

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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June 12, 2013

# Th10a

Go to original staff report and  
additional correspondence

## ADDENDUM

**To:** Commissioners and Interested Parties

**From:** John Ainsworth, Deputy Director  
Charles Posner, Staff Analyst

**Re:** Application Nos. 5-08-313 & A-5-VEN-08-343 (City of Los Angeles, Venice OPDs)

**I. Special Condition Seven – Liability for Costs & Attorney’s Fees**

Staff is recommending the deletion of Special Condition Seven on Page Six of the staff report. The City objects to this special condition and this special condition was not included as one of the agreed upon special conditions outlined in the Settlement Agreement with the City.

**II. Responses to Issues Raised in Correspondence**

In several letters, including the letter dated June 5, 2013 from the Venice Action Alliance (VAA), interested parties have requested the Commission not to consider the proposed overnight parking districts until after the Commission has resolved the status of the unpermitted beach curfew that the City of Los Angeles has enacted for the Venice beach area.

The Venice Beach curfew is a distinct issue from the proposed overnight parking districts. Whether the City’s proposal would provide adequate parking for early morning beach visitors does not turn on the status of the beach curfew.

However, over the past several months Commission staff and City staff have made progress towards reaching a resolution on this matter. The conceptual idea is a more limited and focused beach curfew ordinance that would provide for beach access over a portion of Venice Beach and reduce the curfew to the area of the beach where crime and health and safety issues related to a large homeless population are the greatest. The modified beach curfew ordinance would have to be approved by the City of Los Angeles Recreation and Parks Commission and the City Council prior to the submittal of a coastal development permit application to the Coastal Commission for authorization. Commission staff and City staff are currently working on the details and specific terms of the beach curfew ordinance.

VAA also asserts that the Commission must independently evaluate the need for overnight parking districts before it may approve them. The Commission’s role, however, is to evaluate

whether the proposal would comply with Coastal Act requirements, in particular whether it would have adverse effects on public access to the shoreline inconsistent with the Act's requirements. As explained in the proposed findings, the City's proposal protects an ample supply of parking close to the beach during the early morning hours of 2 a.m. to 5 a.m. This includes 351 on-street parking spaces near the shoreline (including 285 metered spaces) where permits will not be required for parking. Additionally, the City proposes to modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots to ensure that additional off-street parking will be available for early morning beachgoers and others who do not have the necessary parking permits.

Because this early morning parking supply is sufficient to avoid any adverse impact on access to the shoreline and is therefore consistent with the public access policies of the Coastal Act, whether the establishment of overnight parking districts in the Venice neighborhood is good public policy is a decision for the City to make, not the Commission.

The California Environmental Quality Act (CEQA) does not require additional review because the adequacy of parking supply is not an effect on the physical environment within the meaning of CEQA. (*See San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4<sup>th</sup> 656, 697.) Parking supply may indirectly affect the environment through its effects on traffic congestion or air pollution, but VAA does not provide evidence indicating that the early morning parking restrictions at issue here might indirectly cause a significant effect on traffic congestion or air quality.

VAA also contends that Policy II.A.6 of the City's Land Use Plan (LUP) requires 1:1 replacement of any public parking spaces affected by the overnight parking districts. As an initial matter, although the Commission may use the LUP for guidance, it does not establish the legal standard of review for the project. The Commission's primary inquiry is whether the proposal complies with the Chapter 3 policies of the Coastal Act.

In the Commission's prior 2009 and 2010 denials of the proposed overnight parking districts, it found that the City's previously proposals did not include adequate mitigation measures to protect public access to the shoreline. The City has now implemented oversize vehicle parking restrictions and has proposed additional mitigation measures described in the proposed findings. In light of these new circumstances, the Commission can find the current proposal consistent with the Coastal Act's access requirements. In addition, Policy II.A.6 was primarily intended to address traditional daytime residential parking permit programs. Such daytime programs raise significantly greater concerns regarding adverse impacts on coastal access.

A daytime preferential parking permit program is not part of the proposed project, and is therefore not a matter being reviewed for consistency with the Coastal Act. Before any proposed preferential parking permit program (other than the currently proposed overnight parking districts) can be considered by the Commission, the City would be required to process a local coastal development permit for the development. In this case, the City did approve five local coastal development permits for five proposed overnight parking districts, and all five of those local coastal development permits have been appealed to the Commission.<sup>1</sup> This hearing is the de novo

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<sup>1</sup> City of Los Angeles Local Coastal Development Permit Nos. 08-07 (OPD 520), 08-08 (OPD 521), 08-09 (OPD 522), 08-10 (OPD 523), and 08-11 (OPD 526). Coastal Commission 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.

hearing for those appeals (and Dual Permit Application 5-08-313), which are now combined together as Appeal No. A-5-VEN-08-343.

Requiring provision of one new public parking space for every existing public parking space that becomes subject to early morning restrictions in the absence of any evidence of adverse impacts on parking for public access would not help accomplish the purpose of LUP Policy II.A.6. Approval of the proposed overnight parking districts therefore would not prejudice the City's ability to prepare an LCP in conformity with Coastal Act requirements.

Another concern is that the proposed overnight parking permit program could have unanticipated adverse impacts to public access, or that the proposed mitigation measures will not adequately mitigate the anticipated impacts to public access. This concern is addressed by Special Condition Four. Special Condition Four limits the term of the Commission's approval to five years. After the initial five years of the program, the Commission (and the City) will review the approved permit parking program to determine whether there have been any changed circumstances or unforeseen adverse impacts to coastal resources. The program can be terminated or modified at that time.

### **III. Clarifications**

Page 14 of the staff report refers to a June 2008 VSA parking study which showed that there were 119 vacant metered parking spaces near the beach in the morning. The VSA parking study was a parking space count conducted on June 21, 2008 by Mark Ryavec. Similar parking space counts were conducted on July 13, 2008 (Sunday) and July 26, 2008 (Saturday) by a City Consultant (EnviCraft, LLC). The three days of parking space counts in 2008 were conducted in the early morning hours between 4 a.m. and 7 a.m. Each days' count demonstrated that most of the metered on-street parking spaces were vacant and available in the early morning hours.

In regards to City Parking Lot Nos. 616, 617, 759 and 760: these public parking lots are currently posted with signs "No Parking 2 a.m. to 6 a.m." and "No Parking 2 a.m. to 7 a.m." The City's proposal would change the hours of Parking Lot Nos. 759 and 760 (115 spaces) to be open and available for public parking 24 hours a day. Parking Lot Nos. 616 and 617 (51 spaces) would open at 4 a.m. for early morning beach goers. (See Page Nine of the staff report).

### **IV. Correspondence**

The attached correspondence is added to the staff report as an exhibit.



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[www.disabilityrightsca.org](http://www.disabilityrightsca.org)

*California's protection and advocacy system*

June 10, 2013

*Via Facsimile, E-mail, and U.S. Mail*

Attn: Charles Posner  
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South District Office  
200 Ocean Gate, Suite 1000  
Long Beach, CA 90803-4316  
Facsimile: (562) 590-5084  
E-mail: [cposner@coastal.ca.gov](mailto:cposner@coastal.ca.gov)

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South Coast Region

JUN 10 2013

CALIFORNIA  
COASTAL COMMISSION

Re: June 13, 2013 Coastal Commission Hearing – Opposition to 5-08-313/A-5-VEN-08-343, Application of City of Los Angeles, Department of Transportation Venice Overnight Parking Districts

Dear California Coastal Commissioners and Staff:

We urge you to reject the City of Los Angeles, Department of Transportation's application to establish Overnight Parking District ("OPD") Nos. 523 and 526 with early morning parking restrictions. Disability Rights California is a private, non-profit disability rights organization mandated by the federal government to advance and protect the human and legal rights of Californians with disabilities. 42 U.S.C. §15001, et seq., 42 U.S.C. §10801, et seq., 29 U.S.C. § 794(e), 29 U.S.C. § 3011, 29 U.S.C. § 3012; see also California Welfare and Institutions Code §4900-4905). Disability Rights California represents people with all types of disabilities, including physical, mental, and developmental disabilities.

The City seeks to establish two overnight parking districts: OPD No. 523, which covers the Venice area seaward of Lincoln Blvd., would prohibit parking from 2 a.m. to 5 a.m., absent a district permit. OPD No. 526, which

covers the Marina del Rey area inland of Lincoln Blvd., would prohibit parking from 2 a.m. to 6 a.m., absent a district permit. We have expressed opposition to similar overnight parking districts in the coastal areas in 2009. We continue to be concerned today that establishment of overnight parking districts in the coastal areas will cause disability discrimination prohibited under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. As public entities and recipients of federal financial assistance, the Coastal Commission and the City must refrain from disability discrimination under these laws. 42 U.S.C. §12132; 29 U.S.C. § 794(a).

*Establishing these restrictive parking districts will have a negative, disproportionate impact on numerous people with disabilities, particularly those with mental or physical disabilities experiencing homelessness. Many people with mental and physical disabilities in the City of Los Angeles who are homeless live in their vehicles out of necessity. Emergency shelters and transitional housing in the City of Los Angeles are very limited and frequently inaccessible. Affordable, accessible permanent housing is scarce. The City's own 2008-2013 Consolidated Plan acknowledges the acute need for affordable, accessible housing in Los Angeles in its submissions to the Department of Housing and Urban Development and in its adopted local plans. The City found that "[f]inding affordable, accessible units is a challenge" in Los Angeles, and that "there are hundreds of thousands of individuals, and families, in Los Angeles, who require accessible, affordable housing and do not have it." City of Los Angeles 2008-2013 Consolidated Plan at 94, 180.*

The City makes similar representations in its primary land use documents. Adopted pursuant to California Gov't Code §§ 65300, the Housing Element of its General Plan is the City's "blueprint" for meeting the housing requirements of its residents and "identifies the City's housing conditions and needs." City of Los Angeles Housing Element 2006-2014 at 1. In its Housing Element, the City recognizes that people "with physical disabilities need affordable, conveniently-located housing which has been specially adapted for wheelchair accessibility, along with other physical needs." City of Los Angeles Housing Element 2008-2014 at 1-16. The City acknowledges that older, more affordable housing units in the City "are not accessible to those with disabilities," and reports that "[o]ver one-half of all

Letter to Coastal Commission re Venice Overnight Parking Districts  
June 10, 2013  
Page 3 of 3

disabled adults in the City have 'going-outside-home' or other employment limitations which affect the ability to work and earn an income." *Id.* As a result, people with disabilities "face unique problems in obtaining affordable and adequate housing" in Los Angeles. *Id.* Establishing these overnight parking districts will effectively penalize many people with disabilities who have no real option for shelter but their vehicles.

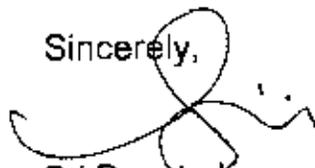
In addition, people with disabilities living in their vehicles out of necessity cannot obtain City parking permits because permits are only available to housed area residents and their guests. Even if permits were available to them, they would have extreme difficulty obtaining them. Because of their disabilities and related low, fixed incomes—if they have any income at all—the distance and cost of traveling to one of the permit offices outside of Venice, as well as the actual cost of the permits, would be burdensome.

The City's application also contains no reasonable accommodations provision directing enforcing agencies to make accommodations for people with disabilities. While a reasonable accommodation provision will not resolve the detrimental effect on people with disabilities described above, the City cannot even begin to meet its an obligations under disability rights laws without such a provision. The City must explicitly direct enforcing agencies to make reasonable accommodations to prevent unlawful discrimination.

For the foregoing reasons, Disability Rights California urges the Coastal Commission to reject the City's application to establish Overnight Parking District Nos. 523 and 526. Access to coastal areas should be equally available to all, including people with disabilities. The City's application, if approved, would substantially undermine disability access.

Thank you for your consideration of our opposition and concerns.

Sincerely,



Sri Panchalam  
Attorney



THE PUBLIC INTEREST LAW OFFICE OF THE LOS ANGELES COUNTY AND BEVERLY HILLS BAR ASSOCIATIONS  
The Southern California Affiliate of The Lawyers' Committee for Civil Rights Under Law

June 7, 2013

California Coastal Commission  
South Coast District Office  
200 OceanGate, 10<sup>th</sup> Floor  
Long Beach, CA 90802

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JUN 10 2013

CALIFORNIA  
COASTAL COMMISSION

E-mail to: [chuck.posner@coastal.ca.gov](mailto:chuck.posner@coastal.ca.gov)

Re: Venice Overnight Parking Districts Nos. 523 and 526, Coastal Development Permits 5-08-313 and A-5-VEN-08-343

Dear Commissioners:

With this letter, Public Counsel submits to the California Coastal Commission its opposition to the creation of Overnight Parking Districts (OPDs) in Venice. Public Counsel is a not-for-profit law firm dedicated to advancing equal justice under the law by delivering free legal services to indigent and under-represented children and adults throughout Los Angeles County, ensuring that other community-based organizations serving this population have legal support, and mobilizing the *pro bono* resources of the community's attorneys and law students. The proposed OPDs illegally limit access to the beach, particularly for homeless and indigent individuals; fail to mitigate against overcrowding and over use; are not justified by any legal or policy reason; contain inadequate mitigation measures; and are inconsistent with the Venice Local Coastal Land Use Plan. We strongly urge the Commissioners to reject the application, as it did in 2009 and 2010.

**I. The Proposed OPDs Violate the Coastal Act by Depriving the Public of Access to the Beach**

The public's right of access to the beach is well-established in California. California Constitution, Article X, Section 4 directs the Legislature to ensure "that access to the navigable waters" is "always attainable" to the public. The California Coastal Act provides that in carrying out this constitutional provision, "maximum access . . . shall be provided for all the people."<sup>1</sup> To that end, the Coastal Act further provides that "[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 rocky coastal beaches to the first line of terrestrial vegetation."<sup>2</sup>

<sup>1</sup> California Coastal Act, Section 30210.

<sup>2</sup> California Coastal Act, Section 30211.

The proposed OPDs interfere with the general public's ability to access the beach and other coastal recreation areas in violation of State law. The parking districts eliminate nearly all street parking between the hours of 2 A.M. and 5 A.M. or 6 A.M. in Venice, preventing nonresidents from driving to the beach and parking during those hours. As the Coastal Commission found in 2010, the proposed OPDs "would adversely affect the public's ability to utilize public street parking that supports access to the beach and other coastal recreation areas . . . . The proposed overnight parking districts are exclusionary because non-residents would be excluded from utilizing on-street public parking for coastal access." As the Commission further found in 2010, the effects of the proposed restrictions would not be limited to the hours in which the parking restrictions are in effect, as the OPDs "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."<sup>3</sup> Similarly, the proposed OPDs would reduce public access before 2 A.M. by discouraging parking by members of the public who do not wish to move their cars after resident-only restrictions go into effect.

The parking restrictions unduly interfere with access to the beach for homeless and indigent individuals. The homeless crisis in Los Angeles is severe, with over 51,000 homeless people on any given night. In 2011, the homeless population in LA City Council District 11, which includes Venice, was 1,258, a 7% increase over 2009.<sup>4</sup> While lacking a permanent address, these individuals, many of whom have lived in Venice for decades, are an integral part of the Venice community. A homeless resident without a permanent Venice address at which to register his or her vehicle would be disallowed from parking in the OPD areas, and instead would be forced to pay to park in one of the few off-street parking lots which are opened overnight. Moreover, at least four of the six lots opened during the early morning hours will have four hour limits and/or will be closed for a two hour period in the middle of the night.<sup>5</sup> Parking fees, as well as the additional expense of gas incurred while moving one's vehicle from the streets to the lots or between lots, represent a disproportionate burden on people who are homeless and have limited incomes. Similarly, late night and early morning beach goers will also be required to pay for off-street parking, deterring indigent beach goers for whom the beach may be one of the few recreational areas they can enjoy free of cost.

## **II. The Proposed OPDs Violate the Coastal Act By Failing to Mitigate Against Overcrowding or Overuse**

The California Coastal Act Section 30212.5 provides that "[w]herever appropriate and feasible, public facilities, including parking 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." There is no evidence on the record that the City has evaluated and mitigated against the threat of overcrowding and overuse. The OPDs eliminate potentially thousands of street parking spaces in the coastal zone between the hours of 2 A.M. and 5 or 6 A.M., displacing

<sup>3</sup> California Coastal Commission, Staff Report: Revised Findings, A-5-VEN-08-344, 8/25/10, 9 ("2010 Revised Findings")

<sup>4</sup> 2011 Greater Los Angeles Homeless Count, Detailed Geography Reports, Los Angeles Homeless Services Authority.

<sup>5</sup> California Coastal Commission, Staff Report, A-5-VEN-08-343, 5/31/13, 15-16 ("2013 Staff Report").

late night and early morning beachgoers, homeless residents, and overnight visitors to Venice. The lack of available parking will likely result in a deluge of vehicles in the outlying areas and on public streets during the restricted hours, as the affected persons search for alternative solutions.

### **III. The City of Los Angeles Has Not Offered Any Valid Justification for the Restriction of Beach Access**

The Coastal Act provides that the right of access must be “consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”<sup>6</sup> The City has not put forth any reason for the OPDs related at all to public safety, public rights, private property rights, or the overuse of natural resources.

In its initial application for OPDs in 2008, the reasons proffered by the City included problems stemming from the overnight parking of vehicles, which, as the Commission pointed out in 2010, related to the lack of adequate housing and services for homeless individuals in Venice. At that time, the Commission directed the City to pursue other strategies to mitigate these problems, such as development permits for oversized vehicles and increasing programs targeted at providing housing and services for homeless individuals, after which the Commission could then “evaluate the appropriateness of restrictions that target public parking” should the “problems persist.”<sup>7</sup> As the Commission staff recognizes in the staff report for the current proposal, the City implemented an oversized vehicle ordinance in 2010, which has resulted in the opening of approximately 320 parking spaces within the OPD boundaries. Since 2010, Council District 11 has improved social services by assisting residents living in their vehicles, which, according to the current staff report “has played a significant role in overcoming problems associated with individuals sleeping in cars during nighttime hours.”<sup>8</sup> If, as the staff report recognizes, the parking problems stemming from oversized vehicles and people living in their cars have been significantly abated, how could the City and Commission possibly justify the use of OPDs now? The staff report provides no basis for such a decision. In fact, the staff report provides the basis for the Commission to *refuse* the OPDs, as it did in 2009 and 2010.

While the staff report references various complaints put forth by the Venice Stakeholders Association (the plaintiff in the lawsuit against the Commission over its denial of OPDs) about Santa Monica residents avoiding parking restrictions, airport travelers, car rental companies, boardwalk vendors, restaurant employees, and hotel customers,<sup>9</sup> the City has offered no evidence, such as through a parking study, to support their claims that these individuals are contributing to scarce parking in Venice. Moreover, none of these supposed justifications relate to public safety, public rights, property rights, or the protection of natural resources, and therefore do not justify the dramatic restriction of coastal access resulting from the OPDs.

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<sup>6</sup> California Coastal Act, Section 30210.

<sup>7</sup> 2010 Revised Findings, 11.

<sup>8</sup> 2013 Staff Report, 7-8.

<sup>9</sup> *Id.* at 7.

#### **IV. The Mitigation Proposed is Inadequate**

The City's proposal offers so-called mitigation measures to lessen the impact on public parking supply: 351 on-street parking spaces exempt from OPDs, the opening up of select city parking lots, and bicycle safety improvements and sharing programs. All three are inadequate.

With regards to the 351 on-street parking spaces, this could hardly be characterized as a mitigation measure, as it does not add any additional parking spaces for the public to use, but simply exempts spaces which otherwise would have been subject to the OPDs. The current staff report relies on a 2008 parking availability study which shows that a high percentage of metered spaces within two blocks of the beach were vacant at 4:30 A.M.<sup>10</sup> However, as the 2010 staff report pointed out with respect to the availability of metered parking spaces in the early morning, there is no way to know how many spaces will be available once the OPD program is in effect – these spaces may be taken up by residents and non-residents without a parking permit.<sup>11</sup>

The parking lot modifications are also inadequate. Of the 357 spaces, 115 (Lots 759 and 760) are already opened to the public 24 hours a day, for free.<sup>12</sup> In fact, the City plans to install parking meters in these lots in the near future, thereby further restricting the use of these lots for overnight visitors to the Venice area, requiring them to pay to park and possibly move their vehicles in the middle of the night. Lots 761, 731, 616, and 617 offer 242 new *metered* parking spaces; these lots will open and close at various times in the night. Lots 616 and 617 will close between 2 A.M. and 4 A.M. and Lot 731 will close between 11 P.M. and 1 A.M. All four lots will have four-hour time limits.<sup>13</sup> The mitigation proposals create a complicated patchwork of parking restrictions, forcing overnight visitors, early morning beachgoers, and homeless residents to pay parking fees and move their cars in the middle of the night so that they can access the beach.

Last, while the bicycle share program, new bike lanes, and shared-lane markings are certainly laudable, they will provide no access to the beach for people who live far from the coast.

#### **V. The Proposed OPD Restrictions Are Inconsistent with the Certified Venice Land Use Plan (LUP)**

The proposed OPDs are inconsistent with the Venice LUP. When addressing parking in the coastal zone generally, LUP Policy II.A.1. calls for the City to provide increased parking opportunities for both visitors and residents of Venice. In Policy II.A.9.c., the LUP applies this general philosophy to street parking, again stressing that the City must “maximize and protect” the availability of public street parking. The proposed OPDs restrict availability of street parking to the general public and decrease parking opportunities in Venice.

In addition, the proposed OPD restrictions violate Policy II.A.6., which makes establishment of preferential parking districts contingent upon replacing displaced public parking spaces with *new*

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<sup>10</sup> Id. at 14.

<sup>11</sup> 2010 Revised Findings, 10.

<sup>12</sup> 2013 Staff Report, 16.

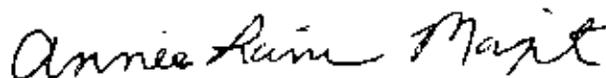
<sup>13</sup> Id. at 15-16.

public parking at a minimum one-to-one ratio. Although the City relies upon 351 on-street parking spaces and 357 spaces in off-street parking lots where non-residents can park overnight, as discussed above, the 351 on-street spaces already exist for public use and cannot be counted as "new public parking" under Policy II.A.6. Furthermore, Lots No. 759 and 760 are already open to the public overnight and also cannot be considered "new public parking." Only four parking lots (totaling 242 parking spaces) will have any modifications made to their policies. The majority of these parking lots require payment for use, and the modifications generally entail only slightly expanded hours of operation in conjunction with four-hour time limits. As noted by the Coastal Commission in 2010, metered, paid lots cannot be considered equivalent spaces to the free, unrestricted, public street parking displaced by OPDs.<sup>14</sup> Further, under Policy II.A.6., should preferential parking restrictions be established, the general public must have the right to buy a day-permit allowing parking on all streets within the zone. While the proposed OPDs allow guests of residents to obtain overnight passes, no such right is extended to the general public.

In 2010, the Coastal Commission stressed that since the City had not provided findings regarding the adequacy of mitigation measures to replace displaced parking at a one-to-one ratio, the Commission could not find that the proposed OPDs satisfied the Venice LUP.<sup>15</sup> The current staff report concludes, without any analysis, that the OPDs conform to the Venice LUP,<sup>16</sup> despite the fact that the scant 242 "new spaces" are nowhere near the required minimum one-to-one ratio in the Venice LUP. The staff report is wrong. Given this clear violation of the certified Venice LUP, granting the current application for OPDs would prejudice the local government's ability to create a Local Coastal Plan that satisfies Chapter 3 of the Coastal Act.<sup>17</sup>

The Commission has twice before denied the City's application to illegally restrict access to the beach through OPDs. For the reasons stated above, we urge the Commission to continue to protect the right of the public, including homeless residents of Venice, to access California's coast and reject the OPD proposal.

