

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**F12b**

Filed: 8/30/10  
49th Day: 10/18/10  
180th Day: 2/26/11  
Staff: Al Padilla-LB  
Staff Report: 10/27/10  
Hearing Date: 11/17-19/10  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-10-190****APPLICANT: City of Los Angeles Department of Transportation**

**PROJECT LOCATION:** Area bounded by the Pacific Ocean, Ballona Creek, the east side of Vista Del Mar, the south side of Argonaut Street, the east side of Esplanade Street, south side of Convoy Street, including 63rd Avenue between Vista Del Mar and the dead-end east of Vista Del Mar, in Playa del Rey, in the City of Los Angeles, Los Angeles County (Exhibit No. 1 and 2).

**PROJECT DESCRIPTION:** Establishment of a Preferential Parking District (Parking District No. 27) to prevent overnight parking between the hours of 10 p.m. and 5 a.m. in a residential neighborhood by non-residents, and to make parking more available for the residents and their guests.

**LOCAL APPROVALS RECEIVED:** City of Los Angeles Coastal Development Permit No. 09-02

**SUBSTANTIVE FILE DOCUMENTS:** 5-VEN-08-343/5-08-313(City of Los Angeles)

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission deny the proposed application because the proposed overnight parking district would adversely affect coastal access and is not in conformity with the public access policies of the Coastal Act because it would exclude the general public from parking on public streets during late evening and early morning hours and would in effect provide residents, with parking permits, preferential access during the hours when the parking restrictions are not in effect. There are alternatives that would accomplish the goals in the project area without adversely impacting coastal access.

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**STAFF RECOMMENDATION:**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-10-190 pursuant to the staff recommendation for the development proposed by the applicant.*

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY THE PERMIT:**

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

**STAFF NOTE - DUAL PERMIT JURISDICTION:**

Pursuant to Coastal Act Section 30600(b), any development that 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.

The City approved local Coastal Development Permit No. 09-02 (see Exhibit No. 5). The City’s permit was not appealed. Because PPD No. 27 is located in the City’s and Commission’s “Dual Permit Jurisdiction” area, the City has submitted a separate “dual” coastal development permit application to the Commission (Coastal Development Permit Application 5-10-190). Development may commence within a dual-permit jurisdiction only

when a project applicant receives permit approval from both the local government and the Commission.

#### **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

##### **A. Project Description and Location**

The City of Los Angeles proposes to establish Preferential Parking District (PPD) No. 27 in the Playa del Rey area in order to prohibit nighttime and early morning (10 p.m. to 5 a.m.) parking on the public streets by non-residents and vehicles without permits. Proposed PPD No. 27 encompasses the area west of Oceanfront Walk (beach), south of Ballona Creek, the east side of Vista Del Mar, the south side of Argonaut Street, the east side of Esplanade Street, south side of Convoy Street, including 63rd Avenue between Vista Del Mar and the dead-end east of Vista Del Mar, in Playa del Rey, in the City of Los Angeles (see Exhibit No. 1, 2 and 3).

The area is residentially developed with a mix of single and multiple-family residences. Within the residential area and in the center of the proposed District is an approximately 11 acre City park (Del Rey Lagoon Park) consisting of a large lagoon, children's playground, ball field, basketball courts, and three parking lots. The northern part of the residential area abuts Ballona Creek. This area provides a public parking lot, a jetty along the creek and entrance channel of Marina del Rey, and a pedestrian/bike path bridge across the creek and into Marina del Rey. Located to the southeast and outside of the District is a small commercial area along Culver Boulevard consisting of a number of small restaurants, bars, offices, a market and other retail establishments.

The City proposes to post signs on the public streets throughout the PPD with the following restriction: "No Parking 10 p.m. to 5 a.m. Nightly - Vehicles with District No. 27 Permits Exempted". The City states that the parking prohibitions would not be implemented throughout the entire district all at once. The parking prohibitions would be implemented only on blocks where at least two-thirds of the residents who reside on that block sign a petition requesting the implementation of the permit parking system. Only persons who reside in a residential building within PPD No. 27 will be able to purchase a district parking permit which will exempt their vehicle from the proposed overnight parking prohibition in PPD No. 27.

In order to address the proposed permit parking program's impact on the public parking supply on which late evening and early morning beachgoers and fisherman depend, the City's proposal includes specific mitigation measures. Specifically, the City will preserve public on-street parking (approximately 20 parking spaces) in the southern portion of the district, along the west side of Pacific Avenue by installing 4-hour on-street parking meters that will operate 24 hours per day for general public use. The City will monitor the metered spaces during the hours of the preferential parking restrictions to ensure that there is adequate public parking. If parking is found to be deficient in supporting public demand

during those hours the City plans on making available additional parking spaces located on the east side of Pacific Avenue at Del Rey Lagoon Park.

