

CALIFORNIA COASTAL COMMISSION

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Commission Action:

**STAFF REPORT: APPEAL****SUBSTANTIAL ISSUE AND DE NOVO HEARING**

LOCAL GOVERNMENT: City of Long Beach
LOCAL DECISION: Approval with Conditions
APPEAL NUMBER: A-5-LOB-97-259
APPLICANT: Susan Haffley Fails
PROJECT LOCATION: The 200 blocks of Attica Drive and San Marino Drive and the 5700-5850 block of Appian Way (south side of Appian Way from Davies Bridge to Appian Way Bridge and, both sides of Attica Drive and San Marco Drive from Appian Way to the alley north of Second Street), Naples Island, City of Long Beach, Los Angeles County.
PROJECT DESCRIPTION: Establish a preferential parking district for residents near Mother's Beach on Naples Island (with one-hour parking limit for non-residents).
APPELLANTS: California Coastal Commissioners Sara Wan & Fran Pavley

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed because the locally approved Coastal Development Permit is not consistent with the City of Long Beach certified Local Coastal Program (LCP) and the access policies of the Coastal Act.

Staff further recommends that the Commission, after a public de novo hearing, deny the proposed development because it is not consistent with the public access and recreation policies of the Coastal Act and the certified Local Coastal Program. The parking restrictions of the proposed preferential parking district would reduce the ability of the general public to use public on-street parking for coastal access by limiting parking to one hour. The on-street parking supports public access to the public beach and lower cost recreation facilities at Mother's Beach and must be protected pursuant to the public access policies of the Coastal Act and the certified LCP.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit No. 9609-19 (Naples Pref. Prkg.).
2. City of Long Beach Certified Local Coastal Program.
3. Report on Parking Conditions at Marina Park (Mother's) Beach, by Willdan Associates, November 26, 1996 (Exhibit #4).

I. APPELLANTS' CONTENTIONS

City of Long Beach Local Coastal Development Permit 9609-19 approves a permit with conditions for the establishment of a preferential parking district for residents covering the public streets on several blocks near Mother's Beach on Naples Island. The City's approval of the proposed project was appealed by two Coastal Commissioners On August 14, 1997. The Commissioners' appeal contends that:

1) The proposed preferential parking district limits non-permit holders to a maximum of one hour parking while allowing only residents to obtain permits for long-term parking. The proposed preferential parking district is located on three public streets which are heavily used by non-resident beach goers for parking. The limitation of one hour parking to non-permit holders will effectively prohibit most of the public from using the public street parking to gain access to the recreational opportunities provided by the public beach, park and water located immediately adjacent to the proposed preferential parking district. Therefore, the proposed preferential parking district does not protect public access and recreational opportunities as required by the Coastal Act and the certified LCP.

II. LOCAL GOVERNMENT ACTION

On September 25, 1996, Susan Haffley Fails submitted Local Coastal Development Permit application 9609-19 to the City of Long Beach Planning Department. The applicant proposed to establish a residential preferential parking district for the neighborhood near Mother's Beach on Naples Island (Exhibit #3). A general parking limit of one hour was proposed for the district, with a

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provision which would allow residents to purchase special parking permits exempting them from the one-hour limit. The proposed preferential parking district was limited to the three streets closest to Mother's Beach with a provision that additional streets may be added later.

City of Long Beach Local Coastal Development Permit 9609-19 was the subject of public hearings before both the City Planning Commission and the City Council. On April 3, 1997, a public hearing was held before the City of Long Beach Planning Commission on the matter of the proposed preferential parking district and Local Coastal Development Permit 9609-19. Proponents for the establishment of the proposed preferential parking district testified that special parking limits are necessary because residents are not able to park in front of their homes on weekends and holidays because large numbers of beach goers use the streets for parking instead of a 162 space public parking lot at Marina Park (Exhibit #3).

The general perception is that beach goers avoid using the public parking lot because they must pay parking meters \$0.25 /15 minutes to park in the lot while all on-street parking in the area is free. Apparently, the parking problems in the area were exacerbated when the parking rates for the public parking lot were doubled on January 1, 1996. Several residents suggested that the parking problem could be resolved if the City would eliminate the fees for parking in the 162 space public parking lot.

Some area residents spoke in opposition to the proposed preferential parking district. A common point of opposition from residents located just outside of the district boundaries was that the proposed preferential parking district would push the parking problems onto their streets. Another complaint was that some of the area residents were unable or unwilling to pay for a permit to park on the public streets.

At the April 3, 1997 public hearing, the Planning Commission ultimately denied Local Coastal Development Permit 9609-19 on a 5-0 vote. On May 1, 1997, the Planning Commission held another a public hearing in order to adopt revised findings for Local Coastal Development Permit 9609-19. Revised findings were required because the City staff report for the April 3, 1997 hearing recommended approval of Local Coastal Development Permit 9609-19. The Planning Commission adopted the revised findings which state that the proposed preferential parking district is inconsistent with the certified LCP and its approval would lead to an overall reduction in the amount of parking near the beach and other coastal areas by setting a precedent that would lead to the establishment of other preferential parking districts.

Subsequent to the denial of the permit, Susan Haffley Fails appealed the Planning Commission's decision on Local Coastal Development Permit application 9609-19 to the City Council. The City Council held a public hearing on July 22, 1997 for the preferential parking district proposed by Local Coastal Development Permit application 9609-19. The City staff recommended that the City Council deny the appeal and support the decision of the Planning Commission. The public testimony reflected the same opinions expressed at the April 3, 1997 hearing before the Planning Commission.

On July 22, 1997, the Long Beach City Council reversed the Planning Commission's denial and approved with conditions Local Coastal Development Permit 9609-19 for the establishment of the proposed preferential parking district. The City Council found that the proposed preferential parking district is consistent with the certified LCP because the existing 162 space public parking lot contains sufficient parking for beach goers (except on Labor Day weekend). A special condition of approval states that:

"The preferential parking district is approved for one hour parking except holidays."

The City's Notice of Final Action was received by the Commission's Long Beach office on July 31, 1997. The Commission's ten working-day appeal period was established and on the last day of the appeal period, August 14, 1997, Coastal Commissioners Sara Wan and Fran Pavley appealed the City's approval of Local Coastal Development Permit 9609-19.

Pursuant to Section 30621 of the Coastal Act, a hearing on a Local Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. The applicant, Susan Haffley Fails, waived the 49 day requirement and requested that the hearing scheduled for the Commission's October meeting in Del Mar instead of the September meeting in Eureka.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists with the action of the local government if it finds that the proposed project may be inconsistent with the certified LCP or the public access policies of the Coastal Act of 1976.

If the Commission finds substantial issue, then the appeal hearing will be heard as a de novo permit request. Section 13321 specifies that de novo actions will be heard according to the procedures that apply to other Coastal Development Permits, as outlined in Section 13114 of the California Code of Regulations.

