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CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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Staff: AJP/LB 
Staff Report: 12/2/98
Hearing Date: 1/12-15/99
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-439

APPLICANT: City of Santa Monica

PROJECT LOCATION: Second and Third Street from Ocean Park Boulevard to Strand Street; Strand Street, Hollister Avenue, and Ocean Park Boulevard from Main Street to Third Street; Norman Place from Main Street to Second Street; and Miles Street from Second Street to Third Street, in the City of Santa Monica.

PROJECT DESCRIPTION: After the fact permit for the establishment of a preferential parking zone for residents only with no parking or stopping for more than one hour between the hours of 9:00a.m. and 6:00 p.m. without a permit, and no parking or stopping adjacent to any curb between the hours of 6:00 p.m. and 2:00 a.m. without a permit; and the erection of signs identifying the hours of the parking restrictions and demarcating the restricted areas. (Zone I).

LOCAL APPROVALS RECEIVED: Approval in Concept; City Council approval

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits #5-96-221 (City of Santa Monica), #5-96-059 (City of Santa Monica), #5-90-989 (City of Los Angeles Dept. of Transportation), #5-91-498(Sanders); A-5-VEN-97-183 (City of Los Angeles; City of Santa Monica's certified LUP.

to include additional streets in 1984, 1987 and 1990). All seven zones were created without the benefit of a Coastal Development Permit.

After being contacted by South Coast Commission staff and informed that a Coastal Development Permit would be required for the preferential parking zones the City filed an application for the seven preferential parking zones. The City, in their submittal letter, states that they would like to resolve the preferential parking zone violation matter administratively (see Exhibit 3). However, the City further states that the application is being filed under protest and they are not waiving their right to bring or defend a legal challenge. The City maintains that the Coastal Commission does not have regulatory authority over preferential parking zones within the coastal zone of Santa Monica. The City states that their position on this matter is based on four primary factors:

(1) the creation of preferential parking zones does not require coastal commission approval, (2) in 1983 when the zones were first created, the Coastal Commission confirmed that such zones were not subject to Commission approval, (3) the City has exclusive authority to establish preferential parking zones, and (4) preferential parking zones in Santa Monica do not restrict coastal access.

The staff do not agree with the City's position and staffs' response to each of the City's contentions is addressed below in the following sections of this report.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development 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 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.

(c) All posted parking restriction signs shall be removed prior to termination of authorization for preferential parking unless the Commission has approved a new permit to authorize preferential parking beyond three years from the date of approval of this permit.

2. Future Changes

Any change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description, Location and Background

The City of Santa Monica proposes to establish a residential preferential parking zone (Zone I) for residents only with no parking or stopping for more than one hour between the hours of 9:00 a.m. and 6:00 p.m. without a permit, and no parking or stopping adjacent to any curb between the hours of 6:00 p.m. and 2:00 a.m. without a permit along the following described streets within the City of Santa Monica:

Second and Third Street from Ocean Park Boulevard to Strand Street; Strand Street, Hollister Avenue, and Ocean Park Boulevard from Main Street to Third Street; Norman Place from Main Street to Second Street; and Miles Street from Second Street to Third Street.

The proposed project also includes the erection of signage within the preferential parking zone to identify the hours of the parking restrictions as well as demarcate the restricted areas.

Residents that front on the above streets are allowed to park on the street with the purchase of a parking permit from the City. The City charges \$15.00 for an annual parking permit. The City's municipal code states that the number of Permits per residential household is limited to the number of vehicles registered at that address. If more than three permits are requested the applicant must show that sufficient off-street parking is not available to the applicant (Santa Monica Municipal Code Section 3233). Any vehicle parked without a permit will be removed by the City. All designated streets will be posted with curbside signs indicating the parking restrictions.

The proposed zone is located in the City of Santa Monica's Ocean Park planning area. The zone is generally situated between Strand Street to the north, Ocean Park

parking only between the hours of 6:00 p.m. and 8:00 a.m. The Commission approved the permit with the proposed evening hour restrictions with special conditions (CDP #5-96-221). One of the special conditions limited the authorization to two years and required the City to submit a new permit application if the City wanted to continue the parking restrictions beyond that time, so that the program and possible impacts could be re-evaluated. The City is in the process of assembling the information to submit a new application for this parking zone.

