



**CITY OF POMONA
VEHICLE PARKING DISTRICT
BOARD OF PARKING PLACE COMMISSIONERS
STAFF REPORT**

September 22, 2021

Agenda Item No. 09-22-08

To: Vehicle Parking District Board of Parking Place Commissioners

From: Kirk Pelser, Deputy City Manager

Submitted By: Joaquin Wong, Sr. Project Manager

SUBJECT: SUMMARY OF THE VEHICLE PARKING DISTRICT HISTORY

RECOMMENDATION:

That the Vehicle Parking District Board of Parking Place Commissioners receive and file the above subject report.

EXECUTIVE SUMMARY:

The attached analysis (report) of the Vehicle Parking District (VPD) historical formation and the operational configuration was prepared by BSI Consultants (Attachment). The report is an analysis of the Vehicle Parking District Act of 1943, in comparison to the formation and operational structure and function of the City's VPD. It also provides land use entitlement recommendation to the City in order to assure that adequate parking is provided within the District. Data for that analysis was derived from a compilation of City ordinances, records and documents in addition to interviews with individuals who contributed to VPD matters.

Although the report provides insight into the formation of the VPD, it is historically fragmented which can be attributed to the age and tenure of the District. Much of the historical facts have been lost over its 70 years of existence. Originally there were as many as four (4) separate districts each with its own boards. They were later combined into one (1) District under one board. The patchwork of information presented is BSI's best efforts at determining the VPD's origins and operations.

DISCUSSION:

At the July 8, 2021, VPD Commission meeting the Chair asked staff to provide a historical summary of the VPD. Since the VPD was created (between 1951 and 1958) shortly after the end of World War II with two additional districts subsequently being created, the cohesiveness and many of the historical details have been lost over time.

In 1947, the City Council received a petition from private property owners to form a vehicle parking district in the interest of providing equitable parking among the Downtown and surrounding businesses. Four (4) separate parking districts were created over a period of 13 years

(between 1951 and 1964). It would later be determined that one (1) combined district would be more manageable and equitably to all the District stakeholders. To create the district, individual property owners chose to be assessed base on the location of parking in relationship to their business enterprise. Bonds were also sold representing unpaid assessments. The City also purchased three (3) parcels to add to the parking inventory. Generally, in the interest of fair parking practices the stakeholders saw the operational management of off-street parking to be more equitable if run by the City.

ATTACHMENTS:

Attachment – BSI Consultants VPD Analysis (1994)



BSI Consultants, Inc.

CITY OF POMONA VEHICLE PARKING DISTRICT

ANALYSIS AND REVIEW

SUBMITTED TO

CITY OF POMONA
VEHICLE PARKING DISTRICT COMMISSION

PREPARED BY:

BSI CONSULTANTS, INC.

March 3, 1994

* on pages iii and v
show changes approved by VPD
on 11-16-94



BSI Consultants, Inc.

March 3, 1994

Vehicle Parking District Commission
Attention: Mr. Robert DeLoach
CITY OF POMONA
505 South Garey Avenue
Pomona, California 91769

Honorable Members of the Board:

BSI Consultants, Inc. is pleased to submit this analysis and review for the City of Pomona's Vehicle Parking Districts.

This report summarizes our investigation into the four existing districts, which were formed under the Vehicle Parking District Act of 1943, and incorporates comments received on the June 1992 draft and the City Council action on the Zoning Ordinance amendment on November 15, 1993.

We wish to express our appreciation to the current and former commissioners, who provided information and insight to the investigation, to Mr. John Harper of the Law Offices of Harper and Burns, and to Mr. Robert DeLoach and Ms. Bonnie Tazza, for their helpful assistance and advice.

We look forward to discussing our findings with you at your earliest convenience.

Very truly yours,

BSI CONSULTANTS, INC.

Jeffrey M. Cooper, P.E.
Senior Vice President
Management and Finance Division

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CITY OF POMONA
VEHICLE PARKING DISTRICT
ANALYSIS AND REVIEW

EXECUTIVE SUMMARY

INTRODUCTION

On December 19, 1991, the Vehicle Parking District Commission, City of Pomona, retained BSI Consultants, Inc. to conduct a review and analysis of existing Vehicle Parking Districts (VPDs) formed under the Vehicle Parking District Act of 1943 (the Act), prepare a report on findings, and make recommendations to the City and the Commission.

Formation of the VPDs occurred during the period 1951 through 1958; and, initially, a separate Board of Parking Place Commissioners was established for each of the four VPDs. The City later established a single five-member Commission with jurisdiction over all VPDs.

The scope of work for this study included research to determine the background of VPD formation and Commission format; assessment types for improvements and amounts levied; VPD parking requirements under the City Zoning Ordinance and a parking space inventory; and impacts of the proposed Downtown Specific Plan on the VPDs.