III. APPEAL PROCEDURES

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on Coastal Development Permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, mean high tide line, or the top of the seaward face of a coastal bluff. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified Local Coastal Program. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

The City of Long Beach Local Coastal Program was certified in July 22, 1980. The City approval of the proposed project is appealable because it is located within three hundred feet of the inland extent of a beach (Mother's Beach) and because Appian Way is the first public road paralleling the sea as shown on the Local Coastal Program post-certification map of Long Beach.

Section 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greatest.
 - (2) Developments approved by the local government not included within paragraph (1) of this subdivision that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeals in the subject area are listed in Section 30603(b)(1). Section 30603(b)(1) states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" regarding the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a regular (de novo) hearing of the appealed project unless the Commission determines that "no substantial issue" exists with respect to the grounds for appeal [Section 30603(b)].

If Commission staff recommends a finding of "substantial issue", and there is no motion from the Commission to find "no substantial issue", the substantial issue question will be considered moot, and the Commission will proceed to the de novo public hearing on the merits of the project.

On the other hand, if the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeals raise a substantial issue. The only persons qualified to testify before the Commission at this stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission

will then vote on the "substantial issue" matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the project.

If a majority of the Commission votes that "no substantial issues" exists with respect to the approval of the project by the local government, then the action of the local government stands and is final. If the Commission votes that a "substantial issue" does exist, then the Commission will proceed to the de novo public hearing on the merits of the project and the locally approved Coastal Development Permit ceases to exist.

Pursuant to Section 30604(b) and (c) of the Coastal Act, and because part of the proposed preferential parking district is located between the first public road and the sea (on the first public road), a de novo public hearing on the merits of the project uses the certified Local Coastal Program and the access and recreation policies of the Coastal Act as the standards of review. In other words, in regards to public access and recreation issues, the Commission is required to find that the proposed development is consistent with Chapter 3 as well as the certified Local Coastal Program. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the conformity of the project with the policies of the City of Long Beach certified Local Coastal Program and the access policies of the Coastal Act, pursuant to Public Resources Code Section 30625.

MOTION. Staff recommends a NO vote on the following motion:

I move that the Commission determine that Appeal No. A-5-LOB-97-259 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the establishment of a preferential parking district over the public streets on several blocks near Mother's Beach on Naples Island (Exhibit #3). The only existing limit for on-street parking is the once-weekly street sweeping time during which the street must be clear of all vehicles for cleaning. As described in the City's staff reports, the proposed preferential parking district would limit the use of curbside

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(on-street) parking spaces to residents and resident's guests between the hours of 9 a.m. and 8 p.m. daily. However, a special condition of approval of Local Coastal Development Permit 9609-19 allows the general public to park in the preferential parking district for one hour, with the exception of holidays. [Note: It is not clear whether the holiday exception allows unlimited parking or prohibits parking.]

The City's approval of Local Coastal Development Permit 9609-19 would establish the proposed preferential parking district on the 200 blocks of Attica Drive and San Marino Drive and the 5700-5850 block of Appian Way on Naples Island (Exhibit #3). These three public streets are located directly adjacent to Mother's Beach, the only public beach on Naples Island.

Mother's Beach provides a variety of water and recreation activities for people from the immediate community and surrounding communities. As its name infers, Mother's Beach is a popular destination for mothers and children. The wide sandy beach and the calm waters of Alamitos Bay provide a unique recreation area for the public to enjoy. The Mother's Beach area is enhanced by a tree shaded grassy park (Marina Park) and a 162 space public parking lot. Girl Scout and Sea Scout facilities are also located near Mother's Beach.

The preferential parking district was proposed by, and is supported by, several of the residents who live near Mother's Beach. The surrounding neighborhood is comprised of single family homes. The increasing popularity of Mother's Beach has increased the demand for free public parking in the area. The general perception is that beach goers avoid the 162 space public parking lot because they must pay parking meters \$0.25 /15 minutes to park in the lot while all on-street parking in the area is free. Apparently, the parking problems in the area were exacerbated when the parking rates for the public parking lot were doubled on January 1, 1996.

The residents complain of the inability to park on the street in front of their homes, and of the traffic and safety hazards associated with beach goers who cruise the streets and cut through alleys looking for free parking. The residents are also unhappy with the noise and litter generated on busy weekends. The parking restrictions proposed by the preferential parking district are meant to force beach goers off of the public streets and into the 162 space public parking lot. As an alternative, it has been suggested that the parking problem could be resolved if the City would eliminate the fees for parking in the 162 space public parking lot. The City has rejected that idea because it is dependent on the revenue generated by the parking meters in the parking lot. Another idea was to use part of the grassy area in Marina Park next to Mother's Beach as a parking area in order to increase the number of public parking spaces. Although the park's lawn has been used for overflow parking in the past, it's rarely used now because it displaces public park area and damages the landscaping.

At the request of the City of Long Beach Marine Bureau, a report on parking conditions at Marina Park and Mother's Beach was conducted by Willdan and Associates. The report summarizes the results of weekday and weekend parking studies conducted over the week preceding and including Labor Day, September 2, 1996. As expected, the study confirmed that there is a great demand for free on-street parking in the study area (Mother's Beach) on Labor Day weekend.

VI. SUBSTANTIAL ISSUE ANALYSIS

As stated in Section III of this report, after certification of its Local Coastal Program a local Coastal Development Permit issued by the local government may be appealed to the Commission on the grounds that it does not conform to the certified Local Coastal Program or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal. In this case, staff is recommending that the Commission determine that a substantial issue exists with the City approved permit on the grounds that the approved preferential parking district will reduce the public's ability to access to the coast by restricting the use of free public parking currently provided in City rights-of-way. The resulting reduction in parking opportunities on Naples Island is inconsistent with the policies of the certified Long Beach LCP and the access policies of the Coastal Act.

In general, the certified LCP calls for the protection of public parking for coastal access carrying out the following Coastal Act Policies:

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.

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 30213

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

Specifically, the certified LCP general transportation and access policy regarding parking calls for more parking, not less, by stating: "Provide slightly more parking" (Pg. II-2). Additionally, the certified LCP protects parking by calling for ordinances which, "prevent permanent and/or temporary elimination of parking to provide additional traffic lanes" (Pg. II-3).

In recognition of the importance of adequate parking supplies in the coastal zone, the certified LCP requires all new construction to provide adequate on-site parking (Pg. II-4). Invariably, the certified LCP protects existing parking and does not contain any provisions which justify the removal of public on-street parking from overall supply. In fact, the certified LCP

calls out for additional public parking to be provided by expanding existing public parking lots in three locations: 1st Place Beach, Bluff Park and 72nd Place Beach on the peninsula. The proposed preferential parking district, which limits the general public's ability to use on-street parking, goes against the intent of the certified LCP's intent to increase public access to the coast. After all, if you drive to the coast and can't find a place to leave your car for more than one hour, then you can't stay and enjoy the beach.

The certified LCP also contains specific provisions for Naples Island and Marine Stadium (LCP Area E) where Mother's Beach is located (Exhibit #2). It states that public access to Naples Island is difficult due to the lack of off-street parking (Pg. III-E-4). The on-street parking is the primary parking reservoir for public access on Naples Island. Appian Way is identified as a major accessway during major sporting events held at Marine Stadium (Pg. III-E-5). An emphasis in the LCP policy plan for Naples (Area E) is to "improve access where possible" (Pg. III-E-11).