**B. Development Which Requires a Coastal Development Permit**

Section 30600 of the Coastal Act requires a local government wishing to undertake development in the coastal zone to obtain a coastal development permit. Pursuant to Section 30106 of the Coastal Act development includes a change in the intensity of use of land; a change in the intensity of use of water, or of access thereto; and placement of solid material or structure. In this instance the change in intensity of use of land is converting the on-street parking spaces from public spaces to private residential spaces, i.e. a change in use from a public use, to a private residential use, which in this instance is located on public property. A change in intensity of access to the water will also result from the creation of a preferential parking district by prohibiting public parking and completely limiting the amount of time one can park on a public street adjacent to the beach. Placement of the parking signs implementing the district also constitutes development.

Although the California State Vehicle Code<sup>1</sup> provides the City with the ability to create preferential parking zones, this authority is permissive and in no way eliminates the requirements of other applicable state laws such as the Coastal Act. The Commission has consistently maintained that such districts/zones have potential adverse impacts to coastal access and recreation because public access includes the ability of beach visitors who depend on the automobile to access the beach from inland communities. The impacts of each district/zone may vary depending on location, hours, boundaries, and coastal and recreational facilities in the area. Therefore, each preferential parking district/zone needs to be analyzed on a case by case basis to determine the district/zone's impact to beach access and its consistency with the Coastal Act. The proposed preferential parking district/zone's impact to coastal and recreational access is addressed below.

**C. Public Access and Recreation**

The primary Coastal Act issue is whether the proposed permit parking program conforms with the public access and recreation policies of the Coastal Act because the late evening and early morning parking restrictions could adversely affect the public's ability to utilize public street parking that supports access to coastal recreation areas (for swimming, walking, exercising, fishing, etc.) in the late evening and early morning hours.

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

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<sup>1</sup> California Vehicle Code section 22507 requires the city to adopt an ordinance or resolution prior to implementing a PPD. On September 21, 2009 the Los Angeles City Council adopted a resolution for the establishment of Preferential Parking District No. 27 for the Del Rey Lagoon Neighborhood.

**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 (in part)**

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...*

**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.*

In recent years the Commission has received applications from local governments to limit public parking on public streets where there are conflicts between local residents and beach visitors, and/or people seeking coastal views. Public access, parking, and recreation in an area can result in impacts to neighborhoods that are not designed to accommodate visitors. In this case, the City of Los Angeles has stated that the residential streets within the proposed Preferential Parking District (PPD) have been impacted by visitors from the commercial area along Culver Boulevard and other nighttime visitors. The City proposed the parking restriction to address the conflict that occurs when there is inadequate on-site parking for residents and when the on-street parking spaces are utilized by non-residents.

In addition to the Coastal Act definition of development, the Coastal Act basis for the Commission's regulatory authority over preferential parking issues is found in the policies which encourage maximizing public access to the shoreline. For many areas of the coast, particularly the more urbanized areas, the key to gaining access to the shoreline is the availability of public parking opportunities. In past permit actions, the Commission has consistently found that public access includes not only pedestrian access but the ability to drive into the coastal zone and park to access and view the shoreline. Without adequate provisions for public use of public streets including parking spaces, residential permit parking programs that use public streets present potential conflicts with Coastal Act access policies.

The Commission finds that proposed parking restrictions in the evening and early morning hours (10 p.m. to 5 a.m.) would adversely affect the public's ability to utilize public street parking that supports access to the adjacent beach and other coastal recreation areas (for swimming, walking, exercising, fishing, etc.). The proposed overnight parking district is exclusionary because non-residents would be excluded from utilizing on-street public parking for coastal access between the hours of 10 a.m. to 5 a.m. Beachgoers who arrive in the late evening or early morning hours would not have permits to park and therefore would have difficulty finding a place to leave their vehicles while they recreate along the shoreline and nearby jetty. The limited number of on-street spaces where a parking permit

would not be required would be subject to competition among the people who do not have parking permits, including residential visitors and would be located in an area that is further away from the jetty along Ballona Creek, which is used for recreation by fisherman and nighttime and early morning sightseers.

Because the area is bounded by Ballona Creek to the north, the beach to the west and Ballona Wetlands to the east, access to the area is only from Culver Boulevard from the south and this limits the amount of available and convenient parking in the area. The loss or reduction of public parking in this area would force the public to park further to the south along Culver Boulevard or streets south of Culver Boulevard which would discourage public use in the area.

The on-street public parking is currently available for use by the general public and residents on a first-come, first-served basis; therefore, residents and the general public have an equal opportunity for the available on-street parking spaces. However, with the proposed permit parking, even after 5 a.m. when parking permits are not required, the proposed parking restrictions would continue to impact public coastal access by giving residents preferential access to the public street parking by allowing continued occupancy of the spaces by the residential permit-holders who parked during the public restricted hours. The proposed parking restrictions do not contain adequate safeguards for visitor parking to offset these adverse effects.