A draft "Analysis and Review" was submitted to the Vehicle Parking District Commission on June 18, 1992. Formal notice to proceed with the finalization of the "Analysis and Review" was given November 17, 1993.

INTERVIEWS

Personal interviews, with individuals who contributed to VPD matters over the years, were conducted to augment the research effort for this study, in order to obtain a more complete understanding of the history of the VPDs and the processes related to them.

The interviews revealed three key areas of recurring discussion and concern, which have been addressed throughout the analysis in this report.

1. Property owners expressed the common position that they own all VPD parking lots.
2. The property owners expressed their understanding that it was an accepted and long-standing practice that allowed VPD property owners to develop the full area (100%) of their properties to two (2) stories without being required to provide any additional parking under the City Zoning Code.

- * (3) The property owners expressed concerns about changes in Commission membership practices over the years, especially ~~the substitution of the requirement of City residency for property ownership~~ *with the addition of the requirement for city residency.*

ANALYSIS

City Ordinances and Resolutions, and Assessments. City ordinances and resolutions relating to VPD formation and implementation were catalogued and organized and the historical information regarding assessments which have been levied were tabulated.

Vehicle Parking Act of 1943. A comparative review of the Vehicle Parking Act of 1943 with the existing VPD and Commission formats was performed. The Act states that a VPD is established to acquire and administer parking spaces for the benefit of those property owners within the VPD. The Act further states that a qualified VPD Commissioner is a person who possesses business experience and ability. The Act does not stipulate any requirements that VPD Commission members must be residents of the City, nor does the Act require that a VPD Commissioner own property within the VPDs.

City Ordinance No. 3508. City Ordinance No. 3508 created a single Board of Parking Place Commissioners for the City's four VPDs, and also created the condition that a Commissioner be a qualified elector of the City.

City Zoning Ordinance. The issues of VPD Commission authority relating to parking requirements and the actual parking requirements within the VPDs have essentially been resolved with the adoption of City Ordinance No. 3711 by the City Council, November 15, 1993, which amends the City Zoning Ordinance.

The issue of VPD Commission authority was resolved by the addition of a new subsection to Section .503-H.F. which specifies that the Commission has the authority to make findings of whether parcels, with more intensive uses or with more than two stories, do or do not have sufficient off-street parking provided by the VPD.

The issue of the parking requirements within the VPDs stemmed from an inconsistency between Section .503-H and Section .363-E within the Zoning Ordinance itself. The City has now modified the Zoning Ordinance to remove this internal inconsistency thereby eliminating the issue of parking requirements in the VPDs. Section .503-H has been amended to clarify that off-street parking requirements for parcels with permitted uses with 100 % lot coverage and up to two stories, which are located within a VPD, are met by the VPD. The issue is now essentially resolved.

Parking Space Inventory. In June of 1992, an inventory of parking spaces and property uses within the VPDs was conducted based on a visual inspection of parking lots, and a review of City and VPD records. Based on the inventory and calculating the number of off-street parking spaces required by the City Zoning Ordinance, it appears that the VPD parking lots do not currently provide sufficient parking spaces to satisfy the requirements.

Ultimate Parking Space Requirements. Calculations have also been made for the existing parking space responsibility of the VPD (which is defined as parking requirements for the first two stories of a building with up to 100% coverage of the lot) and for the "Interim build-out" parking requirements (which is defined as parking requirements if all vacant property were to

build up to two stories at 100% coverage of the lot). Again, it appears that the VPD parking lots would not provide sufficient parking spaces to satisfy the requirements.

Downtown Specific Plan. The proposed Downtown Specific Plan was reviewed to determine the potential impacts posed by the Specific Plan on the VPDs. The primary significant impact on the VPDs is the proposed development of some of the existing VPD parking lots, and the relocation of public parking to other areas.

Special Counsel was consulted on the issue of using a VPD parking lot for a purpose other than providing parking spaces. According to Special Counsel, a VPD lot is a "limited-use property", as authorized under the 1943 Act. If the City wishes to change the use of a VPD property, then substitution proceedings may be initiated. The proceedings are outlined as follows:

1. Council shall submit a resolution declaring their proposed actions to the VPD Commission, and shall receive and consider the report and recommendations of the Commission.
- * 2. The Council ^{shall} ~~may~~ initiate substitution proceedings by adopting a resolution proposing to order the making of a substitution.

3. Notice of the hearing shall be made.

4. Any interested person may file with the Clerk of the Council a written objection to the proposed substitution not later than the hour set for hearing.

A majority protest would exist if the owners of more than one-half of the area of the assessable land included within the VPD have made objections in writing to the proposed substitution as an entirety, in which case the Council cannot proceed further with the substitution.

5. At the conclusion of the hearing, if a majority protest does not exist, the Council, by resolution adopted by four-fifths of all of its members, may then order the substitution either as described in the resolution or as modified.