In conclusion, the stated intent of the proposed preferential parking district is to limit on-street parking to residents and resident's guests. The rest of the general public would be excluded from using the streets for parking longer than one hour. The resulting loss of unrestricted on-street parking would substantially reduce the number of parking spaces available for general public use. The reduction of available parking spaces would reduce the maximum number of possible visitors to the area, thus limiting public access in violation of the intent of the certified LCP and the Coastal Act. In any case, the issue of whether preferential parking negatively impacts coastal access is an important (i.e. substantial) issue which should be reviewed very carefully under the access policies of the Coastal Act.

Therefore, staff recommends that the Commission find that a substantial issue exists with the approval of Local Coastal Development Permit 9609-19 on the grounds that it does not conform to the access policies of the Coastal Act and the policies of the City of Long Beach certified LCP regarding the protection of public parking for coastal access. The findings and information necessary for the de novo hearing are contained in the following section.

VII. STAFF RECOMMENDATION ON THE DE NOVO HEARING

Staff recommends that the Commission adopt the following resolution:

Denial

The Commission hereby denies a permit for the proposed development on the grounds that it does not conform to the City of Long Beach certified Local Coastal Program, is located between the first public road paralleling the sea and is not in conformance with the public access and recreation policies contained in the Coastal Act, and would have adverse impacts on the environment within the meaning of the California Environmental Quality Act.

VIII. FINDINGS AND DECLARATIONS FOR DE NOVO HEARING

The Commission finds and declares as follows:

A. Project Description

The applicant proposes to establish a preferential parking district over the public streets on several blocks near Mother's Beach on Naples Island (Exhibit #3). The proposed preferential parking district would limit the use of curbside (on-street) parking spaces to residents and resident's guests with permits between the hours of 9 a.m. and 8 p.m. daily. The general public would be allowed to park in the preferential parking district for a maximum of one hour. The only existing limit for on-street parking is the once-weekly street sweeping time during which the street must be clear of all vehicles for cleaning.

The proposed preferential parking district would cover the 200 blocks of Attica Drive and San Marino Drive and the 5700-5850 block of Appian Way on Naples Island. These three public streets are located directly adjacent to Mother's Beach, the only public beach on Naples Island (Exhibit #3). Mother's Beach provides a variety of water and recreation activities for people from the immediate community and surrounding communities. As its name infers, Mother's Beach is a popular destination for mothers and children. The wide sandy beach and the calm waters of Alamitos Bay provide a unique recreation area for the public to enjoy. The Mother's Beach area is enhanced by a tree shaded grassy park (Marina Park) and a 162 space public parking lot. There are also Girl Scout and Sea Scout facilities located near Mother's Beach.

B. Previous Commission Actions

This is the first preferential parking proposal in the City of Long Beach to come before the Commission. In the past, however, the Commission has acted on similar preferential parking district proposals of other coastal cities. Some of the proposals have been denied, while others have been approved. The overriding issue in all of the previous actions was the impacts of the proposed parking restrictions on coastal access opportunities.

In general, the preferential parking districts that were approved contained specific provisions which protect the general public's ability to use the on-street parking for coastal access. For instance, the approval of Coastal Development Permits P-79-295 (Santa Cruz), 5-82-251 (Hermosa Beach) and 4-83-81 (Santa Barbara) all contained provisions for the sale of parking permits to the general public for use of the public street parking spaces.

In 1991, the Commission denied a preferential parking district proposed by the City of Los Angeles in the Pacific Palisades area due to the negative impacts the proposed parking limits would have on coastal access. The Commission found that the on-street parking in the proposed district was an important resource which provides the general public with the opportunity to access the coast using private vehicles.

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Most recently, this year the Commission approved Coastal Development Permit 5-96-059 for a preferential parking district in the City of Santa Monica. In that case, the Commission found that the proposed restrictions on public on-street parking could be approved because the hours of the parking restrictions were limited to evening and night hours (6 p.m. - 8 a.m.) so that the area could still be used during the day for coastal access parking.

[Note: The City of Los Angeles has recently approved a preferential parking district for the Venice area which would limit non-resident on-street parking to a maximum of four hours. Several residents have appealed the City's approval of the Local Coastal Development Permit to the Commission. Appeal A-5-VEN-97-183 will be heard by the Commission at a future hearing.]

C. Public Access and Recreation

Pursuant to Section 30604(b) and (c) of the Coastal Act, and because the proposed preferential parking district is partially located between the sea and the first public road paralleling the sea (actually on the first public road inland of the sea), a de novo public hearing on the merits of the project uses the certified Local Coastal Program and the access and recreation policies of the Coastal Act as the standards of review. In other words, in regards to public access and recreation issues, the proposed project must be consistent with Chapter 3 as well as the certified Local Coastal Program.

The proposed project would not directly prevent the public from gaining access to the sea. However, the proposed project would restrict the public's use of on-street parking to such an extent that coastal access would be negatively impacted. Mother's Beach, where the proposed project is located, is a popular coastal recreation area used by people from all over Southern California. Most of the people using the beach arrive by private vehicle. In order to access the coast, they must park their vehicle on the public streets or in the metered 162 space Marina Park parking lot (Exhibit #3). The public streets provide beach goers with hundreds of free parking spaces. These on-street parking spaces are heavily used by beach goers.

Residents of the area complain of the inability to park on the street in front of their homes, and of the traffic and safety hazards associated with beach goers who cruise the streets and cut through alleys looking for free parking. The residents are also unhappy with the noise and litter generated on busy weekends. The parking restrictions proposed by the preferential parking district are meant to force beach goers off of the public streets and into the 162 space public parking lot.

At the request of the City of Long Beach Marine Bureau, a report on parking conditions at Marina park and Mother's Beach was conducted by Willdan and Associates (Exhibit #4). The report summarizes the results of weekday and weekend parking studies conducted over the week preceding and including Labor Day, September 2, 1996. As expected, the study confirmed that there is a great demand for free on-street parking near a public beach on Labor Day weekend. The study concludes that the 162 space public parking lot cannot

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accommodate all of the area's parking demand on "five or six holiday beach days". However, for most of the year, the study concludes that the 162 space parking lot contains enough parking spaces to meet the beach goers' demand, but it will not be used unless it is free like the on-street parking spaces.

The general perception is that beach goers avoid the The 162 space public parking lot because they must pay parking meters \$0.25 /15 minutes to park in the lot while all on-street parking in the area is free. Apparently, the parking problems in the area were exacerbated when the parking rates for the public parking lot were doubled on January 1, 1996. The proposed one-hour parking limit would force beach goers off of the public streets and into the 162 space public parking lot. However, the proposed preferential parking district would effectively reduce the numbers of public parking spaces used for long-term beach access by making the public streets off-limits.