Very truly yours,



Annie Lainer Marquit  
Staff Attorney, Public Counsel

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<sup>14</sup> 2010 Revised Findings, 11.

<sup>15</sup> Id. at 14.

<sup>16</sup> 2013 Staff Report, 19.

<sup>17</sup> See California Coastal Act Section 30604(a)

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South Coast Region

JUN 10 2013

CALIFORNIA  
COASTAL COMMISSION

June 9, 2013

## **RESPONSE TO JUNE 6 LETTER FROM D. CARSTENS**

### VIA ELECTRONIC MAIL

Members of the California Coastal Commission  
Attn: Jack Ainsworth  
200 Occangate, 10th Floor  
Long Beach, CA 90802-4416

Re: Application of 5-08-313/A-5-VEN-08-343 City of Los Angeles Department of Transportation Overnight Parking District (Hearing Date: June 13, 2013)

Honorable Commissioners:

I represent the Venice Stakeholders Association (VSA), which supports Overnight Parking Districts (OPDs) in Venice. This letter will respond to the letter dated June 6, 2013, from Douglas P. Carstens, Esq., of Chatten-Brown & Carstens, on behalf of the Venice Community Housing Corporation, which opposes OPDs. This letter supplements our letters of May 28, 2013, and June 6, 2013.

This letter will address a single issue that is raised at the close of Mr. Carstens' letter, namely, the specter that OPDs could be instantly imposed wholesale on every block in Venice by the simple request of the 11<sup>th</sup> District City Council Office, and "without input from affected residents or others."

Initially, it should be noted that Mr. Carstens does not explain how this hypothetical outcome would be harmful to coastal access, given that the City has provided 357 new parking spaces in public parking lots, most of which will be cleared at night to make way for early-morning visitors, and has exempted from OPD restrictions another 351 (mostly metered) on-street spaces within 3 blocks of the beach, which a City parking study showed are mainly vacant in the early-morning hours – all to ensure access by what Commission staff has described as "a few dozen" people who come to recreate at the beach before 5 a.m.

Moreover, Mr. Carstens' hypothetical outcome will not occur regardless, because a 2/3 vote of affected residents is required by an adopted citywide policy, as well as by the City's application for a Coastal Development Permit and the permit granted pursuant thereto.

**A. The Los Angeles City Council has an adopted, long-standing policy which effectively requires a petition signed by 2/3 of affected residents before the Council Office can request OPD restrictions on any particular block.**

Regardless of what the Coastal Commission may require as a condition of its permit, the Los Angeles City Council has an adopted, long-standing policy applicable citywide, which in Venice effectively means that 2/3 of the residents on any given block must sign a petition supporting OPDs before the Council Office can request that signs be posted. In addition, the City Council requires that there be a showing to LADOT of a "public-nuisance related crime problem associated with parked vehicles" which has not been resolved by less restrictive remedies.

The City passed an ordinance authorizing the creation of overnight parking districts citywide in July 2005, and the ordinance took effect in September 2005. (See L.A.M.C. section 80.54; Council File 05-0242, Ordinance No. 176,861.) The ordinance allowed individual OPDs to be created by resolution, and authorized the City's Department of Transportation (LADOT) to promulgate rules to implement and enforce the program. (See L.A.M.C. section 80.54(g).)

In December 2006, after a little more than a year of experience with the program, the City Council introduced a motion directing LADOT to develop general rules and procedures for the implementation of OPDs citywide. (Council File 05-0242.) In response to the motion, LADOT prepared a document entitled Overnight Parking Program Rules & Procedures. On April 10, 2007, the Council adopted the LADOT document with a certain minor changes and exclusions. The adopted motion and the referenced Rules & Procedures are attached hereto as Exhibit "A".

Paragraph 1 of the City Council-adopted Rules & Procedures states that OPD signage "will only be installed where there is both demonstrated support for the signs and a documented problem." The requirements of "demonstrated support" and "a documented problem" are two separate showings that can only be satisfied in specific ways, as follows:

- i. Demonstrated Support - The Council member makes a written request to DOT for sign installation and certifies that one of the following has occurred:
  1. Residents and business owners of blocks to be posted have submitted petitions requesting the installation of the signs and the Council Office has verified that the petitions were signed by an authorized representative of at least two-thirds of the total number of dwelling units plus business addresses on each street segment desiring the signs,

OR

2. The local Neighborhood Council, if there is one, has taken an official position in support of the installation of the signs on a particular street segment at a publicly noticed meeting.
- ii. Documented Problem - LAPD's Area Captain or the Supervising City Attorney of the area's Neighborhood Prosecutor<sup>1</sup> submits a written statement to DOT identifying a public nuisance-related crime problem associated with parked vehicles (e.g., people living in vehicles, lewd acts in vehicles, etc.) on the street segment and certifying that an adequate trial of less restrictive remedies has been unable to eliminate the problem.

The City Council's adoption of the LADOT Rules & Procedures (as amended) was reaffirmed several months later, on July 18, 2007, when another motion was made acknowledging that "On April 10, 2007, the City Council approved new rules and procedures governing DOT's administration of OPDs," and providing that applications for OPDs that were submitted to LADOT prior to Council approval of the new policies should not be subject to the more stringent requirements. (See Council File 07-2314.) The motion was not adopted and later died in the Council's Transportation committee.

Pursuant to the Rules & Procedures, the "demonstrated support" requirement can only be satisfied by either a petition signed by the authorized representatives of 2/3 of the dwelling units and businesses on any given block, or by the local "Neighborhood Council" taking an official position in support of signage at a publicly noticed meeting. Yet because of a February 2009 initiative election, it is legally impossible for the second of these options (support of signage by the Neighborhood Council) to occur in the absence of a petition signed by 2/3 of residents.

The phrase "Neighborhood Council" has a particular meaning in the City of Los Angeles, as the City's Charter specifically provides for the formation of such councils and their certification. (City of Los Angeles Charter, Article IX.) The certified neighborhood council for the whole of Venice is the Venice Neighborhood Council (VNC). In 2009, the VNC conducted an election pursuant to its own bylaws, at which two competing initiatives concerning OPDs were considered. *The initiative favoring OPDs passed by 891 votes to 608.* That initiative stated as follows:

INITIATIVE "B" Affirm Venice Stakeholders Right To Form  
Overnight Parking Districts (OPDs)

Venice Stakeholders re-affirm that Venice residents have the same democratic right as other L.A. residents to establish, by 2/3rds petition signatures, OPDs for their blocks to preserve parking for residents and for night-time security, and call upon the VNC to communicate affirmation of this right to pertinent governmental bodies.

---

<sup>1</sup> The City Council motion amended the Rules & Procedures as drafted by LADOT in a single respect: Section 1.a.ii was amended to delete "...the Deputy City Attorney supervising the area's Neighborhood Prosecutor..." and replace with "...the Supervising City Attorney of the area's Neighborhood Prosecutor..." (See April 10, 2007 motion at ¶ 5.)

A copy of the VNC transmittal letter dated February 27, 2009, reporting the results of the initiative election, is attached hereto as Exhibit "B".

By the February 2009 initiative, Venice residents effectively overrode any prior or future decision by the VNC which might be inconsistent with the initiative. Thus, as a matter of policy the VNC is now on record as supporting OPDs on any given block if, and only if, 2/3 of residents vote for them. Conversely, unless there is a new initiative in the future that rescinds Initiative B, the VNC cannot take an official position in support of OPDs on a particular block in the absence of two-thirds resident support.

**B. The City's Coastal Development Permit application specifically provides that OPD signage will not be installed on any block until at least 2/3 of the residents on the block have signed a petition requesting the signs.**

The application now pending before the Commission is a revised application that reflects the additional parking mitigation measures recently agreed to by the City, and certain other changes requested by Commission staff such as the combining of three of the four original districts into a single district. Otherwise, the application is identical to the application for a Coastal Development Permit that LADOT made to the City's Bureau of Engineering, which application was granted by the Bureau of Engineering in August 2008 and then subsequently appealed to the Coastal Commission by OPD opponents.

Accordingly, regardless of any special or other condition imposed by the Commission, the City is bound by the OPD program as defined by the original application and the Coastal Development Permit issued by the Bureau of Engineering, subject to any subsequent revisions thereto. The City's application and the corresponding City-issued Coastal Development Permit have always unequivocally provided, and still provide, that OPD restrictions will not be installed on any block until at least 2/3 of residents have signed a petition requesting the signs.

The City's Bureau of Engineering issued Coastal Development Permits for the original four OPDs (520, 521, 523, and 526) on August 26, 2008. All of these permits are contained in the Commission file. (See January 15, 2009 Commission Staff Report, Item W22a-3, Exhibits 4-7.) The City-issued Coastal Development Permit for OPD 523 is attached hereto as Exhibit "C". It states:

"The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and
2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and
3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. ..."

Honorable Commissioners  
June 9, 2013  
Page 5

The Final Staff Report by the City's Bureau of Engineering, which supported its issuance of the four City-issued Coastal Development Permits, recites the same three-part requirement. (See Coastal Development Permit Application No. 08-09 Final Staff Report, dated August 23, 2008, in Commission file.)

While the above language closely tracks the LADOT Rules & Procedures adopted in April 2007, the City-issued Coastal Development Permit is actually even more restrictive than required by LADOT because it requires both the consent of 2/3 of residents, and the adoption of a motion by the Venice Neighborhood Council supporting the installation of the signs, rather than just one or the other. (As it turns out, the separate requirement of VNC approval is no longer required on a block-by-block basis because the VNC's February 2009 initiative election placed the VNC on record as supporting OPDs on any given block provided that 2/3 of residents vote for them.)

**C. The Commission is free to adopt an additional Special Condition requiring a petition signed by 2/3 of residents before OPD restrictions can be adopted on any particular block.**

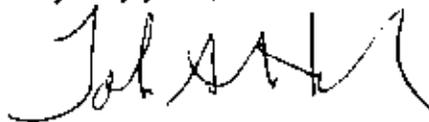
If the Commission has any concern that the City will ignore its adopted citywide policy and defy the constraints set forth in its own staff report and the City-issued Coastal Development Permits, then it is free to merely subject the permit to an additional Special Condition requiring the requisite petition by 2/3 of residents on the affected blocks.

**D. Conclusion.**

Mr. Carstens' letter speculates that OPDs could be imposed wholesale throughout Venice without any input by affected residents. However, this simply cannot occur under either the City's own permit application or its adopted citywide policy. Moreover, if the Commission remains skeptical, it can simply require the necessary two-thirds' consent by way of a Special Condition. Thus, the Commission should proceed to approve the City's application.

Thank you for the kind consideration of our comments on this important project.

Very truly yours,



John A. Henning, Jr.

Enclosures

FRANK T. MARTINEZ  
City Clerk

KAREN E. KALFAYAN  
Executive Officer

When making inquiries  
relative to this matter  
refer to File No.

05-0242

# CITY OF LOS ANGELES CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 336, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 978-1043  
General Information - (213) 978-1133  
Fax: (213) 978-1040

CLAUDIA M. DUNN  
Chief, Council and Public Services Division  
[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

April 16, 2007

Councilmember Greuel  
Councilmember Rosendahl  
Office of the Mayor  
Board of Transportation Commissioners

City Administrative Officer  
Chief Legislative Analyst  
City Attorney (with blue sheet)  
Department of Transportation

RE: PROPOSED GENERAL RULES AND PROCEDURES FOR THE IMPLEMENTATION OF OVERNIGHT  
PARKING DISTRICTS

At the meeting of the Council held April 10, 2007, the following action was taken:

Attached report adopted .....	_____
Attached amending motion (Greuel - Rosendahl) adopted .....	_____ X _____
Attached resolution adopted .....	_____
FORTHWITH .....	_____
Mayor concurred .....	_____
To the Mayor FORTHWITH .....	_____
Motion adopted to approve communication recommendation(s), as amended .....	_____ X _____
Motion adopted to approve committee report recommendation(s) .....	_____
Ordinance adopted .....	_____
Ordinance number .....	_____
Publication date .....	_____
Effective date .....	_____
Mayor vetoed .....	_____
Mayor approved .....	_____
Mayor failed to act - deemed approved .....	_____
Findings adopted .....	_____
Negative Declaration adopted .....	_____
Categorically exempt .....	_____
Generally exempt .....	_____

City Clerk  
me

## EXHIBIT "A"



44

COMMUNICATION

File No. 05-0242

**TO: LOS ANGELES CITY COUNCIL**

**FROM: WENDY GREUEL, CHAIR  
TRANSPORTATION COMMITTEE**

COMMUNICATION FROM THE CHAIR AND MEMBER, TRANSPORTATION COMMITTEE relative to proposed general rules and procedures for the implementation of Overnight Parking Districts (OPDs).

Recommendations for Council action, as initiated by Motion (Greuel - Rosendahl):

1. **REQUEST** the City Attorney, with the assistance of the Department of Transportation (DOT), to **PREPARE** and **PRESENT** an **ORDINANCE** amending Los Angeles Municipal Code (LAMC) Section 80.54 to reflect the changes in the Overnight Parking Program as proposed by the Overnight Parking Program Rules and Procedures Included in the March 13, 2007 DOT report and attached to the Council file.
2. **DIRECT** the DOT to promulgate rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54.
3. **AUTHORIZE** the DOT to make appropriate amendments to the Overnight Parking Program Rules and Procedures to post overnight parking restrictions on streets fronting parks in residential areas.
4. **DIRECT** the DOT and Los Angeles Police Department (LAPD) to develop a Memorandum of Understanding clearly specifying each department's role in the enforcement of the *Overnight Parking Program*.
5. **AMEND** Section 1.a.ii of the Overnight Parking Program Rules and Procedures included in the March 13, 2007 DOT report and attached to the Council file to delete "...the Deputy City Attorney supervising the area's Neighborhood Prosecutor..." and replace with "...the Supervising City Attorney of the area's Neighborhood Prosecutor..."
6. **EXEMPT** from Overnight Parking Program Rules and Procedures included in the March 13, 2007 DOT report and attached to the Council file or any rules and guidelines promulgated in connection with Recommendation No. 2 the proposed Overnight Parking District (OPD) as detailed in Council file No. 07-1007 for the following streets:
  - a. Valita Street from Vernon Avenue to Lake Street
  - b. Flower Avenue from Lincoln Boulevard to Sunset Avenue
  - c. Vernon Avenue from Lincoln Boulevard to Valita Street
  - d. Indiana Avenue from Lincoln Boulevard to Valita Street

e. Lake Street from Lincoln Boulevard to Appleby Street

**Fiscal Impact Statement:** The DOT reports that it is proposing to restructure the Overnight Parking Program so that only those residential areas with inadequate off-street parking that qualified for overnight parking prohibitions with permit exemptions for residents would require Council action to establish an OPD. Overnight Parking Permit fees will be set at a level so that the revenue from permit sales and/or contributions from other sources such as grants would fully recover the cost of formulation, implementation, maintenance and enforcement of OPDs and the administration of the Overnight Parking Program. At this time, the annual cost of this special service is unknown but it is expected to be somewhat less than the cost of the Preferential Parking Program. Therefore, the City Attorney has recommended that the DOT set the initial OPD permit fees at a level of approximately two-thirds of the current Preferential Parking District (PPD) permit fees. A cost analysis of the Overnight Parking Program is planned to occur at the end of the 2006-7 Fiscal Year, after the Overnight Parking Program has been in effect for about one year; and the permit fees will be adjusted accordingly based on the results of that analysis. In addition to recovering the full cost of the Overnight Parking Program from permit fees, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the OPD's parking restrictions.

Overnight parking restriction signs without resident permit exemptions (i.e., not located within Ops) would be fabricated, installed, maintained and enforced using existing Department resources and would represent an unbudgeted General Fund expense during the current fiscal year. Additionally, the City may gain additional General Fund revenue from the issuance of parking citations to violators of these overnight parking restrictions.

**Summary:**

On December 15, 2006, Council introduced a Motion (Greuel - Rosendahl) relative to directing the DOT to develop general rules and procedures for the implementation of OPDs in the City. According to the Motion, on September 14, 2005, Council adopted Ordinance No. 176,861 which provides for the establishment of OPDs by Resolution of the Council under LAMC Section 80.54. This Ordinance provides a "No Parking" restriction between the hours of 2 AM and 6 AM in each OPD. Pursuant to LAMC Section 80.54(c), Council may also authorize the DOT to issue Overnight Parking Permits in these areas, which exempt residents and their guests from the overnight parking restrictions.

The establishment of OPDs was intended to be another tool to address a variety of public safety and public welfare issues associated with vehicles that have no legitimate reason to be parked overnight in a given area. The goal was to provide enough flexibility in the Ordinance so that staff could tailor the program to address a specific parking issue in a neighborhood. Finally, the Motion stated that as the City begins to establish OPDs throughout the City, DOT staff is experiencing practical and technical challenges in providing such a flexible program.

On February 14, 2007, the Transportation Committee considered the above Motion. After consideration and having provided an opportunity for public comment, the Committee moved to continue this matter pending the DOT's submission of a draft OPD policy.

Subsequently, on April 2, 2007, the Chair and one member of the Transportation Committee considered a March 13, 2007 DOT report in response to the above Motion. Included in the report is also a draft "Overnight Parking Program Rules and Procedures." According to the DOT, it originally developed Ordinance No. 176,861 (effective September 14, 2005) in cooperation with the

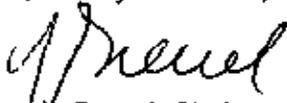
City Attorney and LAPD as a tool to address criminal and public nuisance activities associated with non-resident vehicles parked late at night in the Venice and Baldwin Village areas of the City. The Ordinance established LAMC Section 80.54 prohibiting parking between 2:00 AM and 6:00 AM and gave the Council the authority to identify, by Council Resolution, those areas (OPDs) where the DOT was authorized to post signs and enforce the 2:00 AM and 6:00 AM parking prohibition. LAMC Section 80.54 was designed to be applicable Citywide, with the flexibility to customize the requirements of each OPD according to the particular problems and circumstances of the area.

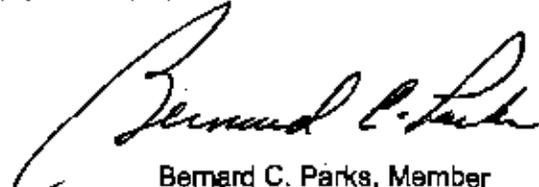
The DOT envisioned that each OPD would be created by a Council Resolution that would that would establish the boundaries of the District; list any locations where overnight parking restrictions were not allowed to be posted; specify the maximum number, type and cost of Overnight Parking Permits authorized to issuance to each dwelling unit; identify the overnight parking restriction(s) authorized for use within the OPD; and clarify the procedures to have overnight parking restriction signs installed on each block.

Next, the DOT stated that it has experienced problems in selling the OPD permits through the vendor it uses for selling Preferential Parking District permits due to limitations of the vendor's point-of-sales equipment. Additionally, the DOT stated that Citizens and Council office staff were not clear about how to specify the boundaries of an OPD. In this area, the DOT ultimately decided that the most flexible approach was to identify a larger area in the establishing resolution and include authorization for the DOT to install or remove overnight parking restrictions on streets within the OPD at the request of the Councilmember of the affected District. Finally, the DOT noted that although LAMC 80.54 is a parking prohibition that the DOT Traffic Officers are authorized to enforce, it was originally intended to provide an additional tool for the LAPD to address crime and public nuisance problems. Therefore, it is more appropriate for Police Officers to patrol and enforce these parking prohibitions, which usually involve people being present in the vehicles being cited.

After further consideration and having provided an opportunity for public comment, the Committee Chair moved to recommend approval of the DOT's recommendations as contained in the March 13, 2007 DOT report and detailed above in Recommendation Nos. 1, 2 and 4. Additionally, the Committee Chair also recommended: 1) authorizing the DOT to make the necessary amendments to the Overnight Parking Program Rules and Procedures so as to allow the DOT to post overnight parking restrictions on streets fronting parks in residential areas; 2) making a technical correction to Section 1.a.ii of the Overnight Parking Program Rules and Procedures; and 3) exempting the proposed OPD under Council file No. 07-1007 from the new Overnight Parking Program Rules and Procedures. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

  
Wendy Greuel, Chair  
Transportation Committee

  
Bernard C. Parks, Member  
Transportation Committee

MEMBER	VOTE
GREUEL:	YES
PARKS:	YES
LABONGE:	ABSENT
WESSON:	ABSENT
ROSENOAHL:	ABSENT

ARL  
#050242a.wpd  
4/3/07

**ADOPTED**  
MOTION ADOPTED TO APPROVE COMMUNICATION RECOMMENDATIONS, AS AMENDED  
APR 10 2007  
see ATTACHED MOTION  
LOS ANGELES CITY COUNCIL

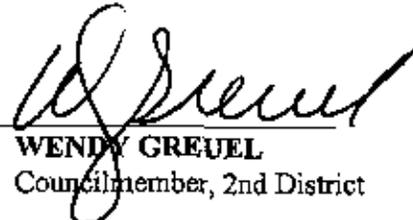
Item #44A

**MOTION**

I **MOVE** that the Transportation Committee Report relative to proposed general rules and procedures for the implementation of Overnight Parking Districts (OPD) (CF#05-0242), Item #44 on today's agenda, **BE AMENDED** to replace recommendation #3 with the following language:

- **AUTHORIZE** the LADOT to amend the proposed rules and procedures to establish a procedure to post overnight parking restrictions along street frontage without residential development (e.g., parks) if the residents on the other side of the street would not have adequate on-street parking if only the residentially developed side of the street were posted.

PRESENTED BY:

  
WENDY GREUEL  
Councilmember, 2nd District

SECONDED BY:



*Amending motion*  
**ADOPTED**

APR 10 2007

April 10, 2007

**LOS ANGELES CITY COUNCIL**

**CITY OF LOS ANGELES**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

Date: March 13, 2007

To: The Honorable City Council  
c/o City Clerk, Room 395, City Hall  
Attention: Honorable Wendy Greuel, Chair, Transportation Committee

From: Gloria J. Jeff, General Manager  
Department of Transportation 

Subject: **OVERNIGHT PARKING PROGRAM RULES AND PROCEDURES,**  
**C.F. NO. 05-0242**

**RECOMMENDATIONS**

That, if the City Council is in agreement with the attached draft Overnight Parking Program Rules and Procedures, the City Council:

1. REQUEST the City Attorney, with the assistance of the Department of Transportation, to prepare a draft ordinance amending LAMC Section 80.54 to reflect the changes in the Overnight Parking Program proposed in the draft Rules.
2. DIRECT the Department of Transportation to promulgate, subject to City Council approval, rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54.
3. DIRECT the Department of Transportation and the Police Department to develop a Memorandum of Understanding clearly specifying each department's role in the enforcement of the Overnight Parking Program.

**DISCUSSION**

On December 15, 2006, a motion (Greuel/Rosendahl, CF No. 05-0242) was introduced directing the Department of Transportation (DOT) to develop general rules and procedures for the implementation of Overnight Parking Districts (OPDs) in the City of Los Angeles. The motion stated that the "establishment of OPDs was intended to be another tool to address a variety of public safety and public welfare issues associated with vehicles that have no legitimate reason to be parked overnight in a given area. The goal was to provide

enough flexibility in the ordinance so that staff could tailor the program to address a specific parking issue in a neighborhood. As the City begins to establish OPDs throughout the City, staff is experiencing practical and technical challenges in providing such a flexible program. It appears that program parameters are needed that will address these issues, yet continue to allow OPDs to be developed to deal with the specific parking issues in each community".