- * 6. After the resolution ordering the making of the substitution and at such time as all the new property ordered to be acquired and/or improved shall have been acquired and/or improved by the ~~City~~ substantially in accordance with the resolution, the Council may adopt a resolution of implementation.

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7. After the adoption of the resolution of implementation, all such new property shall be held by the City for the use and benefit of the VPD.

8. The cost and expense of acquiring and/or improving new property shall be paid from VPD funds to the extent authorized by the Commission and the remainder, if any, from City funds.

CONCLUSIONS AND RECOMMENDATIONS

Commission Membership. It is concluded that appointment to serve as a member of the Commission is governed solely by the Vehicle Parking District Act of 1943 and City Ordinance No. 3508. It is further concluded that the Act and the Ordinance are mutually compatible with each other.

The only criterion for Commission membership under the Act is that a person possess business experience and ability. The Ordinance restates this standard, and adds the requirement that each member of the Commission shall be a qualified elector of the City. The Ordinance says that, once this requirement is met, a Commissioner may be an owner or lessee of property within the VPD, but also states that such a Commissioner shall not vote upon or influence any decision which relates to that Commissioners property or business.

Revised City Zoning Ordinance. It was previously concluded that the authority to determine parking requirements was solely a function of the City Council as embodied in the City Zoning Ordinance. This has been revised by City Ordinance No. 3711 which gives the VPD Commission the authority.

A recommendation had also been made in the draft "Analysis and Review" that the Commission and the City review the option of revising the City Zoning Ordinance to address the issues of parking requirements within VPDs with respect to the standard off-street parking requirements for 1) parcels developed up to two stories, 2) any development with a more intensive use than their current existing use, and 3) any development with more than two stories. This has been accomplished with the approval of the City Ordinance No. 3711 amending the Zoning Ordinance.

Adequate VPD Parking Levels. It is concluded that the amount of parking currently being provided by the VPDs is inadequate to meet the parking needs of the existing property uses within the VPDs per the City parking requirements. It is therefore recommended that a detailed parking analysis be performed for consideration by the Commission and the City to determine adequate levels of parking that should be available within the VPDs for existing property uses.

Downtown Specific Plan. It is recommended that the City include in the Downtown Specific Plan process, consideration of the requirements of the Act regarding substitution proceedings in each case where the City wishes to change the use of a VPD property.

CITY OF POMONA VEHICLE PARKING DISTRICT ANALYSIS AND REVIEW

INTRODUCTION

On December 19, 1991, the Vehicle Parking District Commission, City of Pomona, retained BSI Consultants, Inc. to conduct a review and analysis of existing Vehicle Parking Districts (VPDs) formed under the Vehicle Parking District Act of 1943 (the Act), prepare a report on findings, and make recommendations to the City and the Commission.

Formation of the VPDs occurred during the period 1951 through 1958. Initially, a separate Board of Parking Place Commissioners was established for each of the four VPDs. Later, in 1989, City Ordinance No. 3508 established a single five-member Commission with jurisdiction over all VPDs, and having powers and duties as set forth in Sections 31779 through 31788 of the Act.

The original scope of work for this study included research of VPD files to determine the background of VPD formation and Commission format; assessment types for improvements and amounts levied; VPD parking requirements under the City Zoning Ordinance; and impacts of the proposed Downtown Specific Plan on the VPDs.

In March, 1992, the scope of work was increased to include personal interviews on the history of the VPDs; a parking space inventory; and the drafting of a revision to the Zoning Ordinance for VPD parking in conjunction with Special Counsel, Mr. John Harper of the Law Offices of Harper & Burns.

A draft "Analysis and Review" was submitted to the Vehicle Parking District Commission on June 18, 1992. Formal notice to proceed with the finalization of the "Analysis and Review" was given November 17, 1993.

INTERVIEWS

Personal interviews were conducted to augment the research effort for this study. Each of the following individuals contributed to VPD matters over the years, and were interviewed to obtain a more complete understanding of the history of the VPDs and the processes related to them.

- Mr. Jack Booth
- Mr. Sanford Newton
- Ms. Cathy Tessier
- Mr. Ken Fowlkes
- Mr. Frank Summers

The interviews covered a set of seven questions with each person interviewed, and included other discussions as appropriate. A copy of the questions and transcripts of each of the interviews are provided in Exhibit "I."

The interviews revealed three key areas of recurring discussion and concern. These are:

1. Property owners expressed the common position that they own all VPD parking lots, as they have paid assessments over the years to the VPDs for parking lot acquisition and construction.

The property owners recognized that title to the parking lot parcels is held by the City. However, they feel that the City holds the parcels in "trust" on behalf of the VPDs. This relationship was described as one of "convenience" in that it was determined to be easier to place the single name of the City on each title, rather than listing the names of each and all individual VPD property owners.

