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STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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Staff Report: 4/13/98
Hearing Date: 5/12-15/98
Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-94-176A1

APPLICANT: City of Santa Monica AGENT: Ron Fuchiwaki

PROJECT LOCATION: 1235, 1321, 1431 Second Street; 1234, 1320, 1440 Fourth Street, City of Santa Monica

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Operational change of six City owned parking structures from metered operation to an exit pay system with attended parking booths. Day rate will be \$0.60 per 1/2 hour with 2 hours of free parking; evening rate will be a flat \$2.00. Any change in the time or amount of the parking fee will be subject to Coastal Commission review and approval.

DESCRIPTION OF AMENDMENT: Amendment request to increase the six municipal parking structures' parking fees from 60¢ to 75¢ per half-hour, with first 2 hours of free parking, and the evening flat rate of \$2.00 to \$3.00.

LOCAL APPROVALS RECEIVED: City Council Approval, Resolution No. 9117(CCS), January 28, 1997.

SUBSTANTIVE FILE DOCUMENTS: City of Santa Monica certified Land Use Plan

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

This proposed permit amendment is a material change and affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.

7. 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 Condition

1. Future Fee or Time Changes

No changes to the approved development, including any changes to the hours of operation or the amount of the parking fee, shall occur without a Coastal Commission approved permit amendment unless the Executive Director determines that no amendment is required.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project and Area Description

The City of Santa Monica proposes to increase the six municipal parking structures' parking fees from \$.60 to \$.75 per half-hour (with first 2-hours free) and the evening flat rate from \$2.00 to \$3.00.

Three of the six parking structures are located on Second Street and one to two blocks from the beach and Palisades Park. The other three structures are located on Fourth Street (See Exhibit 2). The six parking structures are within the Third Street Mall Parking Assessment District in the Downtown area of the City of Santa Monica.

The parking district was formed to levy an additional business license and an annual ad valorem assessment to development within the area to pay for the six parking structures. The structures were built in 1967 and provided free public parking until 1987 when parking meters were installed and a parking fee was instituted [CDP #5-87-592 (City of Santa Monica)].

In permit #5-87-592 the Commission approved the installation of 1,734 parking meters in the six parking structures. The meters ranged from one to twelve hours time limits. The approved meter rate was \$0.25 per hour.

Following the Commission's approval of the meters in 1987 the City constructed two levels of additional parking to one of the parking structures adding 300 parking spaces [CDP #5-87-643 (City of Santa Monica)]. With the addition of the new parking levels and restriping, the City increased the total parking supply within the six parking structures from 2,740 parking spaces in 1987 to the current total of 3,128 parking spaces.

In 1994 the Commission approved an operational change of the six parking structures from metered operation to an exit pay system with attended parking booths. The parking rate was increased to \$.60 per 1/2 hour with 2 hours of free parking during the day and a flat rate of \$2.00 after 6:00 p.m. [CDP #5-94-176 (City of Santa Monica)].

The currently proposed rate changes occurred in early 1997 without the benefit of a Coastal Development Permit. Commission staff became aware of the rate change in August 1997. After the City was notified and informed of the prior

permit requirements, the City submitted, in March 1998, a Coastal Development Permit application for the fee changes.

B. Public Access

Under Section 30106 of the Coastal Act development includes any change in the intensity of use of water or of access thereto. . .

Section 30223 states:

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

The six municipal parking structures are identified in the City's certified LCP as important public support parking for recreational use. The general public has for years used the structures for public parking for access to the beach, pier and Palisades Park, a popular coastal destination.

What has made the parking structures popular for coastal related parking is the relatively inexpensive cost compared to parking at the pier or one of the beach parking lots. Originally the parking within the structures was free, then with the installation of the meters in 1987 (CDP #5-87-592) the cost of parking was \$0.25 per hour. Since 1987 the parking rate has increased to \$.60 per half-hour (CDP #5-94-176). The rate at the beach parking lots is \$7.00 flat rate during the summer. Assuming a beachgoer will spend four hours at the beach, a person would be paying, at the current rate, \$2.40 (first two hours free plus \$.60 per half-hour thereafter) at the parking structures versus \$7.00 at the beach parking lots.

The proposed new rate schedule for the parking structures would increase the cost of a four hour stay to \$3.00 (first two hours free plus \$.75 per half-hour thereafter). This rate is still considerably less than the beach parking rate and should not discourage the public from continuing to use the parking structures for pier and beach parking. Therefore, the change in the rate schedule will not adversely impact coastal access. However, any future increase in the rate schedule (fee and time periods) could adversely impact coastal access. In similar projects where a change to the parking rate and collection system has been proposed the Commission has consistently stated that any change to the rate and time periods require Coastal Commission approval. Therefore, to ensure that the City is aware that any change to the hours of operation or amount of the parking fee will require Coastal Commission review, a special condition placing the applicant on notice that any future rate change will require Commission review and approval is necessary. The Commission finds, therefore, that as conditioned the proposed project will be consistent with Section 30106, and 30223 of the Coastal Act.