DOT originally developed Ordinance No. 178,861 (effective September 14, 2005) in cooperation with Council staff and staff of the City Attorney and Police Department as a *tool to address criminal and public nuisance activities associated with non-resident vehicles parked late at night in the Venice and Baldwin Village areas of Los Angeles*. The ordinance established Los Angeles Municipal Code (LAMC) Section 80.54 prohibiting parking between 2:00 a.m. and 6:00 a.m. and gave the Council the authority to identify, by Council resolution, those areas (OPDs) where DOT was authorized to post signs and enforce the 2:00 a.m. and 6:00 a.m. parking prohibition. LAMC Section 80.54 was designed to be applicable Citywide, with the flexibility to customize the requirements of each OPD according to the particular problems and circumstances of the area. DOT envisioned that each OPD would be created by a Council Resolution that would establish the boundaries of the District; list any locations where overnight parking restrictions were not allowed to be posted; specify the maximum number, type and cost of Overnight Parking Permits authorized for issuance to each Dwelling Unit; identify the overnight parking restriction(s) authorized for use within the District; and clarify the procedures to have overnight parking restriction signs installed on each block.

#### Lessons Learned

The first Overnight Parking District, OPD No. 501 on Ledge Avenue and Kling Street in Council District 4, was established by Council action on March 29, 2006. Since then, the Council has approved 12 more OPDs; and at least 12 more OPD requests are pending.

Of the 13 OPD requests approved by Council to date, approximately half of them had crime and public nuisance problems consistent with the original intent of the Overnight Parking Program and hence are consistent with the new rules and procedures proposed in this report. Other problems that the overnight parking program has been used to address include violations of the 72-hour limit on parking in *one place and residents of nearby apartment buildings parking on streets with single-family homes*. Since the City already has more appropriate tools to address 72-hour violations (LAMC Section 80.73.2) and parking supply issues on single-family residential streets (LAMC 80.58), the Department recommends refocusing the Overnight Parking Program on its original purpose.

Although LAMC 80.54 is a parking prohibition that DOT Traffic Officers are authorized to enforce, it was originally intended to provide an additional tool for the Police Department to address crime and public nuisance problems. Therefore, it is more appropriate for Police Officers to patrol and enforce these parking prohibitions, which usually involve people being present in the vehicles being cited.

DOT planned to use its existing preferential parking permit sales contractor, Affiliated Computer Services (ACS), to sell Overnight Parking Permits, but found that the limitations of ACS' permit sales software required a simplification and standardization of the Overnight Parking Permit sales parameters (a.g., maximum number permits, permit fees, etc.). In hindsight, DOT also realized that overnight parking prohibitions without permit exemptions (i.e., "No Parking 2 AM to 6 AM") should not have been part of the OPD process requiring adoption of a Council resolution to identify where these restrictions would be posted and enforced. Instead, DOT should have been given authority to simply install these signs where appropriate criteria were met. Only those residential areas with *inadequate off-street parking* that qualified for overnight parking prohibitions with permit exemptions for residents (i.e., "No Parking 2 AM to 6 AM, **Except By Permit**") would then require Council action to establish an OPD.

Citizens and Council office staff also were not clear about how to specify the boundaries of an OPD. DOT ultimately decided that the most flexible approach was to identify a larger area in the establishing resolution and include authorization for DOT to install or remove overnight parking restrictions on streets within the OPD at the request of the Councilmember of the affected District.

#### Proposed Overnight Parking Program Rules and Procedures

DOT has developed the attached draft Overnight Parking Program Rules and Procedures to re-focus the Program on its original purpose and address all of the issues identified to date. If the Council is in agreement with the proposals contained in the draft Rules, the Department recommends that the City Attorney, in coordination with DOT, be requested to prepare a draft ordinance with appropriate amendments to LAMC Section 80.54; that DOT be directed to promulgate, subject to City Council approval, rules and guidelines for the issuance of permits, the proper use and display of permits, and the penalties and procedures for addressing non-compliance with the Overnight Parking Program Rules and Procedures and LAMC Section 80.54; and that DOT and the Police Department be directed to develop a Memorandum of Understanding clearly specifying each department's role in the enforcement of the Overnight Parking Program.

DOT will process any pending and future requests for overnight parking restrictions in accordance with the *Overnight Parking Program Rules and Procedures* once they have been adopted by the City Council.

#### **FISCAL IMPACT STATEMENT**

DOT is proposing to restructure the Overnight Parking Program so that only those residential areas with inadequate off-street parking that qualified for overnight parking prohibitions with permit exemptions for residents would require Council action to establish an OPD. Overnight Parking Permit fees will be set at a level so that the revenue from permit sales and/or contributions from other sources such as grants would fully recover the cost of formulation, implementation, maintenance and enforcement of Overnight Parking Districts and the administration of the Overnight Parking Program. At this time, the annual

cost of this special service is unknown but it is expected to be somewhat less than the cost of the Preferential Parking Program. Therefore, the City Attorney has recommended that DOT set the initial OPD permit fees at a level of approximately two-thirds of the current PPD permit fees. A cost analysis of the Overnight Parking Program is planned to occur at the end of the 2006/2007 Fiscal Year, after the overnight parking program has been in effect for about one year; and the permit fees will be adjusted accordingly based on the results of that analysis. In addition to recovering the full cost of the Overnight Parking Program from permit fees, the City may gain additional General Fund revenue from the issuance of parking citations to violators of the OPD's parking restrictions.

Overnight parking restriction signs without resident permit exemptions (i.e., not located within OPDs) would be fabricated, installed, maintained and enforced using existing Department resources and would represent an unbudgeted General Fund expense during the current fiscal year. Here too, the City may gain additional General Fund revenue from the issuance of parking citations to violators of these overnight parking restrictions.

#### **COORDINATION**

DOT has developed the attached draft Overnight Parking Program Rules and Procedures as a mechanism to engage the Council in a dialogue about the future of the Overnight Parking Program.

AEW:  
H:\T-Committee\CF05-0242 OPP Rules & Procedures.doc

Attachment

# OVERNIGHT PARKING PROGRAM RULES & PROCEDURES

(Revised March 13, 2007)

**GOAL:** To deter crime and other public nuisances associated with the overnight parking of non-resident vehicles on City streets

1. Signs – prohibiting parking between 2 and 6 AM may be installed on any type of street regardless of adjacent land use but will only be installed where there is both demonstrated support for the signs and a documented problem.
  - a. General Criteria for Sign Installation – the following criteria shall be met for all proposed installations of Overnight Parking Program restrictions:
    - i. Demonstrated Support – The Councilmember makes a written request to DOT for sign installation and certifies that one of the following has occurred:
      1. Residents and business owners of blocks to be posted have submitted petitions requesting the installation of the signs and the Council Office has verified that the petitions were signed by an authorized representative of at least two-thirds of the total number of dwelling units plus business addresses on each street segment desiring the signs,
  - OR**
  2. The local Neighborhood Council, if there is one, has taken an official position in support of the installation of the signs on a particular street segment at a publicly noticed meeting.
  - ii. Documented Problem - LAPD's Area Captain or the Deputy City Attorney supervising the area's Neighborhood Prosecutor submits a written statement to DOT identifying a public nuisance-related crime problem associated with parked vehicles (e.g., people living in vehicles, lewd acts in vehicles, etc.) on the street segment and certifying that an adequate trial of less restrictive remedies has been unable to eliminate the problem.
- b. Procedure for Signs Without Exemptions – the following procedure shall be followed for the installation of "No Parking 2 AM to 6 AM" signs applying to all vehicles:

- i. DOT Determination – Based upon the information received, DOT takes one of the following actions:
  1. General Criteria Met – DOT notifies Council Office in writing of the approval of the sign installation request, writes work orders to fabricate and install signs, and notifies residents and businesses of street to be posted.
  2. General Criteria Not Met – DOT denies request and notifies Council Office in writing of the reasons for the denial.
- ii. Council Action – none required.
- c. Procedure for Signs with "Permit Exemptions" for Residents - the following additional, special criteria shall be met for all proposed installations of "No Parking 2 AM to 6 AM, Except By Permit" signs where residents may purchase permits exempting themselves and their guests from the parking prohibition:
  - i. Special Criteria for Resident Exemptions
    1. Dwelling units comprise 50 percent or more of the total number of dwelling units plus business addresses on the block face, AND
    2. The dwelling units lack adequate off-street parking as determined by DOT survey.
  - ii. DOT Determination – Based upon the information received, DOT takes one of the following actions:
    1. Both General and Special Criteria Met – DOT notifies Council Office and prepares and submits report to Council and draft resolution establishing an Overnight Parking District. Once Council adopts the resolution establishing the OPD, DOT writes work orders to fabricate and install signs, notifies residents and businesses of street to be posted, and commences sale of permits.
    2. General and/or Special Criteria Not Met – DOT denies the request and notifies the Council Office.
  - iii. Council Action – only required if both General and Special Criteria are met.
2. Permits – for residents of Los Angeles and their guests may purchase permits that exempt them from the "No Parking 2 AM to 6 AM, Except by Permit"

restrictions in the Overnight Parking District in which they reside in accordance with the following conditions:

a. Maximum Number and Fees for Permits

- i. Maximum of three Resident Permits to each dwelling unit in an Overnight Parking District for a fee of \$15.00 each per year.
- ii. Maximum of two Visitor Permits per dwelling unit in an Overnight Parking District at any one time valid for a maximum of four months at a fee of \$10.00 per permit.
- iii. Maximum of 10 one-day Guest Permits per dwelling unit in an Overnight Parking District per year for a fee of \$1.00 per permit,

OR

Maximum of 25 one-day Guest Permits per dwelling unit in an Overnight Parking District per day for a fee of \$1.00 per permit with the issuance of more than 25 one-day Guest Permits for the same day to a single dwelling unit requiring submittal to DOT of prior written approval from the affected Council Office.

3. Overnight Parking District Boundaries and Sign Installation Procedure – the Council resolution establishing an Overnight Parking District shall extend to include all of the contiguous street segments that meet the Special Criteria, whether or not the residents have requested the installation of the signs. Once the Council adopts the resolution establishing the OPD, DOT shall be authorized, with no further action of the Council, to install signs on any street segment within the OPD when the General Criteria have been met for the street segment.
4. Removal of Signs and/or Rescission of OPDs – the following criteria shall be met for all proposed removals of Overnight Parking Program restrictions:
  - a. Demonstrated Support - The Councilmember makes a written request to DOT for sign removal and certifies that one of the following has occurred:
    - i. Residents and business owners of street segments posted with overnight parking restrictions have submitted petitions requesting the removal of the signs and the Council Office has verified that the petitions were signed by an authorized representative of at least two-thirds of the total number of dwelling units plus business addresses on each street segment desiring the signs,

OR





# Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / [www.VeniceNC.org](http://www.VeniceNC.org)  
Email: [info@VeniceNC.org](mailto:info@VeniceNC.org) / Phone or Fax: 310.606.2015



**RECEIVED**  
South Coast Region

February 27, 2009

Councilman Bill Rosendahl  
Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

Mayor Antonio Villaraigosa  
Los Angeles City Hall  
200 North Spring Street, Los Angeles, CA  
90012

Commissioners of the Board of Public  
Works  
City of Los Angeles  
Attn: Cynthia M. Ruiz  
200 N. Spring Street, Room 361-P  
Los Angeles, CA 90012

Rita L. Robinson  
General Manager, Department of  
Transportation  
100 S. Main Street, 10th Floor  
Los Angeles, CA 90012

Gary Lee Moore  
City Engineer  
1149 S. Broadway Street, Suite 700  
Los Angeles, CA 90015

Ms. Bonnie Neely, Chair, California  
Coastal Commission  
825 Fifth Street, Room 111  
Eureka, CA 95501

Members of the California Coastal  
Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Rocky Delgadillo  
City Attorney  
200 North Main Street, 800 City Hall East  
Los Angeles, CA 90012

Re: Venice Stakeholders Affirmation of Residents' Right to Establish Overnight Parking  
Districts (OPDs) Pursuant to LAMC Code 80.54 and CA Vehicle Code Section  
22507.5

Dear Sirs and Madams,

On February 21, 2009, the Venice Neighborhood Council (VNC) held an election on two competing initiatives brought by stakeholders pursuant to Article V (A) of the VNC's By-Laws. These Initiatives were labeled "A" and "B", and concerned whether the VNC should rescind or reaffirm its previous support for overnight parking districts (OPDs) in Venice. The language of the initiatives read as follows:

## **INITIATIVE "A" Rescind OPDs in Venice**

**To Fairly Represent Venice, the Venice Neighborhood Council (VNC) Must Rescind any VNC Board Approval of Overnight Parking Districts in Venice and Transmit a Letter Stating Such to the Los Angeles City Council Office, the Bureau of Engineering, the Department of Transportation, and the California Coastal Commission.**

H:\VNC 07-06\Initiatives\2.21.09\2.21.09 Initiative Ltr. 2.27.09.doc

*It's YOUR Venice - get involved!*

**EXHIBIT "B"**



# Venice Neighborhood Council

PO Box 550, Venice, CA 90294 / [www.VeniceNC.org](http://www.VeniceNC.org)  
Email: [info@VeniceNC.org](mailto:info@VeniceNC.org) / Phone or Fax: 310.606.2015



## **INITIATIVE "B" Affirm Venice Stakeholders Right To Form Overnight Parking Districts (OPDs)**

**Venice Stakeholders re-affirm that Venice residents have the same democratic right as other L.A. residents to establish, by 2/3rds petition signatures, OPDs for their blocks to preserve parking for residents and for night-time security, and call upon the VNC to communicate affirmation of this right to pertinent governmental bodies.**

The election generated the largest turnout in the history of the Council, with over 1,500 stakeholders voting, many waiting over an hour to cast their ballots.

Initiative "A" did not pass by a vote of 634 in favor and 868 against, with 9 abstentions. Initiative "B" did pass by a vote of 891 in favor and 608 against, with 13 abstentions. As such, the vote supports the VNC's position in favor of Venice residents' right to form OPDs.

As directed by the initiative, I am communicating passage of Initiative "B" to the pertinent governmental bodies.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink that reads "Mike R. Newhouse".

Mike Newhouse  
President  
Venice Neighborhood Council

Cc: [Secretary@VeniceNC.org](mailto:Secretary@VeniceNC.org)

BOARD OF PUBLIC WORKS  
MEMBERS  
CYNTHIA M. RUIZ  
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JULIE B. GUTMAN  
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JAMES A. GIBSON  
EXECUTIVE OFFICER

CITY OF LOS ANGELES  
CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

DEPARTMENT OF  
PUBLIC WORKS  
BUREAU OF  
ENGINEERING  
GARY LEE MOORE, P.E.  
CITY ENGINEER  
1149 S. BROADWAY, SUITE 700  
LOS ANGELES, CA 90015-2213

http://eng.city.org  
**RECEIVED**  
South Coast Region

NOV 20 2008

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: 08-10

**523**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

PROJECT LOCATION: The project is located within the East Venice area of Venice. The Overnight Parking District (OPD) 523 consists of both sides of all street segments within the area bounded on the west by Abbot Kinney Boulevard, Brooks Avenue and Speedway; on the north by the City Limit with the City of Santa Monica, on the east by Lincoln Boulevard, on the south by North Venice Boulevard and including the properties on the east side of Abbot Kinney Boulevard between North Venice Boulevard and Main Street, the north side of Brooks Avenue between Main Street and Speedway, both sides of Speedway between Brooks Avenue and the City Limit with the City of Santa Monica, the west side of Lincoln Boulevard between the City Limit with the City of Santa Monica and North Venice Boulevard, and the north side of North Venice Boulevard between Lincoln Boulevard and Abbot Kinney Boulevard.

DEVELOPMENT DESCRIPTION: The proposed project would establish OPD (or District) No. 523 in the East Venice area of Venice, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 523 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and

COASTAL COMMISSION  
AS-VEN-08-343

EXHIBIT # 6  
PAGE 1 OF 5

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

001834  
EXHIBIT "C"

2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and
  3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.
- I. 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: A portion of OPD 523 is within the dual jurisdiction of the Coastal Zone. Therefore, a permit is also needed from the California Coastal Commission.
- II. The following are site-specific conditions of approval for the OPD 523 - East Venice Area:

COASTAL COMMISSION  
AS-VEN-08-343

EXHIBIT # 6  
PAGE 2 OF 5

001835

- (a) Extend the operating hours of Parking Lot 740, located near the intersection of Main Street and Rose Avenue in OPD 523, to overlap with the OPD restriction period (2:00 a.m. to 6:00 a.m.).<sup>1</sup>
- 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 June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-10 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 Regional

<sup>1</sup> All overnight vehicles parked at Parking Lot 740, which has both 1-hour and 10-hour parking limits, must be removed from the lot by 7:00 a.m. during the tourist season to maximize daytime beach access. The Los Angeles Department of Transportation will collect parking fees during the extended operating hours of Parking Lot 740.

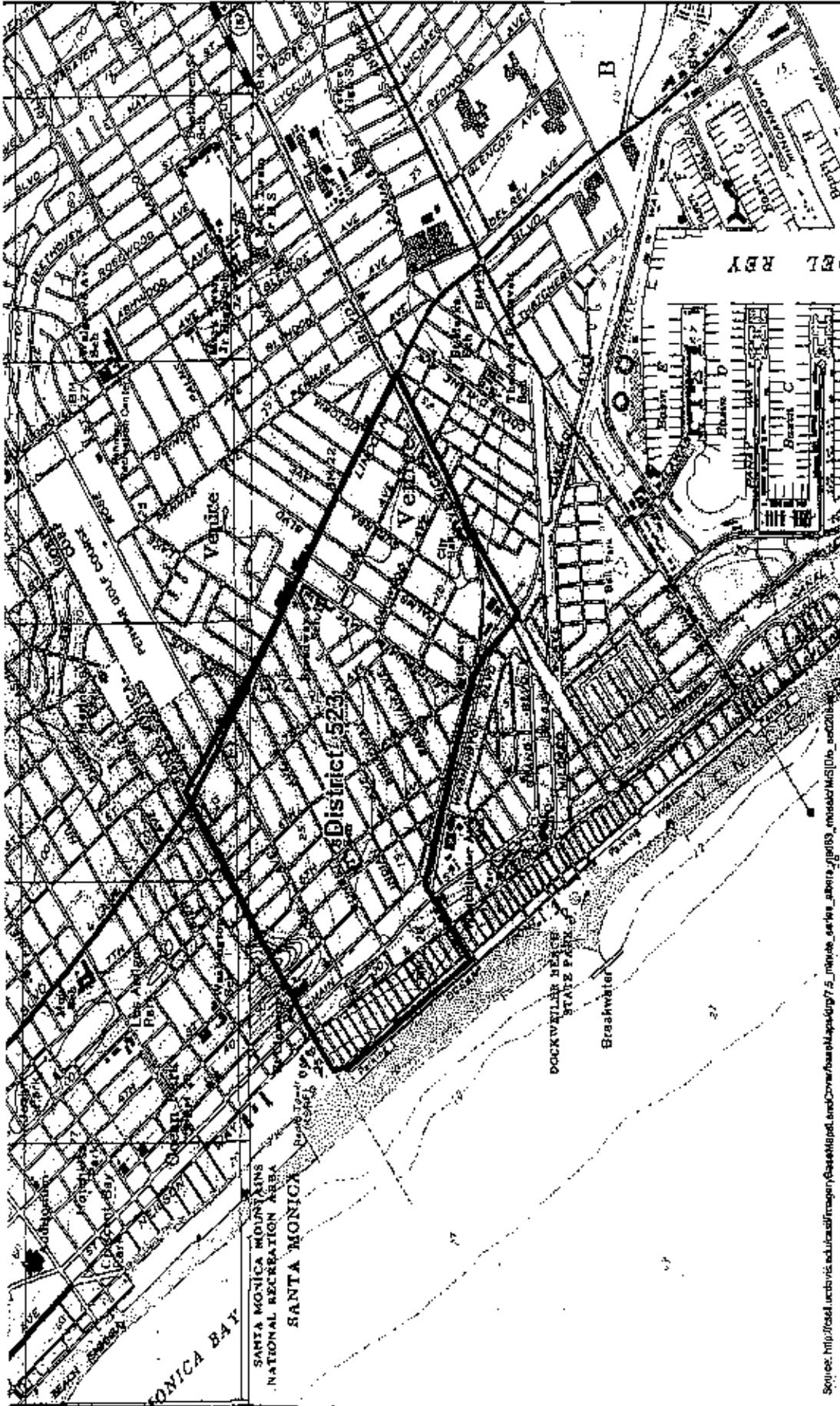
Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days 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: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-10 and have accepted its content.

COASTAL COMMISSION  
A5-VEN-08-343

EXHIBIT # 6  
PAGE 4 OF 5

001837



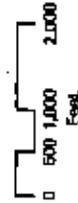
Source: <http://osd.arcgis.com/arcgis/rest/services/MapServer/0/MapServer?layers=0,1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52,53,54,55,56,57,58,59,60,61,62,63,64,65,66,67,68,69,70,71,72,73,74,75,76,77,78,79,80,81,82,83,84,85,86,87,88,89,90,91,92,93,94,95,96,97,98,99,100>  
 Approximate boundary shown for each district. For discussion purposes only.

City of Los Angeles  
 Venice Overnight Parking Districts  
**COASTAL COMMISSION**

Vicinity Map - District 523

EXHIBIT # 6

PAGE 5 OF 5



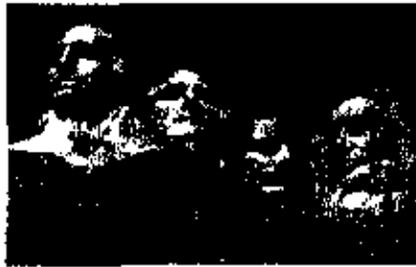
**Legend**

Overnight Parking District

**CDM**

**523**

**A-5-VEN-08-343**



**RECEIVED**  
South Coast Region

JUN 10 2013

CALIFORNIA  
COASTAL COMMISSION

June 4, 2013

Re: California Coastal Commission case 5-08-313 A5-VEN-08-343.

The Presidents Row Neighborhood Association is a long standing organization which represents approximately 2000 residents in the area bounded by Venice Blvd. on the North, Washington Blvd. on the South, Lincoln Blvd. on the East, and Abbot Kinney on the West.

We support any measure which gives Venice residents the same rights as those who live in the rest of Los Angeles, and those who live in other California coastal communities.

Beach access is important, but should not come at the expense of residents trying to access their homes.

OPDs would give relief to those residents who are severely impacted. They would not affect the community as a whole.

Venice has been overrun by both visitors and businesses utilizing the limited available parking space in residential areas.

In A-5-VEN-10-281, the CCC determined that 10 spaces were sufficient to supply the needs of 35 full time employees and numerous part time employees.

This matter came before the Coastal Commission because the WLA Area Planning Commission denied an appeal ZA-2009-3180-CDP-1A, not on the merits of the case, but because the APC was unable to seat a quorum.

OPDs and PPDs would give relief to those residents who are so negatively affected that they are willing to pay to be able to park near their homes.

The Board of Directors of PRNA strongly urges the approval of this application for Overnight Restricted Parking Districts for Venice.

It is important to consider the needs of Venice residents, when looking at the desires of businesses and visitors.

Sincerely,

Harris J. Levey  
President PRNA

.....  
Presidents Row Neighborhood Association P.O. Box 661553 Los Angeles, CA 90066  
Serving the residents of Venice. Bounded by Lincoln, Washington, Abbot Kinney and Venice Blvd.  
[PRNA1@hotmail.com](mailto:PRNA1@hotmail.com)

**RECEIVED**  
South Coast Region

June 7, 2013

JUN 10 2013

CALIFORNIA  
COASTAL COMMISSION

Jed Pauker  
824 Amoroso Place  
Venice, CA 90291

Chair Mary Shallenberger and Commissioners  
California Coastal Commission  
Oceangate -10th Floor  
Long Beach, CA 90802  
Attn: Jack Ainsworth

RE: Th10a Application No.: 5-08-313 Appeal No.: A-5-VEN-08-343

Dear Chair Shallenberger and fellow Commissioners:

I write to take exception to the unfair process which allowed the public a mere six days to review and respond to freshly-finalized results of an extremely complex entitlement application whose community-critical negotiations were pursued largely in private, hidden from the light of day.

