

MEETING DATE: 09/08/14

AGENDA ITEM: Discussion of Existing Permit Parking Restrictions on the 10700 block of Farragut Drive, and Consideration of a Request from Grace Evangelical Lutheran Church, 4427 Overland Avenue, to Change the Existing Residential Parking Restrictions.

ATTACHMENTS

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**ILBERT A. PHILLIPS, ESQ.
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Tel: 310-308-3916

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April 23, 2014

Gabriel Garcia
Traffic Engineer
City of Culver City
9770 Culver Boulevard
Culver City, CA 90232

Re: Grace Evangelical Lutheran Church
4427 Overland Avenue
Culver City, CA 90230
Parking Restrictions on Farragut Drive

Dear Mr. Garcia:

I represent Grace Evangelical Lutheran Church. I would like, on the Church's behalf, to file an application to amend or modify the current parking restrictions on Farragut Drive, the street that runs east and west, adjacent immediately to the south of the church. The street immediately to the east is Overland Avenue.

Culver City recently adopted new parking regulations. It is my understanding that those regulations authorizes a business or resident to apply to amend parking restrictions.

Would you please provide me with the instructions on how such an application may be filed, with any relevant forms?

I left a message at your offices, as directed, approximately six week ago and did not receive a response. I trust that this letter will work.

Very truly yours,



Ilbert Phillips
ilbert@ilbertphillips.com

cc: Culver City City Council
Grace Evangelical Lutheran Church



Culver CITY

PUBLIC WORKS DEPARTMENT

9770 Culver Boulevard, Culver City, California 90232



Charles D. Herbertson, P.E., LS
Public Works Director and
City Engineer

Mate Gaspar, P.E.
Engineering Services Manager

(310) 253-5600

FAX (310) 253-5626

May 27, 2014

Ilbert A. Phillips, Esq.
Law Offices of Ilbert A. Phillips
6080 Center Drive, 6th Floor
Los Angeles, CA 90045

**SUBJECT: YOUR LETTER DATED APRIL 23RD, 2014
PARKING RESTRICTIONS ON FARRAGUT DRIVE**

Dear Mr. Phillips:

Thank you for your letter dated April 23, 2014, in which you inform us of your interest in filing an application "to amend or modify the current parking restrictions on Farragut Drive." You also reference the adoption of the new parking program, in November 2013, by the City Council, and you indicate that it is your understanding that the new adopted program "authorizes a business or resident to apply to amend parking restrictions." You further request that instruction be provided to you indicating how such an application may be filed.

Parking restrictions have been in place on the segment of Farragut Drive, adjacent to Grace Evangelical Lutheran Church, for the last 32 years. In January of 1982, the City Council authorized, on a trial basis, the installation on Farragut Drive of the following parking restrictions: Permit-only, Monday through Friday, 8 am to 6 pm. These temporary restrictions were made permanent by the City Council in November of 1982. Subsequently, in October of 2004, the City Council approved a request to extend the parking restrictions to 10 pm and adopted Resolution No. 2004-R068 to effect the change.

Culver City Employees take pride in effectively providing the highest levels of service to enrich the quality of life for the community by building on our tradition of more than seventy-five years of public service, by our present commitment, and by our dedication to meet the challenges of the future.

PRINTED ON RECYCLED PAPER

In September 2013, the City Council discussed the then-proposed Procedures and Regulations for Residential Permit Parking Districts. This new comprehensive revision of the permit parking program contained significant changes and enhancement, including the administrative authority for staff to make certain modifications to accomplish greater uniformity of parking restrictions to decrease the many variations of restrictions, in order to aid in the administration of the program, and in parking enforcement.

However, staff also presented to the City Council four locations where uniformity would not be sought due to parking impacts from adjacent uses, which in staff's judgment, constituted extenuating circumstances. The segment of the presentation regarding these four locations can be seen in the webcast of the meeting available at www.culvercity.org, at 55 minutes and 49 seconds. One of those areas that staff indicated where changes would not be sought, is the subject block of Farragut Drive. The City Council did not give contrary direction to staff on this topic. However, direction for modification was given on different components. At the conclusion of the discussion, the City Council directed staff to prepare the necessary documents for formal approval of the program at a future meeting.

