

CALIFORNIA COASTAL COMMISSION

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Appeals Filed: 12/17/2008
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Staff: Charles Posner - LB
Staff Report: 10/14/2009
Hearing Date: November 5, 2009
Commission Action:

**Th19e,f&g****STAFF REPORT: REVISED FINDINGS**

- APPEAL NUMBERS:** A-5-VEN-08-340 (CDP 08-07, OPD 520 - Oxford Triangle Area)
A-5-VEN-08-341 (CDP 08-08, OPD 521 - Presidents Row Area)
A-5-VEN-08-344 (CDP 08-11, OPD 526 – Villa Marina Area)
- APPLICANT:** City of Los Angeles Department of Transportation (Allan Willis)
- PROJECT DESCRIPTION:** Establish Overnight Parking District (OPD) Nos. 520, 521 and 526 with the following restriction: “No Parking 2 a.m. to 6 a.m. Nightly - Vehicles with District Permits Exempted”, and the erection of signs for such.
- PROJECT LOCATION:** Public streets throughout the Venice area, City of Los Angeles.
- APPELLANTS (39):** Coastal Commission Executive Director Peter Douglas, Peggy Lee Kennedy, Debra Gavlak, Ayana D. Guy, Calvin E. Moss, Janice Yudell, Hope Hanafin, Mark Lipman, Delilah Gill, Neal D. Hasty, Karl Abrams, Rev. Thomas C. Ziegert, Eva Jane Williams, Donald Geagan, Antoinette Reynolds, Celia Williams, Terry L. Hendrickson, Janine K. Pierce, Carol E. Green, Ethel M. Gullette, Erica Snowlake, Jessica Aden, Fortunato Procopio, Melinda Ahrens, Emily Winters, Venice Housing Corporation Executive Director Steve Clare, Linda Lucks, Susan Millman, Eden Andes, Jim Bickhart, Sabrina Venskus, James R Smith, Ross Wilson, Pamela London, Ronald Charbonneau, Brett Barth, David Gueriera, Cindy Chambers, and John Davis.
- COMMISSIONERS ON PREVAILING SIDE:** Commissioners Blank, Hueso, Kram, Kruer, Mirkarimi, Potter, Shallenberger, Wan and Chair Neely.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission adopt the following revised findings in support of the Commission’s June 11, 2009 denial of the coastal development permit applications submitted by the City of Los Angeles to establish five overnight parking districts covering the Venice coastal zone area. The Commission, after a public hearing on June 11, 2009, determined that the proposed overnight parking districts would adversely affect coastal access and are not in conformity with the public access policies of the Coastal Act because they would exclude the general public from parking on the public streets. The Commission found that there are alternatives that would accomplish the goals in the project area without adversely impacting coastal access. A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Three for the motion to adopt the revised findings.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Local Coastal Development Permit No. 08-07 (OPD 520).
3. City of Los Angeles Local Coastal Development Permit No. 08-08 (OPD 521).
4. City of Los Angeles Local Coastal Development Permit No. 08-11 (OPD 526).
5. Coastal Commission Staff Report for Appeal Nos. A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344 (Substantial Issue), 1/15/2009.
6. Coastal Development Permits 5-08-313, 5-08-314, A-5-VEN-08-342 & A-5-VEN-08-343.

STAFF NOTE - SINGLE PERMIT JURISDICTION:

Pursuant to Coastal Act Section 30600(b), any development which receives a local coastal development permit from the City must also obtain a second (or “dual”) coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within three hundred feet of the beach or sea). The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The local coastal development permits in both the single and dual jurisdiction areas are appealable to the Commission.

Overnight Parking District Nos. 520, 521 and 526 are located more than three hundred feet inland of the sea and beach, within the City and Commission’s “Single Permit Jurisdiction”. On appeal, the Commission overturned the local coastal development permits approved for the proposed project. Therefore, the Commission is holding a de novo hearing on the matter.

STAFF NOTE - DEVELOPMENT:

The definition of “development” as set forth in Section 30106 of the Coastal Act includes: “change in the intensity of use of water, or access thereto...” The proposed development (overnight parking districts) would adversely affect access to the water because the primary parking supply that supports coastal access (the public streets) would be unavailable for use by the general public when it is being reserved exclusively for local residents.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **adopt the revised findings** in support of the Commission's June 11, 2009 action to deny Coastal Development Permit Applications A-5-VEN-08-340, A-5-VEN-08-341 and A-5-VEN-08-344.