Additionally, the property owners felt it was unfair that the City converted one of the VPD parking lots into a park without providing replacement parking for those spaces which were lost.

2. The property owners expressed their understanding that it was an accepted and long-standing practice that allowed VPD property owners to develop the full area (100%) of their properties to two (2) stories without being required to provide any additional parking under the City Zoning Code.
3. The property owners expressed concerns about changes in Commission membership practices over the years. In particular, they discussed the elimination of the requirement that Commission members own property within the VPDs, and substitution of City residency in place of property ownership.

The property owners felt that while a City residency standard works well for groups that serve the broad interests of the entire community, such as the Community Life Commission or the Cultural Arts Commission, a property owner standard was more appropriate for the VPD Commission as its interests were more narrowly defined to only those of the property owners in the Districts.

These concerns were considered during the research phase of this study, and are addressed throughout the analysis that follows below.

ANALYSIS

City Ordinances and Resolutions Relating to VPD Formation and Implementation

In addition to the personal interviews, the process for this study included researching and reviewing all available files pertaining to the VPDs. As part of this study, all available City and Commission ordinances and resolutions relating to VPD formation and implementation were catalogued and organized into a separate volume of this report (see Appendix "A", under separate cover).

Assessments

Historical information regarding assessments levied on owners of property within VPDs is presented in Exhibit "II." The tables include information on amounts levied, amounts collected, methodology of spread, and improvements acquired or constructed.

Vehicle Parking District Act of 1943

A comparative review of current and former versions of the Act (California Streets and Highways Code, Division 18, Section 31500 et seq.) was completed along with existing VPD and Commission formats. The examination revealed that while the Act has received various technical refinements over the years, there were no material changes related to the purpose and functions of the VPDs; or to the duties, responsibilities, and authority of the Commission. The Act states that a VPD is established to acquire and administer parking spaces for the benefit of those property owners within the VPD.

The Act states that a qualified VPD Commissioner is a person who possesses business experience and ability. The Act does not stipulate any requirements that VPD Commission members must be residents of the City, nor does the Act require that a VPD Commissioner own property within the VPDs. Special Counsel confirmed these findings. A copy of the Act is presented in Exhibit "III."

City Ordinance No. 3508

On August 14, 1989, the Pomona City Council adopted Ordinance No. 3508, which created a single Board of Parking Place Commissioners under the Act, but at the same time, also included several modifications unique to the City of Pomona under its powers as a Charter City. A copy of Ordinance No. 3508 is presented in Exhibit "IV."

The Ordinance (Article VI., Section 32-19.50.) created the Commission as follows:

"There is created, pursuant to Section 31770.1, Streets and Highways Code of the State of California, a Board of Parking Place Commissioners which shall have all of the powers and duties of boards of parking place commissioners under the Vehicle Parking District Law of 1943, Section 31500, et seq., Streets and Highways Code (emphasis added)."

Section 32-19.56. set forth a single Commission for all VPDs within the City as follows:

"The Board of Parking Place Commissioners shall act as the Board for all Vehicle Parking Districts now established within the City and for all future districts which may be established in the City under the Vehicle Parking District Law of 1943 (emphasis added)."

Section 32-19.51. established the composition of the Commission and appointment of Members as follows:

"There shall be five members of said Board of Parking Place Commissioners, who shall be appointed by the City Council (emphasis added)."

Finally, Section 32-19.52. listed the specific qualifications for the City's VPD Commission in terms of residency as follows:

"Each member of the Board of Parking Place Commissioners shall be a qualified elector of the City at the time of appointment and during incumbency. Commissioners shall be persons of business and experience and ability to the end that the affairs of the District shall be administered in the interests of the District (emphasis added)."

The same Section addressed property ownership and conflict of interest issues for Commissioners as follows:

"A Commissioner may be an owner or lessee of property, or an officer, employee or agent of a sole proprietorship, partnership or corporation owning or leasing property within the District, or any other qualified person, provided however, any such Commissioner shall not vote upon or influence in any manner a decision of the Commission or Council which relates particularly to the Commissioner's property or business or which affects the Commissioner's property or business more than other properties or businesses in the District (emphasis added)."

Additionally, Section 32-19.55. described the requirements of the Commission under the Brown Act as follows:

"The Board of Parking Place Commissioners shall meet at least once a month at such time and place as it may fix by resolution, and it shall cause a record to be kept of all proceedings, which record shall be a public record. The Board shall comply with the Ralph M. Brown Act, Section 54950, et seq., Government Code (emphasis added)."

City Zoning Ordinance

Several issues remained unresolved at the time of the writing of the draft "Analysis and Review" regarding the status of parking requirements within the VPDs, and the application of the existing Zoning Ordinance within the VPDs. A comparative review of the Act, Ordinance No. 3508, and the City Zoning Ordinance, was coordinated with Special Counsel to address the implications of this controversy. These issues, which have essentially been resolved with the approval by City Council, November 15, 1993, of an amendment to the Zoning Ordinance pertaining to parking requirements within the VPDs, are outlined below.