The parking report contains several recommendations to relieve some of the parking pressure from the public streets, including a recommendation to implement the proposed preferential parking district. One suggestion is to eliminate the fees for parking in the 162 space public parking lot in order to encourage beach goers to use the parking lot instead of the streets. The City has rejected that idea because it is dependent on the revenue generated by the parking meters in the parking lot.

Another idea was to use part of the grassy area in Marina Park next to Mother's Beach as an over-flow parking area to increase the number of public parking spaces by fifty. The parking report concludes that paving the over-flow parking area would be counter productive because it would reduce the recreational area inside Marina Park. Because of the heavy crowds, the park's lawn has been used for over-flow parking in the past. It is not a popular idea with the City because it displaces public park area and damages the landscaping.

Another suggestion was to install parking meters on the residential streets in order to equalize the cost of parking on the streets and in the parking lot. Beach goers would then use the more convenient parking in the lot first, before using up the on-street parking. The suggestion includes a proposal for residents to obtain special permits to exempt them from paying the on-street parking meters. The City has not installed parking meters on the residential streets. To do so would set a precedent within the City.

The parking restrictions proposed by the preferential parking district would significantly reduce the ability of the general public to use the on-street parking spaces for beach access. The resulting reduction in parking opportunities on Naples Island is inconsistent with the following access policies of the Coastal Act:

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.

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 30213

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

Section 30213 of the Coastal Act, a public access policy, requires that lower cost visitor and recreational facilities shall be protected and encouraged. Mother's Beach, and the free on-street public parking supporting it, are lower cost visitor facilities which provide public recreational opportunities.

Mother's Beach provides many water and recreation activities for people from all over Southern California. Mother's Beach provides a unique coastal recreation area for mothers and children because of the relatively calm waters of Alamitos Bay and the nearby lifeguard station. The Mother's Beach area is enhanced by Marina Park and its 162 space public parking lot. Girl Scout and Sea Scout facilities are located nearby.

The public parking facilities, including the public streets, are vital to the public's ability to access and use the recreational opportunities provided by this popular coastal area. Section 30213 of the Coastal Act requires that the public parking be protected from the restrictions proposed by the preferential parking district. The proposed preferential parking district would effectively reduce the amount of public parking spaces available for long-term (longer than one hour) beach access parking by carrying out the district's intent of discouraging the use of public streets for long-term beach parking. The intent of the proposed preferential parking district is not consistent with Section 30213 of the Coastal Act.

The proposed one hour limit for on-street parking is not enough time for most people to park, walk to the shore, and enjoy a visit to Mother's Beach. Most people would prefer to spend several hours at the beach, especially if they have had to drive several miles to get to the coast. Ken Johnson, analyst for Los Angeles County Department of Beaches and Harbors, estimates that the average length of stay at Los Angeles County run beaches is two to three hours based on turnover rates in beach parking lots. A one hour limit on public parking is not conducive to coastal recreation. Therefore, the proposed preferential parking district is not consistent with the intent of Section 30210 of the Coastal Act to provide maximum access and recreational opportunities all the people.

Therefore, the proposed preferential parking district is not consistent with Sections 30210 and 30213 of the Coastal Act because it would reduce the public's ability to use the parking supplied by the public streets for long-term beach parking. Public access to the beach is dependant upon a

reliable parking supply which is available not only on slow days, but on any busy summer day when beach areas are most used. The busiest days at the beach are not always easy to foresee. Summer holiday weekends are always busy days, but there are other times during the year when all available public parking may fill up. Especially in the area of the proposed project where special events at the Marine Stadium might draw large crowds on any day. The past use of Marina Park grass areas for over-flow parking attests to the fact that there are days when there is not enough parking to meet the demands of the public.

A reduction in the amount of available beach parking results in a reduction in public access opportunities. In order to carry out the public access policies of the Coastal Act, all of the existing public parking in this popular coastal area should be available to meet the needs of the general public, including beach goers, on any particular day. Sections 30210 and 30213 of the Coastal Act call for the protection of public access and recreational opportunities. The proposed preferential parking district does not protect public access and recreational opportunities. Therefore, the proposed preferential parking district is denied.

Additionally, the establishment of the proposed preferential parking district would not reduce the demand for long-term beach parking, but would result in the movement of traffic and congestion onto the surrounding streets in the neighborhood which are not included in the district. This could lead to calls for the establishment of larger or more restrictive preferential parking districts which would further reduce the amount of public parking available in the area. Eventually, the only public parking on Naples Island could be confined to the 162 space public parking lot at Marine Park. This would drastically reduce the ability of the public to access the area for coastal recreation purposes. The proposed preferential parking district is denied as being inconsistent with Sections 30210 and 30213 of the Coastal Act and the certified LCP.

D. Local Coastal Program (LCP)

In addition to the public access policies of the Coastal Act, the de novo public hearing on the merits of the project also uses the certified Local Coastal Program as the standard of review. The City of Long Beach Local Coastal Program (LCP) was certified by the Commission on July 21, 1980. The proposed project is located on Naples Island which falls within Area E of the certified LCP. The certified LCP calls for the protection of public parking for coastal access by carrying out the public access policies of the Coastal Act. There are no specific LCP policies which address the formation of preferential parking districts. Nothing in the LCP gives Long Beach residents special privileges or rights regarding the use of on-street parking on public streets. The proposed project is not consistent with the certified LCP.

The LCP always calls for more parking. The LCP's general transportation and access policy regarding parking calls for more parking, not less, by stating: "Provide slightly more parking" (Pg. II-2). Additionally, the certified LCP

protects parking by calling for ordinances which, "prevent permanent and/or temporary elimination of parking to provide additional traffic lanes" (Pg. II-3). In recognition of the importance of adequate parking supplies in the coastal zone, the certified LCP requires all new construction to provide adequate on-site parking (Pg. II-4). Invariably, the certified LCP protects existing parking and does not contain any provisions which justify the removal of public on-street parking from overall supply. In fact, the certified LCP calls out for additional public parking to be provided by expanding existing public parking lots in three locations: 1st Place Beach, Bluff Park and 72nd Place Beach on the peninsula.

The proposed preferential parking district, which limits the general public's ability to use on-street parking, goes against the intent of the certified LCP's intent to increase public access to the coast. After all, if you are visiting the coast and cannot find a parking place, you cannot get to the beach.

The certified LCP also contains specific provisions for Naples Island and Marine Stadium where Mother's Beach is located (Exhibit #2). It states that public access to Naples Island is difficult due to the lack of off-street parking (Pg. III-E-4). Therefore, public access to Naples Island is dependant on the public street parking. Appian Way is identified as a major accessway during major sporting events held at Marine Stadium (Pg. III-E-5). An emphasis in the LCP policy plan for Naples (Area E) is to "improve access where possible" (Pg. III-E-11). Improving access does not include the adoption of parking restrictions which are aimed at particularly beach goers.

The stated intent of the proposed preferential parking district is to limit on-street parking to residents and resident's guests. The rest of the general public would be excluded from using the streets for parking longer than one hour. The resulting loss of long-term street parking would substantially reduce the number of parking spaces available for public access to the coast. The reduction of available parking spaces would reduce the maximum number of possible visitors to the area, thus limiting public access in violation of the intent of the certified LCP and the Coastal Act. Therefore, the proposed preferential parking district is denied as being inconsistent with the certified LCP.