Staff recommends a **YES** vote on each of the following motions:

MOTION I: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on June 11, 2009 denying Coastal Development Permit Application A-5-VEN-08-340."*

MOTION II: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on June 11, 2009 denying Coastal Development Permit Application A-5-VEN-08-341."*

MOTION III: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on June 11, 2009 denying Coastal Development Permit Application A-5-VEN-08-344."*

The staff recommends a **YES** vote on each motion. Passage of the motions will result in the adoption of revised findings as set forth in this staff report or as modified by staff prior to the hearing. The motions require a majority vote of the members from the prevailing side present at the November 5, 2009 hearing, with at least three of the prevailing members voting. The nine Commissioners on the prevailing side are:

Commissioners Blank, Hueso, Kram, Kruer, Mirkarimi, Potter, Shallenberger, Wan and Chair Neely.

Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

I. Resolution to Adopt Revised Findings

The Commission hereby adopts the findings set forth below for the denial of Coastal Development Permit Applications A-5-VEN-08-340, A-5-VEN-08-341 and A-5-VEN-08-344 on the ground that the findings support the Commission's decision made on June 11, 2009 and accurately reflect the reasons for it.

II. Special Conditions (from the rejected staff recommendation)

1. Approved Development

~~Coastal Development Permits A-5-VEN-08-340, A-5-VEN-08-341 and A-5-VEN-08-344 approve the establishment of Overnight Parking District Nos. 520, 521 and 526 with the following restriction: "No Parking 2 a.m. to 6 a.m. - Vehicles with District Permits Exempted." All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved Overnight Permit Parking Program (e.g., change in hours or district boundaries) shall be submitted for review by the Executive Director to determine whether another amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.~~

2. Time Limit on Overnight Permit Parking Program

~~The Commission's approval for the Overnight Permit Parking Program shall expire five years after the date of the Commission's approval, unless the Commission approves a permit amendment to extend the time limit. If the applicant submits a permit amendment request (one application for each district) before expiration of the time limit, the Executive Director may authorize the program to continue as authorized by this coastal development permit until the Commission can act on the future amendment request. If the Commission does not approve a permit amendment granting an extension of this time limit, the Overnight Permit Parking Program shall be discontinued, and all signs that prohibit parking without a permit shall be removed from the public streets. The application for a permit amendment shall include a parking study which documents the availability of public parking (i.e., vacant parking stalls), or lack thereof, between the hours of 5 a.m. and 6 a.m. within Overnight Parking District Nos. 522 and 523. The parking study area shall include Public Parking Lot Nos. 740, 761 and 731, and all on-street street parking stalls (metered and un-metered) within 500 feet of Ocean Front Walk. The parking stall counts include, at a minimum, three non-consecutive summer weekend days between, but not including, Memorial Day and Labor Day.~~

III. Revised Findings and Declarations

Staff Note: The following revised findings include all of the staff's recommended findings that were set forth in the May 21, 2009 staff report for the Commission's June 11, 2009 hearing. The portions of those findings that are being deleted are crossed-out in the following *revised findings*: ~~deleted findings~~. The supplemental findings being added in support of the Commission's June 11, 2009 action are identified with underlined text.

The Commission hereby finds and declares:

A. Project Description

The City of Los Angeles proposes to establish five Overnight Parking Districts in the Venice area in order to prohibit nighttime and early morning parking on the public streets by non-residents (Exhibit #1). This staff report addresses the applications for Parking District Nos. 520, 521 and 526, the three districts located inland of the beachfront neighborhoods (Exhibit #2).

The City proposes to post signs on the public streets throughout each district with the following restriction: "No Parking 2 a.m. to 6 a.m. Nightly - Vehicles with District No. XXX¹ Permits Exempted." The City, however, states that the parking prohibitions would not be implemented throughout an entire district all at once. Instead, the City would post the signs on a block-by-block basis, upon written request from the 11th District City Council Office (Exhibit #3). The City has also indicated that the parking prohibitions would be implemented only on blocks where at least two-thirds of the residents sign a petition requesting the permit parking system.

Parking permits will not be required to park a vehicle in any off-street public parking lots or in any on-street metered stalls, as these types of public parking spaces will not be subject to the proposed overnight parking prohibition. Only persons who reside in a residential building within each parking district will be able to purchase a district parking permit which will exempt their vehicle from the proposed overnight parking prohibition in their district. See Exhibit #3 for details regarding the City's issuance of the necessary parking permits to the residents of each district.

B. Public Access and Recreation

Although the appellants raised several issues with regard to the City's proposed permit parking program, including allegations that the proposal violates the right of the general public to use the public rights-of-way and that it discriminates against homeless people who live in vehicles, the Coastal Act issue is public access.² On February 4, 2009, the Commission determined that the appeals raised a substantial issue with respect to conformity with the public access policies of the Coastal Act because the 2 a.m. to 6 a.m. parking restrictions could adversely affect the public's ability to utilize the public street parking in the early morning hours that supports access to the beach and other coastal recreation areas (for surfing, swimming, walking, bicycling, skating, fishing, exercising, etc.).