As discussed earlier in this study, the Act and City Ordinance No. 3508 assign complete charge, supervision, operation, management, and control over VPD parking spaces, and authority to make and enforce regulations, to the Board of Parking Place Commissioners. This includes fixing rentals, fees, charges, and restrictions on the use of VPD parking spaces. Therefore, the

purpose for which a VPD is established is to acquire and administer parking spaces for the benefit of those property owners within the VPD. However, the Act does not address the issue of determining the adequacy of parking acquired by a VPD, nor the compatibility of any City requirement of properties within a VPD for on or off-street parking greater than the parking acquired by the VPD.

As a practical matter, these were two separate issues

1. The authority to determine adequate parking levels within the City was solely a function of the City Council as embodied in the City Zoning Ordinance. The City formed the VPDs to serve the land uses within the VPD. Upon making that determination, the City must consider the options available to provide that amount of parking.
2. The VPD Commission possessed no additional authority to determine parking requirements. The only mandate of the Commissioners of a VPD was the supervision and control of those parking spaces acquired and constructed for the benefit of the VPD.

not really
This issue of authority of the VPD Commission has now been resolved. City Ordinance No. 3711 added a new subsection to Section .503-H.F. which specifies that the Commission has the authority to make findings of whether parcels, with more intensive uses or with more than two stories, do or do not have sufficient off-street parking provided by the VPD.

Part of the problem involved an apparent inconsistency within the Zoning Ordinance itself. Specifically, Section .503-H of the Ordinance outlines the requirements for off-street parking within the City. While the Ordinance contained no exemption from those requirements for properties within a VPD, Section .363-E apparently contemplated some credit for the existing parking, which was provided by a property owner within a VPD.

Because Section .503-H was inconsistent with Section .363-E, the City has now reviewed its parking requirements and modified the Zoning Ordinance to remove this internal inconsistency thereby eliminating the issue of parking requirements in the VPDs. Section .503-H has been amended to clarify that off-street parking requirements for parcels with permitted uses with 100% lot coverage and up to two stories, which are located within a VPD, are met by the VPD.

Pertinent sections of the City Zoning Ordinance are presented in Exhibit "V", including the recent City Ordinance No. 3711 modifying the Zoning Ordinance.

Parking Space Inventory

In June of 1992, an inventory of parking spaces and property uses within the VPDs was conducted based on a visual inspection of parking lots, and a review of City and VPD records. The tables in Exhibit "VI" include the following information for each parcel in the VPDs: the number of public or private parking spaces, the type of business, the size of lot and improvements, and the number of off-street parking spaces required by the City Zoning Ordinance for the existing property use. These tables are summarized below:

VPD	VPD Parking Spaces	Private Parking Spaces	Total Existing Parking Spaces	Total Required Parking Spaces
1	141	86	227	914
2	1412	230	1642	2458
3	580	662	1242	2489
4	200	223	423	703

Based on the above numbers, it appears that the VPD parking lots do not provide sufficient parking spaces to satisfy Zoning Ordinance requirements.

The required number of parking spaces were calculated based on available information from the City. Where information was not available, assumptions were made, and these are also explained in Exhibit "VI."

Additionally, the inventory was to include an identification of the location of businesses renting parking spaces, and the location of the rented parking spaces. The number of leased spaces on VPD lots are also shown in Exhibit "VI," and based on information from discussions with former and current Commission members during the interview process, it is our understanding that these parking spaces are being rented only by properties within the VPDs.

Ultimate Parking Space Requirements

The calculation of maximum parking requirements for the VPDs was to be based on estimated future built-out densities from the proposed Specific Plan. However, due to the format of the draft Specific Plan, it was not analyzed, and a substitute analysis has been performed.

The calculations have been made under the following scenarios, assuming that the VPDs would be responsible for providing the parking required for the first 2 stories at 100% coverage, as had been suggested during the interviews and which the Zoning Ordinance now states:

1. VPD parking space responsibility under existing conditions;
(Total required parking spaces less private parking spaces)
2. VPD parking space responsibility if existing vacant property were to build up to 2 stories at 100% coverage (Interim Build-out);

The ultimate property use of "office, retail sales and services", which requires 1 parking space for every 250 sq. ft, was used to evaluate the parking spaces required. The results of these calculations are presented in Exhibit "VII," and are summarized below:

VPD	Existing VPD Parking Spaces	(1) Existing VPD Parking Responsibility	(2) Interim Build-out VPD Parking Responsibility
1	141	828	828
2	1412	2228	3321
3	580	1827	2119
4	200	480	543

It was noted in the interviews that it was accepted practice that the VPD would supply the parking needs for properties within the VPDs for improvements up to 2 stories with 100% coverage. However, it was also noted, that there had never been a parking study conducted to verify that practice. This section and the previous section were originally contemplated to confirm that established practice.