Currently within the proposed District boundaries there are approximately a total of 463 public parking spaces on the street and public parking lots (not all streets within the residential neighborhood provide parking due to narrow widths or traffic safety issues). Approximately 169 parking spaces are provided within four City and County off-street parking lots. The County operates and maintains a 42 space lot at the northern terminus of Pacific Avenue, adjacent to Ballona Creek. The lot is open between dawn and dusk. The other three parking lots are City owned and operated by the Department of Parks and Recreation. Two of the lots are located along the west side of Del Rey Lagoon Park, along Pacific Avenue and one is located on the east side of the Park, along Esplanade Avenue. These lots, providing approximately 128 public spaces, are also open between dawn and dusk only. Therefore, these County and City lots close earlier and open later during the fall and winter months.

According to the City, the Del Rey Lagoon area is primarily a residential area that is bearing the brunt of increased parking demands by non-residents in the late evenings and early mornings, which is adversely affecting the resident's ability to access their property or parking in front of their own homes. The City maintains that there have been numerous complaints about lewd activities, drug and alcohol use, and excessive noise and trash created by non-residents. One of the primary causes of the shortage of on-street parking in the District is overflow parking from visitors of bars and commercial establishment along nearby Culver Boulevard according to the City.

The City conducted parking surveys and found that from 11:30 pm on Friday (June 20, 2008) to 1:30 am on Saturday (June 21, 2008) 83 percent of the spaces were occupied, of

which 74 percent were occupied by non-residents. Other surveys conducted by the City have shown that there is adequate parking available in and outside of the District in the morning hours from about 5:00 am to after 8:00 am during the weekdays (no weekend survey were conducted for the early morning hours). Based on the surveys the City concluded there is an abundance of parking opportunities after 5:00 am and beach access would not be significantly impacted if parking restrictions lasted until 5:00 a.m. since parking demand by beachgoers increases after the restricted hours.

The City recognizes that with the restricted parking, public parking will be displaced creating a potential impact on public parking and beach access. The City's PPD proposal includes specific measures to mitigate the permit parking program's impact on the public parking supply. The City will preserve public on-street parking (approximately 20 parking spaces) within the District along the southern portion of Pacific Avenue, on the west side of the street, and install 4-hour on-street parking meters that will operate 24 hours per day (see Exhibit No. 3 for location). The City plans on monitoring the metered parking for a year and if data indicates that the metered spaces are fully utilized during the preferential parking hours, then 18 of the 36 parking spaces along the east side of Pacific Avenue, adjacent to Del Rey Lagoon Park and within the District, will be opened up for public use. The City has not provided an analysis of the mitigation measure and is making an assumption that the metered spaces would be adequate to mitigation any displaced public from within the proposed District. The data from the City's surveys indicate that street parking is impacted by non-residents, but the surveys do not indicate what percentage of the non-residents parking in the area would relocate to the metered spaces so the impact cannot be fully determined at this time.

The City states that the placement of meters along Pacific Avenue along with the establishment of the District's parking restrictions represents a balance between providing maximum public access to the coast during off-peak hours with public safety needs and the need to protect on-street parking in the area from overuse. The City also indicates that the PPD would increase the available on-street parking supply during restricted overnight hours by 37 to 48 parking spaces by converting existing zones within the District of "No Overnight Parking" along Convoy Street and Pacific Avenue to parking spaces subject to permit parking. According to the City, this would free up spaces elsewhere within and outside of the District that would not be subject to the District restrictions, including commercial areas (Culver Boulevard area), by redistributing the concentration of parked vehicles in the immediate vicinity, such that more residents would be allowed to park within the PPD and the parking spaces that were occupied outside of the District would now be available for non-resident parking.

Although removing the "No Overnight Parking" signs would provide additional parking spaces during the proposed permit hours for the residents, and may free up spaces for non-resident parking in the immediate vicinity through redistributing the supply, the signs and parking restrictions were installed approximately around 1995 without the benefit of a coastal development permit (Coastal Commission Enforcement will further investigation this issue). Therefore, the Commission must consider the spaces as unrestricted and not newly added spaces to the area. Hence, the 37 to 48 parking spaces should not be considered



as new spaces added to the proposed District. Moreover, these 37-48 spaces are located along the southern end of the proposed District and any freeing up of public spaces would occur in the southern area and outside of the proposed District, such as, along Culver Boulevard which is further from the beach and jetty.