¹ XXX = The Parking District No. in which the street is located.

² The City Council is separately exploring possible locations for overnight parking of recreational vehicles.

Coastal Act Sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223 and 30224 protect public recreation and public access.

Section 30210 In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. (Amended by Ch. 1075, Stats. 1978.)

Section 30211 Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- (1) Topographic and geologic site characteristics.
- (2) The capacity of the site to sustain use and at what level of intensity.
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220 Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224 Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The certified City of Los Angeles Land Use Plan (LUP) for Venice also contains policies that protect access to the coast and public parking facilities. Those policies are listed in Section C (Local Coastal Program) of this staff report (See Page Nine Eight). The standard of review for the coastal development permits is the Chapter 3 policies of the Coastal Act.

The public access issue is that the proposed permit program would ~~could~~ result in an inadequate parking supply for the beachgoers who drive to the shoreline area before 6 a.m. Even after 6 a.m. when the streets open for public parking (i.e., no permit required) under the City's proposed permit parking program, it may take another hour or more for some of the residents to vacate some of the parking spaces on the street that support coastal access. The proposed permit parking program would therefore give the residents with permits preferential access to public parking spaces on public streets in comparison to non-residents without establishing adequate safeguards for visitor parking. Therefore, the ~~originally~~ proposed overnight permit parking program would adversely impact coastal access by eliminating, or significantly reducing, the primary parking supply for early-morning beachgoers and by giving residents of the parking districts preferential access. ~~without providing any alternate or replacement parking supply.~~ Therefore, the proposed overnight parking districts would adversely affect coastal access and are not in conformity with the public access policies of the Coastal Act.

The City has acknowledged the Commission's concern about the ability of the public to access the beach in the early morning when the general public will be prohibited from parking on the public streets. On May 5, 2009, the City modified its proposal to include specific measures to mitigate the permit parking program's impact on the public parking supply (See Exhibit #2). Specifically, the City will allow four-hour parking in three public parking lots near the beach that will be open 24 hours a days, seven days a week, so that beachgoers who arrive before 6 a.m. will have a place to leave their vehicles for several hours while they recreate at the shoreline.

The City's three public parking lots where limited-term parking would ~~will~~ be available 24 hours a day are situated one block inland of the beach at Rose Avenue (Parking Lot No. 740 - 41 stalls), Windward Avenue (Parking Lot No. 761 - 14 stalls), and at North Venice Boulevard

(Parking Lot No. 731 - 177 stalls) (See Exhibit #2). Since the time limit for parking in these three City parking lots at night and early morning would ~~will~~ be four hours, this parking supply would ~~will~~ not be able to be used for all-night parking, so the parking stalls would ~~will~~ remain open and available for use by early morning beachgoers. The City is eliminating the requirement to vacate Parking Lot No. 740 at 7 a.m., which effectively made the parking lot unusable for anyone who wants to stay at the beach past 7 a.m. Parking fees (\$1 or \$2/hour at automated pay station, or daily seasonal flat rate of \$4 to \$12 paid to attendant) will be required for using the three City lots, and the vehicles in Parking Lot Nos. 740 and 731 will have to vacate the lots by 9 a.m. or pay the parking attendant the daily flat rate fee.

These public parking lots are currently being used to meet the local resident's needs for overnight vehicle storage because of the lack of adequate parking on the streets. The City Councilman and several residents, however, are asserting that the three public parking lots should not be subject to a four-hour limit so that residents' will continue to be able to leave their vehicles in the lots overnight (thus leaving no available stalls in the morning for beach goers). Therefore, the three public parking lots may not have any meaningful parking supply available in the morning hours when visiting beach goers would be banned from using the public streets for parking, and the proposal will not mitigate the adverse impacts to public access that would result from the proposed permit parking program.

The proposed project, even with additional public parking lots being available until 9 a.m., would create an access problem for any beachgoer who arrives before 6 a.m. and wants to leave their vehicle for most of the day without returning to the metered space or City parking lot at 8 a.m. or 9 a.m. to move it (or pay again). Normally, an early morning visitor could find a parking spot on any one of the streets in the area and leave one's vehicle there the whole day while walking or riding down the bike path, fishing from the pier, or sunbathing on the beach. Under the proposed permit parking program, such a beachgoer would have to wait until 6 a.m. when the County beach lots open, or go to another beach (e.g., Long Beach, Manhattan Beach, Huntington Beach and Newport Beach) where no permit is required to park on the public streets. Therefore, the Commission finds that the proposed resident-only permit parking program would adversely affect coastal access and is not in conformity with the public access policies of the Coastal Act.