The calculations presented were based on information available in June of 1992. A more detailed parking analysis may be required to more accurately define the deficiencies presented.

Downtown Specific Plan

The proposed Downtown Specific Plan was reviewed to determine the potential impacts posed by the Specific Plan on the VPDs. The primary significant impact on the VPDs is the proposed development of some of the existing VPD parking lots, and the relocation of public parking to other areas.

Special Counsel was consulted on the issue of using a VPD parking lot for a purpose other than providing parking spaces. According to Special Counsel, a VPD lot is a "limited-use property", as authorized under the 1943 Act. If the City wishes to change the use of a VPD property, then substitution proceedings pursuant to Section 31910 et seq. of the 1943 Act, may be initiated. The proceedings are outlined below:

1. Council shall submit a resolution declaring their proposed actions to the VPD Commission, and shall receive and consider the report and recommendations of the Commission.

The Council may either adopt the proposed resolution in its original form, or as changed consistent with such report and recommendations from the Commission. If the Council proposes to adopt the resolution in any other form, it shall again submit it to the Commission for report and recommendation.

The Commission shall make its report and recommendation within 30 days after the Council orders a proposed resolution submitted, or within the time the Council may allow. If the Commission fails to make a report and recommendation within such time, the Council may adopt the resolution without receiving and considering a report and recommendation.

2. The Council may initiate substitution proceedings by adopting a resolution proposing to order the making of a substitution.

The contents of the resolution shall be as follows:

- a. the number of the Vehicle Parking District and a reference to the ordinance fixing its boundaries;
- b. a general description of the proposed substitution;
- c. an estimate of the current fair market value of the old property, and the current fair

market value of the new property, together with the estimated cost of improvements, if any, proposed to be constructed on the new property for parking purposes;

- d. a time and place for the hearing of protests on the proposed substitution.
3. Notice of the hearing shall be made by as follows:
 - a. publication once a week for two consecutive weeks in a newspaper published in the City;
 - b. posting of "Notices of Parking District Substitution Proceedings" shall be made upon all open streets within the VPD, at not more than 300 feet apart;
 - c. mailing of a copy of the resolution to each person to whom land in the VPD is assessed as shown on the last equalized County assessment roll, at his address as shown upon the roll.
4. Any interested person may file with the Clerk of the Council a written objection to the proposed substitution not later than the hour set for hearing.

At the hearing, all objections and protests shall be heard and considered.

If it appears that the owners of more than one-half of the area of the assessable land included within the VPD have made objections in writing to the proposed substitution as an entirety, the Council shall not proceed further with the substitution proceedings and said substitution proceedings are terminated.

If the owners of more than one-half of the area of the assessable land included within the VPD have not made written objections in protest to the proposed substitution as an entirety, the Council may proceed with the hearing.

Except in the case of a majority protest, the Council may sustain or deny any or all objections and protests, and its determination is final.

5. At the conclusion of the hearing the Council, by resolution adopted by four-fifths of all of its members, shall find and determine:
 - a. that public interest and convenience require the substitution, and
 - b. that all of the lands within the VPD will be benefitted by the substituted acquisition or acquisition and improvement in substantially the same proportion as said lands were benefitted by the old property.

The Council may then order the substitution either as described in the resolution proposing to order the making of a substitution, or modified after proceedings pursuant to Section 31924 of the Act.

6. After the resolution ordering the making of the substitution and at such time as all the new property ordered to be acquired or to be acquired and improved shall have been acquired or acquired and improved by the City substantially in accordance with said resolution, the Council may there upon adopt a resolution of implementation. At any time prior to the adoption of the resolution of implementation, the Council may abandon the substitution proceedings.

The resolution of implementation shall contain:

- a. a general description of all new property acquired or acquired and improved for the use and benefit of lands within the VPD; and
 - b. a general description of all old property which is no longer to be held by the City for the use and benefit of the VPD.
7. After the adoption of the resolution of implementation, all such new property shall be held by the City for the use and benefit of the VPD and shall be treated in all respects the same as lands, property and rights of way acquired under this part from moneys collected on account of any assessment levied or from the proceeds of any bonds issued hereunder.

Additionally, any interest in or other right with respect to said old property which may have been acquired by or for any person as a result of prior proceedings under this part shall be terminated. Where any of the old property consists of rights-of-way acquired under the Act, any lands previously subject to any such rights of way shall be relieved and discharged therefrom, and title to said lands, unencumbered by said rights of way, shall be vested in such persons as may be entitled thereto by law. Title to all other portions of the old property, free and clear of the interests and rights aforesaid, shall be vested in the City and the City may hold, use or dispose of said lands or property in any manner provided or permitted by law.