The late evening and early morning hours, which the City is proposing to restrict public parking, are not peak beach use periods. Peak periods for beach use generally occurs during the early afternoon hours, with weekends being more heavily used than weekdays. However, during the late evening and early morning hours during the weekday and weekend, the jetty along Ballona Creek and the Marina del Rey entrance channel is popular among fisherman, and the nearby surrounding streets provide easy beach access for beach and recreational users. Moreover, the northern terminus of Pacific provides pedestrian access across Ballona Creek to the north side of the creek and into Marina del Rey and to the regional Marvin Braude beach bike path. During these late evening and early morning hours the beach users will generally look for available street parking that is closest to the jetty and beach bike path. The public streets are used during these hours because of their proximity to the jetty, beach and access across the creek and into Marina del Rey, and these public parking spaces are the only nearby available public spaces since the nearby City and County parking lots are closed during these late evening and early morning hours.

Creating the District and restricting public parking would push available public street parking further to the south and away from Ballona Creek. Although the proposal includes providing public metered parking along the southern portion of the District on Pacific Avenue where access to the adjacent beach will be easily accessible, the spaces are over a quarter mile from the Ballona Creek jetty, thereby making access to the jetty during the restricted hours more difficult.

The Commission's responsibility, under section 30214, inherently involves balancing the needs of the local residents with the need to protect the general public's ability to access the cost. This analysis requires the Commission, in part, to evaluate whether the PPD is entirely necessary to address the needs of the local residents. There are alternatives that would accomplish some of the goals in the project area without adversely impacting coastal access for the general public. For example, many of the complaints by proponents of the PPD relate to nuisance issues and residents not being able to park next to their own residences. Nuisance problems are an issue that should be addressed by local law enforcement since the City already has ordinances that address noise, lewd behavior, and littering. Furthermore, the City can work with the County to open up for public use the County parking lot at the end of Pacific Avenue during the restricted hours, and/or open up the City lots along the west side of Del Rey Lagoon. Although opening public lots during the late and early morning hours may potentially create nuisance problems, here again, these are enforcement issues that can be addressed by local law enforcement.

Unless the City first pursues strategies such as these, the Commission will not be in a position to evaluate whether, on balance, measures such as PPDs that specifically inhibit the ability of the general public, to park on public streets close to the shore are actually

necessary to address the problems that PPD proponents cite as the reason for establishing PPDs. If experience shows that these problems persist despite the City's implementation of strategies such as those discussed in the previous paragraph, the Commission could then evaluate the appropriateness of restrictions that target public parking. Currently, however, the City has not established that the PPDs are necessary. 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. Given the adverse effects of the proposed PPDs on public 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.

#### **D. 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) which conforms with Chapter 3 policies of the Coastal Act:

*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).*

The City of Los Angeles does not have a certified Local Coastal Program for the Playa del Rey area. The City of Los Angeles submitted its Local Coastal Program in March 1981. In March 1981, the City of Los Angeles submitted a draft Local Coastal Program (LCP) for Commission approval. Commission staff recommended denial of the total LCP as submitted and conditional certification of the total LCP with conditions. At its December 18, 1981 hearing, the Commission denied the City's LCP submittal. Therefore, the standard of review for this planning area is the Chapter Three policies of the Coastal Act. The City has not planned the submittal of a revised LCP. As proposed the development is inconsistent with the Chapter Three policies of the Coastal Act and will prejudice the City's ability to prepare a Local Coastal Program in conformity with Chapter Three of the Coastal Act. The Commission, therefore, finds that the development, as proposed is inconsistent with the provisions of Section 30604 (a) of the Coastal Act and is denied.

#### **E. 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. The City is the lead agency for CEQA compliance and after preparing an Initial Study, the City adopted a Negative Declaration for the project.

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 address nuisance problems such as lewd activities, excessive noise, littering, and public intoxication through enforcement of the City's existing ordinances. 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.