The Commission finds that proposed parking restrictions in the early morning hours would adversely affect the public's ability to utilize public street parking that supports access to the beach and other coastal recreation areas (for sailing, surfing, swimming, walking, exercising, fishing, etc.), even those areas located on the inland extent of the coastal zone. The proposed overnight parking districts are exclusionary because non-residents would be excluded from utilizing on-street public parking for coastal access between the hours of 2 a.m. to 6 a.m. Beachgoers who arrive before 6 a.m. would not have permits to park and therefore would have difficulty finding a place to leave their vehicles for while they recreate along the shoreline. The limited number of on-street spaces where a parking permit would not be required would be subject to intense competition among all the people who do not have parking permits; whether they be residents unable to afford a parking permit, residents living in recreational vehicles, or visitors. Even after 6 a.m., the proposed parking restrictions would continue to restrict coastal access by giving residents preferential access to the public street parking by allowing only residential permit-holders to occupy the on-street parking spaces before they become available to the general public after 6 a.m., and continue to occupy the spaces throughout the day. The on-street public parking is currently available for use by the general public on a first-

come, first-served basis. The proposed parking restrictions do not contain adequate safeguards for visitor parking to offset these adverse effects.

The Commission is being asked to balance the needs of the local residents and the homeless problem, but the Commission's responsibility under the Coastal Act is to protect the public's ability to access the coast. There are alternatives that would accomplish some of the goals in the project area without adversely impacting coastal access. If parking of over-sized vehicles is determined to be a nuisance on a street or block, the City can pass an ordinance that bans vehicles that exceed a certain size, as other cities have done. Other nuisances can be addressed by enforcing the existing laws that outlaw sleeping in vehicles, littering, public intoxication and dumping. None of these measures would exclude the general public from parking on the streets that support coastal access. The proposal to reserve on-street parking only for residents with parking permits is not consistent with the coastal access policies of the Coastal Act and is denied.

~~In this case, Overnight Parking District Nos. 520, 521 and 526 are all located more than one-half mile from the beach, and while they may provide some beach parking on busy weekends, it is very unlikely that any early morning beachgoers would park one-half mile from the beach at 6 a.m. when there are open public parking facilities (e.g. Parking Lot Nos. 740, 761 and 731) located within one block of the beach. Therefore, with the City's provision of the limited term public parking supply in Parking Lot Nos. 740, 761 and 731 for early morning beachgoers (as required pursuant to Coastal Development Permits 5-08-313, 5-08-314, A-5-VEN-08-342 and A-5-VEN-08-343) and the 6 a.m. opening of the streets to public parking (with no permit required), and considering the half-mile distance of Parking District Nos. 520, 521 and 526 from the beach, the proposed project will not adversely affect public access and recreation. However, in order to be able to review and consider the actual effects of the proposed project once it is implemented to determine if there are any changed circumstances or unforeseen adverse impacts to coastal resources, Special Condition Four limits the term of the Commission's approval to five years. As conditioned, the proposed project is consistent with the Public Access and Recreation policies of the Coastal Act.~~

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The certified Venice LUP sets forth the following policies that are relevant to the proposed project:

Policy II. A. 1. General. It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control. A comprehensive package of parking measures and strategies that addresses the needs and balances the competing demands of residents and beach visitors is proposed. Parking facilities shall be increased, subject to the availability of funding, to meet existing unmet needs for residents and beach visitors in order to improve public access opportunities and reduce conflicts between residential and beach visitor parking. Parking facilities for beach overload parking shall be located outside of the Beach Impact Zone. To facilitate ingress and egress to the beach area, a shuttle system that serves outlying parking areas, lots or structures should be developed and maintained. The development of parking facilities shall be consistent with Coastal Act policies.

The City's policy is to provide sufficient parking for beach goers outside of local streets, and encourage the use of this parking (simply restricting use of on-street parking without providing an alternative would diminish public access to the beach). An integrated plan should contain the following types of measures:

- Provision of new parking supply for beach goers;
- Measures to encourage beach goers to use the new supply;
- Measures to reduce parking demand; and
- Management and coordination of the parking and traffic system.

Policy II. A. 6. Preferential Parking. Establishment of residential preferential parking districts shall be contingent upon replacing displaced public parking spaces with new public parking at a minimum one-to-one ratio.

Implementation strategies

To provide adequate visitor parking, the preferential parking district(s) should be operated as follows:

- Parking restriction shall not be less than 4-hour within designated residential district(s); meters, if provided, shall be priced and enforced to encourage use of off-street lots and shall accept payment for time increments up to 4 hours.
- Require that the general public maintain the right to buy a day-permit allowing parking on all streets within the zone.

Policy II. A. 9. Protection of Public Parking. The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:

- a. **Beach Parking Lots.** The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-

term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4 (*Parking for Residential, Commercial and Industrial Uses, etc.*). The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.