Subsequently, in November of 2013, as a consent agenda item, the City Council, by resolution, adopted the Procedures and Regulations for Residential Permit Parking Districts, containing the modifications directed at the meeting of September 2013. The adopted document, Section 11, on pages 38 through 39, contains the authority to make modifications, which you reference in your letter. However, since the program is a residential program, it does not contain the availability for non-residential uses, in this case Grace Evangelical Lutheran Church, to initiate a process to consider changes to the parking restrictions. The two subject pages are attached for your ease of reference.

Consideration of changes to adjust disparate parking restrictions to obtain greater uniformity may be initiated by the City Engineer (Section 11.B), or by the residents of a parking restricted street (Section 11.D). However, the City Engineer is required to give 30 days' written notice of the proposed changes. The residents may appeal to the City Council, a decision by the City Engineer "to adjust or not to adjust" (Section 11.C). If the changes to the parking restrictions aid in the administration of the program and in the enforcement of the parking restrictions, the City Engineer was given the administrative authority to implement such changes (Section 11.F).

Ilbert A. Phillips, Esq.
May 27, 2014
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Because of the above, the Public Works Department is unable to assist you or Grace Evangelical Lutheran Church to pursue the modification of the existing parking restrictions on the adjacent residential block of Farragut Drive in so much as the adopted residential parking permit program does not provide a means for non-residential uses to request the initiation of modifications.

If you have questions about this, or if you would like to discuss the content of the adopted program please call me at (310) 253-5600 to schedule an appointment with me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gabriel Garcia". The signature is fluid and cursive, with the first and last names being more prominent.

Gabriel Garcia
Traffic Engineering Analyst

Enclosures: Section 11, pages 38 and 39, of the Procedures and Regulations for Residential Permit Parking Districts, adopted Nov. 12, 2013.

City of Culver City
Procedures and Regulations for Residential Permit Parking Districts
November 12, 2013

shall not be available for residential uses
for a mixed-use development.

10 Isolated Residential Uses

Due to land use development, zoning, and joint jurisdictional boundaries, a single residential building or a small number of residential buildings may be found adjacent to the Culver City jurisdictional boundary shared with an adjacent jurisdiction. Such residential uses may be part of a block that is largely in an adjacent jurisdiction. The City Engineer may administratively reserve the few parking spaces adjacent to such residential uses, for permit-only parking, contingent upon a petition letter from the residents of the residential-use building(s) when in his/her judgment appropriate preferential parking criteria are met.

11 Accomplishing Greater Uniformity of Parking Restrictions

- A. The Engineering Division Traffic Engineering Section staff may periodically review preferential parking District boundaries and parking restrictions, and recommend to the City Engineer, the modification, expansion and/or consolidation of parking restrictions and/or adjustment of District boundaries, to accomplish greater uniformity of restrictions in a District, where such modification, expansion and/or consolidation will aid in the administration of the preferential parking program and enforcement of the parking restrictions.

City of Culver City
Procedures and Regulations for Residential Permit Parking Districts
November 12, 2013

- B. The City Engineer may initiate, at his discretion, based on staff's recommendation, a process to adjust disparate parking restriction days and hours within a District, to obtain uniformity of parking restrictions.
- C. In such case, the City Engineer shall give a minimum of 30 days' written notice to the residents of the District, of any proposed change to the parking restriction days and hours, prior to effecting the change. At the City Engineer's discretion, a community meeting may be held to advise the residents of the District, prior to implementing the change. Appeal of a decision or determination of the City Engineer to adjust or not adjust days or hours as provided for in B hereof, shall be made to the City Council.
- D. The residents of a parking restricted street within a District may request modification of parking restrictions on their street, but not modification of their District boundaries.
- E. If the City Engineer initiates the modification of any approved preferential parking District boundaries, it shall be considered at a noticed public meeting of the City Council.
- F. However, modification of parking restrictions that, in the judgment of the City Engineer, have the purpose of aiding in the administration of the preferential parking program and in the enforcement of the parking restrictions shall be made administratively.