C. State Wide Commission Permit Action on Preferential Parking Programs and Other Parking Prohibition Measures.

Over the last twenty years the Commission has acted on a number of permit applications throughout the State's coastal zone with regards to preferential parking programs along public streets (see Exhibit 9, for a chart of Preferential Parking Program Permit Applications). In 1979 the City of Santa Cruz submitted an application for a preferential parking program in the Live Oak residential area [P-79-295 (City of Santa Cruz)]. The program restricted public parking during the summer weekends between 11 a.m. to 5 p.m. The City proposed to mitigate the loss of available parking along the public streets by the availability of day use permits to the general public, the provision of remote lots and a free shuttle system. The Commission approved the program with the identified mitigation measures.

In 1982 the City of Hermosa Beach submitted an application for a preferential parking program for the area located immediately adjacent to the coastline and extending approximately 1,000 feet inland [#5-82-251 (City of Hermosa Beach)]. The proposed restricted area included the downtown commercial district and a residential district that extended up a hill 1,000 feet inland. The purpose of the preferential parking zone was to alleviate parking congestion near the beach. The program included two major features: a disincentive system to park near the beach and a free remote parking system to replace the on-street spaces that were to be restricted. The Commission found that the project as proposed reduced access to the coastal zone and was not consistent with the access policies of the Coastal Act. Therefore, the Commission approved the preferential program with conditions to ensure consistency with the Coastal Act. The conditions included the availability of day-use parking permits to the general public and a shuttle system in addition to the provision of remote parking spaces. The Commission subsequently approved an amendment (July 1986) to remove the shuttle system since the City provided evidence that the shuttle was lightly used, the remote parking areas were within walking distance, and beach access would not be reduced by the elimination of the shuttle program. The City explained to staff that due to a loss of funds for the operation of the shuttle system it was necessary to discontinue the shuttle and request an amendment to the Coastal permit. The Commission approval of the City's amendment request to discontinue the shuttle system was based on findings that the shuttle system was not necessary to ensure maximum public access.

include ocean vista points, residential permit parking programs present conflicts with Coastal Act access policies. Therefore, the Commission approved the permit with special conditions to assure public access. These conditions limited the number of permits within the Village area, restricted public parking limitations to vista point areas in the Neighborhood district, required an access signage program, operation of a public shuttle system, and monitoring program and imposed a one-year time limit on the development that was authorized (requiring a new permit or amendment to continue the program).

In 1990 the City of Los Angeles submitted an application for preferential parking along portions of Mabery Road, Ocean Way Entrada Drive, West Channel Road and East Rustic Road in the Pacific Palisades area, within Santa Monica Canyon [#5-90-989 (City of Los Angeles)]. The proposed streets were located inland of and adjacent to Pacific Coast Highway. The preferential parking zone extended a maximum of approximately 2,500 feet inland along East Rustic Road. According to the City's application, the purpose of the proposal was for parking relief from non-residents. Despite available parking along surrounding streets and in nearby State beach parking lots along Pacific Coast Highway that closed at 5:30 p.m., the Commission denied the application because the areas were used for parking by beach goers and because elimination of public on-street parking along these streets would significantly reduce public beach parking in the evening and also reduce visitor serving commercial parking.

In 1997 the Commission denied, on appeal, a City of Los Angeles' Coastal Development Permit for preferential residential parking in the Venice area [A-5-VEN-97-183 (City of Los Angeles)]. The Commission found that because of the popularity of Venice Beach and Ocean Front Walk (boardwalk), the limited amount of off-street beach parking within the beach parking lots was not adequate to support the amount of visitors that came to the area and that the surrounding neighborhoods served as a parking alternative to the beach parking lots. Therefore, the Commission found that restricting public parking along these streets during the beach use period would adversely impact beach access.

As shown above, the Commission has had before them a number of preferential parking programs statewide. The Commission has approved all of the programs except for two programs. While the approved programs regulated public parking they did not exclude public parking in favor of exclusive residential use. Because the programs were designed or conditioned by the Commission to preserve public parking and access to the beach, the Commission found the programs consistent with the access policies of the Coastal Act.

All programs attempted to resolve a conflict between residents and coastal visitors over on-street parking. The Commission approved the programs only when the Commission could find a balance between the parking needs of the residents and the general public without adversely impacting public access. For example, in permit #P-

resulting traffic and public safety concerns associated with pedestrians and road congestion in the area. Specifically, the property owners association cited dangerous curves along some portions of the roadway, which inhibited visibility; lack of sidewalks in the area and narrow streets (between 37 to 38 feet wide); and increased crime.

The Commission filed the appeal due to concerns on the parking prohibition and its inconsistency with the public access policies of the Coastal Act. The area contained a number of coastal access routes for beach access and access to a major vista point.