8. The cost and expense of acquiring or acquiring and improving new property (including any amounts necessary to make payment or provision for payment to be made for the unpaid balance of any outstanding and unpaid bond issued to represent the lien of an assessment upon any of the new property and any interest penalties which are due thereon and are unpaid per Section 31929 of the Act) shall be paid from VPD funds to the extent authorized by the Commission and the remainder, if any, from City funds.

If for any reason the Council is unable or unwilling to appropriate from City funds the money needed for such purposes, the substitution proceedings shall be abandoned prior to the adoption of any resolution of implementation.

CONCLUSIONS AND RECOMMENDATIONS

Commission Membership

On the topic of membership on the City of Pomona Board of Parking Place Commissioners (the Commission), it is concluded that appointment to serve as a member of the Commission is governed solely by the Vehicle Parking District Act of 1943 and City Ordinance No. 3508. It is further concluded that the Act and the Ordinance are mutually compatible with each other.

The only criterion for Commission membership under the Act is that a person possess business experience and ability. The Ordinance restates this standard, and adds the requirement that each member of the Commission shall be a qualified elector of the City. The Ordinance says that, once this requirement is met, a Commissioner may be an owner or lessee of property within the VPD, but also states that such a Commissioner shall not vote upon or influence any decision which relates to that Commissioners property or business.

Revised City Zoning Ordinance

On the matter of VPD parking requirements and enforcement of Zoning Ordinance parking requirements, it was previously concluded that the authority to determine parking requirements was solely a function of the City Council as embodied in the City Zoning Ordinance. This has been revised by City Ordinance No. 3711 which gives the VPD Commission the authority. It had also been concluded that it was an accepted and longstanding practice of the City to allow property owners within the VPDs to develop the full area (100% coverage) of their properties to two stories without being required to provide any additional off-street parking under the Zoning Ordinance.

A recommendation was made in the draft "Analysis and Review" that the Commission and the City review the option of revising the City Zoning Ordinance to address the issues of parking requirements within VPDs with respect to the standard off-street parking requirements for 1) parcels developed up to two stories, 2) any development with a more intensive use than their current existing use, and 3) any development with more than two stories. This has been accomplished with the approval of the City Ordinance No. 3711 amending the Zoning Ordinance on November 15, 1993.

Adequate VPD Parking Levels

It is concluded that the amount of parking currently being provided by the VPDs is inadequate to meet the parking needs of the existing property uses within the VPDs. It is therefore recommended that a detailed parking analysis be performed for consideration by the Commission and the City to determine adequate levels of parking that should be available within the VPDs for existing property uses.

An allocation of parking spaces to each individual parcel per Vehicle Parking District has been discussed as a means to clarify existing parking capacity. The current VPDs do not have this allocation and it was not included in their original public hearing.

March 3, 1994

We would recommend that parking space allocation be determined and utilized in future formations of VPDs within Pomona; we feel, however, that it would be very disruptive to the existing districts to institute allocations of spaces as part of the VPDs at this time, as a public hearing of all property owners in the VPDs would be necessary and there appears to be a shortage of spaces within the VPDs.

Downtown Specific Plan

With regard to the potential impacts of the Downtown Specific Plan on the VPDs, it is concluded that the proposed Plan contemplates removal of some VPD parking lot property, and conversion of the properties into other land uses.

It is therefore recommended that the City include in the Downtown Specific Plan process, consideration of the requirements of the Act regarding substitution proceedings in each case where the City wishes to change the use of a VPD property

MINUTES

VEHICLE PARKING DISTRICT MEETING
Wednesday, November 16, 1994 -- 5:00 p.m.
Council Chambers

Commissioners

Mike Hawkins, Chairman
Judy Bredenkamp
Robert Dahms
Don Hokanson
Anthony Pagliuso

Staff

Robert DeLoach, Public Works
Bonnie Tazza, Public Works
Public
Mr. Rod Tapp
Mr. Gary Rollings

1

CALL TO ORDER Chairman Mike Hawkins called the meeting to order at 5:01 p.m.
All commissioners were present.

2

APPROVAL OF
MINUTES

Mike Hawkins motioned to approve October 19, 1994 meeting minutes. Seconded by Judy Bredenkamp and passed 5/0.

3

REVIEW OF
TO DO ITEMS

a) BSI Analysis and Review: Bob Dahms indicated he had a letter dated 6-7-94 from Mr. Sanford Newton which suggested the following changes:

-- Page iii, Item #3, replace the wording "the substitution of the requirement of City residency for property ownership" with "with the addition of the requirement for City residency". (Sentence would then read, "The property owners expressed concerns about changes in Commission membership practices over the years, especially with the addition of the requirement for City residency.")