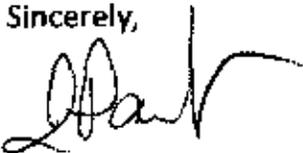
With sympathetic understanding of time challenges facing the Commission and, especially, Commission staff, the public has a right to fair and timely review.

That did not occur in this case, whose three-year process effectively shielded the issue's many and far-reaching considerations from adequate public input, and which may have included goals outside the scope of today's application, pursued in the same private shadow.

Please include this letter and its attachment into the above-referenced issue's public record.

As always, thank you for your public service.

Sincerely,



Jed Pauker

For identification purposes only:  
Member, Venice Neighborhood Council Communications Committee

Attachment: June 6, 2013, Letter to Coastal Commission

**RECEIVED**  
South Coast Region

June 6, 2013

JUN 10 2013

Jed Pauker  
824 Amoroso Place  
Venice, CA 90291

California Coastal Commission  
Oceangate -10th Floor  
Long Beach, CA 90802

CALIFORNIA  
COASTAL COMMISSION

RE: Th10a Application No.: 5-08-313 Appeal No.: A-5-VEN-08-343  
DENY application for Venice Overnight Parking District; CPD 8-10: OPD 523; CDP 8-11: OPD 526

Dear Chair Shallenberger and Commissioners:

Please DENY this third attempt by the Venice Stakeholders Association and the City of Los Angeles to restrict Venice Coastal Zone parking via the Overnight Parking District (OPD) settlement.

We understand that our parking issues are complex, combined with residential development, social and commercial impacts that are specific to each Venice subarea in which they occur. Today's "blanket solution" again fails to acknowledge the City's combined need to preserve Coastal access and address individual local issues – despite your prior advisement to do exactly that.

OPD is the latest- but not the last - in an arsenal of "wedge" tools devised to restrict Venice coastal access since at least 1988. The illegal beach nighttime curfew imposed in 1989 was promoted as a tool to ease law enforcement and prevent homeless persons from sleeping on the beach. It worked.

That illegal law was the "camel's nose under the tent" – now grown into a thirty-five year "winking eye" for the City that it could get away with measures that appeared to be symptom-serving and short-sighted, all the while masking a long-term goal to commandeer our Venice Coast from the public realm.

In 2010, you allowed the City to proceed with the Overnight Vehicle Ordinance as a six-month experiment with a Venice-funded "Vehicles to Homes" program for RV dwellers.

It worked. Some Venetian RV dwellers moved away. Some transitioned to homes without wheels. All are gone. At the same time, fatigued travelers in recreational vehicles can no longer park at night on 110 Venice blocks. This restriction can scale to the other 90% of Venice blocks at any time.

In 2011, the City expanded implementation of its illegal beach curfew to include Oceanfront Walk in order to eradicate impacts of overnight homelessness there. It worked. At the same time, Venice residents whose front doors open to the Oceanfront Walk can no longer walk home within sight of the beach late at night. Visitors cannot leave by the front door to walk to their own homes or cars.

Now the same OPD proposal is before you a third time, offering existing public parking spaces as if they were new (and as if they complied with our Land Use Plan, which they do not), offering parking space at a time of day when none is needed, making promises for some future time and – critically - failing to limit the scope of coastal access restrictions which you are being asked to approve.

On OPD's heels is the 24/7 Preferential Parking District (PPD) scheme – which you do not see today only because the proposal missed this month's submission deadline. Complete reutilization of Coastal Zone

RE: Th10a Application No.: 5-08-313 Appeal No.: A-5-VEN-08-343  
DENY application for Venice Overnight Parking District; CPD 8-10: OPD 523; CDP 8-11: OPD 526  
June 6, 2013

The Venice Stakeholders Association's published mission statement includes "*protection of the limits of the Venice Local Coastal Specific Plan*" and "*increased parking for residents*" (<http://www.venicestakeholdersassociation.org>).

The malformed first segment, with the title "*Venice Local Coastal Specific Plan*," adroitly pieces together two different planning document titles into the title of one imaginary document. In doing so, it pursues multiple legerdemains: 1) to encircle all of Venice's Coastal Zone with a single Specific Plan (We have two); 2) to mix in our "deferred" Local Coastal Program - the imaginary land use document that Los Angeles has yet to present to you for review and approval and 3) to emphasize protection of the plan's limits rather than its empowerment and unique planning goals.

The "increased parking for residents" reference is obvious – it is why we must invest energy and taxpayer funds a third time on this issue. The powers driving the OPD effort are relentless.

A technically minor note exemplifies our City's failure to make its case regarding available parking spaces: The City has yet to provide a full accounting and removal of unauthorized Coastal "No Parking" red striping which received public attention from all local parties in 2010. The City could recover some unknown number of Coastal parking spaces by completing its simple inventory and follow-up. Despite news, letters and civic conversations, the City did not pursue this simple issue to its positive conclusion.

Los Angeles has now failed twice while following the flawed and litigious lead of a former land use lobbyist who hides, this time, behind the label of a non-profit to pursue a private Coastal Venice. All the while, you gave the City all the rope it could pull. Amid all of the accelerating contentiousness, duplicity and human turmoil over this issue throughout the worst economic times that most living Americans have ever known, one simple saying applies: "The third time's a charm."

Twice, you told Los Angeles to approach its social challenges and coastal access mandate with equal fairness and respect for all. Twice, you fulfilled your mandate to protect our unique Coastal community from a deeply flawed and ill-intended proposal. Today – the third time, you can take your final action to preserve your Coastal charge's charm for all who reside and visit here, setting accountability for resolving our local issues where it belongs – with us.

Sixteen million Venice visitors per year – on average, nearly 44,000 daily tourists – outnumbering us Venetians by fifteen percent every day – await your decision. Now that we all must revisit this issue, I urge you to fulfill your mandate – one last time – and join us in welcoming visitors to a free Venice coast.

Amid all this, I appreciate and thank you for your dedicated public service.

Sincerely,



Jed Pauker

For identification purposes only:

RE: Th10a Application No.: 5-08-313 Appeal No.: A-5-VEN-08-343

DENY application for Venice Overnight Parking District; CPD 8-10: OPD 523; CDP 8-11: OPD 526

June 6, 2013

Member, Venice Neighborhood Council Land Use and Planning Committee, 2006-2010

Chair, Venice Neighborhood Council Board of Officers Fences and Hedges Ad Hoc Committee, 2008

Co-Chair, Venice Neighborhood Council Venice Post Office Task Force, 2011-2012

Community Officer, Venice Neighborhood Council Board of Officers, 2010-2012

Member, Venice Neighborhood Council Communications Committee

PS - Understanding the constraints and time challenges of this process – and particularly how Coastal Commission staff has surely been bombarded with ongoing and repeated requests for all kinds of information, direction and support, provision of six days for the public to review final materials regarding an issue that has, to a great extent, been considered behind closed doors for nearly three years seems patently unfair, even if it is unavoidable.

California Coastal Commission  
200 Ocengate, 10<sup>th</sup> Floor  
Long Beach, Ca. 90802-446  
Re: 9A AMMEDED COMMENTS

June 10, 2013

**RECEIVED**  
South Coast Region

JUN 10 2013

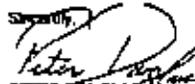
Honorable Commissioners,

EXHIBIT 1.

LETTER FROM PETER DOUGLAS CALIFORNIA  
November 8, 2010 COASTAL COMMISSION

*"Protection of public access in the Coastal Zone is among the highest priority policies of the Coastal Act...maximum access...and recreational opportunities shall be provided for all people..."*

*"...should the City take the position that no further action is required, or otherwise ignore the coastal development permit requirements of the Coastal Act, Commission staff will have no choice but to pursue formal enforcement action to resolve this matter."*

  
PETER DOUGLAS  
Executive Director

The applicant stood in violation of the Coastal Act when it applied for this coastal development permit and stands in violation now. The applicant suppressed this important information from the record by error of omission in its application. § 13053.5. Application Form and Information

The Commission must deny the application for the following reasons:

FEDERAL PROHIBITIONS

- Approval would Violate the U.S. Constitution
- Approval would Violate the U.S. Coastal Zone Management Act of 1972
- Approval would Violate the National Environmental Protection Policy
- Approval would Violate U.S. Supreme Court Decision Brown v. Board of Education
- Approval would Violate Public Trust Doctrine
- Approval would Violate Equal Footing Doctrine

## STATE PROHIBITIONS

Approval would Violate the California Constitution  
Approval would Violate the California Environmental Quality Act  
Approval would Violate the Authorities of the Ca. Department of Parks and Recreation  
Approval would Disregard Access Rights to Fish on Public Trust Lands  
Approval would Violate the Authorities of the C Fish and Game Commission

## ETHICAL CONSIDERATIONS

1. Is it ethical to reward this known violator with new coastal development permits?
2. Would awarding this CDP encourage compliance with State and Federal law?
3. Would approving this CDP encourage future non-compliance with State and Federal law?
4. Would approving this CDP be inconsistent with the Constitution of the United States?
5. Would approving this CDP be inconsistent with the Constitution of California?
6. In absence of law that directly prevents the award of CDP to a violator, is award ethical?

Each Commissioner obligated itself to an oath sworn to and signed as required by Article XX of the California Constitution.

*"I, ( All Coastal Commissioners), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."*

7. Would approval of this permit to a known violator be consistent with your oath of honor?

## BACKGROUND

The Coastal Commission resoundingly denied this permit in 2010. In part, the reason was that the applicant was in violation of the Coastal Act and Article X of the California Constitutions regarding access to public trust lands in the coastal zone.

Clocks do not statutorily limit access to the coastal zone. The applicant enacted a curfew that prevents users from entering the coastal zone at night.

The violator now claims it will make reduced access to the Coastal Zone available at night. In this instance, the applicant has lied point blank to this body.

The applicant did not comply with § 13053.5. Application Form and Information Requirements which require:

*An adequate description ...sufficient to determine whether the project complies with all relevant policies of the Coastal Act, including sufficient information concerning land...so that the Commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site.*

*For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.*

Here, the applicant could have reasonably ascertained that the applicant itself had imposed a curfew restricting night access to the Coastal Zone in the vicinity surrounding the project, and especially since it is adjacent thereto and that the claimed access would not be offered at night.

If a member of the public attempted to use the proposed reduced access at night to reach public trust lands, the barrier of the applicants curfew ordinance would be encountered subjecting the public to arrest, fine, jail, and a record. Such consequences of attempted access meet the criteria set forth in the California Environmental Quality Act as a significant impact caused by the project.

The applicant's offer of access to the coastal zone at night is disingenuous at best and outright fraud against the State at worst.

The Staff Report must but fails to address the fact that Commissioners denied the permit, in part, because the City of Los Angeles was in violation of the California Coastal Act by implementing an illegal curfew on access to public trust lands in the Coastal Zone.

The circumstances have not changed since 2010. On November 8, 2010 former Executive Director of the California Coastal Commission, Peter Douglas, informed the applicant it was in violation of the Coastal Act. Peter Douglas responded to the allegations made by the applicant;

- Applicant claimed Coastal Commission acted as a Super-Legislature.
- Applicant claimed Coastal Commission harassed it.
- Applicant claimed the Coastal Commission was intimidating it.

Executive Director Douglas warned the applicant it may be subject to a future Cease and Desist Order in the letter written over Eleven hundred days ago.

The Coastal Commission sent two subsequent letters to the Commission demanding compliance and no compliance was rendered.

At the November 2012 Commission meeting, Deputy Director Ainsworth stated to this Commission that enforcement would occur if the City remained in non-compliance, over Two-hundred days ago. Director Ainsworth said he was still working with the violator.

Commission Staff have not yet issued a Cease and Desist Order and have not agenzized the matter for the Commission to consider. Staff was aware of this violation according to email records in 2008, over Two thousand days ago.

The Commission Staff has continually claimed progress, when none is demonstrated, and state that they are working with the violator.

To the public, it does appear that staff is working with the violator, not to resolve the violation, but to perpetuate it by failing to allow the legislative body, the Coastal Commission, to consider and adjudicate the violation which constitutes a major impact on resources as, access, as defined by Chapter Three of the Coastal Act.

The applicant stood in violation of the Coastal Act at the time of its application and now stands in defiant violation of the Act. Staff of the Coastal Commission refusal to agenzize the known violation by applicant, yet recommend providing it another permit.

Staff has failed to address the applicant's violation on adjacent lands that directly relate to the implementation of the requested new permit.

No consideration of the potentially adverse cumulative effect(s) of illegally restricting the public from the Coastal Zone combined with additional restrictions via a against the public via a permit issued by this Commission.

The adverse significant effect(s) on the coastal zone access are consequently unknown.

### U.S. CONSTITUTION

#### *Article 1 Freedom of Speech and Religion*

The project would compound the illegal restrictions on freedom of speech in the coastal zone that have already been imposed by the applicant on Public Trust Lands of the United States. The project would add to and exacerbate the existing violations by preventing members of the public wishing to park on the street in the Coastal Zone at any time of their choosing, day or night.

Freedom to freely express one's Religion is abrogated by placing new and compounding restrictions over existing illegal restriction to access of Public Trust Lands in the coastal zone.

### U.S. SUPREME COURT SUPERPRECIDENT

#### **Brown v. Board of Education**

Approval of this permit would violate the repeated protections established by the United State Supreme Court against Discrimination because it would provide access for one class of citizens while providing separate and equal access in another location.

Here, one class of persons is treated as inferior and another superior. The superior persons (residents and guests) would be able to use public parking at anytime, while all other persons from the United States or elsewhere will be treated as inferior. Proximity to public parking is no excuse to restrict access to a select number of individuals.

The City of Los Angeles should have considered any parking congestion that could possibly occur in the middle of the night as it granted permits for development by requiring adequate on-site parking. The City wishes that it's abject failure in planning to be resolved by providing public parking to a select list of privileged individuals.

### CALIFORNIA CONSITUTION

#### **Article XX of the California Constitution**

The Commission cannot approve this coastal development permit because the applicant is a know recalcitrant violator. Voting to approve would violate the allegiance each Commissioner has sworn to the State in that it would not support the law, but would an example for all to see that violation is meaningless in the eyes of any Commissioner that chooses to reward the violator with a permit. Such a vote would not support and protect the Constitutions nor uphold the law of the land.

#### **Section 4 of Article X**

The project is violating of the following because maximum access will not be provided, only minimal access. And, the minimal access is faux, because the applicant has illegally imposed a curfew on the beach at night, subjecting any member of the public using it to arrest, jail, fine, and a record.

*"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.)"*

## Article 1 Declaration of Rights Sec. 2.

"The approval of this application would constitute a violation because it would result in a law that will restrain and abridge liberty of speech in an area of the Coastal Zone where the public may legally congregate and speak freely because the opportunity to access the Coastal Zone will be restricted completely and or to a minimum rather than the maximum.

*(a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press. (b) A publisher, editor, reporter, or other person connected with or employed upon a newspaper, magazine, or other periodical publication, or by a press association or wire service, or any person who has been so connected or employed, shall not be adjudged in contempt by a judicial, legislative, or administrative body, or any other body having the power to issue subpoenas, for refusing to disclose the source of any information procured while so connected or employed for publication in a newspaper, magazine or other periodical publication, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public. Nor shall a radio or television news reporter or other person connected with or employed by a radio or television station, or any person who has been so connected or employed, be so adjudged in contempt for refusing to disclose the source of any information procured while so connected or employed for news or news commentary purposes on radio or television, or for refusing to disclose any unpublished information obtained or prepared in gathering, receiving or processing of information for communication to the public. As used in this subdivision, "unpublished information" includes information not disseminated to the public by the person from whom disclosure is sought, whether or not related information has been disseminated and includes, but is not limited to, all notes, outtakes, photographs, tapes or other data of whatever sort not itself disseminated to the public through a medium of communication, whether or not published information based upon or related to such material has been disseminated."*

## Article 1 Declaration of Rights Sec. 4.

Freedom to exercise religion on lands where public access is guaranteed will be restricted in violation of Article 1, Section 4.

*"Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion. A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs."*

## CALIFORNIA COASTAL ACT

### 1. THE APPLICANT STOOD AND STANDS IN VIOLATION OF THE ACT

The applicant stood in violation of the California Coastal Act prior to and at the time it applied for a coastal development permit as demonstrated by the letter from Executive Director Peter Douglas.

#### EXHIBIT 1.

### 2. APPROVAL WILL MAKE THE PERMIT VUNARABLE TO REVOCATION

#### CCR 13053.5 (a)(f)

#### § 13053.5. Application Form and Information Requirements

Here, the applicant has not provided information sufficient to allow the Commission to determine to determine whether the project complied with all relevant policies of the Coastal Act, including sufficient information concerning land.

The applicant did not provide information about land and the project that would have affected the Commissions decision.

The Applicant failed to reveal that Dockweiler State Park would be negatively impacted by the reduction in available parking. State Parks are open all night to the public.

The City did not notify nor did it seek permissions from the Department of Parks and Recreation for the development.

The applicant failed to reveal the California Department of Fish and Wildlife has issued fishing permits allowing members of the public to fish on public trust lands day or night. The applicant did not reveal that the illegal curfew imposed in combination with the newly proposed access restrictions would run contrary to the contract the DFW and the public have entered which allow the public to fish on said lands at anytime unless restricted by the State.

The applicant did not provide information that it had established a curfew inconsistent with public access policies of Coastal Act at the site.

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access. The propose development does both. Approval of the permit would provide firm grounds for revocation, therefore.

*CCR 13053.5 (a) An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the Coastal Act, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the Commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available, which would substantially lessen any significant adverse impact, which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.*

*(f) The form shall also provide notice to applicants that failure to provide truthful and accurate information necessary to review the permit application or to provide public notice as required by these regulations may result in delay in processing the application or may constitute grounds for revocation of the permit.*

The applicant did NOT provide truthful and accurate information necessary for the Commission to review the permit application required by the regulations and does constitute grounds for revocation of the permit, therefore. Proper Notice of the Project was not posted or provided to the public or the Commission due to the aforesaid failure to provide information.

Section 30210 of the Coastal Act

Approving this application for CDP would violate *Section 30210 of the Coastal Act* in that maximum access will not be posted. The applicant has already reduced access to the beach illegally. In fact the applicant has conspicuously posted signage, which announces that NO PUBLIC ACCESS will be provided during certain hours.

*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.*

EXHIBIT 2

Section 30211 of the Coastal Act

Section 30211 of the Coastal Act states provides that development shall not interfere with the public rights of access to the sea. Here, the development would interfere with the public's right to access in a discriminatory way and when taken in conjunction with the applicant's illegal curfew, completely restrict the public from exercising rights of access guaranteed under the Coastal Act.

*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 30221 of the Coastal Act

Section 30221 provides protections for recreational use. When taken in combination with the applicant's illegal curfew foisted onto an unwilling public, recreational access is not only reduced, it is eliminated entirely during certain hours.

*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 13105 of the California Code of Regulations

Section 13105 of the California Code of Regulations requires the Commission to make three findings in order to revoke a Coastal Development Permit under that particular code.

First, § 13105 was not complied with.

*§ 13105 (d) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive director of the commission shall refuse to file the application.*

Here, the applicant did NOT post a notice conforming to CCR 13054(d) that contained a general description of the nature of the proposed project. The applicant provided incomplete information that should have been included in the general description of the nature of the proposed development. The general description should have included the fact that the applicant had foisted an illegal curfew against members of the public wishing to exercise their rights of

access under the Coastal Act and Constitution to public trust lands at any time of day or night.

The applicant was in violation of the California Coastal Act adjacent to the project site because it did not have or seek a Coastal Development Permit to limit public access. Implementation of (LAMC Section 63.44(B)(14)(b) required a Coastal Development Permit. Pursuant to Coastal Act Section 30600(a) any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit. Here, the applicant failed to obtain a permit for its curfew.

The public may be illegally subjected to arrest, imprisonment, and fines after 12pm by the applicant in violation of the Coastal Act and Article X of the State Constitution at the project site.

(Pursuant to Sections 13104 through 13108.5, the commission shall revoke a permit if it determines that the permit was granted without proper notice having been given.

Proper notice was not given pursuant to sub-section (d), therefore, the Commission shall grant a request for revocation of this permit if made in accordance with subsection (e).

The Code of Regulations specifies the contents of an application for Coastal Development Permit. The applicants Notice pursuant to 13105 is derived from information from the Application Form submitted to the Coastal Commission pursuant to § 13053.5.

*§ 13053.5. Application Form and Information (a) An adequate description including maps, plans, photographs, etc., of the proposed development, project site and vicinity sufficient to determine whether the project complies with all relevant policies of the Coastal Act, including sufficient information concerning land and water areas in the vicinity of the site of the proposed project, (whether or not owned or controlled by the applicant) so that the Commission will be adequately informed as to present uses and plans, both public and private, insofar as they can reasonably be ascertained for the vicinity surrounding the project site. The description of the development shall also include any feasible alternatives or any feasible mitigation measures available, which would substantially lessen any significant adverse impact, which the development may have on the environment. For purposes of this section the term "significant adverse impact on the environment" shall be defined as in the California Environmental Quality Act and the Guidelines adopted pursuant thereto.*

Here, the applicant has not provided information sufficient to allow the Commission to determine whether the project complied with all relevant policies of the Coastal Act, including sufficient information concerning land and restrictions on access.

The applicant has not provided information about land that would have affected the Commissions decision. The applicant did not provide information that it had established a curfew that was not consistent with the Coastal Act or the Article X of the State Constitution at

the project site.

The applicant did not provide information about the land. The applicant illegally arrests people who attempt to access the site of the project after 10 pm.

The applicant did not provide information about ownership of lands adjacent or at the project site as it relates to property owned by the Department of Parks and Recreation, Dockweiler State Park.

The applicant illegally arrests people who attempt to access the State Park after 10 pm in violation of California Code of Regulations that governs curfew in State Parks.

The applicant illegally prevents members of the public who have paid for a valid fishing license from fishing at certain hours of the night.

#### **AUTHORTIES FOR FUTURE REVOCATION CITED**

*§ 30600(a) California Coastal Act*  
*Title 14 of the California Code of Regulations*  
*§ 13053.5*  
*§ 13054*  
*§ 13104.*  
*§ 13105*  
*§ 13106*

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Coastal Commission implements CEQA in the Coastal Zone and the Secretary of Resources has determined a CDP is equal to an EIR.

Here, the applicant has provided information that is insufficient to fulfill the mandate of CEQA for social concerns and other provisions for an Environmental Impact Report of any type.

The potential significant adverse impacts on the environment that shall be defined by California Environmental Quality Act and the Guidelines adopted thereto were not provided fully to the Commission.

Illegal arrest, imprisonment, and fining of the public at the project site clearly introduced a significant adverse impact on the environment that was not disclosed by the applicant in the application or public notice.

The cumulative effects of the illegal adjacent curfew when combined with the proposed permitted additional restrictions is not addressed in the Staff Report and must be. The Commission cannot simply ignore away this fact, which has impacts on the existing social structure and access to public trust lands. It must make findings

U.S. COASTAL ZONE MANAGEMENT ACT OF 1972

Coastal Zone Management Act of 1972 (U.S. Code Title 16 Chapter 33 Sec. 1251-1465)

The California Coastal Commission implements the U.S. Coastal Zone Management Act in the State of California.

Approval of a CDP is the Commissions concurrence the project is consistent with the Federal Act.

Here, the applicant has foisted an illegal curfew over public trust lands of the United States. It now requests this commission to engage with it in concert, permitted restrictions that tacitly approve the illegal curfew.