- b. **Street Ends.** It is the policy of the City to not permit privatization of street ends. Public parking opportunities shall be protected and encouraged at improved and unimproved street-ends that abut Ocean Front Walk and/or the beach.
- c. **Rights-of-way.** In order to maintain and increase the public parking supply, the City shall maximize and protect the availability of public parking opportunities on City streets that currently accommodate vehicular traffic.
- d. **Curb cuts.** In order to protect on-street parking opportunities, curb cuts shall not be permitted where vehicular access can be provided from an alley. When vehicular access cannot be safely provided from an alley, curb cuts shall be limited to the minimum amount necessary to provide safe vehicular access to a site. Old curb cuts shall be restored to curbside public parking when feasible.
- e. **Private parking.** Existing ordinances shall be enforced to ensure that parking areas situated on street-ends and on public rights-of-way are protected for public use and shall not be privatized or posted for private use.

The standard of review for the proposed development is the Coastal Act. The City is working towards certification of the Venice LCP. Although the City currently does not have a certified LCP, this decision could nevertheless have a precedential impact on future decisions, as the LCP would include provisions to address the use of parking on the public streets that supports coastal access. The proposal to reserve on-street parking only for residents with parking permits is not consistent with the Venice LUP policies. Certified LUP Policy II.A.1 calls for the City to provide increased parking opportunities for both visitors and residents of Venice. The proposed project would reduce parking for visitors. Certified LUP Policy II.A.6 states that public parking spaces displaced by any preferential parking scheme be replaced with new public parking at a minimum one-to-one ratio. The proposed project does not conform with LUP Policy II.A.6. Certified LUP Policy II.A.9.c states that the City shall maximize and protect the availability of public parking opportunities on City streets. The proposed project does not conform with LUP Policy II.A.9.c because it does not protect the public parking opportunities on the City streets; it restricts them. As discussed previously in this report, the proposal is inconsistent with the public access policies of the Coastal Act. The Commission finds that alternatives would significantly reduce the adverse impacts that result from the currently proposed development. Therefore, Commission approval of the proposed project would be a bad precedent that would prejudice the ability of the City to prepare an LCP that is in conformity with Chapter 3 of the Coastal Act, and is therefore not consistent with Section 30604(a) of the Coastal Act.

~~The proposed project, as conditioned to protect the public's ability to access the coast, conforms to the policies of the certified Venice LUP. Therefore, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.~~

D. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

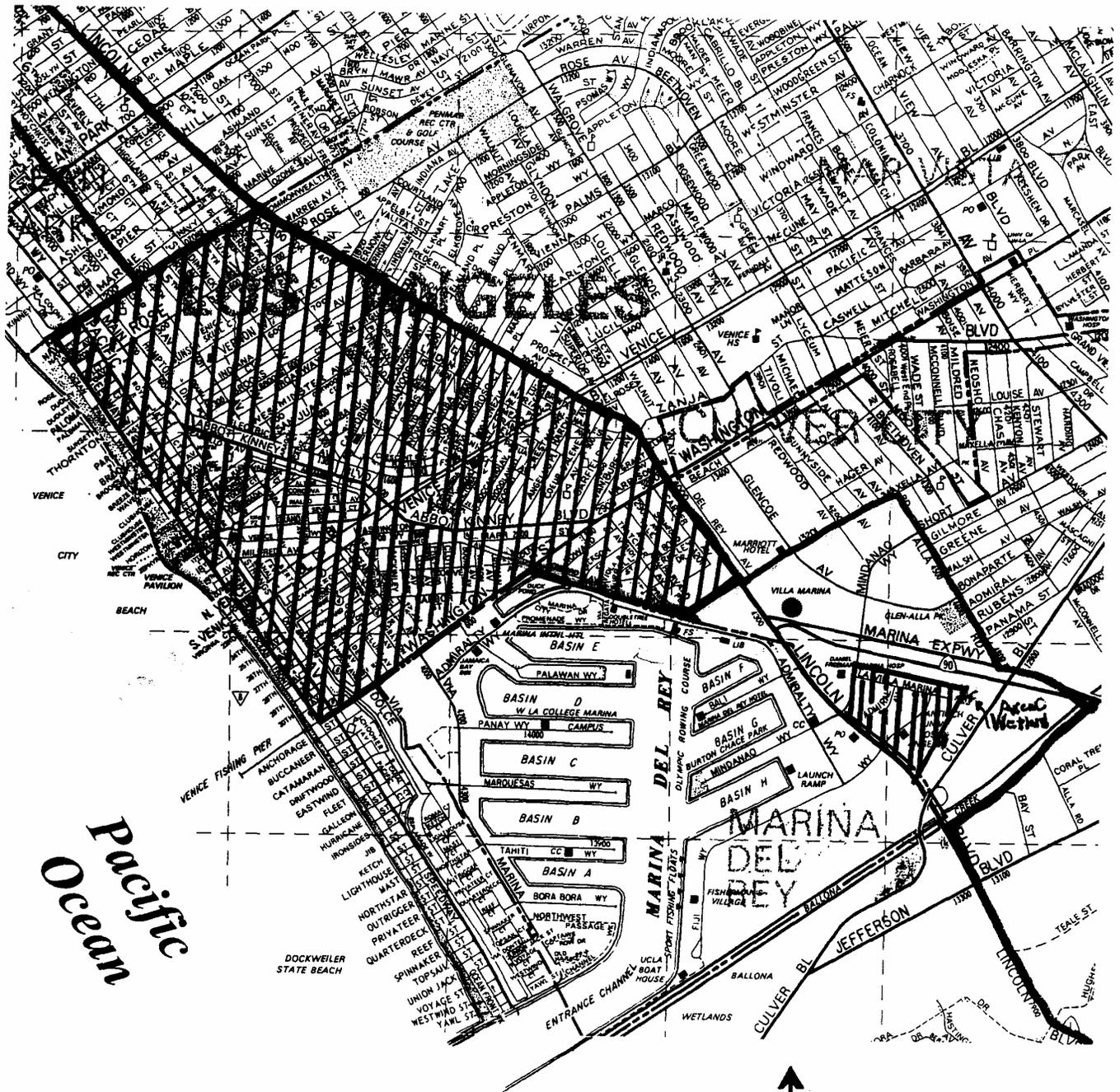
In this case, the City of Los Angeles is the lead agency for the purposes of CEQA. The City determined that the project is exempt from CEQA under a General Exemption set forth in Article II, Section I of the 2002 Los Angeles City CEQA Guidelines.