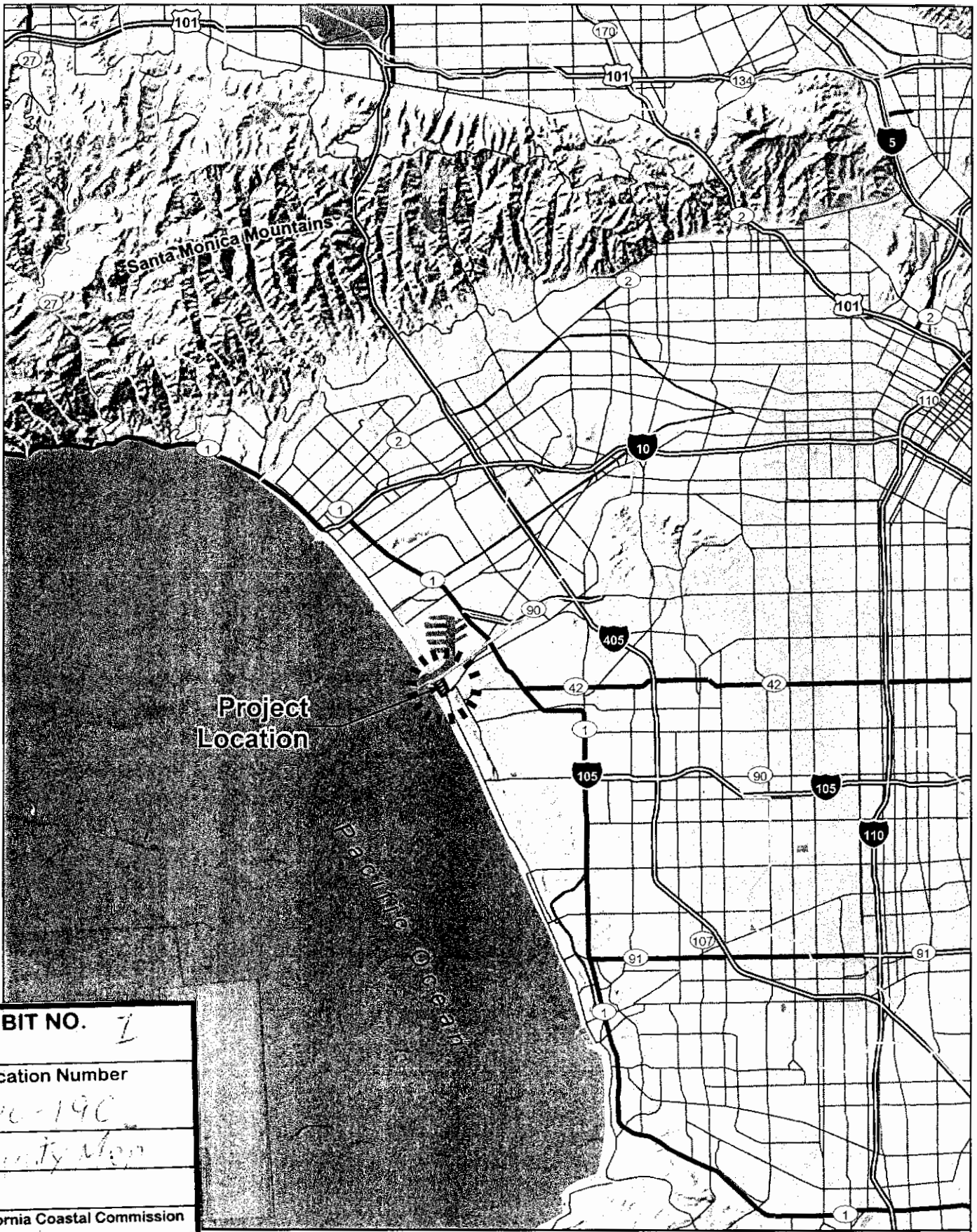


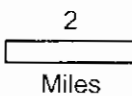
EXHIBIT NO.	<i>I</i>
Application Number	<i>15-10-190</i>
	<i>Vicinity Map</i>
California Coastal Commission	