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June 8, 2014

City Council
City of Culver City—City Hall
9770 Culver Boulevard
Culver City, CA 90232

Gabriel Garcia
Traffic Engineering Analyst
Culver City Public Works Department
9770 Culver Boulevard
Culver City, CA 90232

Re: Grace Evangelical Lutheran Church
Petition to Modify Parking Restrictions
On Farragut Drive

Dear Honorable Members of the City Council of Culver City
and Mr. Gabriel Garcia of the Civil Engineer's Office:

I received from Mr. Garcia a letter dated May 27, 2014 in which he responded to my April 23, 2014 request for instructions on how my client may file a petition to amend or modify the City of Culver City's (referred to herein as "City") parking plan recently adopted by the City Council of Culver City (referred to herein as the "Council") in November 2013 as the Procedures and Regulations for Residential Permit Parking Districts (referred to herein as "Regulations"). My client wants to amend the newly adopted Regulations that made permanent temporary parking restrictions on Farragut Drive. Those temporary restrictions had been in effect since October 2004. A copy of Mr. Garcia's letter is enclosed.

My client, Grace Evangelical Lutheran Church (referred to herein as the "Church"), is the owner and occupant of real property located at the corner of Farragut Drive and Overland Avenue. The Church's property covers land that is adjacent to Farragut Drive on the south and Franklin Avenue on the north. Said property is directly impacted by the parking restrictions on Farragut Drive, as described below.

Mr. Garcia takes the position in his reply to my letter that under the new regulations the Church does not have standing to petition his office to change parking restrictions recently adopted by the City. I assume that this means the Church must petition the City Council of Culver City (referred to herein as "Council") directly since it is neither fair nor conceivable that the Church does not have any right to petition its government and challenge a City parking restriction that the Church deems discriminatory and that directly impacts the Church's use of real property it owns and occupies.

The change to the parking restrictions that my client is seeking is for weekdays only, on that portion of Farragut Drive where currently there is "parking by permit only" between 8 a.m. and 10 p.m. (referred to herein as the "restricted hours"). The change my client seeks is for there to be unrestricted two hour parking from 8 a.m. to 10 p.m. Weekend parking will remain the same.

The portion of Farragut Drive with the restricted hours is a strip between the block immediately west of Overland Avenue (west of the alley) ending at Coombs Avenue. Farragut Drive immediately west of Coombs Avenue does not have the restricted hours. Franklin Avenue, parallel to and immediately north of Farragut Drive does not have the restricted hours. To the south of Farragut Drive and West of Coombs Avenue is the Culver City Middle School and High School clearly impacted by the restrictions.

The portion of Farragut Drive with the restricted hours includes approximately 30 parking spaces that sit empty all day for the most part and well into the night since each of the single family dwellings on the street has sufficient off street parking. The other characteristic of the geographical surroundings of Farragut Drive is that the restricted hours impacts not only the Church and the previously mentioned Culver City Middle School and High School (that are adjacent with or contiguous to Farragut Drive) but also commercial buildings on Overland Avenue.

When the City adopted the current restricted hours and the procedure to petition a change, Mr. Garcia's office ignored my client's concerns and request to change the extant restrictions when his office recommended to the Council that the Council keep the restricted hours, which were then temporary, and make them permanent, even though the restrictions are not uniform or consistent with parking rules contiguous to the immediate surrounding areas. To date, I have seen no justification for the discrimination and lack of uniformity.

In addition, my client was led to believe that once the regulations were in place, there would be a procedure to petition for a modification or change of the newly adopted regulations. It is my understanding that the main objective of Mr. Garcia's staff should have been to adopt uniform regulations and to adopt a uniform procedure to challenge those regulations with the Council being the ultimate arbiter. It seems that Mr. Garcia's

office arbitrarily, without clear notice to anyone, decided that there were classes of petitioners it did not want to address and left it up to the Council to deal with those classes. It certainly cannot be Mr. Garcia's legitimate position (or the Council's) that religious, not for profit and commercial institutions that own and/or occupy real property impacted by (or that is adjacent to or contiguous with the) areas covered by the City's newly adopted permanent parking restrictions have no right to petition the Council to challenge said restrictions.