The proposed project has been found to be inconsistent with the Chapter 3 policies of the Coastal Act because the proposed overnight parking districts would adversely affect coastal access. The adverse impacts have not been avoided or minimized. There are alternative measures available to address parking concerns that would avoid substantial adverse effects on coastal access. The City can pass an ordinance that bans vehicles that exceed a certain size, as other cities have done. Other nuisances can be addressed by enforcing the existing laws that outlaw sleeping in vehicles, littering, public intoxication and dumping. None of these measures would exclude the general public from parking on the streets that support coastal access. Therefore, the Commission denies the proposed project because of the availability of environmentally preferable alternatives.

~~The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.~~

VENICE, CA

Venice Overnight Parking Districts

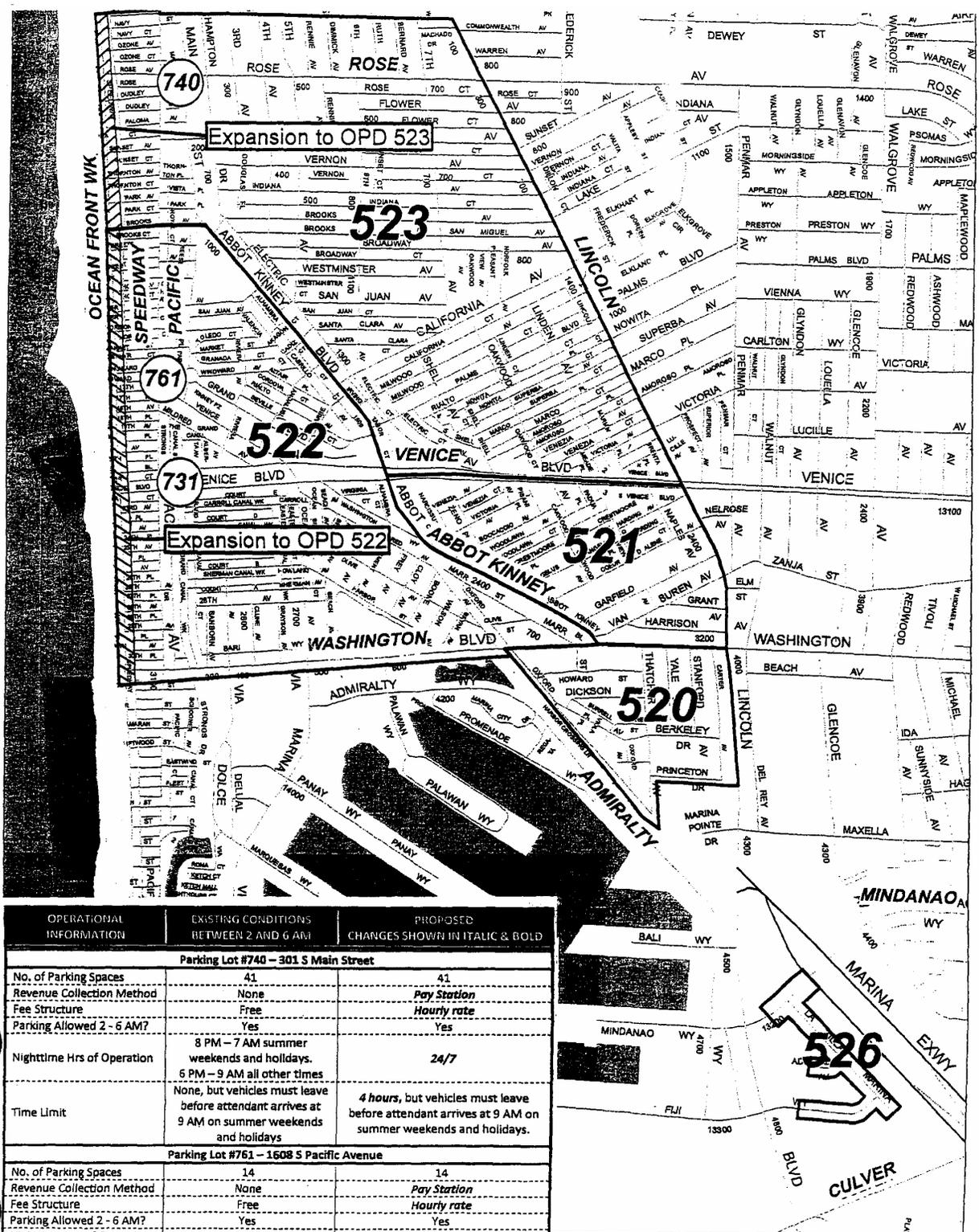


Pacific
Ocean

APPEAL NOS. A-5-VEN-08-340, A-5-VEN-08-341,
A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

COASTAL COMMISSION

EXHIBIT # 1
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OPERATIONAL INFORMATION	EXISTING CONDITIONS BETWEEN 2 AND 6 AM	PROPOSED CHANGES SHOWN IN ITALIC & BOLD
Parking Lot #740 – 301 S Main Street		
No. of Parking Spaces	41	41
Revenue Collection Method	None	<i>Pay Station</i>
Fee Structure	Free	<i>Hourly rate</i>
Parking Allowed 2 - 6 AM?	Yes	Yes
Nighttime Hrs of Operation	8 PM – 7 AM summer weekends and holidays. 6 PM – 9 AM all other times	<i>24/7</i>