PUBLIC TRUST DOCTRINE

Public Trust Doctrine is enshrined in law and in the Constitutions of the State and Union. The applicant, a municipal corporation, is extra jurisdictional in foisting a curfew over such lands. The ability to impose a curfew is at the discretion of the State Coastal Commission and does not rest with the City Council of a municipal corporation in the State of California.

EQUAL FOOTING DOCTRINE

One State dose not have the authority to claim rights or to impose laws that are inconsistent with the rights and authorities granted to others by the Federal Government. Here, applicant has acted in an extra jurisdictional manner and has assumed rights that other States do no process, that is for a municipal corporation to dictate new expansive powers not possessed by any other State or municipal corporation in the United States. Therefore, the curfew on lands adjacent to the project that directly affect the projects implementation of access is illegal and must be considered within the body of the requested permit. And, the Commission must find there is no contradiction with Equal Footing Doctrine in this respect.

Therefore, for all of the aforesaid reasons, this Commission should not approve this application for a coastal development permit on these grounds.

John Davis  
PO 10152  
Marina del Rey Ca. 90045



Chuck Posner

VEN Curfew

From: John Ainsworth  
Sent: Monday, November 26, 2007 5:37 PM  
To: Chuck Posner  
Cc: Teresa Henry; Louise Warren; Andrew Willis; Alex Helperin; Lisa Haage; Pat Veesan  
Subject: RE: Complaint

Chuck, I think we all suspected there was a City beach curfew ordinance out there that was adopted well after the Coastal Act. As you know, this type of beach curfew requires a CDP. I would think the County must have similar beach curfew ordinance. We should confirm if the County has a similar ordinance and find out when that ordinance was adopted. Ron Hoffman may be able to help us out with that question. We will need to coordinate closely with the Enforcement Division on this violation. We can talk more about this tomorrow. Thanks, Jack

-----Original Message-----

From: Chuck Posner  
Sent: Monday, November 26, 2007 3:47 PM  
To: John Ainsworth; Teresa Henry; Louise Warren; Andrew Willis; Alex Helperin  
Subject: FW: Complaint

Jack et al - I think we now have the City ordinance that denies our self-evident right to simply "be" at the beach at night in LA. See Section 5B.14 of the attached ordinance (1989).

Charles R. Posner  
Coastal Program Analyst  
California Coastal Commission  
200 Ocean Gate, Suite 1000  
Long Beach, CA 90802  
(562) 590-5071  
cposner@coastal.ca.gov

-----Original Message-----

From: peggylee.kennedy@verizon.net (mailto:peggylee.kennedy@verizon.net)  
Sent: Monday, November 26, 2007 12:47 PM  
To: Chuck Posner  
Subject: Complaint

Dear Mr. Posner,

Please regard this email as a formal complaint regarding the City of Los Angeles.

The City and it's agents are restricting access to the Beach in Venice by closing the Beach in Venice, especially to people based on their economic status.

It is my understanding that a primary goal of the California Coastal Commission is to "maximize public access," but the City of Los Angeles is limiting coastal access by closing the Beach.

One of the more egregious ways that the City closes the Beach in Venice is by citing certain people based on their economic status using City code LAMC 63.44, which is a misdemeanor infraction.

Please find attached:  
LAMC 63.44  
Example of Ticket issued

Please let me know if you require more examples of how the City closes the Beach in Venice.

I look forward to hearing back with any progress regarding this complaint.

## PARK HOURS AND RESTRICTIONS

### THIS PARK, INCLUDING THE BOARDWALK / OCEAN FRONT WALK AND VENICE BEACH RECREATION AREAS

IS CLOSED FOR ALL PURPOSES BETWEEN THE HOURS OF  
MIDNIGHT AND 5:00 A.M. OF THE FOLLOWING DAY  
EXCEPT AS PRE-APPROVED BY THE DEPARTMENT OF  
RECREATION AND PARKS

PURSUANT TO L.A.M.C. SEC. 63.44.B.14(b)

AND

IS SUBJECT TO RESTRICTIONS AND EXEMPTIONS ON  
PERFORMING, VENDING, AND GENERATING  
NOISE AS DESCRIBED IN L.A.M.C. SEC. 42.15.

EXEMPTED PERFORMING AND VENDING IS  
PERMISSIBLE ONLY DURING THE HOURS OF  
9:00 A.M. TO SUNSET.

A COPY OF THE FULL TEXT OF L.A.M.C. Sec. 42.15 and L.A.M.C. Sec. 63.44  
is available at the Venice Beach Police Substation and the Venice Beach  
Recreation Office, co-located at 17th Avenue and Ocean Front Walk,  
or online at [www.laparks.org](http://www.laparks.org) or [www.amlegal.com](http://www.amlegal.com)

**Ruth Galanter  
2225 Louella Avenue  
Venice, CA 90291**

**RECEIVED**  
South Coast Region

JUN 10 2013

June 13, 2013

CALIFORNIA  
COASTAL COMMISSION

**Mary Shallenberger, Chair  
Commissioners  
California Coastal Commission**

**Re: Permit No. 5-08-313/A-5-VEN-08-343  
Thursday agenda, Item 10a**

**Madam Chair and Members:**

**I urge you to uphold the Coastal Act's strong protection of public access to the resources of the Coastal Zone by rejecting the the City of Los Angeles' application to limit parking on the streets of Venice.**

**As both a former Coastal Commissioner and a former City Council representative of the Venice community, I am all too familiar with the tension that exists between permanent residents of the Coastal Zone and visitors thereto. That is not your problem.**

**As you know, the boundaries of the Coastal Zone in Venice were set by the Commission and then reaffirmed by the Legislature in 1979 in Section 30166 of the Public Resources Code to recognize the integrity of special coastal resource attractions. And, as you also know, all local governments were required by the 1976 Coastal Act to prepare Local Coastal Programs (land use plans and implementing ordinances) and to have their LCPs certified by the Commission by June 30, 1981. The City of Los Angeles is 32 years late and counting. During my tenure as City Council member, which ended ten years ago, the City did adopt an LUP for Venice, but no implementing ordinances have been adopted nor has the LUP been resubmitted to the Commission every five years as also required by the 1976 Coastal Act.**

In the absence of a certified LCP, I remind you, it is not the City's local plans that govern; it is the Coastal Act and the policies therein that govern, and it is your job to uphold them.

The Coastal Act places great importance on public access to Coastal Zone resources, not just to the beach itself. The entire Venice community seaward of Lincoln Boulevard has been designated by the Commission as part of the Coastal Zone, and you must therefore uphold and indeed strengthen the public's access to all its resources, including parking.

The Coastal Act places a very low priority on private residential development in the Coastal Zone. Yes, it is sometimes inconvenient for residents to share space with thousands of visitors, but those of us who own residential property in Venice are extremely fortunate, and we have options. We can own fewer cars, we can park in our garages, we can bicycle or walk or use the busses, and if living in Venice becomes truly unbearable, we can certainly generate enough money to move outside the Coastal Zone.

Local government also has options. It can adopt a Local Coastal Program that meets the requirements of the Coastal Act, or it can, as Los Angeles has done, ignore the requirements of the Coastal Act and pass the buck to you.

You have only one option: to uphold the Coastal Act and protect access for the visiting public to all the resources of the Coastal Zone.

That means you must deny the City's application to restrict public parking, and I urge that you do so.

Thank you for your consideration.

Sincerely yours,

  
Ruth Galanter

**JOHN A. HENNING, JR.**  
ATTORNEY AT LAW  
125 N. SWEETZER AVENUE  
LOS ANGELES, CALIFORNIA 90048  
TELEPHONE: (323) 655-6171  
E-MAIL: jhenning@planninglawgroup.com

**RECEIVED**  
South Coast Region

JUN 13 2013

CALIFORNIA  
COASTAL COMMISSION

June 11, 2013

## RESPONSE TO JUNE 7 LETTER FROM PUBLIC COUNSEL

### VIA ELECTRONIC MAIL

Members of the California Coastal Commission  
Attn: Jack Ainsworth  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

Re: Application of 5-08-313/A-5-VEN-08-343 City of Los Angeles Department of  
Transportation Overnight Parking District (Hearing Date: June 13, 2013)

Honorable Commissioners;

I represent the Venice Stakeholders Association (VSA), which supports Overnight Parking Districts (OPDs) in Venice. This letter will respond to the letter dated June 7, 2013, from Annie Lainer Marquit, Esq., of Public Counsel, which opposes OPDs. This letter supplements our letters of May 28, 2013, June 6, 2013, and June 9, 2013.

A. A "parking study" is not necessary to establish the need for OPDs in Venice.

Like several other OPD opponents, Ms. Marquit in her letter demands a "parking study" to establish the need for OPDs. She states that "While the staff report references various complaints put forth by the Venice Stakeholders Association (the plaintiff in the lawsuit against the Commission over its denial of OPDs) about Santa Monica residents avoiding parking restrictions, airport travelers, car rental companies, boardwalk vendors, restaurant employees, and hotel customers, the City has offered no evidence, such as through a parking study, to support their claims that these individuals are contributing to scarce parking in Venice."

As we stated in our June 6, 2013, letter in response to a similar demand by Ralph Faust on behalf of the Venice Action Alliance, a "parking study" is not necessary to establish what is plainly, and painfully, obvious to all Venice residents, many of whom have communicated directly with the Commission: There is a dire shortage of parking within a safe distance of their residences, and the shortage is caused, at least in part, by vehicle dwellers, commercial interests and out-of-towners who use the public streets to avoid permit fees and airport parking charges.

Specifically:

- While many larger RVs and campers have left Venice streets since the Oversized Vehicle Ordinance (OVO) was adopted in 2010, many people continue to live in SUVs, vans, trucks and cars that are not affected by the OVO. In some instances they dump human sewage directly into alleys, gutters and the storm drains.
- In the Presidents Row neighborhood between Lincoln and Abbot Kinney Boulevards, auto garages and car rental companies store vehicles for days.
- Near the Venice Boardwalk, street vendors store their products overnight in vehicles on Windward, Westminster, Rose and Brooks avenues.
- In the Oxford Triangle area near Marina del Rey, cars are stored on residential streets by LAX-bound travelers looking to avoid high parking fees at the airport.
- In the Rose Avenue neighborhood of north Venice, Santa Monica residents park overnight to avoid vehicle height limits and permit fees applicable in Santa Monica.
- Along the Abbot Kinney corridor, some employees and patrons of popular destination bars and restaurants occupy residential street parking until well after 2 AM.

In support of its 2009 application the City did a "parking study" to show how many parking spaces were available to satisfy the needs of early-morning coastal visitors. However, that study was a simple count of vacant spaces at a certain time of day. The Commission has never required a "study" to demonstrate that Venice residents need OPDs to park a safe distance from their homes. Nor has the Commission required such studies to support similar applications by other cities, such as neighboring Santa Monica, for OPD or preferential parking programs.

In fact, a "study" to determine whether residents "need" OPDs would be an enormous undertaking, and its results would be highly suspect. To have any validity, such a study would necessarily have to determine how many non-resident vehicles are now parking overnight in Venice, and why. Trained field researchers would have to observe literally hundreds of blocks over long periods of time. The researchers would have "stake out" each street, watching for vehicles parking, and then catch the owners to interview them. They would then have to rely on the owners to give them honest answers about why they are parking on the street. Yet if a researcher were to approach someone who is parking a vehicle to use it for commercial storage,

or to avoid parking fees at LAX, or to lodge in it, why would that person tell the researcher that information?

Rather than assigning an unachievable task to outside researchers, the Commission should look to the residents of Venice themselves, as the City did when it adopted its ordinance and resolutions establishing OPDs in Venice. The residents collectively have a good sense of what is happening on their streets, and they know when parking is being taken by non-resident vehicles, whether they be vehicle dwellers, commercial interests, or LAX travelers. Thus, these residents' reports are more valuable than any independent "study." The record in support of this application contains hundreds of pages of just such observations. That is all that is necessary.

**B. City lots 759 and 760, accounting for 115 parking spaces, are not presently available to early-morning visitors and would be made available under the City's latest mitigation package.**

In her letter, Ms. Marquit criticizes the mitigation package offered by the City on the ground that two of the six City parking lots – Lot 759 and Lot 760, accounting for 115 parking spaces total – are already available to the public 24 hours a day, and thus would not be added to the parking supply available to early-morning coastal visitors. This criticism may seem justified, as the Commission staff report states that this is the case. However, the staff report is in error in this regard.

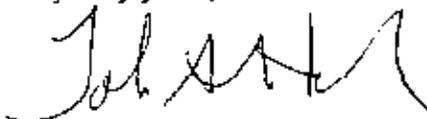
In fact, both Lot 759 and 760 are presently posted with signs reading "No Parking 2 A.M. to 6 A.M." The City included these two lots in its latest mitigation package because it is prepared to remove this restriction and make all 115 spaces available 24 hours a day – to coastal visitors, residents and others. Moreover, since the City has indicated that it will soon be metering these spaces, it is likely that at many of them will be available to early-morning coastal visitors, as metered spaces are not appealing to residents and others parking overnight or for longer periods.

**C. Conclusion.**

Ms. Marquit's letter does not raise any objections that warrant denial or delay. The Commission should proceed to approve the City's application.

Thank you for the kind consideration of our comments on this important project.

Very truly yours,



John A. Henning, Jr.

**Posner, Chuck@Coastal**

---

**From:** venice beach hostel <info@planetvenice.com>  
**Sent:** Wednesday, June 12, 2013 10:15 AM  
**To:** Posner, Chuck@Coastal  
**Subject:** REQUEST- BY HARMED TOURIST BUSINESS - TO DENY APPLICATION FOR OVERNIGHT PARKING DISTRICT - VENICE

MR. CHUCK POSNER  
COASTAL COMMISSIONERS

GENTLEMEN:

I AM A SMALL BUSINESSMAN AND I HAVE A TOURIST BUSINESS, THE VENICE BEACH HOSTEL.

AN OVERNIGHT PARKING DISTRICT WILL CAUSE GREAT HARM TO MY BUSINESS. IN FACT, THERE IS A DANGER THAT IT MAY FORCE IT TO TERMINATE AND CLOSE.

I CATER TO A WORKING CLASS, STUDENT, LOWER MIDDLE CLASS POPULATION - AMERICAN AND FOREIGN. I AM ONE OF ONLY 2 SUCH TOURIST BUSINESSES LEFT AT VENICE BEACH - ALL OTHERS HAVING BEEN PRICED OUT OF THE AREA.

I OPERATE OUT OF AN ORIGINAL VENICE IN AMERICA BUILDING WHICH IS +/- 100 YEARS OLD. IT HAS NO PARKING. IT IS A BUILDING THAT CAN ONLY REMAIN ECONOMICALLY VIABLE WITH STREET PARKING AVAILABLE.

AN OVERNIGHT PARKING DISTRICT - IN VENICE VIOLATES THE LETTER AND SPIRIT OF THE CALIFORNIA COASTAL ACT AND THE OATH THE COMMISSIONERS AND STAFF TOOK TO UPHOLD THE ACT:

- \* IT DIRECTLY CUTS OFF ACCESS TO VENICE BEACH COASTAL USAGE BY TOURISTS.
- \* IT DIRECTLY CUTS OFF ACCESS TO VENICE BEACH USAGE AND ALL THE PUBLIC FACILITIES PROVIDED AT THE BEACH FOR USAGE BY THE GENERAL PUBLIC.
- \* IT EFFECTIVELY DENIES ACCESS TO VENICE BEACH BY ALL CITIZENS, CALIFORNIANS AND ESPECIALLY STUDENTS OF LIMITED ECONOMIC MEANS AND/OR MIDDLE CLASS MEANS, BECAUSE OF A PARKING EXPENSE THEY CANNOT AFFORD.
- \* IT DENIES ACCESS TO VENICE BEACH FOR ALL TOURISTS OF LIMITED ECONOMIC MEANS (AND THAT'S ALL OF OUR PATRONS) WHO SIMPLY CAN'T AFFORD TO BOTH VISIT (AND STAY) AT THE BEACH AND ALSO IN ADDITION PAY FOR PARKING.
- \* IT IS ECONOMICALLY UNFEASIBLE FOR TOURISTS OF LIMITED ECONOMIC MEANS (AND THAT'S ALL OF OUR PATRONS), e.g., STUDENTS, TO PAY \$18 - 20 A "DAY" FOR A PRIVATE PARKING LOT - AND THEN FIND SOMEWHERE TO PARK AND PAY AGAIN FOR NIGHT PARKING.
  - \* JUST THE "DAY" PARKING CHARGE IS EFFECTIVELY THEIR COST FOR ACCOMODATIONS STAY IN THE HOSTEL.
  - \* LOS ANGELES, MUCH LESS VENICE BEACH, IS ALREADY SO EXPENSIVE FOR SUCH TOURISTS THAT THE STAYS (AND USAGE) BECOME SHORTER AND SHORTER OVER THE YEARS. AND MANY, CUT SHORT THEIR STAY (AND USAGE) OF THE COASTAL AMENITIES, BECAUSE OF THE HIGH COSTS AND MOVE ON.
  - \* PARKING RESTRICTIONS WILL INCREASE PARKING COSTS DRAMATICALLY - WELL PAST THE POINT THAT TOURISTS OF LIMITED ECONOMIC MEANS CAN ALSO PAY FOR ACCOMODATIONS. THE CONSEQUENCE: DAY USAGE AND DEATH OF THE HOSTEL BUSINESS.
- \* IT EFFECTIVELY SCARES OFF LOCAL ANGELINO AS WELL AS "LOCAL" CALIFORNIANS FROM USING AND ENJOYING VENICE BEACH, BECAUSE OF THE RISK AND COST OF TICKETING AND TOWING.
  - \* VENICE BEACH IS ALREADY AN AREA THAT THE CITY OF LOS ANGELES USES FOR PREDATORY

**PARKING ENFORCEMENT AND VAST MONEY COLLECTION.**

\* e.g., THERE ARE CONSTANT FOOT PATROL PARKING ENFORCEMENT PERSONNEL, SUCH THAT THERE IS NO EFFECTIVE GRACE PERIOD ON METERED PARKING.

\* e.g., THERE IS VERY MISLEADING SIGNAGE - AT LEAST TO TOURISTS - WHERE TOURISTS BELIEVE THAT THE PARKING METERS MAY BE RENEWED - AND ARE NOT INFORMED THAT A VALIDLY PAID-FOR METER IN A "LIMITED" TIME ZONE IS A PARKING VIOLATION: A BEAUTIFUL "CATCH-22" PARKING TRAP THAT THE CITY GLEEFULLY TRAPS VAST NUMBERS OF TOURISTS WITH - EACH AND EVERY HOUR OF THE DAY !!

\* LOS ANGELES HAS NO EFFECTIVE ENFORCEMENT OF ITS ZONING AND BUILDING CODE REQUIREMENTS. VENICE IS A CLASSIC EXAMPLE OF BOTH OLD CONSTRUCTION AND NEW CONSTRUCTION VIOLATING PARKING REQUIREMENTS AND CONVERTING GARAGES INTO NON-PARKING USES.

\* IT IS THE ILLEGAL CONVERSION OF GARAGES TO BOOTLEG UNITS, TO GYM OR ENTERTAINMENT, etc. ROOMS THAT CAUSES LOCAL RESIDENTS "TO NEED" TO PARK ON THE STREET.

\* DENYING TOURIST USAGE TO ACCOMODATE UPWARDLY MOBILE ECONOMICALLY PRIVILEGED INDIVIDUALS AND FAMILIES TO "HAVE THEIR CAKE [ILLEGAL CONVERSIONS OF PARKING] OR HAVE THEIR "OTHER CAKE" [A WORK CAR AND A FUN CAR] AND EAT IT TOO [TURN THE PUBLIC STREETS INTO PRIVATE, PRIVILEGED PARKING] IS AN ABYSMAL PERVERSION OF THE PURPOSES OF THE CALIFORNIA COASTAL ACT.

\* THE COASTAL COMMISSION HAS NO EFFECTIVE ENFORCEMENT OF ITS PERMITS TO BUILD. I LIVE IN THE AREA AND EVERY SINGLE ONE OF THE DUPLEXES PERMITTED BY COASTAL COMMISSION HAS A BOOTLEG IN THE GARAGE LEVEL "ROOM WITH BAR SINK". AND THAT MEANS - NO ON-SITE PARKING FOR THAT "UNIT" AND THAT MEANS - THE VERY APPLICANTS FOR THE PARKING DISTRICT - NEED TO REMOVE FROM THE PUBLIC THE PUBLIC PARKING - FOR THEIR PRIVATE (AND ILLEGAL) PARKING PURPOSES.

\* SHAME ON YOU FOR CONSIDERING SUCH A TRANSFER OF THE PUBLIC GOOD TO PRIVATE (AND ECONOMICALLY WELL-OFF) GAIN.

\* THE RATIONALE FOR PARKING DISTRICTS ELSEWHERE IN THE CITY AND/OR OTHER JURISDICTIONS DOES NOT APPLY HERE. IN OTHER DISTRICTS, THE NEED IS TO PROTECT LOCAL RESIDENTS FROM OTHER PRIVATE BUSINESS ACTIVITY AND FOR PRIVATE PURPOSES.

\* HERE, THE PURPOSE OF THE DISTRICT WOULD BE LIMIT ACCESS AND USAGE OF A PUBLIC GOOD (NOT PRIVATE) WHICH IS SPECIFICALLY MANDATED BY LAW TO BE MADE AVAILABLE TO THE PUBLIC - FOR THE PRIVATE BENEFIT OF LOCAL RESIDENTS. IT'S THE LAW - AND THE RATIONALE FOR SUCH DISTRICTS - TURNED ON ITS HEAD.

**DENY THIS APPLICATION.**

\* IT VIOLATES THE SPIRIT AND THE PURPOSES OF THE COASTAL ACT.

\* IT TRANSFERS A PUBLIC GOOD, PUBLIC PARKING, TO PRIVATE BENEFIT.

\* IT CLOSES OFF THE ENJOYMENT AND USAGE OF THE BEACH AS A DESTINATION PLACE TO STAY.

\* IT EFFECTIVELY LIMITS THE BEACH TO DAY USE.

\* IT DENIES BOTH DAY AND OVERNIGHT USE OF THE BEACH AND ITS PUBLIC FACILITIES TO TOURISTS.

\* IT EFFECTIVELY BANS ON-LOCAL STUDENTS FROM THE BEACH.

\* IT IS ECONOMICALLY DEVASTATING TO SOME BUSINESSES, SUCH AS OUR HOSTEL.

\* IT DESTROYS THE VALUE OF THE REMAINING VENICE IN AMERICA BUILDING STOCK (AND WILL HASTEN, OUT OF COASTAL COMMISSION FORCED ACTION, REMOVAL AND REPLACEMENT).

THANK YOU.

MARK WURM  
VENICE BEACH HOSTEL  
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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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(562) 590-5071



Staff: C. Posner -LB  
Staff Report: 5/31/2013  
Hearing Date: June 13, 2013

# Th10a

Go to correspondence

Go to additional correspondence

## **STAFF REPORT: REGULAR CALENDAR (DUAL PERMIT) AND APPEAL - DE NOVO REVIEW**

**Application No.:** 5-08-313      **Appeal No.:** A-5-VEN-08-343

**Applicant:** City of Los Angeles Department of Transportation

**Agent:** Tamara Martin, LADOT Management Analyst

**Location:** Public streets throughout the Venice and Marina del Rey (Villa Marina) area, City of Los Angeles, Los Angeles County.

**Project Description:** Establish Overnight Parking District (OPD) Nos. 523 and 526 with early morning parking restrictions on public streets, and the erection of signs for such. OPD No. 523, which covers the Venice area seaward of Lincoln Blvd., imposes the restriction: "No Parking 2AM to 5AM Nightly - Vehicles with District Permits Exempted". OPD No. 526, which covers the Marina del Rey area inland of Lincoln Blvd., imposes the restriction: "No Parking 2AM to 6AM Nightly - Vehicles with District Permits Exempted". The proposal also includes the establishment of new Bicycle Share Program and bicycle lanes on segments of five existing streets, and the identification of 351 specific on-street parking spaces near the shoreline (including 285 metered spaces) where permits will not be required for parking. Overnight and/or early morning public parking will also be allowed (without permits) in six public parking lots operated by the City.