E. California Environmental Quality Act (CEQA)

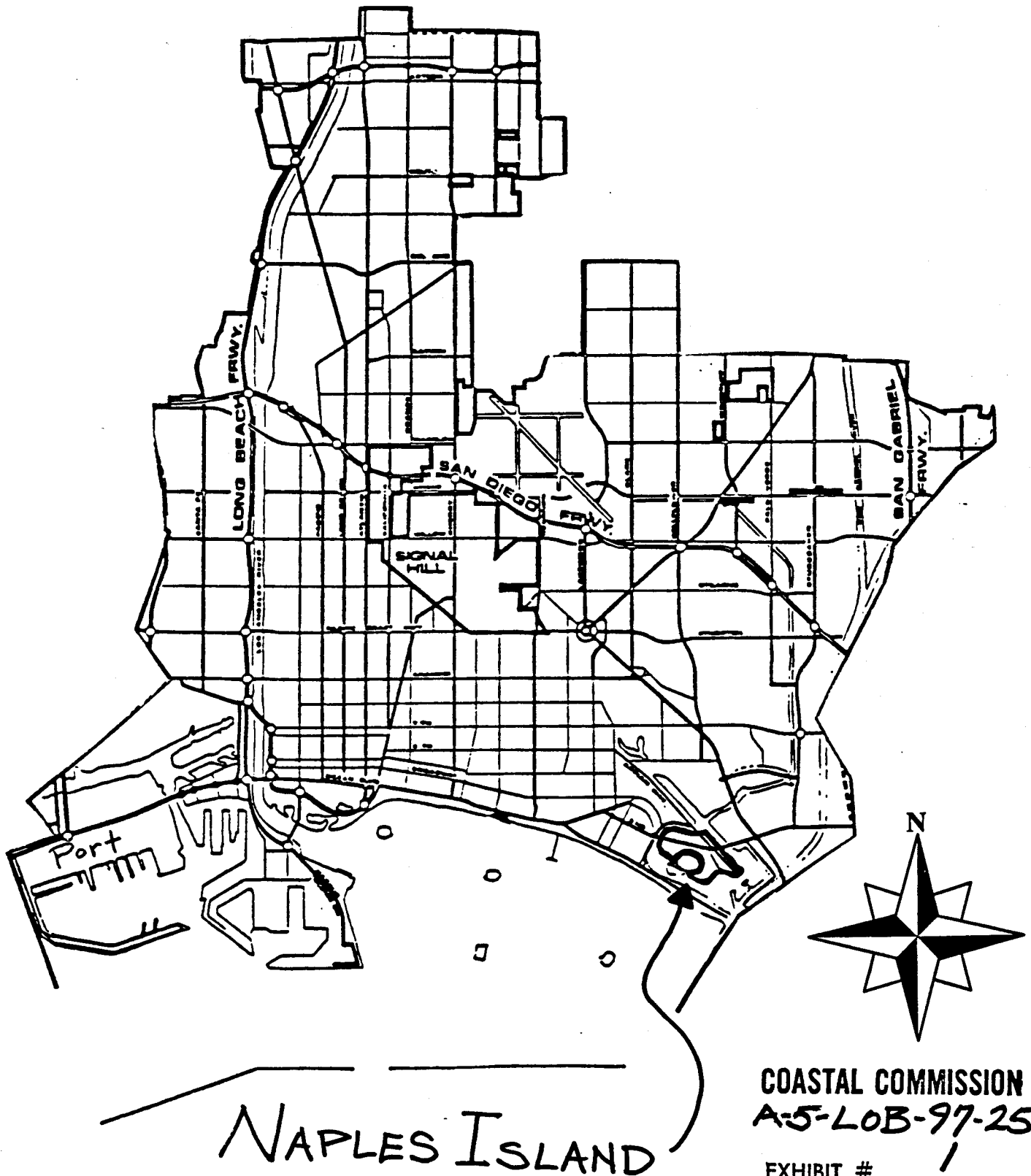
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

In this case, the proposed project has been found inconsistent with the public

access policies of the Coastal Act and the certified LCP. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA. The project is denied.

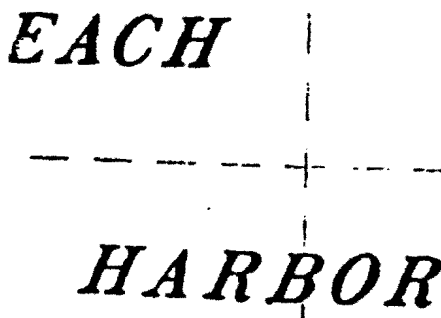
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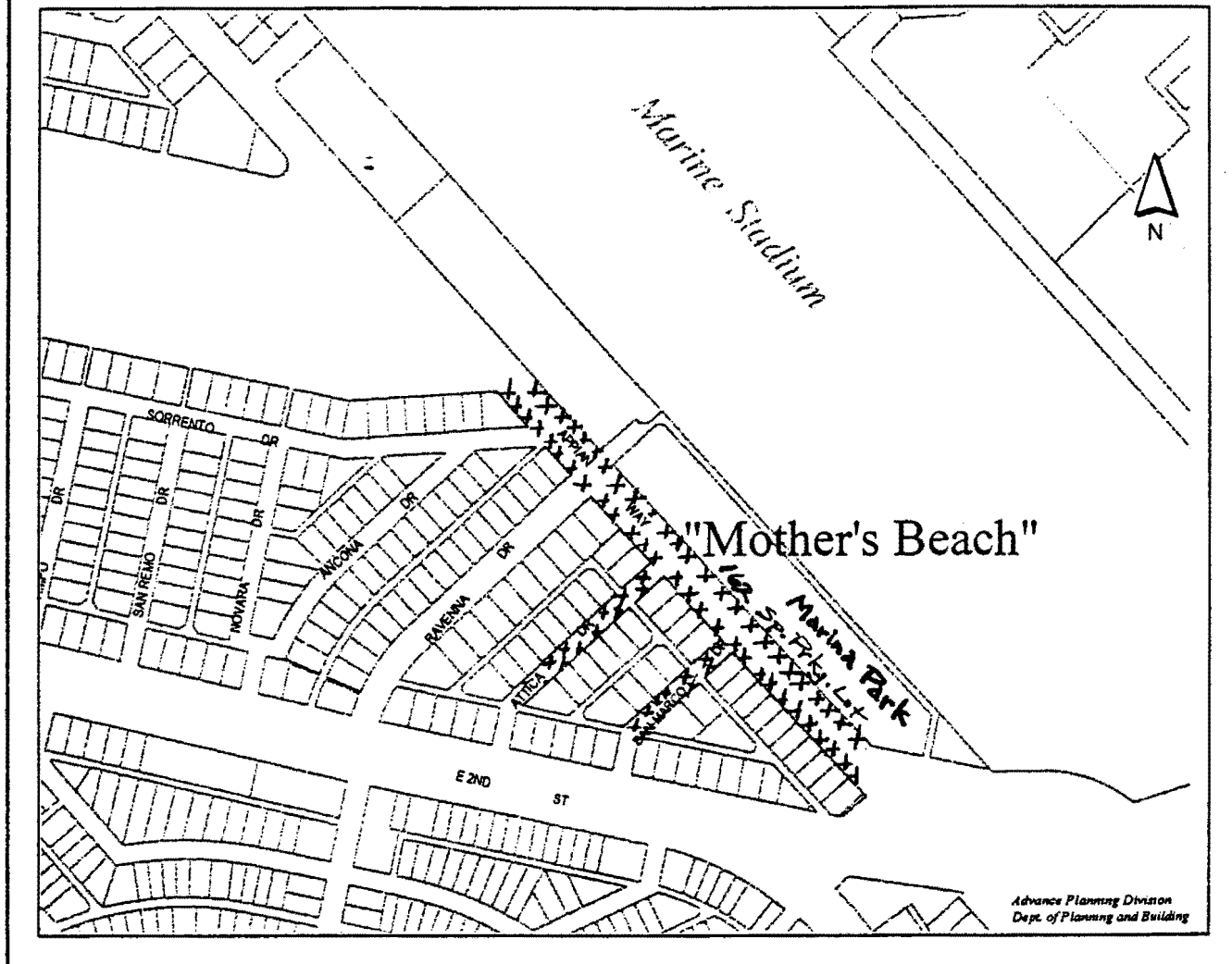
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A-5-LOB-97-259