Time Limit	None, but vehicles must leave before attendant arrives at 9 AM on summer weekends and holidays	<i>4 hours, but vehicles must leave before attendant arrives at 9 AM on summer weekends and holidays.</i>
Parking Lot #761 – 1608 S Pacific Avenue		
No. of Parking Spaces	14	14
Revenue Collection Method	None	<i>Pay Station</i>
Fee Structure	Free	<i>Hourly rate</i>
Parking Allowed 2 - 6 AM?	Yes	Yes
Nighttime Hrs of Operation	6 PM – 8 AM every day	<i>24/7</i>
Time Limit	None	<i>4 hours (14 spaces)</i>
Parking Lot #731 - 200 N Venice Boulevard		
No. of Parking Spaces	None	177
Revenue Collection Method	Contractor permit sales	<i>Pay Station</i>
Fee Structure	Monthly rate	<i>Monthly & hourly rates</i>
Parking Allowed 2 - 6 AM?	Only by monthly permit valid 6 PM – 9 AM	<i>Yes, both monthly permits & hourly parkers</i>
Nighttime Hrs of Operation	Parking prohibited 11PM–5AM, except by permit	<i>24/7</i>
Time Limit	None, monthly permittees leaving after 9AM must pay daily rate	<i>4 hours until 5 AM next morning, Nighttime vehicles leaving after 9 AM must pay daily rate</i>

Public Parking

LEGEND	
	OPD Boundary
	Expansion to OPD 523
	Expansion to OPD 522
	City Parking Lot

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OVERNIGHT PARKING DISTRICT SIGNS & PERMITS

(Revised May 4, 2009)

Overnight Parking District Signs:

The "No Parking 2 AM to 6 AM; Vehicles with District No. 52# Permits Exempted" Overnight District parking restriction will not automatically be installed on any of the street segments in Overnight Parking Districts, 520, 521, 522, 523, or 526. These signs will only be installed, on a block by block basis, by the Department of Transportation (DOT) upon written request from the 11th District Council Office.

