pool of parking spaces based on actual, publicly available parking that project applicants can tap into to satisfy the requirements imposed by the zoning code. The actual parking that generates Parking Credits can be in municipal facilities, at parking meters, and/or in private facilities that allow access to the general public. Whatever the source, it must be useable by actual customers, employees, and visitors.

One of the most important features of Parking Credits is that the City will actually know how much parking is available in a district before any entitlements are granted to new or expanding uses. When actual parking is available, Parking Credits are available, and approving new uses becomes much simpler than it is today. Similarly, when no more parking is available, no more Credits are available, and it becomes straight forward to deny applications.

The number of credits in the "pool" is based upon the actual amount of publicly available parking in a district. Parking Credits thus represent a manageable, finite resource. By tying credits to real parking capacity, the City can effectively keep growth from outpacing the local supply of parking, which provides residents, property owners, and business owners with comfort that local parking will not become oversubscribed. It also helps transform a process now characterized by private agreements and complex transactions into one that is much more transparent and easier to track.

Mott Smith, Civic Enterprises, provided a visual presentation and background information as presented in the staff report dated Thursday, July 21, 2011.

He spoke and clarified the Parking Credits Program, current parking processes, parking structures, grandfathering, in lieu fees, parking use permits, private parking leases, tracking parking spaces, and managing public parking.

Parking Credits would:

1. Put the City in charge of commercial district parking;
2. Strengthen the integrity of code required parking with real data provided by the City, not project applicants;
3. Allow the City to use public parking to support commercial district success;
4. Provide an ongoing funding stream for real parking management;

Bottom Line:

1. During previous survey, the 212 parking spaces never reached 85% occupancy;
2. City never exercised option for 180 parking spaces at Pavilions;
3. There will now be 924 dedicated public off-street spaces; 712 more than the last survey;
4. No significant use intensification since last survey;

Implementing Parking Credits:

1. 12 districts encompass all commercial districts in the City;
2. Only District 1 will be active immediately. Only a fraction of potential credits will be released;
3. Other districts will be activated only After studies show ample vacant parking and Transportation Commission holds hearings;

PaCT System (Parking Credits Tracker):

1. Annual invoices sent to businesses;
2. Tracking for sources and uses of publicly available parking built-in;
3. Bi-annual surveys will conform actual parking capacity on an ongoing basis;
4. Finally provides staff with an effective tool to manage parking-related entitlements;

David DeGrazia, Senior Planner, provided clarification on the following:

In-Lieu Parking Fee

The City currently allows developers to pay fees in lieu of building on-site parking when they can demonstrate that adequate public parking exists to support their proposed project. The process typically requires the applicant to prepare a consultant study and then submit for discretionary City review.

In actual practice, parking in-lieu fees have had very limited application, with only a small number of businesses using them. The cost to the applicant is high, with fees set to the estimated cost of constructing an actual municipal parking space, (currently \$20,000 per space). In addition, the developer does not get the rights to any actual parking as a result of paying the in-lieu fees. As a result, while parking in-lieu fees may solve a developer's approval problems, they do not address the parking availability problem. For these reasons, staff proposes amending the zoning ordinance to eliminate the in-lieu parking fee as part of the establishment of the Parking Credit District program.

Parking Credits

This section has been added to the Zoning Ordinance to enable

commercial uses to utilize parking credits to satisfy the on-site parking required by Section 19.28.040 (Number of Parking Spaces Required). It does not establish the Parking District Program. The Parking District Program will be located in Title 10 (Vehicles and Traffic) of the West Hollywood Municipal Code and will be administered by the Parking Services Division. A joint study session will be held with the Planning Commission and the Transportation Commission to review and discuss the operational details of the program itself.

Parking Use Permit

This section was amended to eliminate the use of Parking Use Permits in Parking Credit Districts. Existing PUPs in these districts will be considered "grandfathered" and allowed to continue in operation, however new Parking Use permits will not be issued in active Parking Credit Districts. This will allow existing PUP users to continue their operations while encouraging new applicants to be part of the Parking Credits program.