The question now is whether the Council will address the Church's petition seeking to change the parking restrictions given Mr. Garcia position that the Church does not have standing to petition the City Engineer on the grounds that the Church is not a "resident" and has no standing before the Civil Engineer. This means that only persons who are "residents" in the City may seek relief from any parking restrictions through the Civil Engineer's office regardless of how those restrictions may impact those not deemed "residents."

Mr. Garcia's position that the Church cannot petition the Civil Engineer is onerous or unfair and is a draconian procedural rule only if the Council denies the Church (or similarly situated petitioners) access to the Council. If a person who is not a "resident" has the right to petition the Council directly, then the new rules merely provide a procedure on who must petition the Civil Engineer and who can petition the Council.

The proposed regulations did not and the adopted regulations do not state that a person that is a religious, not for profit, or commercial institution has no standing to petition the Council to amend or modify parking restrictions that impact property a person owns or occupies. Therefore, the only reasonable interpretation of the newly adopted regulations is that it was the Council's intent to limit who may petition the City Engineer.

There is no publication or notice that it was the Council's intent to deny religious, not for profit, and governmental institutions or commercial enterprises the basic right of petition. Such a complete denial of access to address the government is unfair on its face and is wrought with severe legal challenges.

As a result of the forgoing, my position is the following:

1. The Civil Engineer's Office only accepts petitions from "residents" to challenge parking restrictions. The Civil Engineer's office has the right to unilaterally propose changes to parking restrictions as it deems fit.

2. Commercial, religious, governmental, not for profit or other institutions (whether or not owners) that occupy buildings or real property that are impacted by parking restrictions may petition the Council directly to challenge said parking restrictions.

3. I deem Mr. Garcia's letter to a ruling on procedure to be a denial, without prejudice, of my client's right to petition the City through the Civil Engineer's office for a change to the parking restrictions on Farragut Drive.

4. As a result of the forgoing, this letter should be deemed a petition directly to the Council which retains the ultimate authority to modify, adopt amendments to, make new, or replace rules or regulations regarding street parking.

Mr. Garcia's letter, at this point, is the only official response from the City to the Church's petition and based on that response, I hereby petition the Council to address the Church's petition and grant the following change in the parking restrictions on Farragut Drive:

The weekday parking on Farragut Drive will henceforth be unrestricted two hour parking from 8:00 a.m. to 10:00 p.m. The current restrictions requiring "parking by permit only" from 8 a.m. to 10 p.m. is stricken and henceforth deemed void. The existing weekend parking rules on Farragut Drive will remain the same.

Respectfully submitted,



Ilbert A. Phillips
ilbert@ilbertphillips.com

Enclosure: May 27, 2014 letter from Gabriel Garcia to Ilbert Phillips with attachments

cc: Grace Evangelical Lutheran Church

iap/IAP

**CHRONOLOGY OF
PERMIT PARKING ON THE 10700 BLOCK OF FARRAGUT DRIVE,
BETWEEN THE ALLEY WEST OF OVERLAND AND COOMBS AVENUE
August 27, 2014**

DATE	ACTIVITY
September, 1981	Farragut Drive residents' petition for permit-only parking restrictions is considered and approved by the Traffic Committee, for recommendation to the City Engineer. The adjacent commercial patrons/employees and the people who attend the Grace Lutheran Church services and activities are cited as the cause for parking intrusion.
January, 1982	The City Council considers the City Engineer's recommendation, and grants a six-month trial of the following parking restrictions: 8 am to 6 pm, Monday through Friday, permit-only.
November, 1982	The City Council approves the parking restrictions on a permanent basis.
November, 1996	At a Town Hall Meeting, residents of Farragut Drive address the City Council about the parking intrusion they continue to experience.
January, 1997	The Mayor and CAO hold a community meeting with residents and representatives of the Grace Lutheran Church, and local businesses to discuss the parking situation.
February, 1997	Grace Lutheran Church encourages all who attend its services and meetings to park on Overland Avenue; on the segments of Farragut and Franklin that are immediately adjacent to the church (east of the alley); at the County Assessor's parking lot after business hours and on weekends (arranged by the church with the county)
March, 1997	A follow-up community meeting takes place to evaluate progress at addressing parking concerns. The residents indicate that no improvement has occurred, except on Sundays. The residents indicate that they have started a petition to request that parking be further restricted. A petition is submitted to PW/Engineering.
July, 1997	A community meeting is held to discuss the petition and the permit parking program, as required by the Council-adopted program.
August, 1998	Due to staff turnover, a Parking Study was drafted but not finalized.