-- Page v, Item #2, change the word "may" to "shall". (Sentence would then read, "The Council shall initiate substitution proceedings by adopting a resolution proposing to order the making of a substitution.")

-- Page v, Item #6, change the word "City" to "districts". (Sentence would then read, "After the resolution ordering the making of the substitution and at such time as all the new property ordered to be acquired and/or improved shall have been acquired and/or improved by the districts substantially in accordance with the resolution, the Council may adopt a resolution of implementation.")

Chairman Hawkins stated he disagreed with the change for item #3 (page iii) in that title of properties rests with the City in trust for the district. Title is in the City's name as the Commission does not have legal authority to have hold property in its name.

MINUTES --
VPD Meeting of November 16, 1994

Mr. Hawkins questioned the suggested change in item #6, page v. Mr. Dahms felt that this was what the commission was supposed to do. The Commission would do the resolution and the Council may adopt it. The end of the sentence says the Council may adopt the resolution of implementation. The Council still has the ultimate authority, it is stated in the sentence but someone has to start the ball rolling.

Further discussion followed in that Mr. Hawkins position is that the district cannot acquire property and Mr. Dahms' position that the Council will ultimately resolve the issue. Mr. DeLoach stated that there are two points: In Item #6 the first reference "by the City" is in reference to the resolution for substitution. The second one ("Council") is adopting a resolution of implementation. Both of those are referring to the body-making authority. Mr. DeLoach recommended that the sentence not be changed from the way it was structured by the Consultant. Mr. DeLoach stated in Item #3 (page iii) the first correction, the changes as noted by Mr. Newton may substantially change that particular sentence and that he would be hesitant to recommend changing it without first concurring with Jeff Cooper or Joan Cox to see what it does to the report. Mr. Hawkins stated that he reads the statement as property owners expressed concerns -- they are expressing concerns and this is a statement of fact from the consultant. Mr. Hawkins does not see a problem with the sentence. Mr. DeLoach stated the consultant is recording a fact of their findings during the interviews and commissions (either present or past) had expressed a concern that at one time there was a substitution of a requirement. The original requirement was residency and the substitution of that for property ownership. They just expressed a concern over that. All he (the consultant) is noting in sections 1, 2, and 3 (page iii) are some of the concerns that came out of the discussions that with Commissioners.

Mr. Hawkins asked the Commission if they wished to vote on the three changes as a unit and accept the analysis as written, or if they wished to vote on each item. Mr. Dahms motioned to accept BSI's Analysis and Review Report with the three changes recommended by Sanford Newton. Seconded by Don Hokanson.

Chairman Hawkins stated that he would not vote in making the change in Item #3, page iii, nor in Item #6, page v. He will agree with the change in Item #2 on page v. Mr. Hawkins did not see any reason to change the sentence as the property owners are in fact expressing concerns about changes. Also, he will maintain his position that the Commission cannot hold title, only the City can hold title.

MINUTES --
VPD Meeting of November 16, 1994

Mr. DeLoach reminded the Commission that the previous plan of action regarding the Analysis and Review was to first approve the Report and then forward it to Council. If this document is going to become the legal basis from which all future decisions are made, then on the one particular section of Mr. Newton's comments you may want to get another opinion (page v, item 6). There may be a problem with the statement "the district". Mr. Hawkins agreed, because the Commission cannot hold property in title, only the City can hold property in title.

Mr. Hawkins called for a vote in the above motion, which passed 3/2 (No: Hawkins, Bredenkamp).

Document will be forwarded to the Council for their review and any action they wish to take. (As a note, the final invoice for BSI will not be paid until it passes Council).

b) VPD #4 Assessments: In process.

City Attorney, Arnold Glasman, has forwarded a memo dated November 9, 1994 on Annexation for the benefit of the VPD in conjunction with the Brown Act.

c) Rules of Procedure/By Laws: Carry over to December.

4
RESURFACING
OF LOTS

New parking lots to be resurfaced in the Spring should be determined by the December meeting. Bonnie will provide estimates on costs/budget. Mr. Hawkins stated that the Metrolink will impact lots 1-1, 2-1-A, 2-1-B, 2-2-A, and 2-2-B and asked that extensive maintenance on these lots be held over until after the Metrolink is done. Hokanson asked for past procedure in determining lot maintenance. Mr. Hokanson and Mr. Hawkins will tour the lots with City staff and a maintenance schedule/priority list will be prepared.

5
CONSOLIDATION

Mr. Hawkins had asked that this item be placed on the agenda, and for various reasons is requesting the item be pulled. (No disagreement from other commissioners).

6
PURCHASE OF
COIN CHUTE

Reference is made to a November 8, 1994 memo. Due to recent vandalism, a spare coin chute is needed to keep machines operating damaged coin chutes are being repaired. Cost will be about \$70.00. Bob Dahms motioned to approve the purchase, seconded by Judy Bredenkamp and passed 5/0.