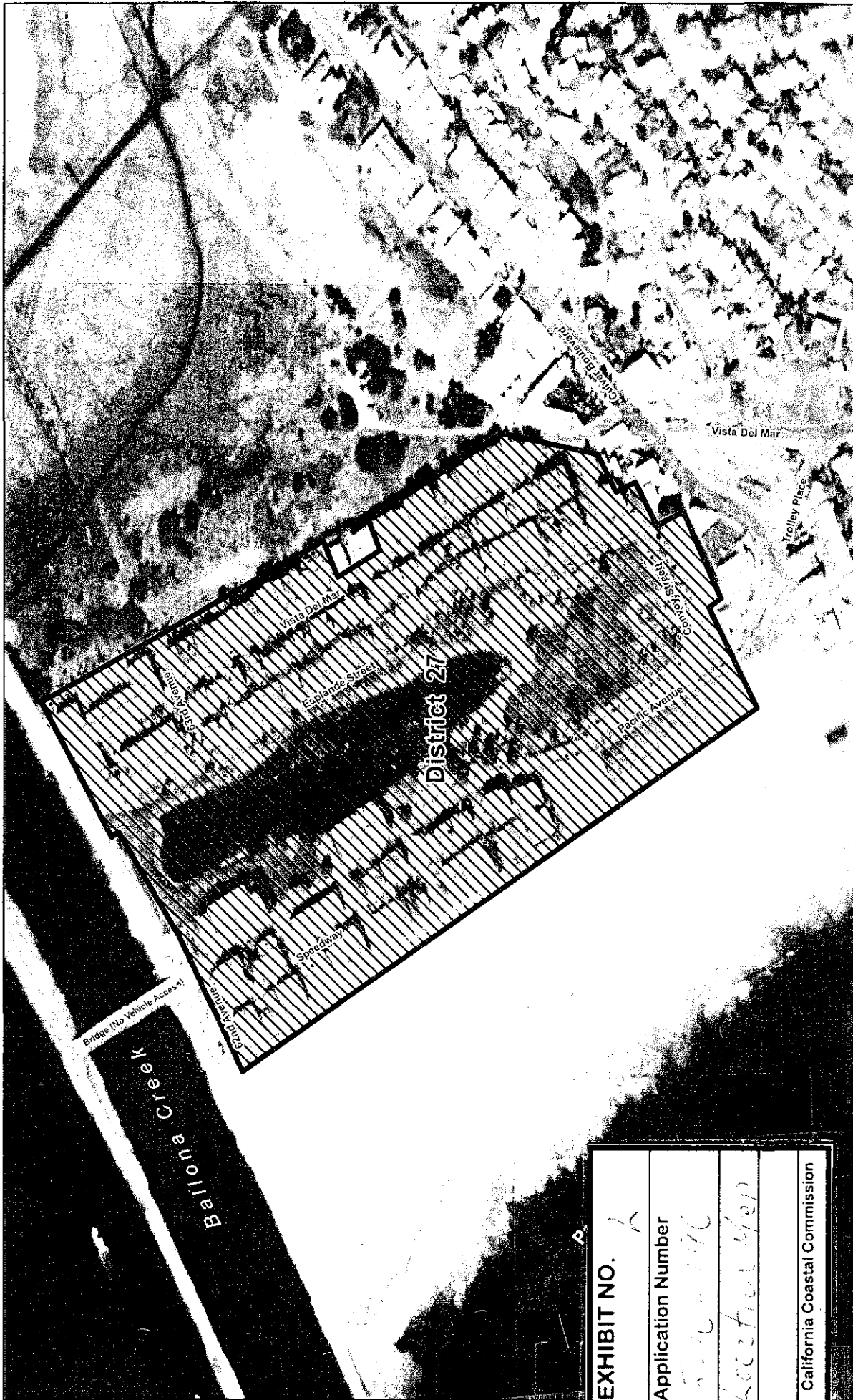
**CDM**

**Legend**

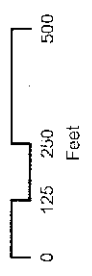
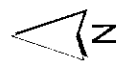
 Preferential Parking District No. 27



City of Los Angeles  
 Preferential Parking  
 District No 27  
 Regional Location Map  
 Figure 1



City of Los Angeles  