EXHIBIT # 1
PAGE 1 OF 1



COASTAL COMMISSION
A-5-LOB-97-2
EXHIBIT # 2
PAGE 1 OF 1
Project Location

"Mother's Beach" Locality



Preferential Parking District:

Appian Way
Attica Dr.
San Marco Dr.

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A-5-LOB-97-259

EXHIBIT # 3

PAGE 1 OF 1



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Professional Consulting Services Since 1964

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November 26, 1996

CITY ENGINEER
LONG BEACH, CALIF.

Mr. Mark Sandoval
Manager, Marinas and Beaches
City of Long Beach
205 Marina Drive
Long Beach, CA 90803

Subject: Report on Parking Conditions at Marina Park ("Mother's") Beach

Dear Mr. Sandoval:

Willdan Associates is pleased to submit this report on parking conditions at Marina Park ("Mother's") Beach in the Naples area of Long Beach. The report summarizes the results of weekday and weekend parking studies conducted over the week preceding Labor Day 1996. The study includes observations on Labor Day, Monday, September 2, 1996.

The study found that beach related parking significantly impacted those portions of Appian Way between the Naples Bridge near Bay Shore Avenue and the Davis Bridge, as well as each of the intersecting residential streets between the two bridges. The study further found that, except for the Sunday before Labor Day, September 1, 1996, and Labor Day itself, September 2, 1996, that all of the identifiable beach parking found on the residential side of Appian Way and on the intersecting residential streets could be accommodated in the Marina Park Parking Lot without the use of the unpaved spill-over parking lot. The study also concludes that the metered parking lot together with the 50 space spill-over lot would not accommodate the beach parking demand on Sunday, September 1st or Labor Day, September 2nd.

This report includes a discussion of the study results, as well as a series of recommendations that could reduce the impact of beach parking on the residential street frontage adjacent to and in the vicinity of Marina Park ("Mother's") Beach. The report also includes a conclusion that elimination of all beach related parking on residential street frontage on summer holiday weekends may not be reasonably achievable.

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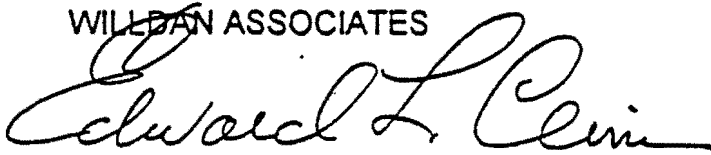
November 26, 1996

Page 2

Willdan Associates appreciates the opportunity to conduct this important study for the City of Long Beach. We would be available to discuss this report, it's findings, and its recommendations at your convenience. We are also prepared to present this report at any public hearing conducted on this issue.

Very truly yours,

WILLDAN ASSOCIATES

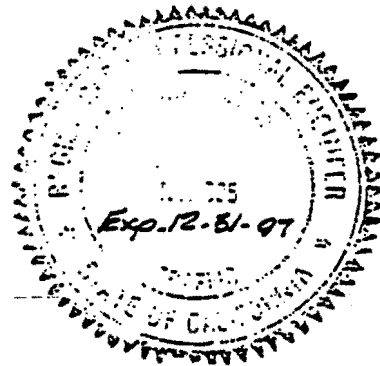


Ed Cline
Traffic Engineer

Enclosures

copy: Edward K. Shikada
City Traffic Engineer

EC:tb3Vss
10143V0307L01



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EXHIBIT # 4
PAGE 2 OF 11

REPORT ON PARKING CONDITIONS
FOR
MARINA PARK ("MOTHER'S") BEACH

PURPOSE

The purpose of this study is to quantify and document parking conditions at and in the vicinity of Marina Park Beach, commonly known as "Mother's Beach." Concern has been expressed by residents of Appian Way and other nearby residential streets for the amount of beach related parking impacting the availability of on-street parking near their homes. Requests have been received by the City from residents of Appian Way, San Marco Drive, Attica Drive, Ravenna Drive, and Ancona Drive to establish preferential (permit) parking on streets near their homes.

The study looks at parking densities in the area through actual field observations conducted throughout the day on Thursday, August 29, 1996, and Sunday, September 1, 1996. Spot checks were made on Saturday, August 31, 1996, and Monday, September 2, 1996 (Labor Day), for comparison purposes.

Through the data collected during the field observations, the beach related on-street parking impacts will be shown and compared to available off-street parking facilities. This report will analyze the data and provide recommendations with respect to parking demand, parking fees, increased off-street parking, and preferential (permit) parking.

The Study area is defined as:

- The off-street parking lots for Marina Park ("Mother's") Beach
- Both sides of Appian Way from the Naples Bridge (near Bay Shore Avenue) to the Davis Bridge
- Both sides of San Marco Drive from Appian Way to the alley north of Second Street
- Both sides of Attica Drive from Appian Way to the alley north of Second Street
- Both sides of Ravenna Drive from Appian Way to the alley north of Second Street
- Both sides of Ancona Drive from Sorrento Drive to the alley north of Second Street
- Both sides of Sorrento Drive from Ancona Drive to Appian Way

The enclosed map shows the general study area.

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EXISTING CONDITIONS

The study area consists of a 162 space metered parking lot, a 50 space unpaved "over-flow" parking area, and a series of public streets. The public streets are listed in the Study Area definition. Each of the public streets would be considered residential. The south side of Appian Way is developed from homes which front the street between Ravenna Drive and the roadway ramp which comes down the Davis Bridge. The north side of Appian Way abuts the beach parking lots.