Commissioner Aghaei questioned how businesses would opt into a district and how they would be compensated, and how the 10,000 square-foot threshold was derived.

Commissioner Yeber questioned the current leases and how long they would stay in place. He asked for clarification how the program would anticipate the various upcoming usages of municipal lots.

Vice-Chair Buckner questioned what other alternatives were proposed before the City decided to go with the Parking Credit Tracker (PaCT). She inquired if other cities have used this concept and what was the effectiveness. She questioned how many spaces are allotted in each district. She had concerns with the elimination of the in lieu fees.

Commissioner DeLuccio questioned if this is considered a pilot program and inquired if there is a work plan in place for the other Districts.

Jackie Rocco, Parking Operations Manager, stated staff is aware of the numerous questions and issues. She stated they are planning a joint study session with the Transportation Commission and Planning Commission, where all parties can come together to work through the operational aspects of the program.

Commissioner DeLuccio requested the timelines regarding District 1 implementation, and questioned if an educational plan will be in place for businesses.

Commissioner Meister asked for clarification how businesses with a 50% parking reduction can participate and questioned the fairness of existing businesses and new businesses opting into this program. She inquired how much the parking credits fee would be per year.

Chair Bernstein opened public testimony for Item 9.A.:

ED BUCK, WEST HOLLYWOOD, opposes staff's recommendation of approval to City Council.

RICHARD GIESBRET, WEST HOLLYWOOD, opposes staff's recommendation of approval to City Council.

STAN BOCHNIAC, WEST HOLLWOOD, supports staff recommendation of approval to City Council.

DONALD ELMBLAD, WEST HOLLYWOOD, has concerns regarding this item. He would like to hear from the Transportation Commission, suggested an audit and a continuance.

ELYSE EISENBERG, WEST HOLLYWOOD, opposes staff's recommendation of approval to City Council.

ALLEGRA ALISON, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the challenges of tracking street and parking usage.

LYNN HOOPINGARNER, WEST HOLLYWOOD, opposes staff's recommendation of approval to City Council.

KIMBERLY WINICKE, WEST HOLLYWOOD, has concerns regarding this item. She questioned the measurement of usage and commercial parking issues. She stated further study needs to be done before implementation.

SANDY HUTCHINS, LOS ANGELES, has concerns regarding this item. He spoke regarding the current parking use permit system.

DAN SIEGEL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding in lieu fees and stated this needs further study.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding current commercial parking issues.

ACTION: Close public testimony for Item 9.A: **Motion carried by consensus of the Commission.**

Oscar Delgado, Director of Public Works, provided clarification and addressed the misperception regarding in-lieu fees and current available city parking.

Commissioner DeLuccio stated there still is a perception that there is no parking available. He suggested there needs to be more education and community outreach promoting the available parking in the city. He stated he is willing to move forward cautiously with a pilot program in District 1. He asked for clarification regarding the renewal process. He had concerns with the size of District 1 and walk ability issues.

Oscar Delgado, Director of Public Works, provided clarification on walk ability within the districts and detailed the City Valet service.

Commissioner DeLuccio questioned the process where [The Abbey] could switch over and buy into the Parking Credits Program. He requested; Section §19.56.090 of Resolution No. PC 11-984; [page 5 of 5] to be made more user-friendly. He would have liked to have had more information available before it is sent forward to the City Council.

Commissioner Meister requested clarification on the City Valet service. She would like to see any new construction be self-sustaining, and a maximum distance (radius) should be implemented from the businesses site that use a valet service. She stated there should be disincentives regarding businesses wanting to get rid of parking spaces.

Discussion was held regarding the legalities of the zone text amendment and a working pilot program.

Commissioner DeLuccio stated he would like to see an incorporation into the zone text amendment regarding a "pilot program", and a set period of time before other districts are implemented

Chair Bernstein stated his support of this item. He commented about concerns with taking parking off-site.

Commissioner Huebner stated his concerns regarding the implementation process.