**Staff Recommendation:** Approval with Conditions

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### **SUMMARY OF STAFF RECOMMENDATION**

On June 11, 2009, the Commission denied coastal development permit applications by the City of Los Angeles to establish overnight parking districts in the Venice neighborhood of the City of Los Angeles. The Venice Stakeholders Association filed suit challenging the Commission's denial of the permit applications. The City of Los Angeles also filed a cross-complaint challenging the Commission's action. On June 2, 2010, the City submitted a revised permit application to establish an overnight parking district for the Venice neighborhood consistent with the modified OPD proposal described in a proposed settlement agreement. On June 10, 2010, after a public hearing on the matter, the Commission again denied coastal development permit applications.

The primary Coastal Act issue raised in the prior public hearings was whether the proposed permit parking program could conform with the public access and recreation policies of the Coastal Act. The Commission was concerned that the early morning parking restrictions would adversely affect the public's ability to utilize public street parking that supports access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours. [Cont. on Page 2]

The parties in the lawsuit (Venice Stakeholders Association, City of Los Angeles, and the Coastal Commission) have reached a settlement agreement. The settlement agreement provides for the applications to be remanded to the Commission and for the Commission to review the City's revised proposal. The City's proposal would create a process for prohibiting parking on public streets during early morning hours (2AM to 5/6AM) on individual blocks located within the boundaries of the districts. Exhibit No. 1 depicts the boundaries of the proposed parking districts. Residents' vehicles displaying parking district permits would be exempt from the parking prohibitions.

The City's revised proposal includes specific measures to mitigate the permit parking program's anticipated impacts on the public on-street parking supply. Specifically, the City has identified 351 on-street parking spaces near the shoreline (including 285 metered spaces) where permits will not be required for parking. Additionally, the City has also agreed to establish a new Bicycle Share Program and new bicycle lanes on segments of five existing streets. Furthermore, the City proposes to modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots to ensure that additional off-street parking will be available for early morning beachgoers and others who do not have the necessary parking permits.

Staff is recommending that the Commission approve the coastal development permits for the proposed permit parking program with special conditions to ensure that the public will continue to be able to access the shoreline recreation areas in the early morning hours. The recommended special conditions begin on Page Three.

**See Page Four for the motions to carry out the staff recommendation.**

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**EXHIBITS**

- Exhibit 1 – Map: Venice OPD Nos. 523 & 526
- Exhibit 2 – Map – Venice Street Parking Not Subject to Permit Requirements
- Exhibit 3 – Map – City of Los Angeles Public Parking Lots
- Exhibit 4 – Map – Proposed Bicycle Lanes and Sharrows
- Exhibit 5 – Comment Letter
- Exhibit 6 – Comment Letter
- Exhibit 7 – Comment Letter
- Exhibit 8 – Counts of Support/Opposition Letters & On-line Petition
- Exhibit 9 – Comment Letter

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**APPELLANTS:**

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.

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## I. MOTIONS AND RESOLUTION

**Motion 1:** *"I move that the Commission **approve** Coastal Development Permit Application No. 5-08-313 pursuant to the staff recommendation."*

**Motion 2:** *"I move that the Commission **approve** Coastal Development Permit Application No. A-5-VEN-08-343 pursuant to the staff recommendation."*

Staff recommends YES votes. Passage of these motions will result in approval of the permits as conditioned and adoption of the following resolution and findings. Each motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution:** *The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not 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 complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **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 Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Development.** Coastal Development Permits 5-08-313 and A-5-VEN-08-343 approve the establishment of Overnight Parking District Nos. 523 and 526 with early morning parking restrictions on public streets, and the erection of signs for such. OPD No. 523, which covers the Venice area seaward of Lincoln Blvd., imposes the restriction: “No Parking 2AM to 5AM Nightly - Vehicles with District Permits Exempted”. OPD No. 526, which covers the Marina del Rey area inland of Lincoln Blvd., imposes the restriction: “No Parking 2AM to 6AM Nightly - Vehicles with District Permits Exempted”. The proposal also includes the establishment of new bicycle lanes on segments of five existing streets and the identification of 351 on-street parking spaces near the shoreline (including 285 metered spaces) where permits will not be required for parking.

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, changes to proposed or deviation from the operation of Public Parking Lot Nos. 616, 617, 731, 759, 760 & 761 as described in Special Condition Two shall be submitted for review by the Executive Director to determine whether an 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. **Operation of Public Parking Lots.** Upon implementation of permit parking restrictions in OPD No. 523, the City shall install and maintain automated kiosks that accept cash, coins, debit cards and credit cards to allow for pre-paid public parking in Public Parking Lot Nos. 616, 617, 731, 759, 760 and 761. The City shall also post signs in each parking lot (at the entrance and exit of the parking lot and within each parking lot) which clearly announce the following:
  - a) The existence of the parking stalls that are being provided in each lot to serve beachgoers during the early morning hours when on-street parking is unavailable, the parking fee rates, and the maximum parking time limits.
  - b) Parking Lot No. 761 shall remain open and available 24 hours a day for public parking. All parking stalls shall have a four-hour maximum time limit.
  - c) Parking Lot No. 731 shall open daily by 1 a.m. with at least twenty stalls made available for pre-paid parking up to twelve-hours. The regular daily parking rate may be charged for vehicles entering after 7 a.m.
  - d) Parking Lot Nos. 616 and 617 shall open at 4 a.m. and allow a minimum of four-hour parking for early morning beach goers who park their vehicles before 6 a.m.
  - e) Parking Lot Nos. 759 and 760 shall remain open and available 24 hours a day for public parking.

The automated kiosks shall be installed and the signs shall be posted in the parking lots prior to, or concurrent with implementation of permit parking restrictions in OPD No. 523 pursuant to the implementation of the approved Overnight Permit Parking Program. The parking lots shall be operated and maintained consistent with this condition.

3. **Commission Notification - Annual Reports.** The City shall provide written notice to the Executive Director of the Commission of the date that overnight permit parking restrictions are implemented on any street within the approved Overnight Parking Districts. In addition, the City shall provide an annual report to the Commission at the end of each year which documents where and when signs for OPD parking restrictions were installed during the year.
4. **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 new coastal development permit or a permit amendment to extend the time limit. If the permittee submits a new permit application or a permit amendment request 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 permit application or amendment request. The City must provide evidence, as part of any new permit or amendment request, which demonstrates whether or not the parking restrictions implemented in the approved OPD are negatively impacting coastal access.

The application for a new permit or 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 4 a.m. and 7 a.m. within OPD No. 523. The parking study shall include Public Parking Lots Nos. 616, 617, 731, 759, 760 and 761, and all on-street parking spaces (metered and unmetered) with 500 feet of Ocean Front Walk. The parking space counts shall include, at a minimum, three non-consecutive summer weekend days between, but not including, Memorial Day and Labor Day. If the Commission does not approve a new application or 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.

5. **Bicycle Lane and Sharrow Plan.** Upon implementation of the permit parking restrictions in OPD No. 523, the City shall implement the proposed bicycle route and sharrow plan.
6. **Bicycle Share Program.** Prior to the issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, a detailed operational plan for the proposed Bicycle Share Program, including but not limited to the location and distribution of the bicycle sharing stations, hours of operation if applicable, and fee schedule if applicable. Upon implementation of the permit parking restrictions in OPD No. 523, the City shall implement the Bicycle Sharing Program.
7. **Liability for Costs and Attorney's Fees.** By acceptance of this coastal development permit, the applicant agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees -- including 1) those charged by the Office of the Attorney General, and 2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The City of Los Angeles proposes to establish Overnight Parking District (OPD) Nos. 523 and 526 with early morning parking restrictions on public streets throughout the Venice and Marina del Rey area, and the erection of signs for such (Exhibit #1). The proposed OPD parking restrictions would prohibit nighttime and early morning parking on duly-designated public streets by non-residents and vehicles without permits.

Proposed OPD No. 523 encompasses the City of Los Angeles area seaward (west) of Lincoln Boulevard that the City formerly proposed in 2008 as four separate parking districts: OPD Nos. 520, 521, 522 and 523 (Exhibit #3). The signs in OPD No. 523 would impose the restriction: “No Parking 2AM to 5AM Nightly - Vehicles with District 523 Permits Exempted”.

Proposed OPD No. 526 covers segments of four City of Los Angeles streets inland of Lincoln Boulevard in the Marina del Rey area: La Villa Marina, Fiji Way, Admiralty Way and Mindanao Way (Exhibit #3). The signs in OPD No. 526 would impose the restriction: “No Parking 2AM to 6AM Nightly - Vehicles with District 526 Permits Exempted”.

The City’s proposal also includes a suite of OPD mitigation measures to be implemented at the same time as the OPDs in order to improve the public’s ability to access Venice Beach. The proposed OPD mitigation measures include the establishment of new bicycle lanes on four existing streets and the identification of specific on-street parking spaces near the shoreline where permits will not be required for parking (Exhibit #2). Overnight and/or early morning public parking will also be allowed (without permits) in six public parking lots operated by the City. [*See OPD Mitigation Measures below for more detail*].

The City states that the parking prohibitions would not be implemented throughout an entire district all at once. Instead, the City would post the permit parking signs on a block-by-block basis, upon written request from the 11<sup>th</sup> District City Council Office. The City has indicated that 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. Parking permits will not be required to park a vehicle in any off-street public parking lots, as the public parking lots will not be subject to the proposed overnight parking prohibition. Only persons who reside in a residential building within OPD Nos. 523 and 526 will be able to purchase a district parking permit which will exempt their vehicle from the proposed overnight parking prohibition in each respective district.

The City is requesting approval to implement the proposed OPDs because of residents’ complaints about scarce on-street parking being occupied by nonresidents’ vehicles, including: Santa Monica residents trying to avoid vehicle size limits and parking permit fees, airport travelers who store their cars in the Villa Marina and Oxford Triangle areas while they are out of town, car rental companies and fleets, vendors who store products overnights in trucks near the boardwalk, employees of restaurants and bars, and hotel customers looking for free parking (Exhibit #5).

Another concern is that people are living out of their cars on residential streets. As part of the effort to address people living out of their vehicles, the City in 2010 implemented an oversized vehicle ordinance and a “Vehicles-to-Homes” program (Ordinance Nos. 181218 and 181413). Since 2010, Oversize

Vehicle Restrictive Signs have been installed on approximately 110 blocks within the OPD boundaries (Exhibit #3). As a result, about two hundred oversized vehicles have relocated; opening the equivalent of approximately 320 parking spaces for regular-sized vehicles. In addition, the efforts undertaken by Council District 11 have improved social services available in the area by assisting residents living in their vehicles. This has played a significant role in overcoming problems associated with individuals sleeping in cars during nighttime hours. Comments made by the members of the public and California Coastal Commissioners at the prior OPD public hearings in 2009 and 2010 played a role in creating the program. There were 158 participants in the Vehicles-to-Homes program between January 1, 2011 and June 30, 2012.

### **Proposed OPD Mitigation Measures – Preserved On-Street Parking**

In order to address the proposed permit parking program's impact on the public parking supply on which early morning beachgoers depend, the City's revised proposal includes mitigation measures which are intended to improve coastal access and ensure that early-morning beachgoers will be able to find a parking spot. These mitigation measures include a Bicycle Share Program, new bicycle lanes, and the provision of public parking (on-street and off-street) where parking permits will not be required.

The City has identified 351 on-street parking spaces within two to three blocks of the beach where permits will not be required for parking (Exhibit #2). These 351 public on-street parking spaces are on non-residential segments of roads on which the city will not impose the OPD parking restrictions (i.e., no permit required). These parking spaces, however, are subject to other restrictions such as hourly limits, and/or the requirement to pay a parking meter between the hours of 8AM and 6PM. Of the 351 parking spaces identified, 285 of them are metered spaces (Exhibit #2). Some of the unmetered spaces are loading zones (yellow curb) where nighttime and early morning parking is allowed.

The City will exclude the following segments of roads from the imposition of OPD restrictions:

- Navy St. from Main St. to Pacific Ave. (5 metered spaces)
- Main St. from Rose Ave. to Marine Ave. (30 metered spaces)
- Rose Ave. from Hampton Dr. to Pacific Ave. (9 metered spaces)
- Main St. from Sunset Ave. to Rose Ave. (30 metered spaces)
- Sunset Ave. from Main St. to Hampton Dr. (11 unmetered spaces)
- Main St. from Thornton Pl. and Sunset Ave. (11 unmetered spaces- west side only)
- Main St. from Club House Ave. to Brooks Ave. (22 unmetered spaces – east side only)
- Main St. from Westminster Ave. to Club House Ave. (14 unmetered spaces)
- Main St. from Windward Ave. to Market St. (5 metered spaces)
- Windward Ave. from Main St. to Ocean Front Walk. (49 metered & 2 unmetered spaces)
- Main St. from Venice Way to Windward Ave. (7 metered spaces)
- Venice Way from Pacific Ave. to Main St. (4 metered & 3 unmetered spaces)
- North Venice Blvd. from Pacific Ave. to Speedway. (7 metered spaces)
- Washington Blvd. from Palawan Way to Ocean Front Walk. (139 metered & 3 unmetered spaces)

### **City Parking Lot Modifications**

The City proposes to modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots in Venice to ensure that parking will be available for early morning beachgoers and residents without parking permits during the times when non-residents will be prohibited from parking their vehicles on the street. See the map attached as Exhibit #3. Two of the six public parking lots that are situated one block inland of the beach, Parking Lot Nos. 761 and 731, will be operated so that parking will be available specifically for early morning beachgoers.

The City is proposing to modify the operation of six off-street parking lots as follows:

- **Lot No. 761:** A 14-stall lot, located one block inland of the beach on the corner of Windward Avenue and Pacific Avenue, will be a 24/7 (24 hours a day/7 days a week) pay lot with an automated pay kiosk (now it is free from 6 p.m. to 8 a.m.). All fourteen parking stalls will have a four-hour limit in order create turnover, even at night. The four-hour limit will prevent nearby residents from using the lot to store their cars all night.
- **Lot No. 731:** A 177-stall lot, located one block inland of the beach on the corner of North Venice Boulevard and Pacific Avenue, currently has automated pay kiosk and an attendant on some days. Lot No. 731 will continue to close at 11 p.m., but will re-open at 1 a.m. with at least twenty twelve-hour stalls made available for early morning beachgoers. The remaining stalls will be four-hour stalls. The daily rate is charged after 9 a.m., except for those in the twenty twelve-hour stalls which have already pre-paid the parking fee at the kiosk.
- **Lot No. 616:** A 29-stall lot, located one-quarter mile inland of the beach along Electric Avenue, a former Red Car right-of-way, will close each night at 2 a.m. and re-open at 4 a.m. Once it opens at 4 a.m. the lot will be available for early-morning parking. All parking stalls will allow at least four hours of parking if the stall is occupied before 6 a.m. This free unmetered parking lot is currently closed nightly between the hours of 2 a.m. and 7 a.m.
- **Lot No. 617:** A 22-stall lot next to Lot No. 616 along Electric Avenue will also close each night at 2 a.m. Once it opens at 4 a.m. the lot will be available for early-morning parking. All parking stalls will allow at least four hours of parking if the stall is occupied before 6 a.m. This free unmetered parking lot is currently closed nightly between the hours of 2 a.m. and 7 a.m.
- **Lot No. 759:** An unimproved 66-stall lot, located one-quarter mile inland of the beach along Electric Avenue, allows free general public parking 24/7. Although the City plans to install parking meters in this lot in the near future, the parking lot will continue to operate 24/7 and the City will allow residents to store their cars in this lot at night.
- **Lot No. 760:** An unimproved 49-stall lot, located one-quarter mile inland of the beach along Electric Avenue, allows free general public parking 24/7. Although the City plans to install parking meters in this lot in the near future, the parking lot will continue to operate 24/7 and the City will allow residents to store their cars in this lot at night.

Parking Lot No. 740, a 41-stall lot located on the corner of Rose Avenue and Pacific Avenue, is not part of the proposed mitigation measures and the City is not proposing any changes to the operation of this

lot. This parking lot allows all-night free parking for the general public on a first-come, first-served basis. Nearby residents will be allowed to store their cars at night in this lot, as is currently allowed.

### **Bicycle Safety Improvements and Bicycle Share Program**

The City is also proposing to implement a Transportation Demand Management tool to encourage bicycling by implementing a Bicycle Share Program and by installing the following bicycle facilities in the Venice Beach area throughout the proposed OPD boundaries:

New bike lanes on segments of five existing streets (Exhibit #4):

- Rose Ave. between Lincoln Blvd. and Ocean Front Walk. (Bike Lane and Sharrow)
- Market St. between Main St. and Cabrillo Ave. (Bike Lanes)
- Grand Blvd. between Main St. and Venice Blvd. (Bike Lanes)
- Venice Way between Main St. and Venice Blvd. (Bike Lanes)
- Windward Ave. between Main St. and Cabrillo Ave. (Bike Lanes)

Bike lanes already exist on Washington Boulevard and Via Dolce, and the beach bike path runs from Santa Monica to the Venice Pier at Washington Boulevard. The City estimates that the proposed installation of the new bike lanes will result in the loss of approximately eight on-street parking spaces.

In addition, the City proposes to paint Sharrows (shared-lane markings) on segments of several existing streets to improve safety of bicyclists. Sharrows are markings that are painted (typically green) in existing vehicular traffic lanes to indicate that a bicyclist may use the full lane.

Sharrows will be painted on the following segments of existing streets (Exhibit #4):

- Rose Ave. between Lincoln Blvd. and Ocean Front Walk
- Abbot Kinney Blvd. between South Venice Blvd. and Washington Blvd.
- Ocean Ave. between Washington Blvd. and South Venice Blvd.
- Mildred Ave. between Ocean Ave. and Washington Blvd.
- Pacific Ave. between Windward Ave. and Washington Blvd.
- Windward Ave. between Pacific Ave. and Ocean Front Walk

The City will implement the proposed OPD mitigation measures at its discretion within five years of the Commission's approval of this permit application.

## **B. PUBLIC ACCESS AND RECREATION**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access.

Section 30210 of the Coastal Act states:

*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.*

Section 30211 of the Coastal Act states:

*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 of the Coastal Act states:

*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 of the Coastal Act states:

*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 of the Coastal Act states:

*(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 of the Coastal Act states:

*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 of the Coastal Act states:

*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 of the Coastal Act states:

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

Section 30224 of the Coastal Act states:

*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.*

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by*

*correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

Section 30253 of the Coastal Act states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (4) Minimize energy consumption and vehicle miles traveled.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

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

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. The standard of review for the coastal development permits is the Chapter 3 policies of the Coastal Act.

The City is requesting approval to implement the proposed OPDs because of residents' complaints about scarce on-street parking being occupied by nonresidents' vehicles, including: Santa Monica residents trying to avoid vehicle size limits and parking permit fees, airport travelers who store their cars in the Villa Marina and Oxford Triangle areas while they are out of town, car rental companies and fleets, vendors who store products overnights in trucks near the boardwalk, employees of restaurants and bars, and hotel customers looking for free parking (Exhibit #5).

The City is proposing to prohibit non-residents from parking their vehicles at un-metered street spaces, but only during the early morning hours between 2 a.m. and 5 a.m. in OPD No. 523 between 2 a.m. and 6 a.m. in OPD No. 526. The public streets will re-open for use by the general public, on a first-come, first-served basis, daily at 5 a.m. or 6 a.m. The visiting public depends on the use of the un-metered street spaces for access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours before the public beach parking lots open at 6 a.m. The on-street parking is also free all day, as opposed to the \$4-\$12 daily flat fee charged for parking in the public beach parking lots. The proposed parking restrictions will adversely impact the public's ability to access the shoreline in the early morning hours unless adequate mitigation is provided.

The City's OPD proposal includes specific measures to mitigate the permit parking program's impact on the public parking supply. First, the City has identified 351 on-street parking spaces within two to three blocks of the beach where permits will not be required for parking (Exhibit #2). These 351 public on-street parking spaces are on non-residential segments of roads on which the city will not impose the

OPD parking restrictions (i.e., no permit required). These parking spaces, however, are subject to other restrictions such as hourly limits, and/or the requirement to pay a parking meter between the hours of 8 a.m. and 6 p.m. Of the 351 parking spaces identified, 285 of them are metered spaces (Exhibit #2). Some of the unmetered spaces are loading zones (yellow curb) where nighttime and early morning parking is allowed.

The close proximity of these 351 on-street parking spaces to the beach, and the fact that they extend along the shoreline of OPD No. 523 (North Venice Beach), make them ideal parking spaces for early morning visitors, surfers and anglers (in addition to residents who lack parking permits). These spaces are also ideal because a high percentage of them are likely to be available for early morning beachgoers because they would be free between 6 p.m. and 8 a.m. A parking availability study conducted in the month of June 2008 found that at 4:30 a.m., 119 metered spaces out of 180 spaces within two blocks of the beach (i.e., 2/3 of the spaces) were vacant (VSA Parking Study 2008).

Second, the City will modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots in Venice to ensure that parking will be available for early morning beachgoers and residents without parking permits during the times when non-residents will be prohibited from parking their vehicles at un-metered street spaces (Exhibit #3). Two of the six public parking lots that are situated one block inland of the beach, Parking Lot Nos. 761 and 731, will be operated so that parking will be available specifically for early morning beachgoers. There are also three paved parking lots on the beach that are managed by the County of Los Angeles Department of Beaches and Harbors, located on the beach at Rose Avenue, North Venice Boulevard and at Washington Boulevard/Venice Pier. The three County beach parking lots, however, do not open until 6 a.m., so beachgoers arriving before 6 a.m. are not able to use them.

Third, the City will establish a Bicycle Share Program, add new bicycle lanes on segments of five existing streets, and paint sharrows (shared-lane markings) on segments of several existing streets to improve safety of bicyclists (Exhibit #4). The City estimates that approximately eight on-street parking spaces will be eliminated by the new bike lanes. The proposed provision of additional bike lanes and bicycle safety measures will encourage people to leave their cars at home and improve the public's ability to access the shoreline without driving and needing a parking spot. Coastal Act Sections 30252 and 30253 call for the provision of non-automobile circulation and minimizing vehicle miles traveled. The proposed bicycle improvements will help to minimize vehicle miles traveled.

The City's Overnight Parking Program is designed to allow for wide areas to be designated for possible installation of blocks with restrictive signs, exempting residents with parking permits. Once an area has been designated as an OPD, signs can only be installed to restrict parking when the City has verified petitions showing support by more than two thirds of the residents, based on the number of dwelling units, for installation of signs. The implementation of more than 25 OPDs throughout the City indicates that it would take years, if not decades, before an entire neighborhood is posted with OPD signs. The success of the City's Oversize Vehicle Restriction signs in dealing with some of the social problems, as well as limitations to parking availability in the area, make it unlikely that there will be a large demand for OPD implementation. The City asserts that the success of the City's Oversize Vehicle Restriction signs (which prohibit recreational vehicles from parking on restricted streets) has freed-up an estimated 320 on-street parking spaces that had formerly been occupied by recreational vehicles and other oversized vehicles.

When the City approved the local coastal development permits for the Overnight Parking Districts in November 2008, the City was counting on the hundreds of metered parking spaces and the public parking lots to provide an adequate parking supply for early morning beachgoers, since the number of early morning beachgoers driving to the beach is estimated to be no more than a few dozen (before 6 a.m.). The problem, however, is that there is no way to know how many of the metered parking spaces will be available for early morning beachgoers when the proposed permit parking program is in effect.