 Preferential Parking  
 District No 27  
 Project Location Map



Approximate boundary shown for each district. For discussion purposes only.




EXHIBIT NO.	h
Application Number	2000-0000
California Coastal Commission	Location Map

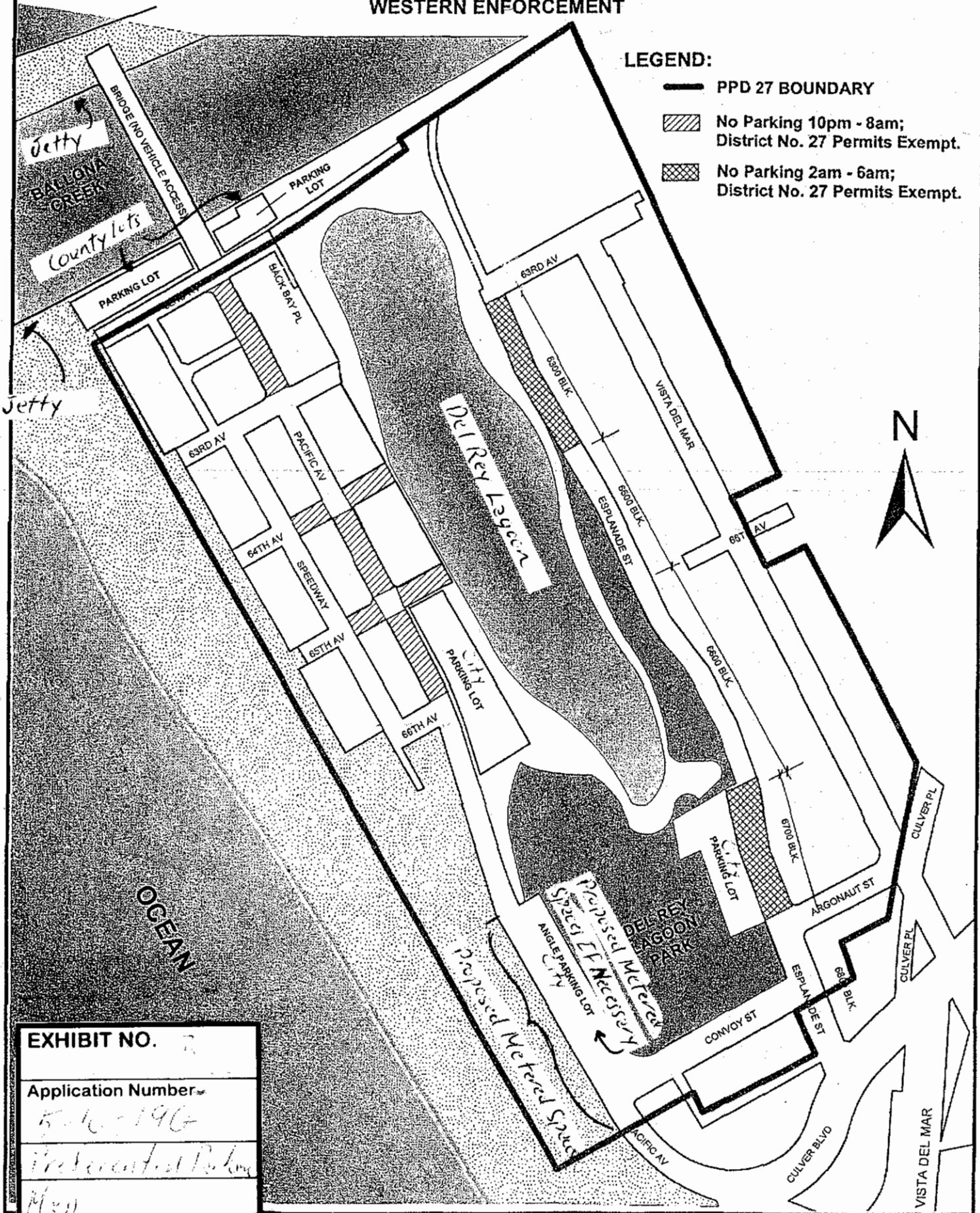
Legend  
 Preferential Parking District No. 27