C. Unpermitted Development

The City has increased the parking fees to the currently proposed rates. Although unpermitted development has taken place elsewhere on the property prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it

constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Permit.

D. Local Coastal Program

(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.

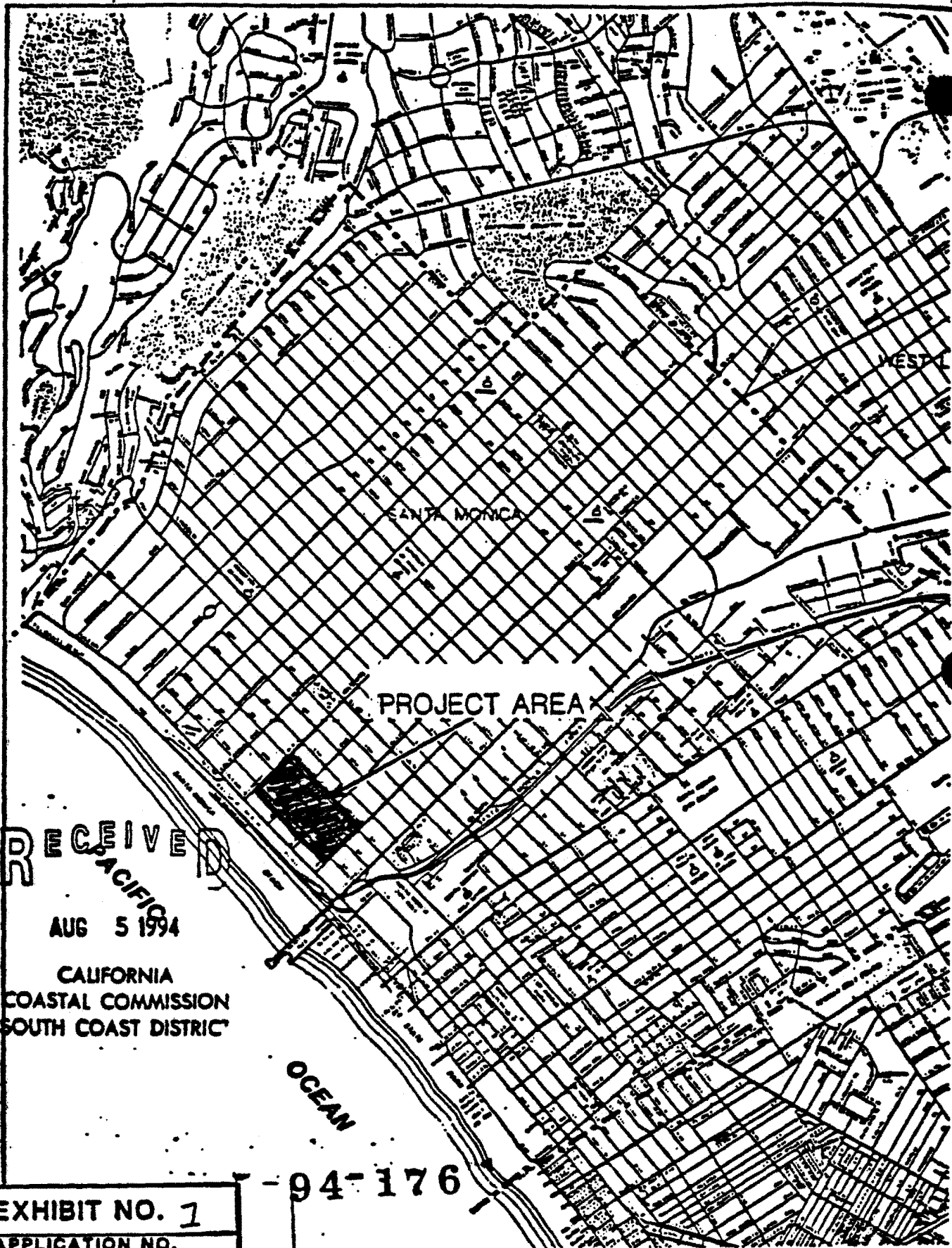
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications.