Once the City starts to require parking permits for parking on the streets at night, the metered parking spaces may become more heavily used and occupied each night by those residents and non-residents who do not have or cannot obtain a parking permit. The metered parking spaces may be the only place to park their vehicle at night in Venice if they don't have a parking permit. If the metered parking spaces become the new overnight parking areas for many of the vehicles that used to park elsewhere (before permits were required), then the metered parking spaces will not be available in the early morning hours for beachgoers.

The City has acknowledged the 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. Therefore, the City is proposing to modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots in Venice to ensure that parking will be available for early morning beachgoers and residents without parking permits during the times when non-residents will be prohibited from parking their vehicles at un-metered street spaces. Two of the six public parking lots that are situated one block inland of the beach, Parking Lot Nos. 761 and 731, will be operated so that parking will be available specifically for early morning beachgoers.

The City is proposing to modify the operation of six off-street parking lots as follows:

- **Lot No. 761:** A 14-stall lot, located one block inland of the beach on the corner of Windward Avenue and Pacific Avenue, will be a 24/7 (24 hours a day/7 days a week) pay lot with an automated pay kiosk (now it is free from 6 p.m. to 8 a.m.). All fourteen parking stalls will have a four-hour limit in order create turnover, even at night. The four-hour limit will prevent nearby residents from using the lot to store their cars all night.
- **Lot No. 731:** A 177-stall lot, located one block inland of the beach on the corner of North Venice Boulevard and Pacific Avenue, currently has automated pay kiosk and an attendant on some days. Lot No. 731 will continue to close at 11 p.m., but will re-open at 1 a.m. with at least twenty twelve-hour stalls made available for early morning beachgoers. The remaining stalls will be four-hour stalls. The daily rate is charged after 9 a.m., except for those in the twenty twelve-hour stalls which have already pre-paid the parking fee at the kiosk.
- **Lot No. 616:** A 29-stall lot, located one-quarter mile inland of the beach along Electric Avenue, a former Red Car right-of-way, will close each night at 2 a.m. and re-open at 4 a.m. Once it opens at 4 a.m. the lot will be available for early-morning parking. All parking stalls will allow at least four hours of parking if the stall is occupied before 6 a.m. This free unmetered parking lot is currently closed nightly between the hours of 2 a.m. and 7 a.m.
- **Lot No. 617:** A 22-stall lot next to Lot No. 616 along Electric Avenue will also close each night at 2 a.m. Once it opens at 4 a.m. the lot will be available for early-morning parking.

All parking stalls will allow at least four hours of parking if the stall is occupied before 6 a.m. This free unmetered parking lot is currently closed nightly between the hours of 2 a.m. and 7 a.m.

- **Lot No. 759:** An unimproved 66-stall lot, located one-quarter mile inland of the beach along Electric Avenue, allows free general public parking 24/7. Although the City plans to install parking meters in this lot in the near future, the parking lot will continue to operate 24/7 and the City will allow residents to store their cars in this lot at night.
- **Lot No. 760:** An unimproved 49-stall lot, located one-quarter mile inland of the beach along Electric Avenue, allows free general public parking 24/7. Although the City plans to install parking meters in this lot in the near future, the parking lot will continue to operate 24/7 and the City will allow residents to store their cars in this lot at night.

Parking Lot No. 740, a 41-stall lot located on the corner of Rose Avenue and Pacific Avenue, is not part of the proposed mitigation measures and the City is not proposing any changes to the operation of this lot. This parking lot allows all-night free parking for the general public on a first-come, first-served basis. Nearby residents will be allowed to store their cars at night in this lot, as is currently allowed.

Beachgoers who park their cars in the parking lots prior to 6 a.m. should be able to leave their vehicles for four hours while they recreate at the shoreline. Therefore, beachgoers who park their cars in the parking lots prior to 6 a.m. shall not be required to return to pay additional fees or move their vehicles for at least four hours.

Special Condition Two requires that the City manage Public Parking Lot Nos. 616, 617, 731, 759, 760 & 761 as proposed, and post signs to inform the public of the availability of the public parking. Since the time limit for parking Lot No. 761 will be four hours, there will be parking that is not be able to be used for all-night parking by residents who don't have another place to park at night. These four-hour parking stalls will remain open and available in the early morning hours by beachgoers.

With the 5 a.m. opening of the streets near the shoreline (for public parking with no permit required), and with the City's revised proposal to provide the limited-term public parking supply in Parking Lot Nos. 761 and 731 for early morning beachgoers, the public's ability to access the coast is being protected as required by the above-stated sections of the Coastal Act.

Special Condition Three requires the City to notify the Commission when it installs permit parking signs on each street, and the submittal of annual reports concerning the implementation of the overnight parking restrictions (consistent with the terms of the settlement agreement). Special Condition Four limits the term of the Commission's approval to five years so that the approved permit parking program can be reviewed in order to determine if there have been any changed circumstances or unforeseen adverse impacts to coastal resources after five years.

Special Condition Five requires the City to implement the proposed bicycle route plan and Special Condition 6 requires the City to submit an operational plan for the proposed Bike Share Program prior to issuance of the coastal development permit. The Bicycle Share Program and bicycle route plan shall be implemented upon implementation of the permit parking restrictions in OPD 523. As conditioned, the proposed project is consistent with the Public Access and Recreation policies of the Coastal Act.

### C. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act states:

*(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.*

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.

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 beachgoers. 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-beachgoers.*

**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 proposed project, only 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 and the Commission is the responsible agency for the purposes of CEQA. The City of Los Angeles has determined that the project is exempt from CEQA under the Class I Categorical Exemption set forth in State CEQA Guidelines 15301 and in City CEQA Guidelines, Article III, 1.a.3. Further, 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.

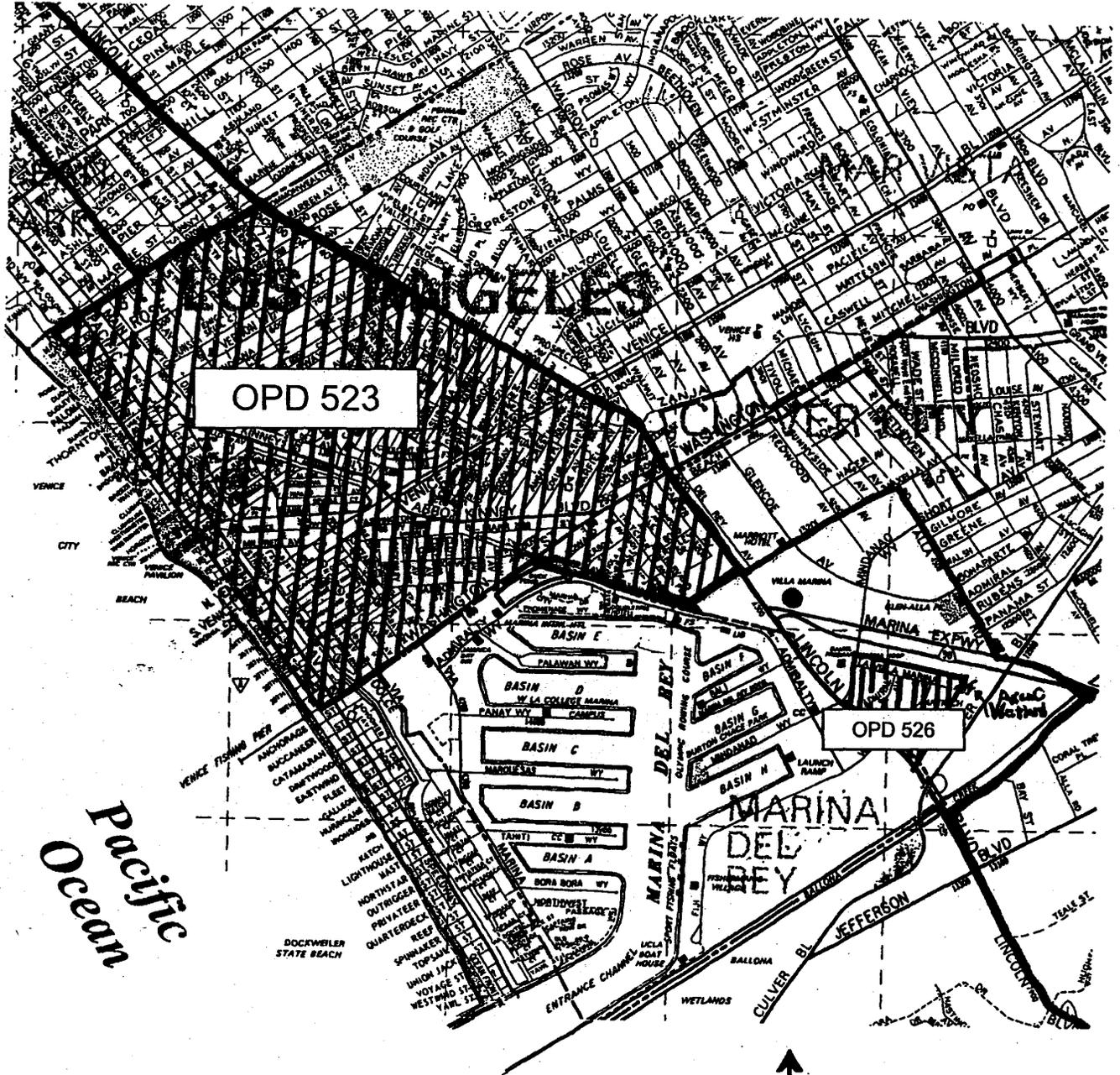
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### **Appendix A - Substantive File Documents**

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. 08-09 (OPD 522).
5. City of Los Angeles Local Coastal Development Permit No. 08-10 (OPD 523).
6. City of Los Angeles Local Coastal Development Permit No. 08-11 (OPD 526).
7. 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.
8. Coastal Commission Staff Report for De Novo Review of 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, 5/21/2009.
9. Coastal Commission Staff Report for De Novo Review of 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, 6/3/2010.

# VENICE, CA

## Venice Overnight Parking Districts



Pacific Ocean

OPD 523  
5-08-313 &  
A-5-VEN-08-343



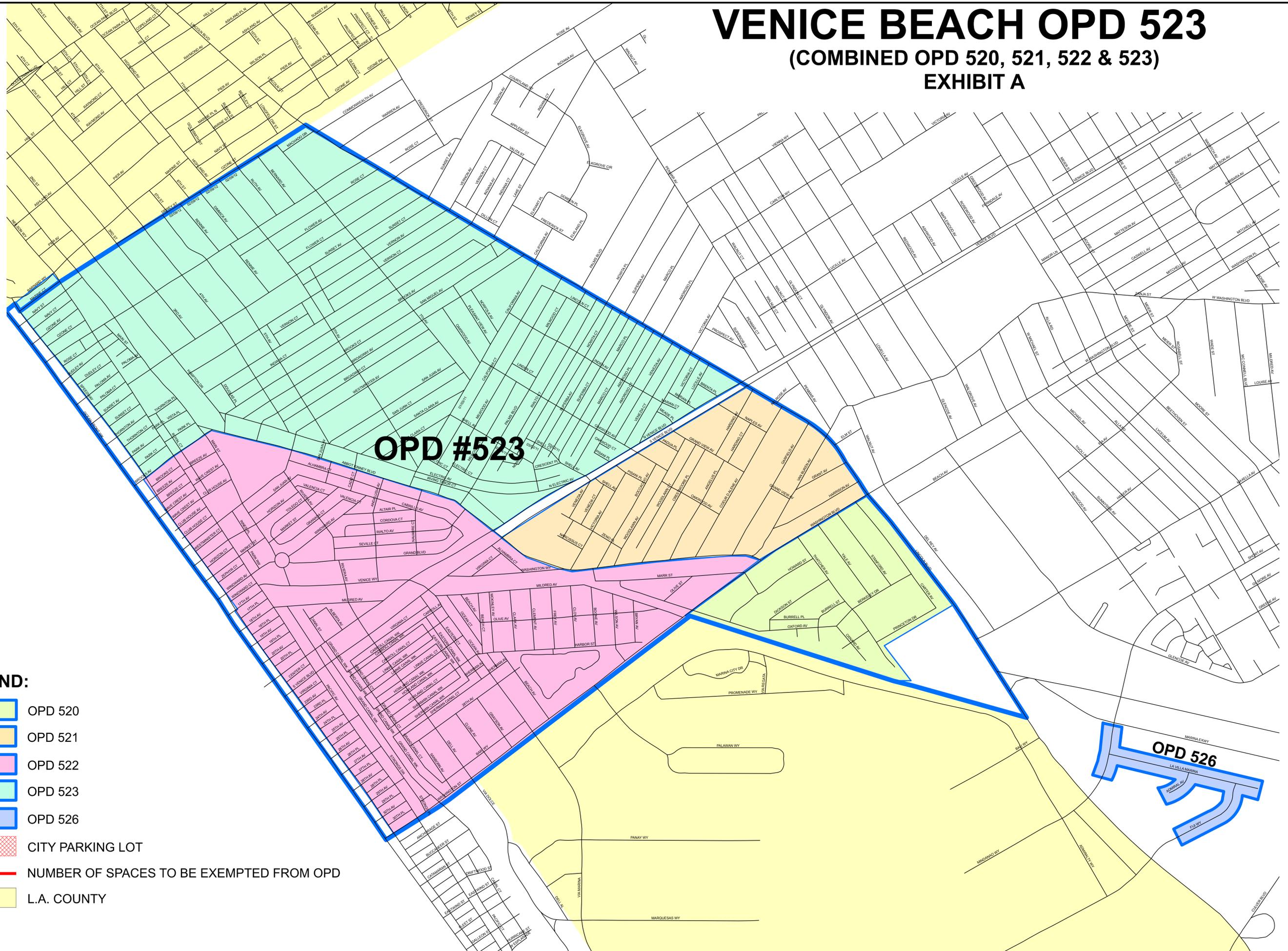
COASTAL COMMISSION

EXHIBIT # 1  
PAGE 1 OF 1

# VENICE BEACH OPD 523

(COMBINED OPD 520, 521, 522 & 523)

EXHIBIT A



**OPD #523**

## LEGEND:



OPD 520



OPD 521



OPD 522



OPD 523



OPD 526



CITY PARKING LOT



NUMBER OF SPACES TO BE EXEMPTED FROM OPD



L.A. COUNTY



**OPD 526**



## Venice Street Parking

Spaces Proposed for Exemption from Eligibility for Overnight Restriction to Assure Visitor Access

# VENICE BEACH OVERSIZE VEHICLE RESTRICTED AREA

## STREET PARKING LOTS (PART OF MITIGATION)

### EXHIBIT B

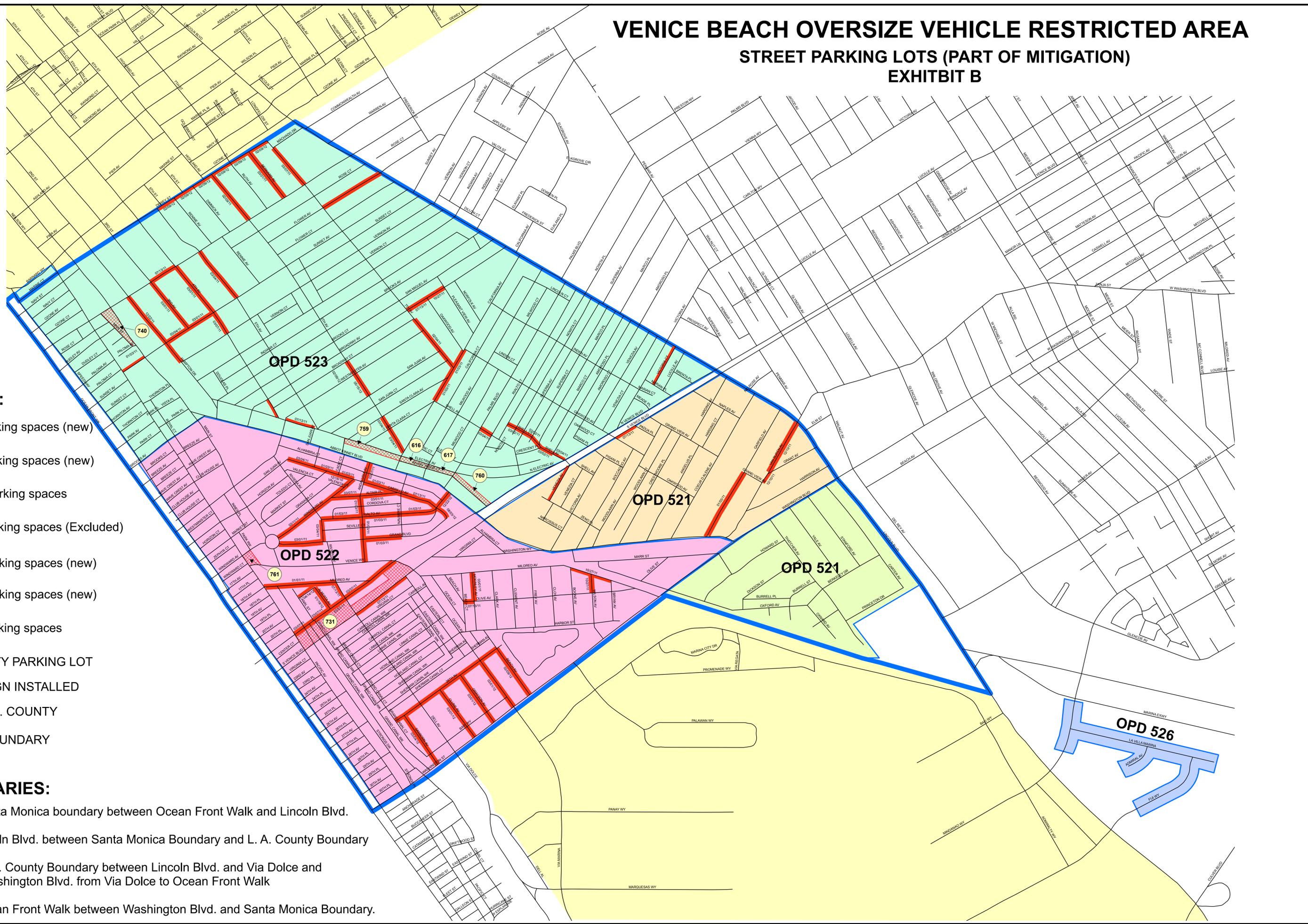


#### LEGEND:

- 616 29 parking spaces (new)
- 617 22 parking spaces (new)
- 731 177 parking spaces
- 740 41 parking spaces (Excluded)
- 759 66 parking spaces (new)
- 760 49 parking spaces (new)
- 761 14 parking spaces
- CITY PARKING LOT
- SIGN INSTALLED
- L.A. COUNTY
- BOUNDARY

#### BOUNDARIES:

- North: Santa Monica boundary between Ocean Front Walk and Lincoln Blvd.
- East: Lincoln Blvd. between Santa Monica Boundary and L. A. County Boundary
- South: L. A. County Boundary between Lincoln Blvd. and Via Dolce and Washington Blvd. from Via Dolce to Ocean Front Walk
- West: Ocean Front Walk between Washington Blvd. and Santa Monica Boundary.



# VENICE BEACH OPD 523

## BIKE LANES AND SHARROWS

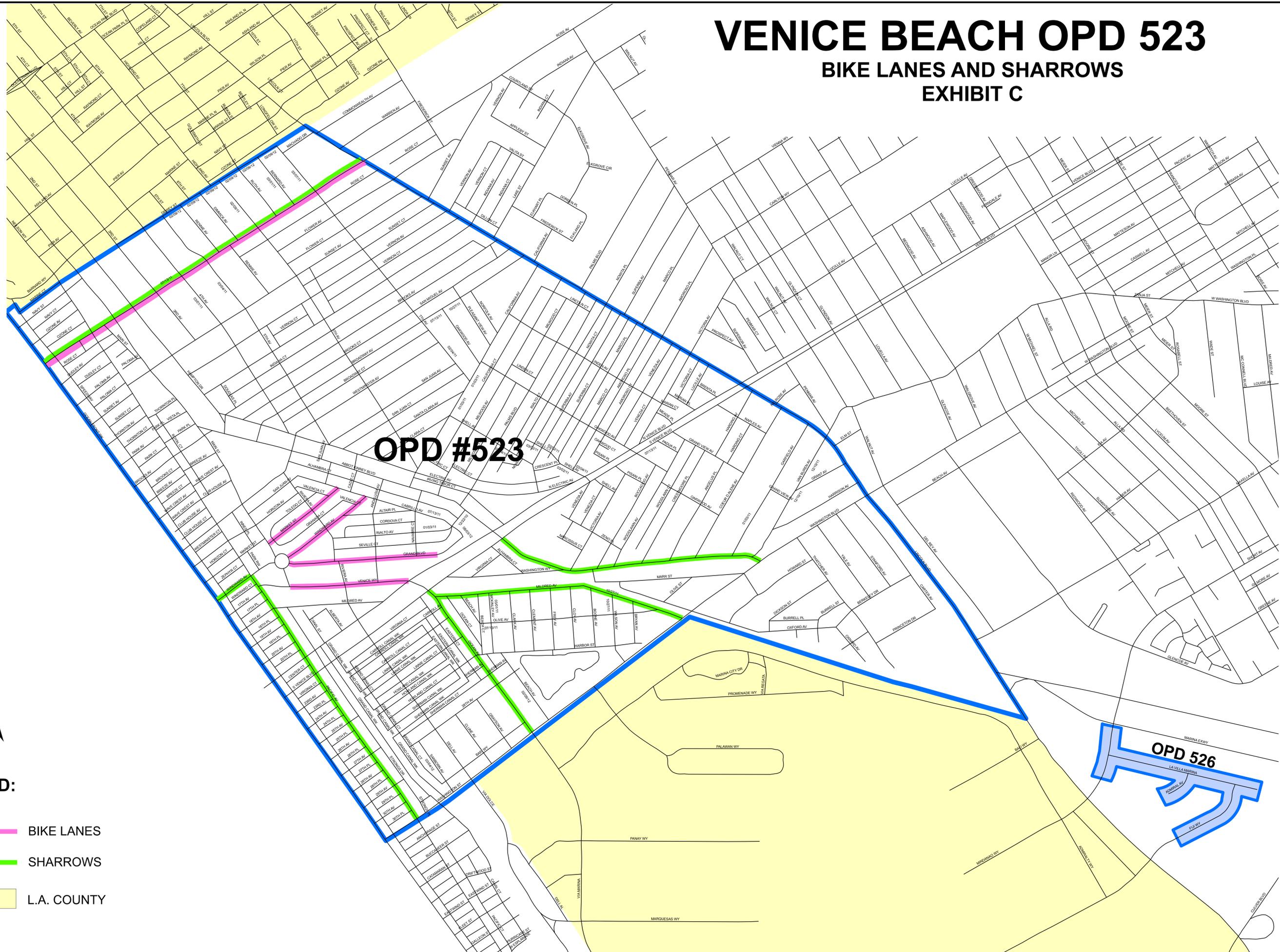
### EXHIBIT C

**OPD #523**

**OPD 526**



- LEGEND:**
-  BIKE LANES
  -  SHARROWS
  -  L.A. COUNTY



# Venice Stakeholders Association

May 28, 2013

**RECEIVED**  
South Coast Region

MAY 28 2013

Members of the California Coastal Commission  
Attn: Jack Ainsworth  
200 Ocean Gate, 10th Floor  
Long Beach, CA 90802-4416

VIA: U.S Post and Facsimile Transmission

Re: 5-08-313 A5-VEN-08-343/Overnight Parking District in Venice, CA

CALIFORNIA  
COASTAL COMMISSION

Honorable Commissioners:

Please approve the application by the City of Los Angeles for a Coastal Development Permit to implement overnight restricted parking districts (OPDs) in Venice.