The Commission found that the City's permit would eliminate a source of public parking and would be inconsistent with the public access policies of the Coastal Act. The Commission further found that the elimination of the public parking spaces along the areas proposed could only be accepted with the assurance that a viable reservoir of public parking remained within the area. Therefore, the Commission approved the project with special conditions to limit public parking to two-hours during the weekdays and unrestricted parking on weekends and holidays. The Commission further allowed red-curbing basically along one side of the road(s) and all cul-de-sacs for emergency vehicle access. The Commission found, in approving the project as conditioned, the project maximized public access opportunities while taking into consideration the concerns of private property owners.

As in the preferential parking programs that have come before the Commission in the past, if proposed parking prohibition measures can be proposed or conditioned so that private property owner concerns can be balanced with coastal access opportunities, where impacts to public access is minimized, the Commission may find such proposals consistent with the public access policies of the Coastal Act.

D. Development Which Requires a Coastal Development Permit

Section 30600 of the Coastal Act requires a local government wishing to undertake development in the coastal zone to obtain a coastal development permit:

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

One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. The establishment of a residential parking zone within walking distance of a public beach or other recreational areas will significantly reduce public access opportunities.

Several Coastal Act policies require the Commission to protect beach and recreation 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, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states in part:

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

Section 30214 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:

(l) Topographic and geologic site characteristics.

Use Plan). In 1998, between July and September approximately 7.5 million people came to Santa Monica beaches (County of Los Angeles Fire Department Lifeguard Division).

The beach area between the Pier and Pico Boulevard is a broad sandy beach and according to the City's LUP is the most active recreation-oriented area of the Santa Monica beaches. The area provides volleyball courts, outdoor gymnastic facilities, swings, a children's play area, Pedestrian promenade, and bike path. The Commission recently approved a permit [CDP #5-98-009 (City of Santa Monica)] for the renovation and improvement of this beach area including the recreational facilities and Promenade. The beach area south of Pico Boulevard is the South Beach area. The South Beach is improved with a landscaped beach park, picnic facilities, children's playground, food concessions, restrooms, pedestrian promenade and bike path [CDP #5-84-591 (Santa Monica Redevelopment Agency)]. With development of hotels, restaurants, and improvements to the Pier and beach, Santa Monica beach area has been attracting an increasing amount of visitors from throughout the Los Angeles area and from outside of the region.

The City provides approximately 5,434 parking spaces within public beach lots and on the Pier. Of this total approximately 2,486 spaces are located north of the Pier within 10 public beach lots that are spread out along Palisades Beach Road (Pacific Coast Highway) between the Pier and the City's northern boundary line. The Pier provides 286 spaces on the Pier's deck.

From the Pier south to the City's southern boundary line, the City provides approximately 2,948 spaces within 5 public beach lots (see Exhibit 7). The largest lots are the two lots (2030 Barnard Way and 2600 Barnard Way) located south of Pico Boulevard (South Beach area). These two beach lots provide 2,406 spaces or approximately 81% of the total beachfront supply south of the pier.

The beach parking lots are owned by the State Department of Parks and Recreation. The lots are maintained by the City and the City contracts out the parking operation to a private parking management firm. The parking fee for the beach lots is a flat fee of approximately \$6.00 during the winter and \$7.00 during the summer. The lots are not available during the evening hours.

In addition to the public beach lots, the City also provides approximately 151 5-hour and 7 2-hour metered spaces along the first public road paralleling the sea (Ocean Avenue and Barnard Way) and on a few side streets that run perpendicular to the beach and terminate at the beach Promenade. Approximately 91% (144) of the total metered spaces are located south of Pico Boulevard. The meter fee is \$0.50 per hour.

One block inland, along Neilson Way, the City provides approximately 361 off-street metered parking spaces within four public lots (see Exhibit 8). Meter time limits are predominantly 3-hours in duration with some extending to 10 hours. These lots serve the Main Street visitor-serving commercial district. However, due to their close

The curbside spaces within the Main Street area are restricted short-term parking either through meters or signage. Metered spaces have time limits, which range from 36 minutes to 10 hours.

According to the Parking Study:

Existing peak parking occupancy levels in the Main Street area are generally at or approaching "practical capacity." (When occupancy reaches 90% of the total supply, this is often considered "practical capacity." At this point, it may be extremely difficult to find an available parking space.

South of Ocean Park Boulevard-- On a summer Sunday between 4:00 and 5:00 PM in 1996, 91% of all spaces were occupied. The deficit (compared to practical capacity was 8 spaces. However, when private lots are excluded, conditions appear even worse, with Main Street area curb parking 94% occupied and Main Street public lot parking 99% occupied. Summer Sunday conditions are considered fairly representative of all warm weather weekend days from May through October. Furthermore, occupancy levels during all warm weather periods, including non-summer weekdays, were fairly similar, based on counts conducted at different times by Wilbur Smith Associates.

North of Ocean Park Boulevard- During the peak hour for the area south of Ocean Park Boulevard, overall parking occupancy to the north was about 57% (but with Main Street curbside parking 93% occupied. The Sunday peak was slightly higher.) On a non-summer Sunday between 1:00 and 2: PM, 64% of spaces were occupied...Main Street area curb parking was 93% occupied (with a deficit of 7 spaces) and public lot parking was 85% occupied. Thus, Main Street area public parking was approaching practical capacity even north of Ocean Park Boulevard.

Main Street and the surrounding area is also served by a mass transit system. The City has two bus services that operate along Main Street. The Santa Monica Municipal Bus line operates routes throughout the City and surrounding area and includes a route along Main Street. The second bus service is the Tide. This shuttle operates between the Main Street area and the third Street Promenade in a one-way loop extending along Main Street from Marine Street, north to Bicknell street, east to 4th Street to Broadway in Downtown Santa Monica. It returns to the Main Street area via Ocean Avenue and Barnard Way.

Because of the growing popularity of Main Street over the years and the availability of nearby free parking visitors and employees were parking in the residential areas behind (east of) Main Street. As the popularity grew the residents in the surrounding area, from just south of Pico Boulevard to the City's southern city limit, began to compete with visitors and employees for the limited on-street parking spaces.

access a visitor -serving commercial area that is within close proximity of the beach. . There are 1, 2, 3, and 10-hour parking meters throughout the Main Street area providing the Main Street visitor a wide range of parking options.

As conditioned, the establishment of a preferential residential parking district in this area will not significantly impact public beach parking at this time. However, it has been estimated that approximately 7.5 million visitors came to Santa Monica beaches in 1998 during the summer, between July and September (County of Los Angeles Fire Department, Lifeguard Division. Beach attendance has increased by approximately 20% since 1972. There may be a time in the near future where the restrictions will have a significant adverse impact on beach and recreational access. Therefore, to ensure that the restrictions will not adversely impact beach access in the future, the authorization for the parking restrictions will terminate in three years. The City may apply for a new permit to reinstate the parking program. The City may also develop alternative parking for the public in the future that the Commission may consider as appropriate replacement parking to mitigate the loss of public on-street spaces. If the City decides to continue the parking restrictions, prior to the expiration of the authorization of the parking restrictions, the City shall submit a new permit application which shall include a parking study that evaluates parking utilization for the streets within the proposed preferential parking zone and the nearby beach parking during the summer weekends. To gather information that would be representative of the summer period the survey weekends shall be spread-out over the summer period and not consecutive weekends. The study shall include a parking survey for the streets within the zone and within the surrounding area to determine purpose of trip, length of stay, parking location, destination, and frequency of visits.

All posted parking restriction signs shall be removed prior to termination of the preferential parking authorized by this permit, unless the Commission has approved a new permit to authorized preferential parking beyond three years from the date of approval of this permit. Furthermore, to ensure that any change in the restrictions or size of the zone will not adversely impact coastal access, any proposed change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit. The Commission finds that, only as conditioned, will the proposed project be consistent with Sections 30210, 30211, 30212.5, 30213, 30214, and 30223 of the Coastal Act of 1976.

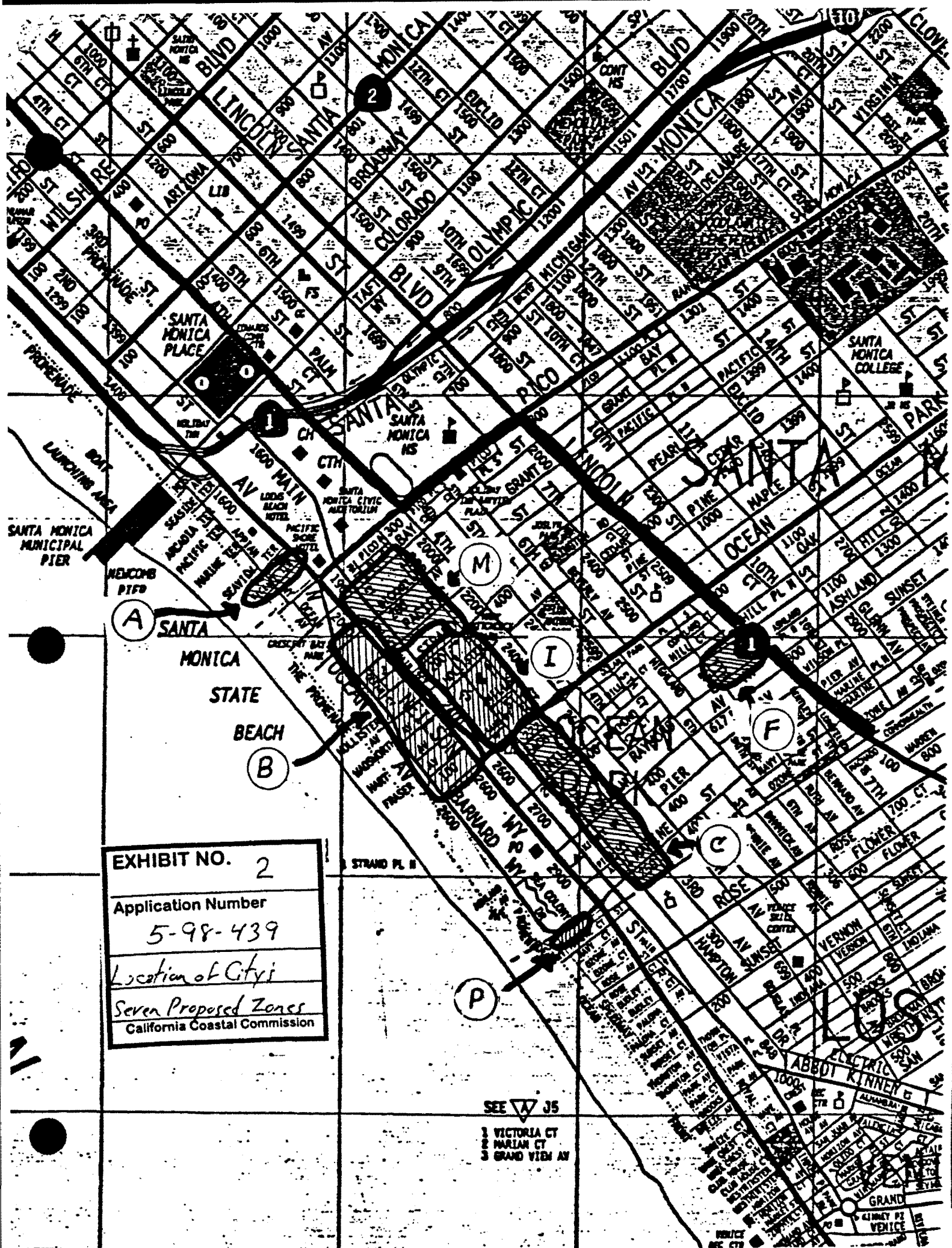
F. Unpermitted Development

In 1986 the City approved an ordinance creating the residential preferential parking zone. According to the City the restrictions for the zone became effective and enforced by the City the same year. There are no records of permits issued for this development. Although unpermitted development has taken place 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 by the Commission

H. California Environmental Quality Act.

Section 13096 of the Commission's administrative 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)(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.

The proposed project, as conditioned, is consistent with the applicable policies of the Coastal Act. 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.



not supportable by the statutory definition of development, which applies to structures such as "buildings," "roads" and "electrical power lines." Interpreting "development" in this manner would substantially expand the Commission's authority to include the installation of parking and traffic control devices and regulatory signage. Under such a broad definition, the Coastal Commission would be asserting authority over the installation of a wide range of parking and traffic control measures such as traffic signals, stop signs, speed limit signs, etc. Surely the Commission does not intend to review the installation of every sign or the placement of minor traffic improvements in the Coastal Zone. This is far beyond the intent of the Coastal Act.

The Coastal Commission has Waived its Right to Require a Permit

Prior to establishing the first preferential parking zone in the coastal zone in 1983, the Santa Monica City Attorney researched the issue of Coastal Commission permitting of these parking zones. Although the City Attorney independently concluded that the California Coastal Act does not require Commission approval of preferential parking zones, the Commission's legal staff advised the City Attorney that such approval would not be required. Thus, the City's actions have been consistent with the advice received from the Commission and the Commission has been on notice since 1983 that the City was establishing preferential parking zones in the Coastal Zone. Since that time, the City is unaware of any judgments or legislative amendments to the California Coastal Act which have expanded the Commission's authority over preferential parking zones.

Exclusive Municipal Authority in Establishing Preferential Parking Zones

Vehicle Code § 22507 grants exclusive authority to cities to create preferential parking on designated public streets. In *Friedman v. City of Beverly Hills*, 47 Cal.App. 4th 436, 54 Cal.Rptr.2d 882, 885 (1996), the court found that "section 22507 broadly empowers localities to regulate parking within their own districts" and that "the State does not desire to micromanage local parking circumstances." Because the State has expressly granted this parking authority to cities, without exception as to whether the streets are located in the coastal zone, these preferential parking zones should remain under the exclusive authority of the City of Santa Monica.

Preferential Parking Does Not Restrict Coastal Access

Preferential parking zones within Santa Monica do not restrict public access to coastal areas. The City of Santa Monica maintains a deep and long-standing commitment to providing public access to the coast. The City provides over 5,500 public beach parking spaces with immediate access to the coast, including over 3,000 spaces south of the Santa Monica Pier and nearly 2,500 north of the Pier.

Outside of the extensive parking available immediately adjacent to the beach, there is a wide range of additional publicly available parking facilities in the Coastal Zone of Santa Monica, ranging from limited-term on-street metered spaces to all-day flat-fee parking structures. This non-beach lot parking totals over 10,000 spaces, including nearly 7,700 spaces in parking lots/structures and on-street in the Downtown area, over 550 on-street spaces on Ocean

INFORMAL OPINION NUMBER 83-115

DATE: September 3, 1983
TO: Kenyon Webster, Program and Policy Development
FROM: Robert M. Myers, City Attorney
SUBJECT: Whether or Not a Coastal Development Permit Is
Required to Establish a Preferential Parking
Zone Within the California Coastal Zone


By memorandum dated August 19, 1983, you requested an opinion from this office concerning whether or not the City was required to obtain a coastal development permit to establish a preferential parking zone on Vicente Terrace. In our opinion, a coastal development permit is not required.

The City of Santa Monica has previously established two preferential parking zones within the California Coastal Zone. Prior to the establishment of the first zone, this office contacted a staff attorney for the California Coastal Commission and was advised that no coastal development permit was required. Our independent review of the California Coastal Act of 1976 resulted in the same conclusion.

If the California Coastal Commission can assert jurisdiction over establishment of preferential parking zones, it can also assert jurisdiction over raising parking lot charges, changing parking meter rates, changing street speed limits, and other parking and traffic regulations. (Regulations of this type are clearly distinguishable from the 4th Street modifications, which will change the intensity of on-street parking by the substantial addition of new spaces.) Jurisdiction over these subjects should be resisted in the absence of clear judicial determinations to the contrary.

RMM:r

cc: John H. Alschuler, Jr., City Manager
Stan Scholl, Director of General Services
Ray Davis, Parking and Traffic Engineer

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| EXHIBIT NO. 4 |
| APPLICATION NO. 5-98-439 |
| City's Memo Regarding Preferential Parking |
|  California Coastal Commission |

In addition, the erection of signs to identify the newly restricted area is development. Repair or maintenance activities, including the installation, modification or removal of regulatory, warning or informational signs, does not require a permit if it is intended to allow continuation of existing programs and activities which began before the effective date of the Coastal Act. In this instance, the City intends to establish a new program that alters the previous use of the public streets.

Therefore we conclude that the project is development as defined in Section 30106 of the Coastal Act of 1976, and that a coastal development permit is required. This conclusion is consistent with our conclusion in several other matters where preferential parking programs were proposed by local governments.

Our conclusion of the need for a coastal permit does not imply that a permit must necessarily be denied. We note that the Land Use Plan, as certified by the Coastal Commission, contains policies that address on-street parking in the West Beach area. Policy 11.9 states in part that the "City shall investigate the posting of time limits or the imposition of parking fees for on-street parking". Policy 11.10 states in part that the "City shall investigate developing a residential parking sticker program for the West Beach and East Beach residential neighborhoods to guarantee parking for residents and discourage long-term parking by non-residents". As the Coastal Commission has approved the Land Use Plan, it has found the concept of a preferential parking program in the West Beach area to be in conformity with the Coastal Act. When the Coastal Commission approved the waterfront parking program it found that some reconfiguration of public use patterns with inconvenience to the users is consistent with the Coastal Act so long as the program does not prohibit or discourage public access to the beach in the City. The Coastal Commission staff has already begun the analysis necessary to determine if the implementation mechanism proposed for the West Beach area is consistent with the Coastal Act and the Commission's past actions. In recognition of the City's desire to implement the program prior to the period of highest beach use, the Commission staff intends to review an application for the development in an expeditious fashion.

Even if you continue to believe that a permit is not required, the City of Santa Barbara may apply for the permit and reserve the issue of jurisdiction. This approach has been satisfactorily used in other cases where the likelihood of agreement on the merits of a project was greater than the likelihood of agreement on the issue of jurisdiction. If the preferential parking program is implemented without benefit of a coastal development permit the staff will refer this matter to the Office of the Attorney General for enforcement as a violation of the Coastal Act of 1976.

Very truly yours,

Cynthia K. Long

Cynthia K. Long
Staff Counsel

cc: Office of the Attorney General:

N. Gregory Taylor, Assistant Attorney General

Steven H. Kaufmann, Deputy Attorney General

South Central District

Matt Farrell
September 29, 1983
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to avoid inconvenience to the City's residents and visitors. Rick Hyman in our Central Coast office will gladly assist if need be.

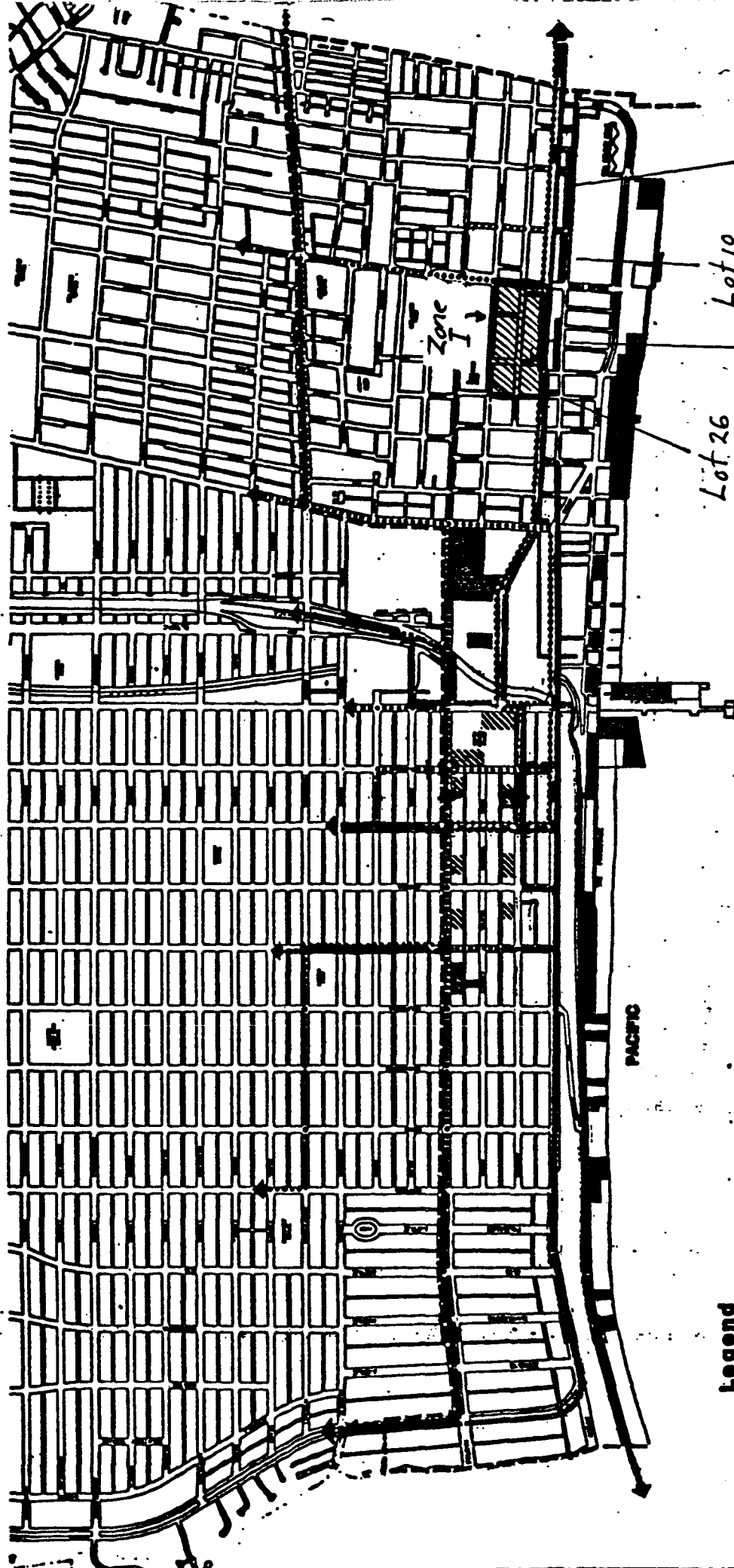
Very truly yours,







Evelyn C. Lee
Staff Counsel

ECL/np

cc: Neal Anderson, city attorney
Les Strnad



Legend

-  SCOTD BUS ROUTES
-  SANTA MONICA BUS ROUTES
-  PUBLIC PARKING LOTS
-  DOWNTOWN PARKING STRUCTURES

Number of
Public Spaces = 301

| | |
|-------------------------------|----------|
| EXHIBIT NO. | 8 |
| Application Number | 5-98-439 |
| <i>Neilson Way Parking</i> | |
| <i>Lots</i> | |
| California Coastal Commission | |

MAP 6

Public Transit and Parking

SANTA MONICA LOCAL COASTAL PROGRAM



| | | | | | |
|-----------|--|---|--|---|--------------|
| 3-83-209 | City of Santa Cruz DPW | Residential Parking Program - Beach Flats Neighborhood | Approval with Conditions | Approved with Conditions <ul style="list-style-type: none"> • limiting term of permit • number of permits issued • restriction to existing development • evaluation report. | 11/15/83 |
| 5-84-236 | City of Hermosa Beach | Renewal of Preferential Parking Program approved under 5-82-251 (which was limited to 2 years). | Approved | Approved <ul style="list-style-type: none"> • free remote lots • 25 cent shuttle • annual permit for residents • day permit for visitors | 1984 |
| 5-82-251A | City of Hermosa Beach | Amendment to delete shuttle | | Amendment approved based upon: <ul style="list-style-type: none"> • it was lightly used • remote parking areas were within walking distance • lack of shuttle would not reduce beach access | July 1986 |
| 3-87-42 | City of Capitola | Residential Parking Program | Approval with Conditions | Approval with Conditions <ul style="list-style-type: none"> • limiting time and area • limiting total number of permits issued • signs • monitoring program • annual report | 4/21/87 |
| 5-90-989 | City of Los Angeles Dept. of Transportation | Preferential Parking West Channel Rd./Entrada | Denial | Denied | 3/13/91 |
| 5-96-059 | City of Santa Monica | 24 hr. Preferential District along Adelaide Drive and Fourth Street | Approval with Conditions to limit hours and extent | Denied | October 1996 |
| 5-96-221 | City of Santa Monica | Preferential Parking 6 p.m. to 8 a.m. along Adelaide Drive and Fourth Street | Approval with Conditions | Denied | January 1997 |

Related to Preferential Parking Programs

| | | | | | |
|----------------------|------------------------------------|---|--------------------------|--------------------------|--|
| A-316-79 | Santa Barbara County Park Dept. | Pave dirt parking lots to expand concessions conditioned to restrict hours for restaurant to avoid conflicts with beach parking. | Approval with Conditions | Approval with Conditions | |
| A-343-79 | BA Premise Corp. | Parking garage conditioned to require joint use for public parking on weekends. | Approval with Conditions | Approval with Conditions | |
| A- 7-80 | Sparks-Endless Wave | Convert publicly owned parcel which was used for overflow parking north of the pier area of Santa Monica State Beach to skateboard park. | Denial | Denied | |
| A-62-81 | Haskin & Sloan | Project conditioned to provide for leased spaces for residents in commercial/recreation building | Approval with Conditions | Approval with Conditions | |
| CC-23-86 | Caltrans | Additional traffic lanes on PCH which would remove on-street parking but would agree to mitigate loss of about 400 metered spaces by replacing parking. | Concurrence | Concurrence | |
| Laguna Niguel LCP | City of Laguna Niguel | Issues concerning metered parking, no parking signs, red curbing (red curbing an issue in a lawsuit). | | | |

EXHIBIT NO.

10

Application Number

5-98-439

City Ordinance for

Zone I

California Coastal Commission

CA:RMM:rmd166/hpca

City Council Meeting 2-25-86

Santa Monica, California

ORDINANCE NUMBER _____

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SANTA MONICA ADDING SECTION 32381
TO THE SANTA MONICA MUNICIPAL CODE TO
ESTABLISH PREFERENTIAL PARKING ZONE I

WHEREAS, the Parking and Traffic Engineer has received a petition requesting establishment of a preferential parking zone in the area bounded by Main Street, Strand Street, Third Street, and Ocean Park Boulevard; and

WHEREAS, the petition has been verified to be signed by residents living in two-thirds of the dwelling units comprising not less than 50 percent of the developed frontage of the proposed preferential parking zone; and

WHEREAS, the Parking and Traffic Engineer has undertaken such studies and surveys deemed necessary to determine whether a preferential parking zone should be designated in the area; and

WHEREAS, the City Council is satisfied that the proposed area meets the designation criteria set forth in Municipal Code Section 3232A,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES ORDAIN AS FOLLOWS:

a permit issued and displayed in accordance with this Chapter.

(c) Any vehicle parked or stopped without a permit when required by this Section may be removed from the street by any police officer.

(d) The annual fee for each permit issued for Preferential Parking Zone I shall be \$15.00 per permit or such other fee as may be established from time to time by resolution of the City Council.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declare invalid or unconstitutional.