Parking in the beach lot is governed by parking meters at the rate of 25 cents for 15 minutes with a 10 hour maximum. The lot is closed at 8:00 p.m. The over-flow lot was not opened at any time during this study except for employee parking.

Parking on the public streets is governed by sections of red curbs at critical visibility locations and parking prohibitions during street sweeping periods. Appian Way is swept between 4:00 a.m., and 8:00 a.m., either Thursdays or Fridays. The other streets are swept between 10:00 a.m., and 12:00 p.m., on either Thursdays or Fridays.

A four-way stop controls traffic at Appian Way and Attica Drive. The entrance to the parking lot(s) forms the fourth approach to this intersection. A marked pedestrian crosswalk has been established across Appian Way on the west side of the intersection.

DATA COLLECTION

The data collection phase of this study consisted of periodic parking counts and observations throughout the study area on the following days:

- Thursday, August 29, 1996
- Sunday, September 1, 1996

Spot checks were made at various times on the following days to gain a source of comparative information:

- Saturday, August 31, 1996
- Monday, September 2, 1996 (Labor Day)

These data are presented in Table 1 through Table 3 and Exhibits "A" through "G." The Tables depict area-wide parking statistics by street or lot. The Exhibits show the results of the parking study by streets with the parking lot shown separately.

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Weather on all data collection days was good. Thursday, August 29, 1996, the usual beach overcast burnt off by at least 11:30 a.m. The burn-off occurred before 10:00 a.m. on Sunday, September 1, 1996 and between 10:00 a.m., and 11:00 a.m., on Monday, September 2, 1996 (Labor Day). Overall, the weather appeared to be quite inviting during the data collection period. Inland temperatures exceeded 90° in some areas.

DATA ANALYSIS

An analysis of the data draws a number of conclusions. They are:

- Unregulated (free) parking on Appian Way appears to be the preferred parking location. Parking in these locations fills quickly each day, including weekdays.
- The pay parking lot would accommodate all of the identified beach parking on summer weekdays and on normal (non-holiday) weekends, including the Saturday before Labor Day. This observation was confirmed on Saturday, August 17, 1996, Sunday, August 18, 1996, and Sunday, August 25, 1996.
- There were six school buses parked on nearby streets during the weekday (Thursday, August 29, 1996) observations.
- Available parking was essentially 100 percent consumed from about 1:00 p.m., to about 5:00 p.m., on both Sunday, September 1, 1996, and the following day, Labor Day.
- Data Collected on Sunday, May 26, 1996 and Monday, May 27, 1996 (Memorial Day), by City Staff indicates that only the Memorial Day holiday crowd filled the study area streets.
- There were several dozen vehicles "cruising" the parking lot and adjacent streets looking for parking after all parking areas were full on September 1st and 2nd.
- San Marco Drive, Attica Drive, and Ravenna Drive between the alley north of Second Street and Second Street, as well as the Second Street frontage road in the immediate area, was parked to capacity on Sunday, September 1, 1996, and Monday, September 2, 1996, afternoons.
- There were 20 to 30 vehicles parked in the Sea Scout and Marina parking lots on Labor Day which could have belonged to beach attendees.
- The longer term parking appeared to be practiced on the street rather than the pay lot.

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DISCUSSION OF POTENTIAL MITIGATION MEASURES

There are a number of measures that could help mitigate the beach parking impacts in the study area. They are:

- Preferential (permit) parking
- Free or reduced cost of off-street parking
- Use of over-flow parking area
- Development of additional off-street parking
- Install parking meters on the streets

Preferential (permit) parking could be established on all streets within the study area. According to City Staff, requests have been received on all streets within the study area currently impacted by beach parking. San Marco Drive, Attica Drive, and Ancona Drive have apparently qualified for permit parking by virtue of previous studies and license plate surveys. Ravenna Drive apparently did not pass the City's occupancy requirement for permit parking.

It appears that permit parking on the public streets within the study area could mitigate the impacts caused by beach parking in the area.

What is not known at this time, is whether such action would relocate the beach parking activity to the pay lot or simply displace it to adjacent unregulated streets or into the Sea Scout and Marina parking lots. It is possible that some beach traffic would be displaced to other nearby bay beach areas, such as Bay Shore Avenue or along the peninsula. Those areas were observed to be busy on Labor Day, but the crowd did not appear to be as dense as it was at Marina Park ("Mother's") Beach.

With the exception of the 5 or 6 holidays each year, reduced fee or no-cost parking in the off-street lot would likely eliminate most, if not all, of the on-street parking within the residential areas and on the residential side of Appian Way. The beach side of Appian Way may continue to be the preferred parking area because of its convenience.

On those 5 or 6 heavy holiday beach days, the entire area is likely to be impacted with beach traffic regardless of the parking fees.

The over-flow parking area does not appear necessary on normal summer weekdays or non-holiday weekends. The paved lot would accommodate all identifiable on-street beach parking with the possible exception of the beach side of Appian Way. It is assumed that the beach side of Appian Way would be left unregulated in any event.

The development of additional parking could be difficult to accomplish. There are no vacant areas available except the beach or adjacent grass areas. Removing recreational areas for the sake of increasing the available parking appears to be counter productive. There appears to be excess parking available at the Sea Scout base and Marina. Consideration could be given to allotting some of this parking to beach use. Care should be taken, however, in this area. Some areas of the marina already require permits for boat owners to assure adequate parking for that use.

On-street parking meters may encourage the use of the off-street parking lot. The fee, theoretically, would be consistent with that on the lot. Enforcement of any time limit or preferential (permit) parking would be made easier with parking meters. Residents with preferential permits would be exempt from the meters. However, marked stalls will be required for the installation of parking meters. This action will result in fewer available on-street parking spaces than the current unmarked spaces. The amount of on-street parking with meters would accommodate all identified resident parking demands.

RECOMMENDATIONS

Based on the results of this study, the following recommendations are submitted for consideration:

- Cover or remove the parking meters in the paved beach parking lot. As an alternative to this action, substantially reduce the current parking fees from 25 cents for 15 minutes to something on the order of a flat fee of \$2.00. It is understood that any reduction would create a unique situation for this lot and would be contrary to established Citywide policy. It is also recognized that the increased parking meter fees have resulted in increased revenue system wide.
- Leave the over-flow lot unpaved. This area is not needed for public parking except on extremely high beach traffic days. The 50 spaces are inadequate to accommodate the identified demand on those peak days.
- Proceed with seeking approval for preferential street parking in those areas where formal requests have been received.
- In concert with the preferential street parking program, consider parking meters for which preferential permittees would be exempt. The meter rates could be consistent with those in the parking lot. On-street meters would ease enforcement efforts and encourage usage of the off-street parking lot.