As discussed above, the Commission finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

E. CEQA

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications 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 impact which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



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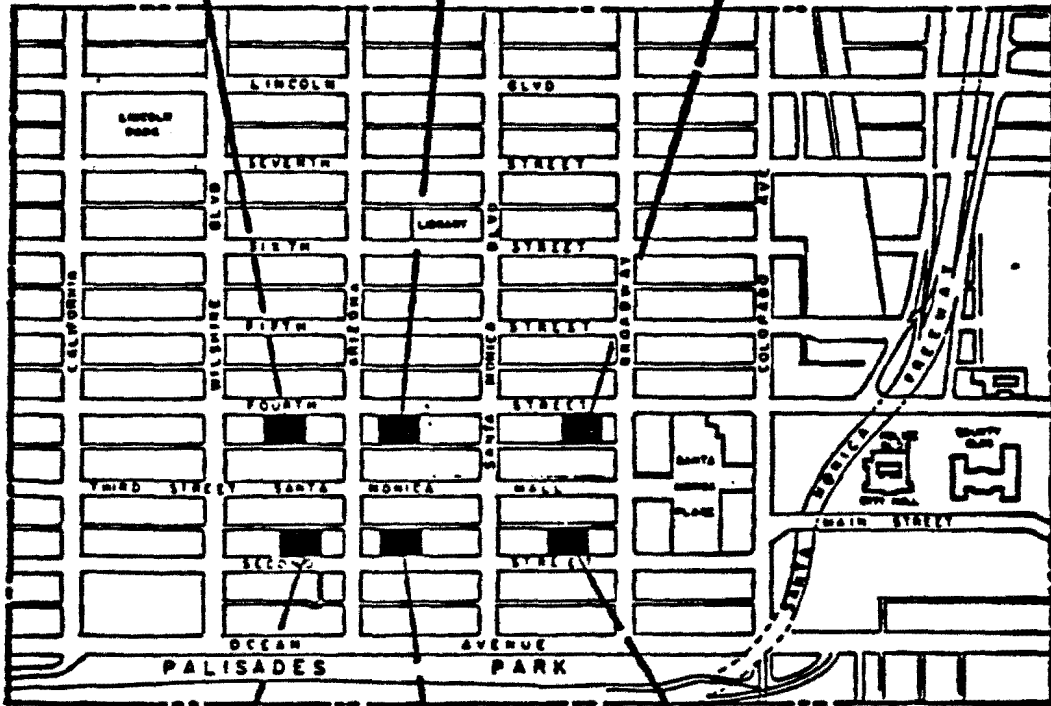
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| EXHIBIT NO. 1 |
| APPLICATION NO. 5-94-176 A1 |
| <i>Vicinity Map</i> |
|  California Coastal Commission |

Figure 2
BAYSIDE DISTRICT SPECIFIC PLAN

PARKING STRUCTURE NO. 1
1234 FOURTH STREET

PARKING STRUCTURE NO. 3
1330 FOURTH STREET

PARKING STRUCTURE NO. 5
1440 FOURTH STREET



PARKING STRUCTURE NO. 6
1431 SECOND STREET

PARKING STRUCTURE NO. 4
1321 SECOND STREET

PARKING STRUCTURE NO. 2
1235 SECOND STREET

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|-------------------------------------------|
| EXHIBIT NO. 2 |
| APPLICATION NO. 5-94-176 A1 |
| Location of the six parking structures |
| California Coastal Commission |



VICINITY MAP
SCALE 1:500 FEET

2. Project Description

The City of Santa Monica owns and operates six public parking structures in the Third Street Promenade commercial area. The City changed the operation of the parking structures from parking meters to an attendant parking or cashier/pay-on-exit operation in mid-January 1996.

The intent of the conversion was to promote a more "user friendly" parking environment and to remain revenue neutral with the previous parking meter operation. The original rates approved by the Coastal Commission, permit application number 5-94-176, dated August 23, 1994, were :

- Day (8:00 am to 6:00 pm) - 2 hours free, then 60 cents per 30 minutes
- Evening (after 6:00) - \$2.00 flat rate
- Daily maximum - \$7.00
- Monthly permit - \$55.00.

As part of Coastal Commission permit application 5-94-176, Coastal Commission staff required the City of Santa Monica to obtain Coastal Commission approval to change the parking rates. The City Council was presented the revenue figures from the first year of operation and approved a rate increase to try to overcome the \$1.2 million income deficit that occurred as a result of the conversion. The rate change would achieve the original project concept of being revenue neutral.

The new rate is:

- Day (8:00 am to 6:00 pm) - 2 hours free, then 75 cents per 30 minutes
- Evening (after 6:00 pm) - \$3.00 flat fee
- Daily maximum - \$7.00
- Monthly permit - \$65.00

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| EXHIBIT NO. 3 |
| Application Number 5-94-176 A1 |
| City's Project Description |
| California Coastal Commission |