**PREFERENTIAL PARKING DISTRICT NO.27**  
**COUNCIL DISTRICT NO. 11**  
**WESTERN ENFORCEMENT**

**LEGEND:**

-  PPD 27 BOUNDARY
-  No Parking 10pm - 8am;  
District No. 27 Permits Exempt.
-  No Parking 2am - 6am;  
District No. 27 Permits Exempt.



<b>EXHIBIT NO.</b>	2
<b>Application Number</b>	5-16-196
	Preferential Parking
	Map
California Coastal Commission	

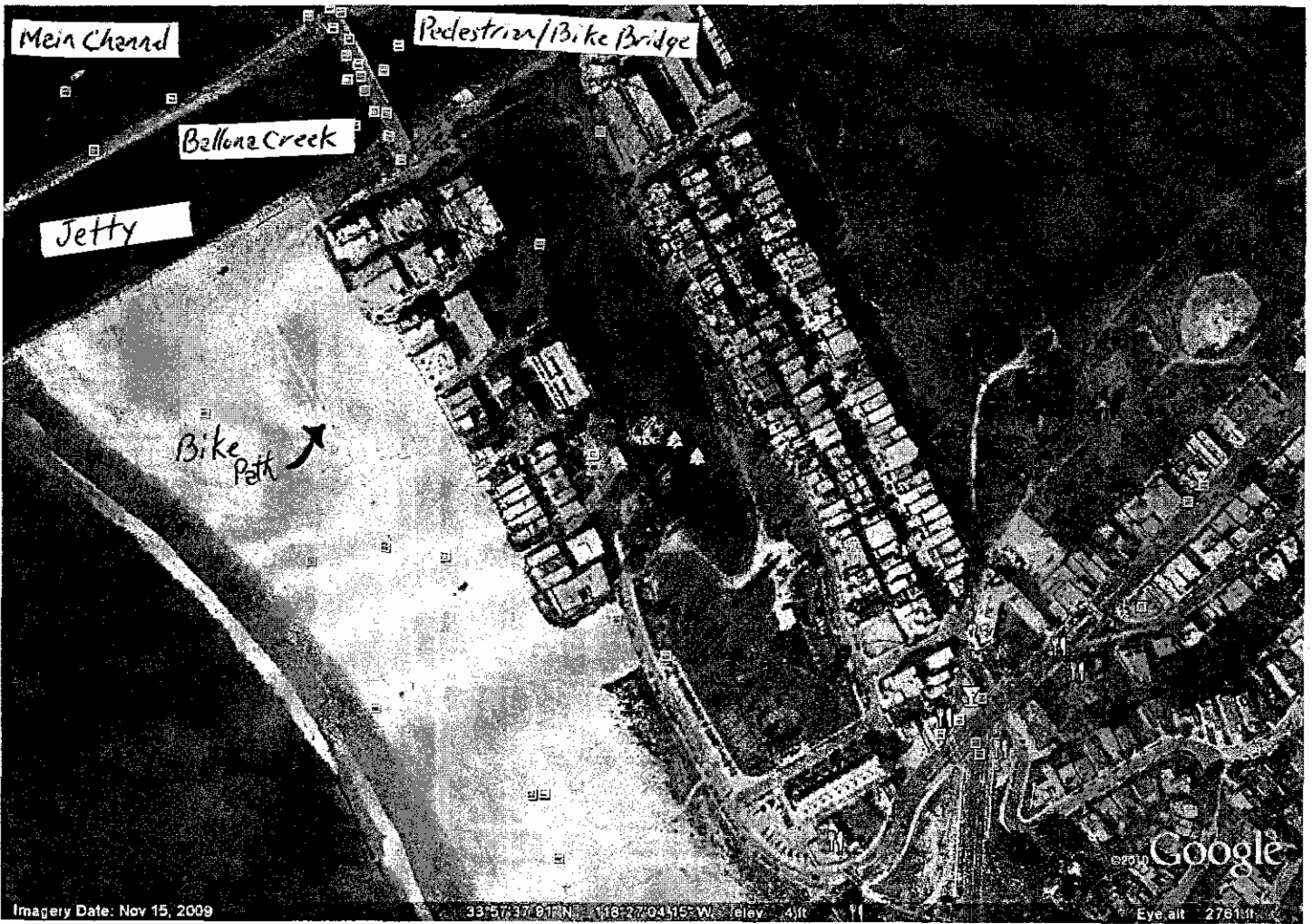


EXHIBIT NO. <i>4</i>
Application Number <i>5-10-196</i>
<i>Demolition</i>
California Coastal Commission

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EXHIBIT NO. 5
Application Number 5-10-190
City: CDP
California Coastal Commission

RECEIVED  
South Coast Region

NOV 30 2005

CALIFORNIA  
COASTAL COMMISSION

COASTAL DEVELOPMENT PERMIT

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private  
 APPLICATION NUMBER: 09-02  
 NAME OF APPLICANT: City of Los Angeles Department of Transportation

PROJECT LOCATION: Preferential Parking District No. 27 for the Del Rey Lagoon Neighborhood (PPD No. 27 or District), consists of the residential area bounded on the north by Ballona Creek, on the west by the Pacific Ocean, on the south by Convoy and Argonaut Streets (including residential properties on the south side of these roadways), on the east by Vista Del Mar (including residential properties on the east side of the street), and including both sides of 63<sup>rd</sup> Avenue between Vista Del mar and the dead end east of Vista Del Mar.

DEVELOPMENT DESCRIPTION: Establishment of a preferential parking district pursuant to Los Angeles Municipal Code Section 80.58 including the installation of signs and parking meters (as described in special conditions II(b) and II(c) below). Within the District, on-street parking will not be allowed between 10 PM and 5 AM without a PPD No. 27 permit.

1. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

(a) Notice of Receipt and Acknowledgment: The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the City Engineer's office.

(b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.





- (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
- (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
- (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- (f) Other approvals: There are no other approvals required.

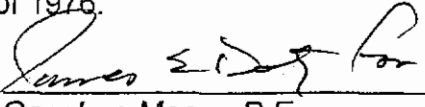
II. The proposed development is subject to the following special conditions imposed pursuant to the California Coastal Act of 1976:

- (a) Parking restrictions shall not extend outside of the period from 10:00 PM to 5:00 AM of the following day.
- (b) On-street parking along the west side of Pacific Avenue from approximately 400 feet south of 66th Street to the southern boundary of Preferential Parking District 27 (just south of Convoy Street) shall be excluded from PPD No. 27 parking restrictions. Parking meters with a 4-hour limit shall be installed along the west side of this segment of Pacific Avenue and operated on a 24 hours per day basis to preserve at least 20 on-street spaces for general off-peak beach users.
- (c) The permittee shall monitor use of the metered parking area described in II(b) between 10:00 PM and 5:00 AM during the first summer beach season following implementation of the District, and if the metered parking becomes fully utilized during the peak summer period, the permittee shall convert half of the PPD No. 27 spaces at the perpendicular parking area along the east side of Pacific Avenue adjacent to Del Rey Lagoon Park (18 of 36 spaces) to 4-hour metered parking, on a 24-hour basis, for use by beach visitors.


III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:

- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
- (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.

- (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on September 21, 2009, a Notice of Decision on October 5, 2009, the mandatory ten calendar day appeal period with an appeal having been filed, and denial of the appeal by the Board of Public Works Commissioners on November 13, 2009, the permit application number 09-02 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Coastal Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.
- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: November 13, 2009, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.

By:   
Gary Lee Moore, P.E.  
City Engineer

- IX. I, Yadi Hashemi, permittee/agent, hereby acknowledge receipt of permit number 09-02 and have accepted its contents.

  
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Signature Date