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CITY OF LONG BEACH TABLE 1

MARINA PARK "MOTHER'S" BEACH - PARKING STUDY THURSDAY, AUGUST 29, 1996

	CAP	12:00 P.M.	1:00 P.M.	2:00 P.M.	3:00 P.M.	4:00 P. M.	5:00 P.M.	6:00 P.M.
Parking Lot	162	36	53	41	39	33	25	15
Appian Way North Side	33	26 (26)	29 (29)	25 (25)	28 (28)	18 (18)	19 (19)	20 (20)
Appian Way South Side	33	22 (19)	25 (22)	27 (24)	18 (15)	18 (15)	18 (17)	9 (6)
San Marco	20	3 (0)	8 (5)	7 (4)	3 (0)	5 (2)	5 (2)	6 (2)
Attica	31	6 (4)2*	13 (11)2*	14 (12)2*	13 (11)2*	9 (4)	13 (0)	11 (0)
Ravenna	59	17 (0)	23 (6)1*	23 (6)1*	24 (7)1*	21 (5)1*	23 (2)	21 (0)
Ancona/ Sorrento	56 (0)	11 (0)	13 (0)	14 (0)	16 (0)	15 (0)	13 (0)	18 (0)
Totals	394	121	164	151	141	119	116	100
(**) Estimated Beach Parking		(85)	(126)	(112)	(100)	(77)	(65)	(43)

(*) School Buses Included

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CITY OF LONG BEACH TABLE 2

MARINA PARK "MOTHER'S" BEACH - PARKING STUDY SUNDAY, SEPTEMBER 1, 1996

	CAP	10:00 A.M.	1:00 P.M.	3:00 P.M.	5:00 P.M.	6:00 P. M.
Parking Lot	162	46	Full	Full	157	80
Appian Way North Side	33	31 (31)	31 (31)	32 (32)	35 (35)	20 (20)
Appian Way South Side	33	27 (27)	31 (25)	33 (28)	32 (26)	18 (12)
San Marco	20	12 (9)	20 (17)	20 (17)	20 (17)	18 (15)
Attica	31	17 (4)	31 (18)	26 (13)	26 (13)	17 (4)
Ravenna	59	32 (7)	57 (32)	59 (34)	54 (29)	43 (18)
Anaconda/Sorrento	56	26 (4)	38 (16)	56 (19)	48 (13)	29 (0)
Totals	394	191	370	388	372	225
(**) Estimated Beach Parking		(128)	(301)	(305)	(290)	(149)

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CITY OF LONG BEACH TABLE 3

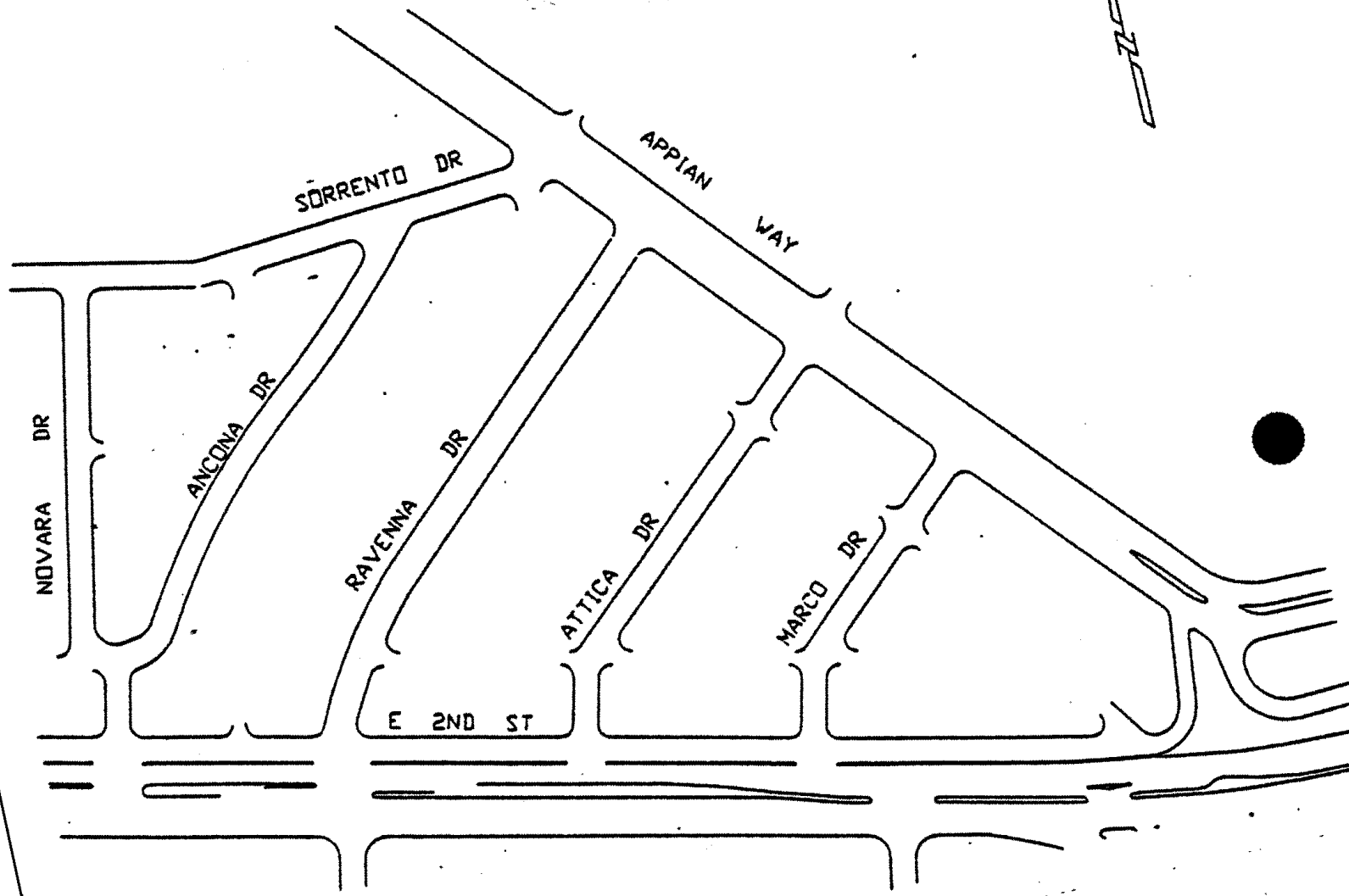
**MARINA PARK "MOTHER'S" BEACH - PARKING STUDY
SATURDAY, AUGUST 31, 1996, AND MONDAY, SEPTEMBER 2, 1996 (LABOR DAY)**

	CAP	Saturday 8/31/96 2 P.M.	Monday 9/2/96 10 A.M.	Monday 9/2/96 1 P.M.
Parking Lot	162	82	21	Full *
Appian Way North Side	33	32 (32)	30 (30)	32 (32)
Appian Way South Side	33	30 (24)	26 (20)	33 (27)
San Marco	20	15 (12)	7 (4)	20 (17)
Attica	31	25 (12)	20 (7)	31 (18)
Ravenna	59	44 (19)	31 (6)	59 (34)
Ancona/Sorrento	56	30 (0)	29 (0)	46 (16)
Totals	394	258	164	383
(**) Estimated Beach Parking		(181)	(88)	(306)

* Plus 2 dozen ± "cruisers"

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STUDY AREA