Anyone who lives on any of the blocks within an Overnight Parking District can purchase permits for their vehicles or for their visitors to be exempt from the overnight parking restrictions for that same district, regardless if there are Overnight Parking District signs posted on the block where they live. If there are not any overnight parking restrictions posted where you usually park, then you probably don't need to buy a permit at this time. When Overnight Parking District signs have been approved for posting on other blocks within a district, DOT will send the residents of the approved blocks a notice advising them that the signs will be going up in about 2-3 weeks.

Vehicles displaying valid permits for the Overnight Parking District where they are parked will be exempt from the "No Parking 2 AM to 6 AM; Vehicles with District No. 52# Permits Exempted" restrictions and can park on any of those street segments overnight where those signs are posted. Vehicles without permits will get tickets if they are parked on blocks where those signs are posted. Vehicles with disabled persons placards/license plates or commercial license plates are not exempted.

Parking Permit Sales Information:

Overnight Parking permits may be purchased weekdays (except holidays) from 9:00 a.m. to 5:00 p.m. at the following sales locations:

West Los Angeles Service Center
9911 West Pico Blvd., Suite B-201
Los Angeles, CA 90035

Mid-Wilshire Service Center
3333 Wilshire Blvd., Suite 3337
Los Angeles, CA 90010

Van Nuys Service Center
6309 Van Nuys Blvd. #103
Van Nuys, CA 91401

Downtown Service Center
312 W. 2nd Street
Los Angeles, CA 90012

Customer Service: (310) 843-5936

When purchasing permits for the first time, you will be required to provide **two proofs of residency** (such as your driver's license, a current utility bill, a rent/lease agreement, etc.). If you are not sure what other types of proofs of residency are acceptable, call the Customer Service number in advance. **Only cash, check or money order will be accepted for payment.** Once accounts are established, permit renewals can be done through the mail, and only check or money order are accepted as payment.

COASTAL COMMISSION

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Permit Types/Fees:

RESIDENT PERMIT (Maximum of 3 per dwelling unit):

The current cost of these permits is **\$15.00** each, and they are good for a maximum period of 12 months. Permits issued for periods other than one year may be issued at prorated costs in **\$5.00** increments. This permit is a sticker, which is permanently affixed to the rear driver's side bumper or window of your vehicle. It can be used to park anywhere within the District. To qualify for a Resident permit, the vehicle must be registered to your address. If it is a company vehicle, a letter from your employer confirming the license number of the vehicle and that it is assigned to you must be presented.

You are required to present the vehicle registration for each vehicle for which you are purchasing a Resident permit. If lost or stolen, the permit may be replaced at a cost of **\$5.00**; however, you will be required to provide a written statement of loss. If you purchase a replacement vehicle, your new vehicle will require a replacement permit, and to qualify for the replacement rate, you must provide us with the remains of the old permit to invalidate it.

VISITOR PERMIT (Maximum of 2 per dwelling unit):

Visitor Permits currently cost **\$10.00** each, and are valid for 4 months from the date of purchase. This permit can be used on any vehicle, and is valid on any block(s) within the District. The permit must be hung from the rearview mirror of the vehicle. Lost or stolen Visitor permits cannot be replaced until they expire.

OPD No. 520-523 GUEST PERMIT (Maximum of 10 permits per day per dwelling unit, no exceptions):

Guest permits currently cost **\$1.00** each, and they can also be purchased by mail (we usually require at least a 4 week lead time), or in person at one of the Permit Sales Offices. This permit is a dashboard placard that can be used on any vehicle, anywhere in the District, but is only valid on the "date of use" specified on the permit. The "date of use" is stamped on each permit by our sales staff at the time of purchase.

OPD No. 526 GUEST PERMIT (Maximum of 25 permits per day per dwelling unit):

Guest permits cost **\$1.00** each, and they can also be purchased by mail (we usually require at least a 4 week lead time), or in person at one of the Permit Sales Offices. This permit is a dashboard placard that can be used on any vehicle, anywhere in the District, but is only valid on the "date of use" specified on the permit. The "date of use" is stamped on each permit by our sales staff at the time of purchase. Sales of Guest permits in excess of 25 per dwelling unit per day is allowable, but requires that the staff of Council District No. 11 provide DOT staff with advance written approval of the sale of these excess permits.

Other information:

Visitor and Guest permits are exclusively for the use of the residents and their guests. Penalty for violation of this requirement is loss of permit parking privileges for a period of one year. Generally, vehicles with commercial license plates or disabled license plates/placards will also require a District permit to be exempt from the posted Overnight Parking District restrictions. Vehicles with permits are NOT exempted from Street Cleaning, fire hydrant, driveway blockage, red curb restrictions, or any other posted parking restrictions that do not include "Vehicles with District No. 52# permits exempted" language.

COASTAL COMMISSION

For questions about the Overnight Parking District Program, contact LADOT at (213) 978-3140

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