The Venice Stakeholders Association, a non-profit civic benefit organization, has represented members of the Venice community on this issue for five years. There are four primary reasons for your commission to support the instant application. These are:

1. Venice has a historic parking scarcity.
2. Visitor access to the coast is assured by the mitigation package.
3. Venice deserves the same treatment as all other beach cities in LA County.
4. Venice residents support the right to decide block-by-block whether to implement overnight parking restrictions.

### Parking Scarcity

The OPD program will address a chronic parking scarcity which has beset the Venice community since it transitioned from a canal-lined vacation destination of the early 20th century served by rail transportation to the current auto-choked incarnation of today. In Venice's early decades little on-site parking was provided because there were few cars to park. Even as Venice built out from the initial Venice-of-America tract by the ocean, and on-site parking was incorporated, it fell far short of today's zoning and building code standards and did not remedy the historic shortage. The result is that our community of 38,000 residents faces a challenge just parking itself, especially at night and on weekends.

At the same time, many non-residents have staked a claim to Venice's limited street parking, a problem that varies in character from neighborhood to neighborhood.

- Close to the beach, budget travelers frequently sporting out-of-state license plates lodge in their vehicles overnight, often for days at a time. In some instances these vehicle dwellers dump human sewage directly into alleys, gutters and the storm drains. Although City law forbids dwelling in vehicles, those laws are very difficult for the LAPD to enforce.

EXHIBIT # 5

PAGE 1 OF 4

*The Venice Stakeholders Association is dedicated to civic improvement. The VSA supports slow growth, protection of the limits of the Venice Specific Plan, neighborhood safety, better traffic circulation, increased parking for residents, neighborhood beautification projects, habitat restoration and protection of coastal waters.*

*Venicestakeholdersassociation.org*

- In the Rose Avenue neighborhood of north Venice, Santa Monica residents park overnight in Venice to avoid vehicle height limits and permit fees applicable in Santa Monica.
- In the Oxford Triangle area near Marina del Rey, cars are stored on residential streets by LAX-bound travelers looking to avoid high parking fees at the airport. While inexplicable given the Triangle's distance from LAX, numerous resident reports give credence to this practice.
- In the Presidents Row neighborhood between Lincoln and Abbot Kinney Boulevards, auto garages and car rental companies store vehicles for days.
- Near the Venice Boardwalk, vendors store their products overnight in vehicles on Windward, Westminster, Rose and Brooks avenues.
- Along the Abbot Kinney corridor, some employees and patrons of popular destination bars and restaurants occupy residential street parking until well after 2 AM.
- And throughout Venice, visitors to local hotels avoid modest charges for hotel parking spaces and instead park overnight on residential streets.

All of these vehicles take up resident parking, forcing residents to park several blocks away from their homes, especially at night, in a community where assaults and muggings are common.

#### Under the CDP, Parking Opportunities Increase for Early Morning Visitors

To assure early morning visitor access to Venice Beach the City has accepted several mitigation measures. These include:

1. Opening to the public six City parking lots with 357 spaces at 4 a.m. or earlier each morning.
2. Exempting 351 street parking spaces within three blocks of the beach from eligibility for overnight restrictions. These are metered and unmetered spaces and spaces in front of commercial and government uses. An earlier City study found 2/3rds of the metered spaces unused at 4:30 AM. The exemption from OPDs will assure these 351 spaces are available for early arrivals in perpetuity.
3. Prioritizing the installation of bike lanes and bike "sharrow" designation to promote bike use and biking safety, and to make it easier for bike users to ride from inland parking spaces to the coast.

#### Venice Deserves Equal Treatment with Other LA County Coastal Cities

In the 37 years since the Coastal Act was adopted in 1976, most of the municipalities along coastal Los Angeles County have implemented preferential parking regimes. Santa Monica in particular has extensive preferential parking restrictions, including in the coastal zone. These restrictions have been adopted with either the express or tacit approval of the Coastal Commission. The Commission has set a precedent in allowing these other cities to have OPDs and has no legitimate basis for denying the Venice OPD, especially given that coastal access for early-morning visitors is assured by the mitigation package proposed by the City.

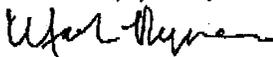
Venice Residents Support OPDs

In March 2009, the Venice Neighborhood Council, a certified neighborhood council under the Charter of the City of Los Angeles, held a district wide referendum on the question whether OPDs should be adopted for Venice (see attached LA Times article). More than 1,500 residents waited in line up two hours to vote. The initiative favoring OPDs won by a vote of 868 to 634, i.e., 59% to 41%. While a vocal minority continues to oppose OPDs for Venice, the majority vote in favor was clear and no subsequent action or measure has changed the Venice Neighborhood Council's position on the matter.

The VSA has worked diligently with the City of Los Angeles and Coastal Commission staff to assure that the Coastal Act's legitimate concern - coastal access for visitors during the hours of the OPD restriction - is met. Now, we ask the Commission to respect the other requirement of the Coastal Act, that the concerns and needs of residents be honored.

Thank you for consideration of our views on this matter.

Sincerely yours,



Mark Ryavec, President

Attachment: Los Angeles Time article of February 24, 2009

cc: Councilman Bill Rosendahl

COASTAL COMMISSION

EXHIBIT # 5  
PAGE 3 OF 4

# Venice votes to restrict overnight parking of RVs

The measure, which some residents have sought for more than a decade, needs Coastal Commission backing.

MARtha GROVES

A plan to restrict overnight parking won the strong support of Venice residents in a nonbinding election over the weekend. The plan still needs approval from the California Coastal Commission, which is expected to take it up in June.

Fed up with homeless people who live in cars and battered recreational vehicles parked along residential streets, many Venetians have for more than a decade urged the city of Los Angeles to create overnight parking districts that would limit parking in their neighborhoods.

On Saturday, more than 1,500 people — a record turnout

for a Venice Neighborhood Council election — cast ballots on two competing nonbinding initiatives. The first, Initiative A, called on the neighborhood council to rescind its prior approval of overnight parking districts. That measure, backed by advocates seeking to protect the rights of those living in the RVs, failed 868 to 684.

The second, Initiative B, affirmed that Venice residents have the right to establish such districts. That measure passed 891 to 608.

The vote results were released Sunday on the neighborhood council's website.

The Los Angeles City Council has approved the parking restrictions, which had the strong support of local Councilman Bill Rosendahl, but the matter is far from over.

A few residents have appealed to the California Coastal Commission, which has jurisdiction over the areas of Venice closest to the beach. The commission indicated that it wants to take a closer look at



RICARDO DRABERANHA Los Angeles Times

**CROWDED STREETS:** The overnight parking of vehicles like these, along 7th Street, has divided Venice residents.

overnight parking districts and their implications.

Because the commission is charged with maintaining the public's access to the coast, it wants to be sure there is enough early morning parking to accommodate fishermen, joggers, surfers and others.

"The first petitions for [parking districts] were signed in the community 12 years ago, and it's clear one can't wait to find a solution to where to put these RV dwellers," said Mark

Ryavec, co-chairman of the neighborhood council's Homelessness and Vehicular Occupation Ad Hoc Committee.

That panel has been scouting the region for sites where groups of RVs can park.

"It's a difficult challenge," he added. "I'm encouraged by the vote and am cautiously optimistic that eventually the community will be able to improve their quality of life."

martha.groves@latimes.com

EXHIBIT #

2-24-09

**JOHN A. HENNING, JR.**  
ATTORNEY AT LAW  
125 N. SWEETZER AVENUE  
LOS ANGELES, CALIFORNIA 90048  
  
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**RECEIVED**  
South Coast Region

MAY 29 2013

CALIFORNIA  
COASTAL COMMISSION

May 28, 2013

**VIA ELECTRONIC MAIL**

Members of the California Coastal Commission  
Attn: Jack Ainsworth  
200 OceanGate, 10th Floor  
Long Beach, CA 90802-4416

Re: Application of 5-08-313/A-5-VEN-08-343 City of Los Angeles Department of Transportation Overnight Parking District (Hearing Date: June 13, 2013)

Honorable Commissioners:

I represent the Venice Stakeholders Association (VSA). My client supports Commission staff's recommendation to approve the application of the City of Los Angeles for approval of overnight parking districts in the Venice neighborhood of the City, subject to the exacting set of new mitigation measures developed by Commission and City staff, which would add and/or preserve over 800 parking spaces proximate to the beach for use by coastal visitors during the early-morning hours when OPDs would be in effect.

- A. OPDs protect coastal access for a few dozen early morning beachgoers while balancing their need for access against the needs of thousands of Venice residents to park within a safe distance of their homes.

Section 30214(b) of the Coastal Act states that "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 ..." In its last staff report concerning a similar proposal in June 2010, Commission staff acknowledged that "the number of early morning beachgoers driving to the beach is estimated to be no more than a few dozen (before 6 a.m.)."

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PAGE 1 OF 4

Honorable Commissioners  
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Meanwhile, the “property owners” whose rights are to be balanced against the need for coastal access are the thousands of individual residents of Venice who are presently burdened with a chronic and utter lack of available parking near their homes, forcing them to walk long distances, often late at night, to find parking. This lack of nighttime resident parking is not the result of recreation by coastal visitors, but rather, stems from the overconsumption of scarce parking spaces by a combination of commercial interests, overnight vehicle dwellers, and travelers storing their vehicles to avoid parking charges at nearby Los Angeles Airport.

**B. The Commission should approve OPDs in Venice because mitigation measures address the program’s impact on the public parking supply on which early morning beachgoers depend.**

Commission staff has affirmed that the primary Coastal Act issue in considering the City’s proposal is whether it conforms with the public access and recreation policies of the Coastal Act by not adversely affecting the public’s ability to utilize public street parking that supports access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours. The City’s OPD proposal should be approved because it includes specific measures to mitigate any possible impact of OPDs on the ability of early-morning visitors to use public street parking, and in fact provides them with numerous places to park their vehicles for several hours while recreating at the shoreline. These measures include:

- Except in a small area distant from the beach, parking prohibitions will apply only between 2 a.m. and 5 a.m. Outside of these limited hours, residents will have no preference over coastal visitors.
- The City will modify the operation (i.e., fees, hours of operation, and parking time limits) of six public parking lots near the beach to make available 357 parking spaces previously unavailable to early morning beachgoers.
- Three of the six public parking lots, consisting of 228 spaces, will now be closed late at night and then reopened early in the morning specifically so that the spaces are cleared for use by early morning arrivals and, conversely, to discourage use of these spaces by residents parking overnight. Coastal visitors parking in these lots before 6 a.m. will be able to park for free for at least three hours in one lot, and for at least four hours in two other lots, and can remain beyond that period by paying the usual parking fees.
- The City will permanently exclude from OPDs an additional 351 on-street parking spaces located within 3 blocks of the beach, including both metered and non-metered spaces in front of commercial and governmental uses. The metered spaces are free to visitors until meters begin operation at 8 a.m. and can continue to be occupied after that time for the usual meter charge. (A parking survey conducted in 2008 by a third party consulting firm retained by the City showed that about 2/3 of metered spaces were unoccupied at 4:30 a.m., presumably because time limits and charges at the meters discourage residents from using the spaces for long-term parking.)

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C. **The City has established that OPDs are the only reasonable means to address intractable parking problems in Venice.**

The Commission is now in a position to fully evaluate whether OPDs, which limit the ability of early-morning beachgoers to park on public streets close to the shore, are actually necessary to address the problems that OPD proponents cite as the reason for establishing OPDs. At the time the Commission denied the City's previous application for OPDs in June 2010, the City had not yet amended its municipal code to effectively restrict the parking of "oversized" vehicles such as campers and RVs. The Commission's findings in support of its June 2010 decision cited the possibility that such restrictions could accomplish the City's objectives without adversely affecting coastal access.

In fact, at the time the Commission acted in June 2010, the City Council was on the verge of passing an amendment to its oversized vehicle ordinance which more comprehensively restricted parking of oversized vehicles. (Ordinance No. 181,218, effective August 19, 2010.) After the passage of this ordinance, the City imposed oversized vehicle restrictions on 110 blocks in Venice, many of which are the blocks closest to the beach. These restrictions have now been in effect for over two years. And while the restrictions did initially dislocate many vehicle dwellers from Venice streets, they have not been sufficient to alleviate the concerns of OPD proponents, for several reasons:

- Numerous oversized vehicles are exempt from the ordinance because their owners have handicap placards or plates, albeit often of dubious validity.
- The ordinance has led to a proliferation of smaller vehicles, such as SUVs, vans, trucks and cars, which are used for dwelling purposes but which technically do not qualify as "oversized" and are thus beyond the reach of the ordinance.
- Although other City laws forbid dwelling in vehicles, those laws are very difficult to enforce because of problems of proof and because police are generally unable to serve the violator with a notice to appear in court. These and other laws against specific offenses such as littering, public intoxication and dumping, have been insufficient to eliminate the chronic use of vehicles for dwelling purposes.
- The oversized vehicle ordinance has done nothing to address the occupation of on-street parking by commercial interests such as rental car companies, auto garages, and street vendors, or by travelers storing their cars to avoid parking fees at nearby Los Angeles Airport.

Given that the City's oversized vehicle ordinance and other ordinances have been insufficient to relieve the chronic parking shortage affecting Venice residents, OPDs, which necessarily exclude the general public to a limited extent from parking on the streets that support coastal access, should be approved.

Honorable Commissioners  
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D. **OPDs are an important planning tool for the City to ensure efficient use of parking and improve safety and quality of life.**

OPDs are an important planning tool for the City to advance the efficient use of parking and improve the safety and quality of life of Venice residents. The number of residents in Venice is relatively fixed. Venice is also part of a larger metropolitan area which is heavily dependent on the use of automobiles both for work and for pleasure. Thus, a relatively high percentage of Venice residents have cars, even though many of these residents do not have access to off-street parking spaces. Since on-street parking is scarce, these residents are often forced to drive through numerous residential blocks looking for parking. In addition to causing traffic congestion, this results in an inefficient allocation of parking spaces. Commonly a resident in neighborhood "A" will be forced to park in neighborhood "B", several blocks away, while another resident of neighborhood "B" will be forced to park in neighborhood "C". Both residents then must walk several blocks to their respective residences. With OPDs, residents will be able to park closer to their homes, thereby avoiding this outcome.

Thank you for the kind consideration of our comments on this important project.

Very truly yours,



John A. Henning, Jr.

**COASTAL COMMISSION**

EXHIBIT # 6  
PAGE 4 OF 4



## VENICE ACTION

Feb. 6<sup>th</sup>, 2013

California Coastal Commission  
45 Fremont St., Suite 2000  
San Francisco, CA 94105-2219

**re: Venice Stakeholders Assn. v. CCC et al., Govt. Code, section 11126(e)(2)(A)**

Dear Honorable Commissioners:

When you hear the City of Los Angeles' (City's) settlement proposal for this litigation in closed session this afternoon, please consider these ten reasons to decline:

1. OPDs do not address the parking problems that affect Venice residents. The City's recent Westside Mobility Study identified Venice's major parking problems, which relate to commercial overflow, not late night parking.
2. The demand for Overnight Parking Districts (OPDs) was never about a lack of residential parking. It was aimed at removing vehicle dwellers from Venice streets.
3. That problem has already been solved by less restrictive means as recommended by this commission, namely the use of the City's Oversize Vehicle Ordinance (OVO). The Venice Stakeholders Association's (VSA's) own statement to the IRS in 2011 lauded "the removal of over 250 RVs and campers in the residential streets."
4. The push for OPDs is part of a documentable, decades-long effort to privatize the streets of Venice and restrict public access to Coastal resources.
5. The City's direct challenge to the California Coastal Act's authority over coastal parking should not stand unanswered. Parking restrictions are a favorite means of municipalities attempting to exclude outsiders from coastal resources. The City has shown, and continues to show, a clear pattern of deliberate attempts to restrict public coastal access via curfews and restrictive parking schemes. This record makes the present case a compelling demonstration of the need for Coastal Commission authority over parking in support of its legal mandate to protect the public's coastal access.
6. The City is planning to accompany this settlement with an application for Preferential Parking Districts that, when paired with the OPD, will potentially restrict public parking 24 hours a day throughout the entire Venice Coastal Zone.
7. The City's mitigations ignore the Venice Coastal Land Use Plan's (LUP's) requirement that any parking spaces put into a preferential parking district be replaced by unrestricted public spaces at a minimum ratio of one to one.
8. The City of Los Angeles is once again demanding that you bestow privileges in exchange for promises by the City. These promises for bike, shuttle, and sharing programs had already been made over a decade ago in the LUP. Allowing their use now as mitigations for OPDs would reward a decade of dereliction.

COASTAL COMMISSION  
EXHIBIT # 7  
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9. The terms of the settlement sought by the City and the VSA in 2010, though rejected by this Commission, have nevertheless been satisfied by the City's successful use of the Oversize Vehicle Ordinance. The OPDs were purported to be only a backup in case the OVO failed. The plaintiffs' further pursuit of this case is frivolous.
10. The City has alerted your staff that it intends to apply for a CDP to launch a Preferential Parking District (PPD) scheme to be heard simultaneously with your public hearing of this settlement agreement. This combination of OPDs and PPDs, as envisioned by the City, would allow it the discretion to restrict public parking throughout the entire Venice Coastal Zone 24 hours a day. We strongly believe this would constitute an illegal delegation of your authority.

The most striking thing about this situation is that the shoe is on the wrong foot. If anyone should be suing, it is you who should be pursuing the City for its failure to abide by the Venice Coastal Land Use Plan, and the City should be in the position of seeking a settlement. Perhaps if you countersued, its pugnacious (and soon to be retired) City Attorney would find reason to give up his bullying tactics.

Yours truly,



David Ewing

Co-chair, Council District 11 Transportation Advisory Committee  
(for identification purposes only)

**COASTAL COMMISSION**

EXHIBIT # 7  
PAGE 2 OF 2

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The Commission has received numerous letters and emails in regards to the proposed Venice Overnight Parking Districts.

Letters and emails in opposition:      Approximately 110 opposed

Letters and emails in support:      Approximately 220 in favor

An on-line petition in opposition to the proposed Venice Overnight Parking Districts has more than 500 names.

**COASTAL COMMISSION**

EXHIBIT # 8

PAGE 1 OF 2

25 people recently add their names to The Benefit Network's petition "KEEP OUR PUBLIC STREETS FREE! NOPDs IN VENICE". That means more than 500 people have signed on.

There are now 550 signatures on this petition. Read reasons why people are signing, and respond to The Benefit Network by clicking here:

<http://www.change.org/petitions/keep-our-public-streets-free-nopds-in-venice?response=ad337ee24808>

I applaud the California Coastal Commission for standing up (2x) for free public access for ALL to our coastal areas and for continuing to fight (as they did in 2009 & 2010) against restrictive overnight (permit) parking districts (OPDs) on the streets of Venice. Mark Ryavec and the VSA, with the cooperation of the City of Los Angeles, seeks yet again to establish OPDs throughout Venice in order to prevent poor people, who are living in their vehicles, from parking on Venice streets over night. The Commission, after a public hearing on June 10, 2010, once again determined that the proposed overnight parking districts would adversely affect public coastal access and would exclude the general public from parking on public streets. The Commission found that there are alternatives that would accomplish the necessary goals without adversely impacting coastal access. Venice Stakeholders Association (VSA), in their lawsuit against CCC, presumed to represent the will of the Venice community. When, in fact, they represent a minority of residents. VSA were recently joined by the right wing, anti-environmental Pacific Legal Foundation, which has attempted for years to dilute the safeguards of the California Coastal Act, and I believe this partnership demonstrates their real intentions, which have been obscured by confusing legal maneuvers and misleading public statements by their spokesperson, Mark Ryavec. I urge CCC: to continue to preserve public access for ALL to the Venice coastal zone by upholding the CA Coastal Act of 1976; and to keep Venice streets free of restrictive paid permit parking. NOPDs in Venice, thank you. Sincerely,

Sincerely,

526. David Lyell Playa Del Rey, California  
527. Sylwia Chmura Rolling Meadows, Illinois  
528. edward brizio venice, California  
529. Alberto Bevacqua Venice, California  
530. Daniela Ardizzone Venice, California  
531. ornella spampinato , Italy  
532. shana koenig Marina Del REy, California  
533. thierry Mallet venice, California  
534. Chris Sage Venice, California  
535. Mark Greenhalgh Venice, California  
536. Alicia Arlow Venice, California  
537. Shawna Davidson Los Angeles, California  
538. Ilene Koenig Los Angeles, California

539. Lori McBrayer Venice, California  
540. Gabriel Koneta Los Angeles, California  
541. Paul Antico Los Angeles, California  
542. David Helvey Berlin, Maryland  
543. andrew demas venice, California  
544. Peter Sokolow Venice, California  
545. gwenn victor venice, American Samoa  
546. Cynthia Knight Venice, California  
547. Katherine King Venice, California  
548. STEPHANIE STICKLEY LOS ANGELES., California  
549. Ed Wilson LA, California  
550. Ren Navez Venice, California

**COASTAL COMMISSION**

EXHIBIT # 8  
PAGE 2 OF 2



*Los Angeles Community Action Network*

**RECEIVED**  
South Coast Region

MAY 30 2013

**CALIFORNIA  
COASTAL COMMISSION**

May 30, 2013

Sent via email To: Charles Posner, [Chuck.Posner@coastal.ca.gov](mailto:Chuck.Posner@coastal.ca.gov)

(Please forward this email to: The California Coastal Commissioners, The Coastal Commission Executive Director, and Appropriate Coastal Commission Staff)

**Re: Venice OPD June 13, 2013, Agenda Item 10 a. Application of 5-08-313/A-5-VEN-08-343**

Dear Commissioners and Staff,

**The Los Angeles Community Action Network is writing to oppose Venice OPDs.** If this project is approved, the Coastal Commission will be violating Section 4 of Article X of the California Constitution and California Coastal Act Section 30210, specifically regarding the public's rights of access.

Throughout the Venice OPD process, homeless people living in vehicles have been the reasons stated for creating the Overnight Permit Parking Districts (OPDs). These homeless people have not been acknowledged as being members of the public nor have they been acknowledged as residents. Some are life-long Venice residents and are also Venice OPD appellants. They were born in nearby hospitals and grew up going to schools in Venice. They call Venice home and they absolutely are members of the public.

No person, whether they are homeless or have any other type of housing status, should be treated as somehow less than human. Yet the Venice residents targeted by this proposal have been treated and described as less than human. They do not qualify for an OPD permit and they will be denied access by the Venice OPDs.

Homeless people living in vehicles have been consistently identified (by the City of Los Angeles, by the proponents of the Venice OPDs, and even by the California Coastal Commission) as a "problem." Homeless people living in vehicles have been equated with and described as "nuisances." The suggestions of (see Coastal Commission Findings for 2010 decision to deny Venice OPDs) and actions of using laws and law enforcement as some kind of a resolution to homelessness is unconscionable, considering the fact that the vast majority of homeless people are disabled, people of color, and there is no sufficient provision for affordable housing – not anything close.

We are asking you now to help decide who can have access to the coast. Should it be mainly those with a two million dollar property? Or should it be ALL people? One human is not less deserving than another, which is exactly the intent of the OPD law. It is a law created with the intent to remove homeless people living in vehicles out of Venice because property values have risen. One of the main causes to homelessness is the lack of affordable housing, which is a problem in Venice and throughout LA and beyond. **Deny the OPDs because they are wrong, and because they discriminate against a group of people's access to the coast due to their income and housing status.**

Sincerely,

Pete White  
Co-Directors

**COASTAL COMMISSION**

EXHIBIT # 9  
PAGE 1 OF 1

**Los Angeles Community Action Network**  
**530 S. Main Street, Ground Floor, Los Angeles, CA 90013**  
**Phone # 213-228-0024 Fax # 213-228-0048 [www.cangress.org](http://www.cangress.org)**