CHRONOLOGY OF PERMIT PARKING RESTRICTIONS, 10700 BLK OF FARRAGUT DR

August 27, 2014

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DATE	ACTIVITY
July, 2004	Residents of Farragut Drive inquire into extending the then-existing parking restrictions to 10 pm Monday through Friday.
August 23, 2004	The City Council, during consideration of Item H-6, 2 nd Amendment to the Lease with CCUSD for 4909 Overland Avenue (previous LA. Co. Assessor's office), made a motion, "...AND DIRECT STAFF TO BRING FORWARD AN EXTENSION OF THE PERMIT PARKING UNTIL 10:00 P.M. IN THE NEIGHBORHOOD, WHICH INCLUDES FARRAGUT DRIVE AND OTHER STREETS IF NEEDED." Vote was 5-0.
September 7, 2004	Petition Cards were mailed to all residents of the 10700 and 10800 blocks of Farragut Drive, to determine the level of support for a permit parking time extension. The due date was September 22, 2004. RESULTS: 10700 block, 13/15 homes, or 87% support; 10800 block 4/8 (only four were returned), 38% support. Traffic Engineering studies were not required.
October 11, 2004	City Council approves Item H-1, a request to extend the existing permit parking restrictions (Monday through Friday, 8 am - 6 pm, by permit only), to the requested conclusion time of 10 pm, Monday through Friday. Resolution No. 2004-R068 was adopted to effect the change.
November 3, 2004	Work Order no. 14047 ordered the replacement of the then-existing parking restriction signs, (Permit Parking Only, 8 am to 6 pm, Monday through Friday), with new signs extending the parking restrictions to 10 pm (Permit Parking Only, 8 am to 10 pm, Monday through Friday).
July, 2009	Grace Evangelical Lutheran Church requests an audit of the 10700 block of Farragut Drive permit parking participation to ascertain if the required 66% is being met. The church expresses concerns for the people who attend their meetings and events, and the inconvenience to them due to the lack of parking availability. Also, they cite that other streets with permit parking in the vicinity allow 2-hour parking, whereas Farragut is resident-only parking.

CHRONOLOGY OF PERMIT PARKING RESTRICTIONS, 10700 BLK OF FARRAGUT DR

August 27, 2014

Page 3

DATE	ACTIVITY
August, 2009	An audit of the Farragut Drive permit parking district is conducted, and the findings indicate that 11 out of 15 homes have purchased permits—that is 73% compliance. The Council policy requires 66%. The church are notified of the results.
August, 2009	Staff met with the Pastor and members of the Board of Grace Lutheran Church, and informed them that the existing regulations do not have a provision that authorize staff to revisit an established permit parking district. However, the regulations do provide that the residents, by a petition with 66% consensus, can request that the parking restriction in place be removed. Currently, neither the church nor staff has any recourse to modify the existing restrictions.
April 23, 2014	Received a letter from attorney Ilbert Phillips, in representation of his client, Grace Evangelical Lutheran Church, requesting information on how to proceed with a request to revisit the existing parking restrictions. His stated purpose for doing this is to change the existing parking restrictions.
May 27, 2014	A response letter was sent to attorney Phillips. The letter indicated that the Council-adopted program does not provide the availability to request a change by business entities.
June 8, 2014	Mr. Phillips writes to the City Council to appeal and petition for a change to the existing permit parking restrictions on the 10700 block of Farragut Drive
August 11, 2014	The City Council, by unanimous vote, directs Staff to agendize the church's request for their consideration.
September 8, 2014	The request is agendized for the City Council's consideration at their regular meeting of September 8, 2014.