Commissioner Yeber questioned if there are thresholds and/or data regarding the future implementation of districts.

Commissioner DeLuccio moved to: 1) approve staff's recommendation to City Council; and 2) a six-month review shall be brought back to the Planning Commission after implementation.

Seconded by Chair Bernstein.

Discussion was held regarding timelines and meeting dates with the Transportation Commission.

Commissioner DeLuccio WITHDREW his original motion on the floor.

Seconded by Chair Bernstein.

Commissioner DeLuccio moved to: 1) continue to Wednesday, September 21, 2011.

Seconded by Chair Bernstein.

ACTION: Continue to a Joint Study Session with the Transportation Commission on Wednesday, September 21, 2011. **Moved by Chair Bernstein.**

10. NEW BUSINESS.

A. Planning Commission Subcommittees:

1. Appointments to Design Review Subcommittee:

ACTION: Appoint: 1) Alan Bernstein; 2) Sue Buckner; and 3) Roy Huebner. **Moved by Chair Bernstein and unanimously carried.**

2. Appointments to Long Planning Projects Subcommittee:

ACTION: Appoint: 1) Donald DeLuccio; 2) Alan Bernstein; and 3) Sue Buckner. **Moved by Chair Bernstein and unanimously carried.**

3. Appointments to Business Signage Subcommittee:

ACTION: Appoint: 1) Lauren Meister; 2) David Aghaei; and 3) vacant. **Moved by Chair Bernstein and unanimously carried.**

4. Appointments to the Design Steering Committee:

ACTION: Appoint: 1) Roy Huebner; and 2) Lauren Meister. **Moved by Chair Bernstein and unanimously carried.**

5. Appointments to the Bicycle Task Force:

ACTION: Appoint: 1) David Aghaei. **Moved by Chair Bernstein and unanimously carried.**

6. **Appointments to the Plummer Park Steering Committee:**
ACTION: Appoint: 1) Disbanded. **Moved by Chair Bernstein and unanimously carried.**

7. **Appointments to the Working Group Committee:**
ACTION: Appoint: 1) Disbanded. **Moved by Chair Bernstein and unanimously carried.**

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

David DeGrazia, Acting Planning Manager, provided an update regarding upcoming projects tentatively scheduled for Planning Commission.

B. Community Development Director's Report.

Anne McIntosh, Deputy City Manager, Community Development Director, introduced Melissa Antol, Long Range and Mobility Planning Manager. She clarified the department's two new planning division work related duties. She suggested future Planning Commission meetings could be separated into hearings for development projects and policy issues at separate meetings.

14. **PUBLIC COMMENT.**

RIC ABRAMSON, WEST HOLLYWOOD, congratulated Chair Bernstein and Vice-Chair Buckner on their reappointments by City Council. He commented on the implementations of zoning code amendments.

15. **ITEMS FROM COMMISSIONERS.**

Commissioner Aghaei congratulated Chair Bernstein and Vice-Chair Buckner on their reappointments by City Council.


Commissioner Meister congratulated Chair Bernstein and Vice-Chair Buckner on their reappointments by City Council. She suggested a possible third meeting in the month to incorporate additional development projects if needed.

Commissioner DeLuccio congratulated Chair Bernstein and Vice-Chair Buckner on their reappointments by City Council. He acknowledged Commissioner Yeber on his service to the Design Review Subcommittee.

Chair Bernstein stated a final community meeting regarding the General Plan is scheduled on Monday, August 1, 2011 at 6:30 p.m., West Hollywood Park Auditorium.

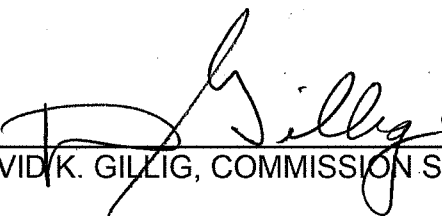
16. **ADJOURNMENT:** The Planning Commission adjourned in the memory of Kathy Page at 9:25 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 4, 2011 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 4TH DAY OF AUGUST, 2011.



CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY