

CALIFORNIA COASTAL COMMISSION

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**STAFF REPORT: REGULAR CALENDAR****APPLICATION NO.:** 5-99-046**APPLICANT:** City of Santa Monica

PROJECT LOCATION: Fraser, Hart, and Wadsworth Avenues between Barnard Way and Neilson Way; the north side of Ocean Park Boulevard between Barnard Way and Neilson Way; Bicknell Avenue, Pacific Street, and Strand Street between Neilson Way and Ocean Avenue; and Hollister Avenue between Neilson Way and Ocean Avenue/Barnard Way, in the City of Santa Monica

PROJECT DESCRIPTION: After the fact permit for the establishment of a preferential parking zone for residents with no parking or stopping anytime without a permit; expansion of the boundaries of the zone; and erection of signs identifying the hours of the parking restrictions and demarcating the restricted areas (Zone B); and the provision of 174 replacement parking spaces.

LOCAL APPROVALS RECEIVED: City Council approval**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the preferential parking zone with special conditions requiring the City to: (1) provide and maintain a minimum of 161 replacement parking spaces; (2) continue to provide the Tide and Pier/Beach Shuttles during the summer months; (3) limit the authorization of the preferential parking restrictions approved by this permit to a five year time limit, at the end of which the applicant may reapply for a new permit to reauthorize the parking program; (4) place the applicant on notice that any change in the hours or boundaries of the preferential parking zone will require Commission approval; and (5) condition compliance. As conditioned, to mitigate the adverse individual and cumulative impacts on public access and recreation, the project can be found consistent with the access and recreation policies of the Coastal Act.

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.

STAFF NOTE:

The issue in this application is public use of public streets for parking in order to use the beach and public recreation facilities. In recent years the Commission has received applications from local governments to limit public parking on public streets where there are conflicts between local residents and beach visitors, trail users and/or people seeking coastal views. The streets subject to the current application request for preferential parking are near the beach and Santa Monica's south beach park. The City of Santa Monica proposes to restrict all public parking on the streets 24-hours a day. Residents along the affected streets will be allowed to park on the street 24-hours a day, seven days a week, by obtaining a parking permit from the City.

Public access, parking and recreation can result in impacts to neighborhoods that are not designed to accommodate visitors. In this case, the City of Santa Monica has stated that the residential streets within the zone have been impacted by coastal visitors. The City is proposing the parking restriction to address the conflict that occurs when there is a lack of on-site parking and the parking spaces are utilized by non-residents.

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

In this particular case, staff recommends that the Commission allow parking limitations only as conditioned by this permit to allow the public an opportunity to park on the public street and thereby protect public access to the beach. Because the Coastal Act protects coastal access and recreational opportunities, including jogging, bicycle and trail use, staff is recommending special conditions to ensure that the implementation of the hours will not adversely impact beach and recreational access. As conditioned by this permit, staff does not believe the proposal will adversely affect public access and public recreational opportunities.

This permit application is one of seven after the fact permit applications for residential preferential parking zones in the City of Santa Monica (see Exhibit no.1 and 2). The seven zones represent a total of approximately 936 parking spaces.

Six zones are located south of Pico Boulevard, with one zone located one block north of Pico Boulevard. The City created the seven residential preferential parking zones between 1983 and 1989 (three zones were expanded 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 no. 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 staff's response to each of the City's contentions is addressed below in the following sections of this report.

The proposed project was scheduled for the January 1999 Commission hearing. However, the City withdrew the application in order to complete a parking and circulation study (Santa Monica Coastal Parking and Circulation Study, April 1999) and present staff with possible measures that would mitigate the loss of public parking where there was determined to be an adverse impact to public beach access.

The proposed project was again scheduled for Commission hearing in November 1999. However, the applications were postponed after Commission staff determined that portions of the on-street parking for two of the proposed seven districts were restricted as short-term public parking by prior Commission permit actions and that a staff recommendation of approval on two of the preferential parking district applications would be inconsistent with the Commission's previous permit actions. The City subsequently submitted two amendment applications to remove the restrictions imposed by the Commission in its previous actions and designate new

parking in other nearby locations as short-term parking to replace the parking that was subject to the previous permits.

The permit and amendment applications were before the Commission in January 2000. After public testimony the Commission expressed their concern over the loss of public on-street parking that was available for beach and recreational parking. The Commission asked the City to explore other alternative measures to mitigate the loss of public on-street parking due to preferential parking. After the City agreed, the Commission postponed the public hearing.

RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit application with special conditions.

MOTION

I move that the Commission approve CDP #5-99-046 pursuant to the staff recommendation.

Staff recommends a YES vote. Passage of the motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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.

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 Conditions.

1. Replacement Parking

The City shall provide and maintain a minimum of 161 replacement public parking spaces, as listed in exhibit no. 14, between the hours of 9:00 a.m. and 8:00 p.m. All street metered spaces located west of Neilson Way shall allow public parking for a minimum of 5-hours; all street metered spaces located east of Neilson shall allow public parking for a minimum of 2-hours; and all spaces within Neilson Way Public Parking Lot No. 9 shall allow public parking for a minimum of 3-hours.

2. Signage Plan

Prior to issuance of the Coastal Development Permit, the applicant shall submit for the Executive Director's review and approval, a parking signage program

which reflects this approval. The Program shall include location, text and timing of installations of signs and identification and removal of any signs which are not in conformance with the approved parking program. Installation of signs consistent with special condition 1 and removal of signs not in conformance with the approved permit shall occur within 30 days of the issuance of this permit.

3. Shuttle Service

The City shall continue to operate the Tide Shuttle and Pier/Beach Shuttle during the summer months, between Memorial Day weekend and Labor Day weekend, consistent with the routes, times, and fares, as shown on Exhibit no. 9 and 10 of this staff report. Any proposed modifications to the routes, times or fares, will require Executive Director review and approval to determine if a coastal development permit amendment is required.

4. Termination of Preferential Parking Program

(a) The parking program authorized by this permit shall terminate five years from the date of approval of the permit.

(b) The City may apply for a new permit to reauthorize the parking program. Any such application shall be filed complete no later than 54 months from the date of approval of this permit and shall include all of the following information: The application for a new permit shall include a parking study documenting parking utilization of the street within the preferential zone, the two public beach lots located at 2030 and 2600 Barnard Way, and the public parking lots on Neilson Way (Lots No. 26, 11, 10, and 9). The parking study shall include at least three summer non-consecutive weekends between, but not including, Memorial Day and Labor Day. The parking study shall also include a parking survey for the three summer non-consecutive weekends documenting purpose of trip, length of stay, parking location, destination, and frequency of visits.

(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 five years from the date of approval of this permit.

5. Future Changes

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

6. Condition Compliance

(a) Within 90 days of Commission action on this Coastal Development Permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

(b) Within 120 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall implement the parking program consistent with special conditions 1 and 2.

7. Ocean Park Boulevard Relocated Parking

Prior to the issuance of the Coastal Development Permit, the applicant shall submit evidence, subject to the review and approval by the Executive Director, demonstrating that the 14 short-term public parking spaces along the north side of Ocean Park Boulevard have been relocated and available consistent with the terms of permit Amendment 5-83-002-A2.

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 with no parking or stopping at anytime without a permit, along the following described streets within the City of Santa Monica:

Fraser, Hart, and Wadsworth Avenues between Barnard Way and Neilson Way; the north side of Ocean Park Boulevard between Barnard Way and Neilson Way; Bicknell Avenue, Pacific Street, and Strand Street between Neilson Way and Ocean Avenue; and Hollister Avenue between Neilson Way and Ocean Avenue/Barnard Way.

The proposed project 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.

The proposed zone is located in the South Beach area of the City. The zone is generally situated south of Pico Boulevard and bounded by Neilson Way on the east,

Ocean Park Boulevard on the south, Ocean Avenue/Barnard Way on the west, and Bicknell Avenue on the east (see Exhibit no.1). The streets within the zone provide approximately 121-curb side parking spaces (according to the City's calculations which are based on length of street minus curb cuts and an average parking space of approximately 20 feet).

Ocean Avenue/Barnard Way is the first public road paralleling the coast and provides pedestrian and vehicle access to the beach, the south beach park.

Residents that front on any one of the streets named in the zone are allowed to park on the street with a permit 24-hours a day. The preferential parking as proposed is to apply 24-hours a day, seven days a week. Residents within the parking zone will be allowed to purchase parking permits from the City. The City charges \$15.00 for an annual 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 preferential parking zone is a residentially developed neighborhood consisting of single-family residences and multiple-family structures. The majority of the residential structures are older structures built between the 1920's and 1950's. These structures have limited to no on-site parking. The structures in the area that provide on-site parking have inadequate parking, based on current standards. There are only a few structures (single-family residents) within this zone that were recently built and provide at least two on-site parking spaces per residential unit.

The zone was originally created by City ordinance in February 1984 and included Ocean Park Boulevard, Fraser, Hart and Wadsworth Avenues. Three years later the zone was expanded in 1987 to include additional streets (Hollister Avenue, Strand Street, Pacific Street, and Bicknell Avenue. The zone was established, expanded and implemented without the benefit of a Coastal Development Permit.

The City asserts that the loss of public on-street parking due to the preferential parking restrictions, is mitigated by replacement of approximately 148 existing on-street public street parking spaces within Zones A, B and P with 174 proposed and recently created day-time public parking spaces along Ocean Avenue, Bay Street, Pier Street, Main Street, Ocean Park Boulevard and within Parking Lot No. 9 on Neilson Way.

The City has increased the proposed replacement parking by 20 spaces, from 154, as originally proposed, to 174, by restriping Lot #9 to provide a total of 70 new spaces

within Lot #9. However, 13 of the proposed replacement spaces that are proposed in Lot #9 are required for the City's proposed amendment request 5-83-591-A1. In the amendment, the City is proposing to relocate 13 spaces currently located along Barnard Way to Lot #9. The 13 spaces were originally required on Barnard Way as a condition of the original permit [5-83-591(City of Santa Monica)] as mitigation for loss of on-street public parking due to the redevelopment of Ocean Park beach area approved under 5-83-591(City of Santa Monica).

Therefore, since the 13 spaces were required to mitigate a previous loss in public parking, and the City is currently proposing to relocate these 13 spaces into Lot #9 (5-83-591-A1), the actual number of replacement spaces being proposed by the City is 161 ($174 - 13 = 161$). The 161 replacement spaces include the 14 spaces that are being relocated from Ocean Park Boulevard to Ocean Avenue under coastal development permit amendment 5-82-002-A2. The 14 spaces are not being subtracted out since, based on information regarding the development of the area, most, if not all, of the 14 parking spaces existed prior to 5-82-002-A2 and were not needed as mitigation under the original permit.

The 161 replacement spaces will be created through the removal of parking restrictions, street lane reconfiguration, and restriping. Of the 161 day-time parking spaces being proposed as mitigation, 65 spaces, or 40% of the City's total proposed replacement parking spaces, are spaces that currently exist. The City created these spaces between 1994 and 1999, after the establishment of the preferential zones. Since the 65 parking spaces were created after the establishment of the parking districts and are not required parking for any prior permits, the City is requesting that the 65 existing spaces be included as replacement parking to mitigate the impact of the preferential parking restrictions.

The 65 spaces include 29 metered spaces with 1-hour limits and 36 unrestricted non-metered on-street spaces. The City is proposing an additional 96 public parking spaces or 59% of the 161 total replacement parking. The proposed 96 additional spaces will be a mix of 1-hour and 3-5 hour spaces.

For this summer period (2000) the City is also planning, on an experimental basis, to lower the public parking rate from the \$7.00 summer rate to \$5.00, and convert 152 flat rate parking spaces to short-term spaces within the two south beach lots. The planned short-term rate will be \$1.00 per hour with a maximum time limit of 2-hours.

The City is also planning to convert the 75 parking spaces in the lot (1640 Appian Way) just south of the pier to 2-hour parking, with a rate of \$1.00 per hour for the summer 2000 period. However, none of these summer 2000 experimental proposals have been incorporated into the coastal development permit application currently before the Commission.

B. Area History

Historically the area was a beach resort area related to the old Pacific Ocean Park Pier located in the southern part of the South Beach area. The area evolved into a lower-income residential area with neighborhood and beach commercial establishments. In 1977, the Commission approved a permit and subsequent amendments (#A318-76, amendments: A318-76A, A318-76A2 and #5-83-2A) for a phased development consisting of 397 condominium units, a 851-space parking garage, recreational amenities for the new residents, general landscaping on-site and within the South City Beach parking lots, and a public park located on the inland side of Barnard Way, across from the beach. The redevelopment project replaced a 9-hole golf course/open space area. The project was also conditioned to set aside the property at the southwest corner of Neilson and Barnard Way for senior citizen housing and the formulation of a Beach Access and Park Improvement Program to include landscaping of the beach parking lot west of the development site in addition to the public park that was to be developed on-site. In the third amendment (5-83-2A) to the permit the Commission approved the amendment with a special condition that required the provision of short-term public parking spaces along the north and south side of Ocean Park Boulevard, between Neilson Way and Barnard Way. The Commission found that the provision of additional parking along Ocean Park Boulevard was necessary to:

Provide short-term parking support within the residential community, for the recreational amenities located outside of the State Beach and for short-term coastal recreational visitors.

The amendment was issued in 1984, and all development has been completed along with the provision of the required on-street public parking. Because portions of the required short-term public parking spaces are located on Ocean Park Boulevard and within the proposed preferential parking district (Zone B), approval of a permit that would affect the required short-term parking along Ocean Park Boulevard would be inconsistent with the prior Commission permit action. Therefore, the City has concurrently submitted a separate amendment request (5-83-002-A2) to re-allocate the short-term public spaces to an area outside of the proposed district. If the Commission approves the amendment request, the spaces along Ocean Park Boulevard within the District will no longer be encumbered by the prior Commission action.

C. Previous Commission Permit Action on Preferential Parking Programs within the City of Santa Monica.

The Commission has approved one previous residential preferential parking zone permit application within the City of Santa Monica. In 1996 the City proposed 24-

hour preferential residential parking along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard, in the north part of the City (CDP #5-96-059). The Commission found that due to the zone's distance from the beach and absence of direct access to the beach from the street the area did not provide significant beach access parking. However, because the public used the area for scenic viewing and other recreational activities the Commission found that the City's proposed 24-hour parking restriction was too restrictive and would significantly impact access and coastal recreation in the area. The Commission denied the permit and directed staff to work with the City to develop hours that the City could properly implement and would also protect public access and coastal recreation. The City subsequently submitted a new permit application with hours that restricted public 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.

D. 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. 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 the Commission 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.

In 1983 the City of Santa Cruz submitted an application for the establishment of a residential parking permit program in the area known as the Beach Flats area [#3-83-209 (City of Santa Cruz)]. The Beach Flat area consists of a mix of residential and commercial/visitor serving uses, just north of the Santa Cruz beach and boardwalk. The area was originally developed with summer beach cottages on small lots and narrow streets. The Commission found that insufficient off-street parking was provided when the original development took place, based on current standards. Over the years the beach cottages were converted to permanent residential units. With insufficient off-street parking plus an increase in public beach visitation, parking problems were exacerbated. The Commission found in this particular case that the residents were competing with visitors for parking spaces; parking was available for visitors and beach goers in public lots; and adequate public parking in non-metered spaces was available. Therefore, the Commission approved the permit with conditions to ensure that parking permits (a total of 150) were not issued to residents of projects that were recently constructed and subject to coastal development permits.

In 1987 the Commission approved, with conditions, a permit for a preferential parking program in the City of Capitola [#3-87-42 (City of Capitola)]. The program contained two parts: the Village parking permit program and the Neighborhood parking permit program. The Village consisted of a mixture of residential, commercial and visitor-serving uses. The Neighborhood district consisted of residential development located in the hills above the Village area. The Village, which has frontage along the beach, is surrounded on three sides by three separate neighborhoods. Two neighborhoods are located above along the coastal bluffs with little or no direct beach access. The third neighborhood is located inland, north of the Village.

Similar to the Santa Cruz area mentioned above the proposed Village area changed from summer beach cottages to permanent residential units, with insufficient off-street parking. With insufficient off-street parking and an increase in beach visitation, on-street parking became a problem for residents and businesses within the Village and within the Neighborhood. The proposed preferential parking programs were proposed to minimize traffic and other conflicts associated with the use of residential

streets by the visiting public. The Village program allowed residents to obtain permits to exempt them from the two-hour on-street parking limit that was in place, and the requirement of paying the meter fee. The Neighborhood program would have restricted parking to residents only.

The Village program did not exclude the general public from parking anywhere within the Village. The Neighborhood program as proposed, however, would have excluded non-residents from parking in the Neighborhood streets. The Commission found that public access includes not only pedestrian access, but also the ability to drive into the Coastal Zone and park, to bicycle, and to view the shoreline. Therefore, as proposed the Commission found that the proposal would adversely affect public access opportunities. Without adequate provisions for public use of these public streets that 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-79-295 (City of Santa Cruz) and #5-82-251 (City of Hermosa Beach) preferential parking was approved with mitigation offered by the City or as conditions of approval that were required by the Commission to make available day use permits to the general public, remote parking and a shuttle system. In #3-83-209 (City of Santa Cruz), because of a lack of on-site parking for the residents within a heavily used visitor serving area, and adequate nearby public parking, the Commission approved the project to balance the needs of the residents with the general public without adversely impacting public access to the area. In #3-87-42 (City of Capitola) the Commission approved the program for the visitor serving area (the Village) because it did not exclude the general public from parking in the Village but only limited the amount of time a vehicle could park. However, preferential parking in the Neighborhood district, located in the upland area, was, for the most part, not approved since it excluded the general public from parking. The only areas within the Neighborhood district that were approved with parking restrictions were those areas immediately adjacent to vista points. In these areas the Commission allowed the City to limit public parking to two-hour time limits.

Where a balance between residents and the general public could not be found that would not adversely impact public access opportunities the Commission has denied the preferential parking programs, as in the case of #5-90-989 and A5-VEN-97-183 (City of Los Angeles).

In addition to preferential parking programs, the Commission has also reviewed proposals to prohibit general parking by such measures as posting "No parking" signs and "red curbing" public streets. In 1993 the City of Malibu submitted an application for prohibiting parking along the inland side of a 1.9 mile stretch of Pacific Coast Highway [#4-93-135 (City of Malibu)]. The project would have eliminated 300 to 350 parking spaces. The City's reason for the request was to minimize the number of beach goers crossing Pacific Coast Highway for public safety concerns. The Commission denied the request because the City failed to show that public safety was a problem and because no alternative parking sites were provided to mitigate the loss of available public parking. Although there were public parking lots located seaward

of Pacific Coast Highway and in the upland areas, the City's proposal would have resulted in a significant loss of public parking. The Commission, therefore, found that the proposal would adversely impact public access and was inconsistent with the access policies of the Coastal Act. In denying the proposal, the Commission recognized the City's desire to maximize public safety and found that there were alternatives to the project, which would have increased public safety without decreasing public access.

In 1989 the Commission appealed the City of San Diego's permit for the institution of parking restrictions (red curbing and signage) along residential roads in the La Jolla Farms area (#A-6-LJS-89-166). The impetus for the parking restrictions was residential opposition to the number of students from the University of California at San Diego campus who parked on La Jolla Farms Road and Black Gold road, and the 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.

E. 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-- 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 eliminating 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.

The Commission has consistently maintained that the establishment of preferential parking programs constitutes development and could adversely impact public access to public beaches and other coastal recreational areas. In past permit actions, the Commission has consistently found that public access includes not only pedestrian access but the ability to drive into the coastal zone from an inland community and park in order to access and view the shoreline.

The City states that in 1983 Commission legal staff confirmed that permits were not required for the establishment of preferential parking zones. The City has included a City interoffice memo (dated September 3, 1983) stating that they spoke to Commission legal staff regarding preferential parking and that legal staff at the Commission told them that a permit would not be required (see Exhibit no. 4). The City has not provided Commission staff with any evidence of written correspondence between Commission staff and City Staff addressing this issue and Commission staff has not found any record of such correspondence with the City. Instead staff has located two legal staff letters written in 1983 which clearly state that a coastal development permit is required in order to establish a preferential parking program. In 1983 the Commission's staff counsel sent a letter to Santa Barbara's Office of the City Attorney (12/19/83) in response to the City's inquiry regarding whether or not a coastal development permit would be required for the establishment of a preferential parking program within the coastal zone of the City of Santa Barbara. The letter from Staff Counsel states, in part, that the establishment of preferential parking zones and the erection of signs is considered development and that the Commission has jurisdiction over the establishment of such zones/districts (see Exhibit no. 5). Again in 1983, another Commission staff counsel sent a letter to the City of Santa Cruz (9/29/83) concluding that a coastal development permit must be issued to authorize the proposed Beach Flats Residential Parking Program (see Exhibit no. 6). Finally, as

stated above, the Commission has acted on numerous preferential parking programs over the last 20 years and has consistently asserted jurisdiction over the establishment of preferential parking zones/districts.

The City also states that the City has exclusive authority to create preferential parking zones (See City letters, Exhibits no. 3 and 13). The Commission does not agree with this position. Although the Vehicle Codes provide the City with the ability to create preferential parking zones, this authority is permissive and in no way eliminates the requirements of other applicable state laws such as the Coastal Act.

The City of Santa Monica further states that preferential parking zones in Santa Monica do not restrict coastal access. The Commission does not agree and has consistently maintained that such zones/districts have potential adverse impacts to coastal access and recreation because public access includes the ability of beach visitors who depend on the automobile to access the beach from inland communities. The impacts of each zone may vary depending on location, hours, boundaries and coastal and recreational facilities in the area. Therefore, each preferential parking zone needs to be analyzed on a case by case basis to determine the zone's impact to beach access and it's consistency with the Coastal Act. The proposed preferential parking zone's impact to coastal and recreational access is addressed below.

F. Public Access and Recreation

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:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission, regional commissions, and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30223:

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

Section 30252(4):

The location and amount of new development should maintain and enhance public access to the coast by ...providing adequate parking facilities or providing substitute means of serving the development...

In preliminary studies that led to the adoption of the Coastal Act, the Commission and the Legislature reviewed evidence that land uses directly adjacent to the beach were required to be regulated to protect access and recreation opportunities. These sections of the Coastal Act provide that the priority of new development near beach areas shall be given to uses that provide support for beach recreation. The Commission has evaluated these concerns in upland and mountainous areas near the beach to provide coastal viewing and alternatives to the beach for jogging, strolling and cycling. Furthermore, the Commission has consistently addressed both public and private parking issues in order to protect the ability of beach visitors who depend on the automobile to access the beach.

The City's LUP states that the Santa Monica State Beach is the most heavily used beach in Los Angeles County and possibly in the State. The City has estimated that over 20 million people visit Santa Monica's beaches annually (City of Santa Monica's 1992 certified Land 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 proposed preferential parking zone is located within the first block from the beach, between Ocean Avenue and Neilson Way. Because of the zone's close proximity to the beach the area is heavily used by beach goers and recreationalists.

The City, in approving the proposed parking district in 1984, found that:

...the residential neighborhood experiences parking problems due to existing dwelling units have little or no off-street parking, and the neighborhood experiences a great influx of non-residential beach traffic... According to the Parking and Traffic engineer, the primary purpose of the proposed preferential parking zone is to reduce the competition for available on-street parking to area residents only.

There is a beach parking lot with approximately 2400 parking spaces immediately adjacent to the proposed zone. Therefore, beach goers should not be displaced into other residential neighborhoods....

The primary source of non-resident parking intrusion is beach-related parking demand from persons seeking to avoid paying parking fees in the adjacent 2400-space beach parking lot or at the existing on-street parking meters along Ocean Avenue/Barnard Way. However, ample parking resources exist in these areas to satisfy beach parking demand...

In the City's submittal letter, the City argues that there is adequate public parking for beach access, therefore, the preferential parking zones will not adversely impact public beach access. The Commission does not agree. The Coastal Act requires that maximum access shall be provided for and public facilities, including parking areas or facilities, be distributed throughout an area, and that lower cost visitor and recreational facilities shall be protected. Public curbside parking is a valuable source of beach and recreational access for short-term and long-term users. Restricting the hours or eliminating public parking within a beach area that is heavily used by the public for beach and recreational access is inconsistent with the access policies of the Coastal Act.

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 and on the Pier. There are ten public beach lots 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 to the City's southern boundary line, the City provides approximately 2,948 spaces within 5 public beach lots (see Exhibit no. 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 parking 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.

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 no. 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 proximity to the beach and their hourly rate (\$0.50 per hour), as compared to the beach lots' flat fee (\$7.00 during the summer), the lots are also used by beach goers and recreationalists.

The proposed preferential parking zone is located adjacent to the beach area on the inland side of the first public road paralleling the sea. As stated above there are 5 public beach lots located between the Pier and the southern City limit that serve the entire beach area south of the Pier. In 1997 the City had traffic/parking studies prepared for the Pier/ beach area (Pier/Beach Circulation and Access Study, April 29, 1997). The parking study that was prepared for the beach lots included a parking count for Sunday of Labor Day weekend (1996). Sundays are typically Santa Monica's most heavily used day and Labor Day weekend is the most heavily used weekend for the year. The survey found that:

Nearly all lots were over 90 percent occupied (considered to be effectively fully occupied) at 2:30 PM on Sunday, except for 2030 Barnard way, which still was not fully occupied (only 68 percent utilized by 2:30 PM). By 4:00 PM the pier lot and 1550 PCH were still fully occupied, while the 2030 Barnard Way lot occupancy remained at 67 percent (also note that at 1:00 PM when the 1550 PCH lot is 83

percent occupied, the Barnard Way lot is 47 percent occupied). This clearly indicates that the lots closest to the Pier become occupied first, with the south beach lots becoming more fully occupied only following the northern lots closer to the Pier.

The City also provided weekend parking counts by the lot operator from 1996 to 1998. The parking counts were based on total cars parked during the entire operating day and not broken down to hourly counts. For the area south of the Pier, where the preferential parking zone is located, the figures show that the parking lots between the Pier and Pico Boulevard are heavily impacted during the summer weekends. The demand varies from a low of 17% to a high of 100% during the summer weekends (parking lots are effectively at capacity once they reach 90%).

The two main lots south of Pico Boulevard (2030 Barnard Way and 2600 Barnard Way lots), do not reach capacity and are generally underutilized. The total daily utilization for these two lots for summer weekends is approximately 39-67%.

Visitors to Santa Monica Beach come from all over the Los Angeles area, the State and country. The amount of time visitors stay at the beach varies depending on the type of activity. Some beach visitors come to jog or exercise at the beach and their stay may last an hour or less. Other visitors may stay a couple of hours to all day. Therefore, the provision of an adequate supply of both short-term and long-term parking is important to meet the needs of the various types of beach users. Section 30212.5 of the Coastal Act requires that parking areas shall be distributed throughout an area to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. The availability of on-street parking provides the public needed short-term parking in order to access the beach and recreational facilities and provides low-cost visitor serving facilities consistent with Section 30213. Furthermore, Section 30210 requires that maximum access be provided.

The City's supply of (metered) on-street parking that is currently available to the public, along Ocean Avenue and Barnard Way, is heavily used by the public. On summer weekends the spaces are fully occupied (based on staff observations). The public metered lots along Neilson Way are also heavily utilized on summer weekends. During the summer weekend daytime hours the four Neilson Way lots' occupancy rate is between 84 to 100 percent (Main Street Commercial District Parking Study, Wilbur Smith Associates, 10/1/97).

According to the Wilbur Smith Associates parking study, approximately 10 to 25% of those parking in the Main Street commercial area, including the Neilson Way lots, have the beach or recreation as a primary or secondary destination.

By creating a preferential parking zone that prohibits public parking during the day, seven days a week, the City would effectively removed from public use all curbside parking along these public streets during the beaches' peak use period. Removing

148 curbside public parking spaces that are within this zone from the total supply of curbside parking that is adjacent to the beach, will preclude the general public from the use of the area for public beach access parking. The 148 spaces represent a significant amount of public parking that could be used for short-term and long-term parking. Eliminating the public's ability to park within this area will significantly reduce the amount of short-term parking within the first block of the beach between the Pier and the southern City limit to approximately only 151 spaces. The proposed preferential residential parking restrictions would thus result in unequal access to public property.

Although the two main south beach parking lots are underutilized (39-67%) even during the summer peak beach use period the flat fee charged (\$7.00) in the beach lots during the summer does not encourage short-term use and is cost prohibitive for some beach visitors. For beach visitors that plan on staying for a short period and for those beach goers that frequently visit the beach area the beach lots are avoided due to the relatively high cost of the lots. These types of visitors seek out low-cost parking alternatives, such as free curbside parking and metered parking spaces. Preferential residential parking zones with hours that restrict the public from parking during the peak beach use periods eliminates an alternative source of parking to the beach lots.

Furthermore, in 1983 the Commission approved a permit amendment #5-83-2-A (Appeal No. 318-76 Santa Monica Redevelopment Agency) for the development of:

397 condominium units, a 851-space parking garage, recreational amenities for the new residents, general landscaping onsite and within the South City Beach parking lots west of the site and a public park located on the project site.

As a condition of the permit the Commission required that the City provide short-term public parking on the north and south side of Ocean Park Boulevard, between Ocean Avenue and Neilson Way. The Commission found that:

Currently, Ocean Park Boulevard provides surface parking opportunities along both side of the street between Neilson Way and Barnard Way, and Barnard Way provides seven short-term metered parking spaces on its seaward side. The short-term parking provides support for the local residents for needed residential parking, and would also be necessary to support the proposed onsite park use and adjacent beach recreational areas located along Barnard Way...The conditions require the applicant to construct additional parking spaces along Barnard Way and Ocean Park Boulevard to provide short-term parking support within the residential community, for the recreational amenities located outside of the State Beach and for short-term coastal recreational visitors.

The south side of Ocean Park Boulevard provides public parking as required in the permit, but the north side of the street would be subject to the 24-hour preferential residential parking restrictions proposed by this permit application. In 1983 when this permit was before the Commission the Commission found that on-street short-term parking was an important resource for public beach and recreational access. The removal of these public spaces on Ocean Park Boulevard and in the surrounding area will eliminate all other access to public property and will be inconsistent with past Commission action for this area.

Because of the proximity of these on-street parking spaces to the beach and coastal recreational facilities, restricting the ability of the public to park within these spaces during the day will adversely impact beach access. Over the last twenty years the Commission has found in past coastal permit action throughout the State, regarding preferential parking programs and other parking prohibition measures, the needs of the residents and the general public must be balanced without adversely impacting public access [#P-79-295 (City of Santa Cruz); #5-82-251 (City of Hermosa Beach); #3-83-209 (City of Santa Cruz); #3-87-42 (City of Capitola); #5-90-989 (City of Los Angeles); #4-93-135 (City of Malibu); #A-6-LJS-89-166 (City of San Diego); and #5-97-215 (City of Santa Monica)].

In past Commission permit action in approving preferential parking programs throughout the State's coastal zone the Commission found such programs consistent with the Coastal Act only if the loss of public parking was adequately mitigated. Such mitigation included combinations of either providing replacement parking to maintain the current supply of parking; shuttle programs to serve the beach area; issuance of parking permits that would be available to the general public so that the public has the same opportunity to park on the public streets as the residents; and/or time limits that would continue to allow the public an ability to park on the streets during the beach use period. Where the project could not mitigate the loss of public parking and the needs of the public could not be balanced with the needs of the residents the Commission denied the permit applications.

The City argues that the impact to beach access from the preferential parking zones A, B, and P, is during the daytime. To mitigate the loss of public parking within the zone the City is proposing to replace the loss of the 148 available public on-street parking spaces by providing 161 additional day-time public parking spaces along nearby streets and within existing public parking lots. The spaces will be created through removal of parking restrictions, street lane reconfiguration, and restriping. Of the 161 daytime public parking spaces, 65 spaces are spaces that the City has created between 1994 and 1999.

The City states that since the creation of the preferential parking zones they have partially mitigated the loss of day-time street parking within the preferential zones by currently providing 65 additional public day-time parking spaces throughout the

surrounding area. The City will provide an additional 96 new daytime public parking spaces to fully mitigate the impact on public parking.

Prior to 1984, when the City first purported to establish parking restrictions, the streets were shared by residents, hotel employees, employees of the Main Street commercial area, and beachgoers. The City argues that because of this sharing only a percentage of the parking was ever available to the general public. The City has reviewed the original parking studies associated with the proposed preferential parking zones and other similar zones outside of the Coastal Zone and, based on these studies, has determined that residential parking occupied between 30-60 percent of on-street spaces during the weekdays and 75-100 percent during the weekend. Therefore, 40-70 percent of the on-street parking was available to the public during the weekday and only 0-25 percent was available during the weekend. Since only a percentage of the parking was available to the general public, because of residential occupancy, the City argues that only a percentage of the total on-street parking needs to be mitigated.

The Commission disagrees with the City's argument. Prior to any restrictions the parking spaces were available to all residents and the general public. As such, the parking was available on a first come first serve basis and everyone had an equal opportunity to park in any one of the spaces. Therefore, the general public could park in 100% of the parking spaces. Moreover, if on the weekend, which is generally the peak beach use period, only a small percentage of the on-street parking is available to the public, parking conflicts between residents and visitors would not be significant and there would not be a need for any parking restrictions.

However, although the City argues that the actual impact of the preferential parking should be considered based on the percentage of parking that would be available due to occupancy of the residents, the City is proposing to replace 100% of the parking spaces impacted by the parking restrictions, with a mix of short and long term public spaces.

As stated, since 1994, the City has provided 65 on-street parking spaces, or 44% of the 148 total on-street parking spaces within zones A, B, and P. These spaces include 29 metered spaces with 1-hour limits and 36 unrestricted non-metered on-street spaces. The City is proposing an additional 96 public parking spaces or 64% of the 148 total on-street parking spaces (the City is actually providing a total of 161 spaces or 108% replacement). The proposed 96 additional spaces will be a mix of 1-hour and 3-5 hour spaces.

The City states that the impact of the preferential parking is further mitigated by the City's mass transportation services. The City has two bus services that operate along Main Street plus a summer beach shuttle. The Santa Monica Municipal Bus line (The Big Blue Bus) operates routes throughout the City and surrounding area and

includes two separate routes along Main Street, and along Fourth Street and the southern portion of Neilson Way. This mass transportation service provides local and regional transportation from as far inland as downtown Los Angeles. Transportation fare is \$.50, and \$1.25 for the express line to and from Downtown Los Angeles.

The second bus service is the local Tide shuttle. The shuttle service was established by the City in 1993. The 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 (see Exhibit no.9). Transportation fare is \$0.25.

The City also provides a summer Pier/Beach Shuttle. This beach shuttle was established by the City in 1997. The shuttle is free and runs every ten minutes on summer weekends between the Santa Monica Pier and Santa Monica's South Beach lots (see Exhibit no.10). Riders receive \$2.00 off the parking fee at the beach lot. According to the City the purpose of this shuttle is to provide a better parking distribution among coastal visitors.

The City's transit service provides an attractive alternative to driving and parking at the beach and traveling from one coastal visitor destination to another. No other Southern California beach city provides the type of mass transit that the City of Santa Monica provides.

In addition to the parking and mass transit service the City argues that they have committed significant resources towards improvements that will make access easier and safer. New improvements include additional signals, and crosswalks, reconstruction of intersections, and the addition of median islands. The City states that they have invested over 25.9 million dollars in beach improvements over the last 14 years in order to accentuate the beach experience for coastal visitors. These improvements include creation of a beach bike path, improved park and play areas, and restoration of the Santa Monica Pier. The City has also implemented a signage program to improve visitor access to the coast. The City is also developing a marketing program to better inform regular visitors and new visitors of the various beach parking options available along the coast.

The City feels that with the combination of proposed short-term and long-term spaces along the street and the current supply of long-term spaces within the beach lots, there is adequate parking available to meet the current beach demand. The City states that within the Coastal Zone there are over 10,000 public parking spaces including approximately 5,434 parking spaces within public beach lots and on the Pier; 550 metered street spaces; and 330 metered lot spaces.

Of the total parking within the beach lots the peak utilization rate during the summer was 58%, or a total surplus of 3,151 spaces. Within the two main South Beach lots, that provide 2,406 spaces, the occupancy rate during the summer is approximately 67%. Therefore, the South Beach lots have a surplus of at least 793 parking spaces during the summer, including during summer holiday periods.

In addition to the City's beach lots relatively low occupancy rate the City provides significantly more parking than other beach Cities. Surrounding beaches, such as the Venice and Pacific Palisades area, provide less public beach lot parking than the City of Santa Monica. Venice Beach provides 954 public parking spaces within three public beach lots, or 17% of the total beach lot spaces provided by the City of Santa Monica. Will Rogers Beach, in the Pacific Palisades area, provides a total of 1,813 public spaces within five public beach lots, or 33% of the spaces provided by the City of Santa Monica. Furthermore, the Venice and Will Rogers beach lots operate near or at full capacity during the summer weekends, and do not have the surplus parking as the City of Santa Monica.

Moreover, the City beach parking rates are the lowest among the surrounding beaches (Venice and Pacific Palisades). During summer weekends the flat rate is \$7.00 for all-day. Venice and Will Rogers beaches charge \$9.50.

As stated earlier the City of Santa Monica is also lowering the current parking fee for the South Beach lots by \$2.00 to increase utilization in the two underutilized south beach lots.

The City is also proposing to provide additional short-term spaces within the two South Beach lots (2300 and 2600 Barnard Way) to minimize the conflict occurring on the street between general and residential use. The City is proposing to convert 152 parking spaces within the underutilized south beach parking lots to short-term (2-hour) spaces. The City is also planning to convert 75 spaces in the 1640 Appian Way parking lot to 2-hour parking with a \$1.00 per hour fee for summer 2000.

By lowering the flat fee to \$5.00 and converting some of the long-term, flat fee spaces to short-term, the City hopes to encourage and increase the utilization of the south lots. The planned fee change would be for the summer period (2000) on an experimental basis to determine the financial viability of the program and are not part of the subject coastal development permit application.

When this project was before the Commission in January 2000, some Commissioners requested that the City provide two to three hours of free parking within the beach lots to mitigate the loss of on-street parking. The City argues that such a program would not be financially viable. In the City's letter, dated March 8, 2000, the City explains that through an operating agreement with the State, the City is responsible for the care, maintenance, development, operation and control of the State beaches

(see Exhibit no.11 for the City's letter and parking rate scenarios). The letter states in part that:

Parking receipts account for over 85 percent of the beach fund revenue. The remaining 15 percent comes from concession stands, special events, and miscellaneous leases. During fiscal year 1998-99, beach revenues totaled just over \$4 million. These revenues were used to pay for beach maintenance services, lifeguard services, harbor patrol, beach police patrols, parking operations, the Pier/Beach Shuttle, and beach management. Total beach expenditures during 1998-99 totaled over \$4 million. During fiscal years when the summer season is warm and beach attendance is high, revenues that exceed operating costs are used for capital improvements or are held in reserve for cooler summers when revenues drop below operating expenses...

In addition to the impacts of weather fluctuations, beach revenues are significantly impacted by beach parking rates. Current parking rates enable the beach fund to balance revenues and expenditures during most fiscal years. However, any decrease in parking rates must correspond with a reduction in services. For example, reducing the parking rate in the Ocean Park beach lots from \$7 to \$5 and converting 152 flat-rate spaces to two-hour metered parking is projected to result in an annual revenue loss of approximately \$250,000 [This figure is based on the City's extrapolation from parking rate scenarios established by Kaku Associates, Inc. in a beach parking study prepared in 1999 for the City. See no. 12, Parking Rate Scenarios]...

Providing two to three hours of free public parking would have even more dramatic impacts on Santa Monica's beaches. Currently, the average summertime length of stay in these lots is 2.1 hours. Parking utilization studies conducted in Santa Monica's beach lots show that approximately 57 percent of all visitors who enter these lots stay less than two hours, with approximately 80 percent staying less than three hours. This data makes clear that two to three hours of free parking would translate into free parking for the majority of customers who now pay the full fee. Even if free parking were only implemented in the two Ocean Park beach lots, which account for approximately 45 percent of the total parking beach supply, the impacts on Santa Monica's ability to operate and maintain the beaches and provide lifeguard services would be dramatically reduced.

As stated above, the City is planning, on an experimental basis, to lower the public parking rate from the \$7.00 summer rate to \$5.00 and convert 152 flat rate parking spaces to short-term spaces within the two south beach lots. The planned short-term rate will be \$1.00 per hour with a maximum time limit of 2-hours.

The City is also planning to convert the 75 parking spaces in the lot (1640 Appian Way) just south of the pier to 2-hour parking, with a rate of \$1.00 per hour. This

parking lot is not located in the Ocean Park area where the preferential parking zones are being proposed.

The purpose of the temporary change in the beach lots is to compare actual data to projected figures from the Kaku beach parking study. Once the information is reviewed and analyzed by the City and their parking/traffic consultant, the City will determine if such a program can be continued for other summer periods or possibly year around. As stated above, none of the contemplated summer 2000 proposals are part of the coastal development permit application currently before the Commission. As stated earlier, the City has stated that the short-term parking and reduced flat-rate in the beach lots is not part of their project proposal

The City further maintains that by providing replacement parking at a ratio of over 1 to 1, providing mass transit that services the beach area and visitor-serving areas, and having beach parking lots that provide surplus parking during the summer months the potential impacts caused by the preferential parking will be fully mitigated. Therefore, according to the City, providing free parking, converting long-term spaces to short-term spaces in the beach parking lots, or reducing parking rates, is not necessary to mitigate the potential impacts caused by the preferential parking districts.

However, Section 30210 of the Coastal Act requires that maximum access be provided. The replacement parking being proposed for mitigation does not fully replace the impacted spaces due to the time limits proposed on the replacement spaces and location of the spaces.

According to the City, 39 of the 161 replacement spaces will have 1-hour time limits, which will not fully replace spaces that were available with no time limits. Moreover, approximately 75% of the replacement spaces will be located further inland than the currently existing public spaces.

The 152 spaces within Zones A, B, and P are located within the first block of the beach with no time restrictions. The replacement of these spaces with 1-hour maximum metered spaces will not provide public parking for beach access due to their short time limit. Beachgoers that park on the street rather than the beach lots are looking for free or inexpensive parking. Their length of stay could vary from less than an hour to over 4 hours. One hour does not provide adequate time for a beachgoer to park, and access and enjoy the beach area and return to their vehicle.

As part of the City of Santa Monica's 1999 access study of the beach impact area parking utilization and duration surveys were conducted on a summer weekday (August 26, 1998) and summer weekend (August 30, 1998), when peak beach use occurs. The report indicates that based on a survey of over 4,500 parking lot users, users of the southern parking lots stayed an average of 2.4 hours. The majority of vehicles, or 64%, were short-term, staying two hours or less. Within the Main Street public lots the average stay is similar to the beach lots at 2.05 hours.

As indicated in the two surveys the average stay is approximately 2.4 hours. If some of the replacement parking was approved with a 1-hour public parking limitation, this time limit would preclude access for a large segment of the beach going public, based on the City's surveys. The time limits and location of most of the spaces will only serve visitors to the commercial establishments in the Main Street area.

Therefore, in order to provide adequate replacement parking that could potentially be used by beachgoers the minimum time limit should be 2-hours with a mix of longer-term parking (3-5 hours). The provision of a minimum of a 2-hour public parking requirement, between the hours of 9:00 a.m. and 8:00 p.m., will provide adequate time for the public parking in the area to walk, skate or bike the two to four blocks to the beach and have adequate time to enjoy the beach during the summer daytime hours. The City currently provides 5-hour metered spaces along Ocean Avenue. The proposed replacement spaces in this area and proposed along Ocean Park Boulevard, west of Neilson Way, shall also be 5-hour metered spaces while the spaces within Neilson Way shall be a minimum of 3-hours. The replacement spaces along Main Street should be limited to 2-hours. Requiring longer durations will encourage employee parking and will effectively remove them from general use.

Public beach access and public use of these proposed spaces is enhanced by the City's shuttle service that services the Main Street area, beach and Pier. Therefore, in addition to requiring replacement parking the City shall continue to operate the Tide Shuttle and Beach Shuttle services during the summer months to mitigate the loss of 152 parking spaces due to the preferential parking.

The Commission finds that based on the current supply and demand within the beach lots and on the surrounding streets, the City's mass transit service, and mix of short-term and long-term spaces providing parking between the hours of 9:00 a.m. and 8:00 p.m., the proposed 24-hour restriction balances the needs of the residents with those of the general public. To ensure that the needs of the general public are addressed and to eliminate the adverse impact to beach access special conditions are necessary to provide a mix of short-term and long-term metered spaces with a 2-hour minimum between the hours of 9:00 a.m. and 8:00 p.m., and continue to provide the two shuttle services during the summer months. As conditioned, the permit will continue to allow the residents to park on the public streets but will also provide additional parking opportunities to the public and ensure that the shuttle services are available to encourage use of the remote spaces. Furthermore, as conditioned the hours will protect the peak beach use periods normally associated with beach access and coastal recreation and will not significantly impact beach access and recreation consistent with the Commission's previous permit actions for this area.

Furthermore, 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. With each subsequent year, as Southern California's population increases, the amount of visitors to the beach will increase and there will be an increase in the demand for short-term and long-term beach parking within the beach lots and surrounding area. Therefore, to ensure that the restrictions will not adversely impact beach access in the future, the authorization for the parking restrictions will terminate in five years. The City may apply for a new permit to reauthorize 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 authorize preferential parking beyond five 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. Prior to the issuance of the permit the City shall submit evidence that the 14 short-term public parking spaces along the north side of Ocean Park Boulevard have been relocated and in operation consistent with the terms of permit amendment 5-83-002-A2.

The City objects to a time limit on the development that is authorized by this permit. The City is concerned with residents' uncertainty as to whether their ability to park in their neighborhoods will continue into the future. A time restriction also poses a difficulty for the City as it limits the City's ability to do any long-range planning in the area due to uncertainty regarding resident parking. A third concern is the level of analysis that would be required each time a permit is applied for and the cost. The City estimates that the cost would be approximately \$150,000 each time a permit is applied for.

In lieu of a time limit on the development authorized by this permit, the City is proposing a monitoring program. The City is proposing to conduct a parking monitoring program which will include filing a report with the Executive Director within a five year period after approval of the permit. The report will include a parking study of the two south beach parking lots during two summer months. If the

Executive Director determines that there are changed circumstances that may affect the consistency of the parking program with the policies of Coastal Act, the City would then apply for an amendment to the permit.

Although the Commission understands the City's concerns, the City's proposed monitoring program would place Commission staff in a position where they would need to make a policy decision that is in the Commission's purview. The determination as to whether there is a significant change in the parking situation and the impacts to public access is a policy matter for the Commission. Furthermore, there could be a difference of opinion between Commission staff and City staff in terms of the conclusions of the report. Because the protection, provision and enhancement of public access to and along the coast is one of the strongest goals of the Coastal Act, the re-review of the information and the impact of the preferential parking districts should be by the Commission through the permit process. Therefore, the Commission finds it necessary to limit the time the parking program is authorized for to five years. The Commission, therefore, finds that, only as conditioned, will the proposed project be consistent with Sections 30210, 30211, 30212.5, 30213, 30214, 30223, and 30252(4) of the Coastal Act of 1976.

G. Unpermitted Development

In 1984 the City approved an ordinance creating the residential preferential parking zone (Zone B). According to the City the restrictions for the zone were enforced by the City the same year. The zone was subsequently expanded in 1987. 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 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.

H. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

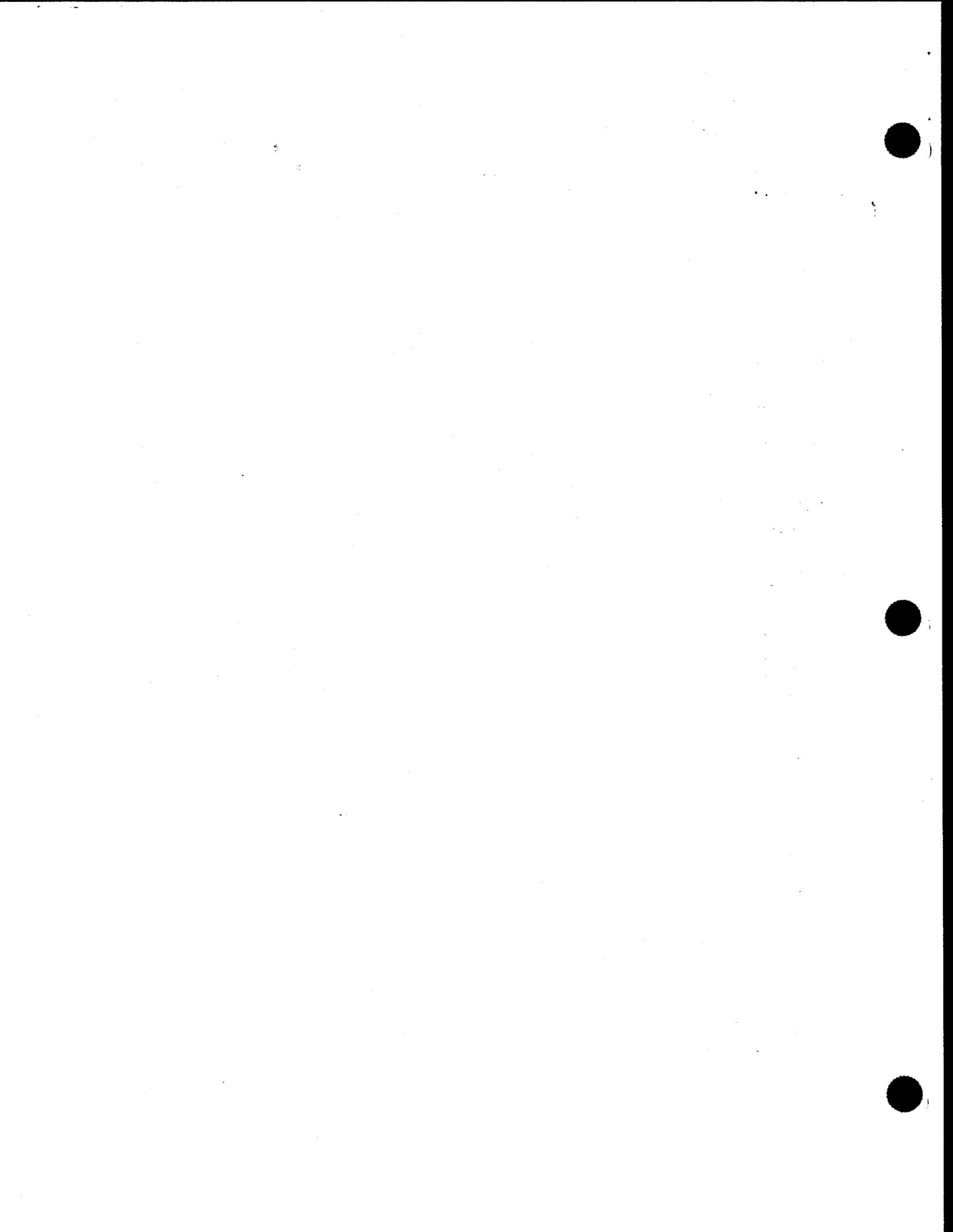
In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District), and the Santa Monica Pier. On September 15, 1992, the City of Santa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

The area within the Beach Overlay District was excluded from certification after the voters approved Proposition S which discourages certain types of visitor-serving uses along the beach. In deferring this area the Commission found that, although Proposition S and its limitations on development were a result of a voters initiative, the policies of the LUP were inadequate to achieve the basic Coastal Act goal of maximizing public access and recreation to the State beach and did not ensure that development would not interfere with the public's right of access to the sea. Therefore, the subject site is not included within a certified LCP and the coastal development permit must be issued by the Commission. As conditioned the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the project, as conditioned, will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Land Use Plan and implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

I. 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.



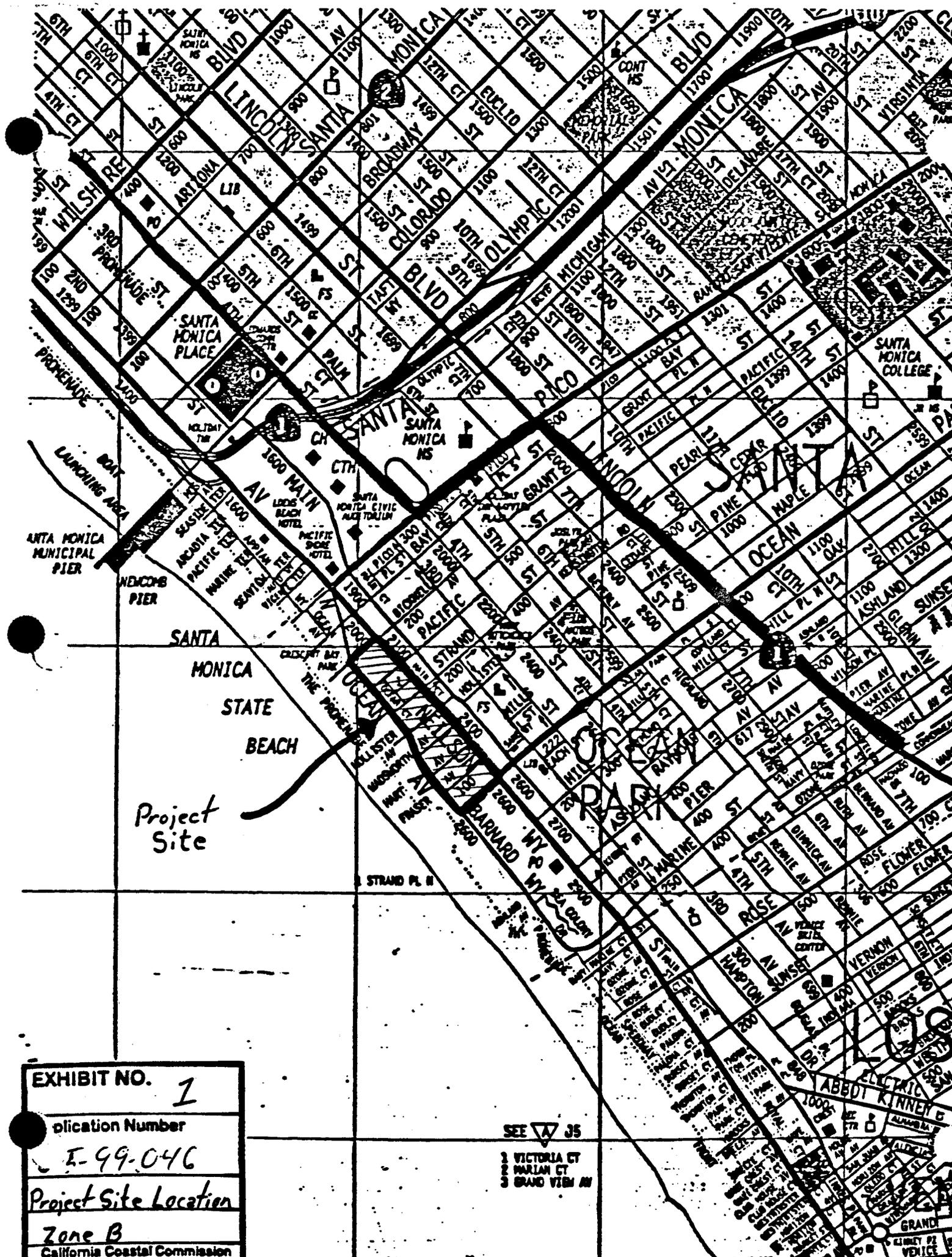


EXHIBIT NO. 1
 Application Number
 E-99-046
Project Site Location
 Zone B
 California Coastal Commission

SEE ∇ J5
 1 VICTORIA CT
 2 MARLAN CT
 3 GRAND VIEW LN





City of
Santa Monica

Suzanne Frick
Director
Planning & Community
Development Department
1685 Main Street
PO Box 2200
Santa Monica, California 90407-2200

EXHIBIT NO.	3
Application Number	5-99-046
	City's Submittal
	Letter
California Coastal Commission	

January 26, 1999

Al Padilla
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

5-99-046

RE: Notice of Violation File No. V-5-98-019

Dear Mr. Padilla:

Pursuant to our letter of January 8, 1999, enclosed is our re-application for an after-the-fact permit for the seven preferential parking zones established within the Ocean Park neighborhood of Santa Monica between 1983 and 1989. We understand that you have kept the background information from our previous application on file and, as such, we have not included such detail with this re-application. We will provide you with notification envelopes and addresses closer to the expected time of the Coastal Commission hearing on this matter.

To assist you in your review of our application, we wanted to provide you with some background information regarding the preferential parking zones.

1. Preferential Parking in Santa Monica does not Restrict Coastal Access

We believe that preferential parking in Santa Monica does not restrict public access to the coast. Santa Monica possesses a strong commitment to coastal access. Santa Monica is unique among California cities in this commitment. We provide more than 5,500 public beach parking spaces, including 3,000 spaces which are south of the Santa Monica Pier and closer to the coast than the preferential parking zones in question. Our most recent summer parking counts, taken on Sunday, August 30, 1998, showed significant availability of parking in the two primary beach parking lots south of the Pier. The parking lot at 2030 Barnard Way showed a 4:00 p.m. peak of 65 percent utilization, while 2600 Barnard Way reached its peak at 3:30 p.m. with a 50 percent utilization, leaving more than 975 coast-adjacent spaces available during the peak of the summer season, almost 5 times the number of spaces affected by the preferential parking zones.

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. These parking options range from limited-term on-street metered spaces to all-day flat-fee parking structure spaces. To accommodate short-term parking demand south of the Pier, this inventory of public parking includes more than 550 on-street metered spaces and an additional 330 metered spaces in public parking lots. Combined these metered spaces are 4 times the spaces affected by the preferential parking zones.

In addition to the generous provision of public parking within the Coastal Zone, the City of Santa Monica has taken extensive measures to promote coastal access and improvements. These measures include the 1997 establishment of a free summer beach shuttle linking the south beach lots with the Santa Monica Pier, the 1993 establishment of the year-round Tide Shuttle linking several prominent destinations in the Coastal Zone, and an excellent and extensive public transit system which brings bus riders, from as far away as downtown Los Angeles, directly to the beach with the lowest transit fares in the region. The City of Santa Monica has invested more than \$25.9 million in beach improvements over the last 14 years, and has recently implemented a directional signage program in the Coastal Zone which is designed to direct visitors to the beach parking lots with the greatest availability of parking. Even with all of these public improvement, the City's beach lot parking rates have not increased since 1992 despite inflation, and are significantly lower than neighboring communities.

2. Santa Monica has Balanced the Needs of Beach Visitors and Residents

The City's provision of beach lots, on-street public parking, and preferential parking provides a balance among the needs of beach visitors, commercial employees and patrons, and residents. This balanced approach provides parking adjacent to the coast for beach visitors, parking in commercial areas for commercial visitors, and parking in neighborhoods for residents. Abandoning this balanced approach would likely create an unsafe and inefficient scenario where beach visitors, employees, customers and residents rove through the streets of Santa Monica competing for the next available parking space.

The neighborhoods that are served by the preferential parking zones primarily consist of residential units that were built before modern on-site parking requirements. Many of these units do not have any on-site parking. Without preferential parking, residents of these units would not have anywhere to park their cars. The preferential parking zones help ensure that there is a reasonable supply of parking for residents within a practical distance of their homes.

3. Limiting Preferential Parking Would Not Enhance Coastal Access

Restricting or limiting the existing preferential parking zones in Santa Monica would be unlikely to significantly increase parking availability for coastal visitors. As these parking zones were created with the intent of limiting parking by employees and patrons of area businesses, limiting preferential parking would likely return this constituency to the neighborhoods and limit the availability of parking to both residents and beach visitors.

We understand that Coastal Commission staff is concerned about the availability of low-cost short-term parking adjacent to the coast. We feel that opening residential streets to meet this perceived need would not further the goals of the Coastal Commission or the City. However, as part of our Coastal Parking and Circulation Study, we are analyzing parking term and pricing strategies in the beach lots to better meet the needs of beach visitors. We believe that the recommendations from the study, as well as the many measures that Santa Monica has already put in place, will convince the Coastal Commission that the preferential parking zones can be maintained while public access to the coast is unobstructed. All of these zones have been in place at least 10 years, yet the Santa Monica coast has continued to be one of the most accessible beach areas in California.

4. Reservation of Legal Rights

The City is filing this Application under protest, with full reservation of the City's legal rights and without waiving the City of Santa Monica's right to bring or defend a legal challenge, should that prove necessary. As you know, the City maintains that the Coastal Commission's regulatory authority does not extend to preferential parking zones within the coastal zone of Santa Monica. The City's position in this matter is based on three 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; and (3) the City has exclusive authority to establish preferential parking zones.

(A) Coastal Commission Approval Not Required

The establishment of a preferential parking zone is not a "development" under Public Resource Code § 30106 and therefore does not require a coastal development permit. The position that the placement of a preferential parking zone sign implicates the Coastal Act is 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.

(B) 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.

(C) 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.d. 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.

We look forward to working with you to resolve this issue. If you have any questions in this matter, please do not hesitate to contact me at 310-458-2275.

Sincerely,



Andy Agle
Deputy Director

attachment

c: John Jalili, City Manager
Suzanne Frick, Director of Planning and Community Development
Joseph Lawrence, Assistant City Attorney
Kate Vernez, Assistant to the City Manager

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

EXHIBIT NO. 4
APPLICATION NO. 5-99-046
City's Memo Regarding Preferential Parking
 California Coastal Commission

State of California, George Deukmejian, Governor

California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
(415) 543-8555

EXHIBIT NO. 5
Application Number 5-99-046
Commission Staff Letter to Santa Barbara California Coastal Commission

December 19, 1983

Jim Kahan
Office of the City Attorney
Santa Barbara, CA 93012

Dear Mr. Kahan,

You have asked for the Commission's staff counsel opinion as to whether or not the preferential parking program proposed for implementation in the West Beach area of the City of Santa Barbara requires a coastal development permit. We have concluded that a permit is required.

You have described the project to consist of establishing "resident only" parking on one side of each designated block and 90 minute parking with permit holders exempt from the time limitation on the other side of those blocks. The project includes the erection of signs to identify the restricted areas. The restrictions are to be in effect on weekends and holidays.

The intended effect of this proposal is to provide additional street parking to residents; in turn this will limit the number of parking spaces available to the public on weekends and holidays, thus limiting public access to the ocean. The Transportation Engineer's report on the permit parking program states the program is expected to mitigate the effects on residents of the displacement of beach goers into residential neighborhoods from the waterfront lots. The waterfront lots are now administered by the City in accordance with a parking program approved by the Coastal Commission in Application Number 4-83-81. According to the Traffic Engineer's report, on-street occupancy of the parking spaces in the project area exceeds capacity during Sunday afternoons. Sunday afternoons have been identified as the period of highest use of the beach and related recreational facilities and capacity has been defined as more than 85% occupancy. Beach goers presently using on-street parking in the West Beach area will be displaced when the parking program is implemented as the program will eliminate existing public parking spaces and restrict the remaining public spaces.

"Development" as defined in the Coastal Act includes "...on land...the placement or erection of any solid material or structure ..." and "...the change in access to water...". The development proposed by the City will have a cumulative effect on public access to the ocean, as discussed above. Various local governments have expressed interest in resident-only parking programs on public streets. If allowed to take place without review for conformity with the Coastal Act, implementation of a preferential parking program would set a precedent which would significantly reduce public access to the ocean. While the Commission, like other government agencies, encourages alternative modes of transportation, it is recognized that most users of the beach arrive by car.

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

State of California, George Deukmejian, Governor

California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
(415) 543-8555

EXHIBIT NO. 6

Application Number

5-99-046

Commission Staff Letter
to City of Santa Cruz
California Coastal Commission

September 29, 1983

Matt Farrell
Public Works Department
City of Santa Cruz
809 Center St. Room 201
Santa Cruz, CA 95060

Subject: Beach Flats Residential Parking Program

Dear Mr. Farrell:

I have recently reviewed a copy of the staff recommendation and accompanying documents describing the Santa Cruz City Beach Flats Residential Parking Program. Rick Hyman of our Central Coast office forwarded your correspondence to me. My conclusion is that a coastal development permit must be issued to authorize the implementation of this program.

The definition of "development" which triggers the requirement for a coastal development permit is quite broad. Section 30106 of the Coastal Act states:

Development means ...change in the intensity of use of water, or of access thereto; ...

The City's proposal would establish a preferential parking program in the Beach Flats Area. According to a very thorough study by your departmental staff, there is competition between residents and beach-going visitors for on-street parking in the area bounded by the boardwalk, the San Lorenzo River and Riverside Avenue. A program has been proposed to protect the residents' ability to park at or near their homes, consisting of shorter parking meter times and a residential parking permit system. We agree with the Director of Public Works that this will discourage all day parking in the Beach Flats area. This in turn may diminish beach access opportunities for non-residential beach-goers.

Because of the program's foreseeable impact on access to the sea, a coastal development permit should be sought soon after the program is approved by the Public Works Department. The permit must be obtained before the plan may be implemented.

The issue of preferential parking is common in many coastal communities where public access to the beach may inconvenience residents. Examples where coastal permits have been required include Hermosa Beach, Santa Monica, and the City of Santa Barbara. In each case the Commission reviewed the proposals to ensure that parking priorities were consistent with the access policies of the Coastal Act.

Please submit an application for a coastal development permit as soon as possible.



Matt Farrell
September 29, 1983
Page 2

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

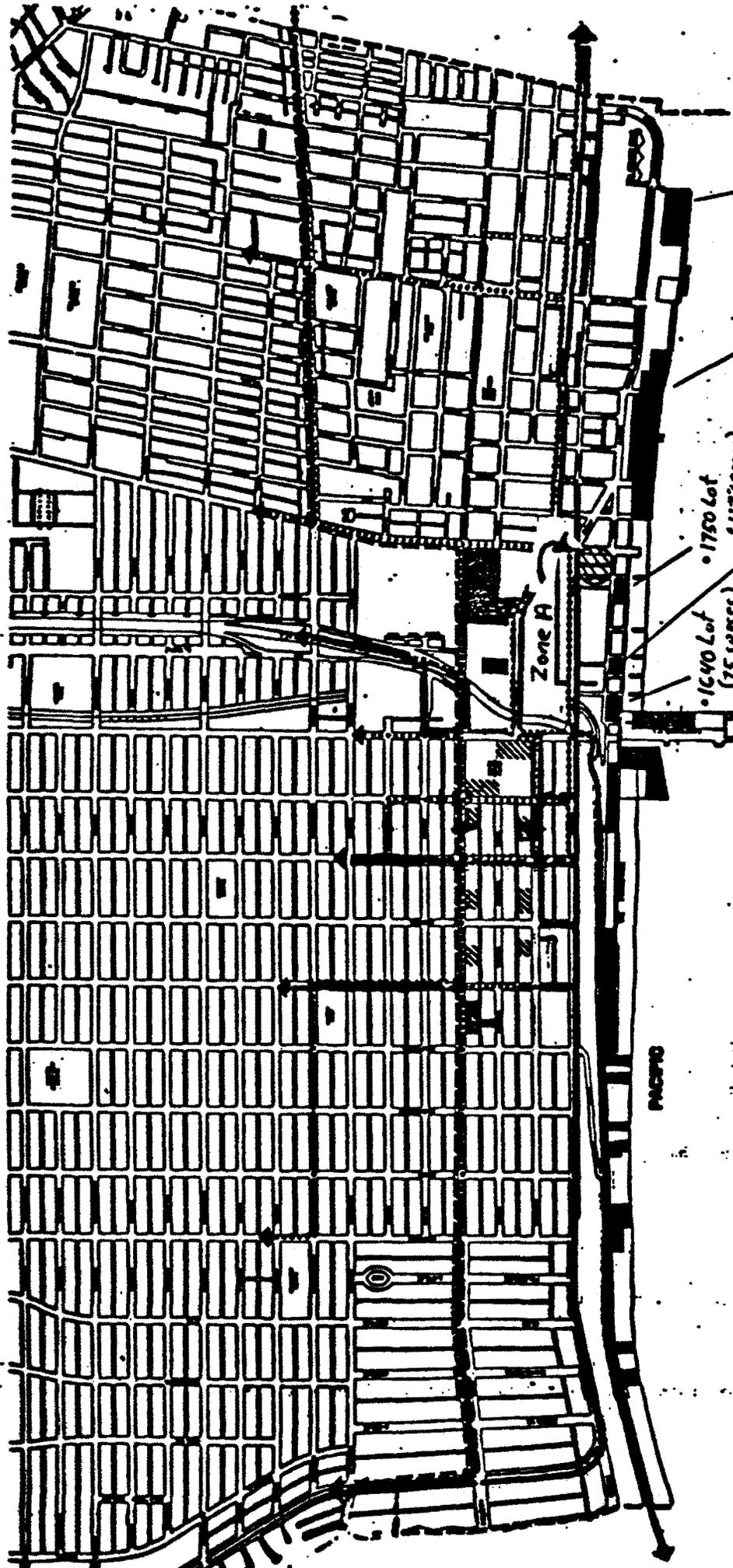
Very truly yours,



Evelyn C. Lee
Staff Counsel

ECL/np

cc: Neal Anderson, city attorney
Les Strnad



MAP 6
 Public Transit and Parking
 SANTA MONICA LOCAL COASTAL PROGRAM



Legend

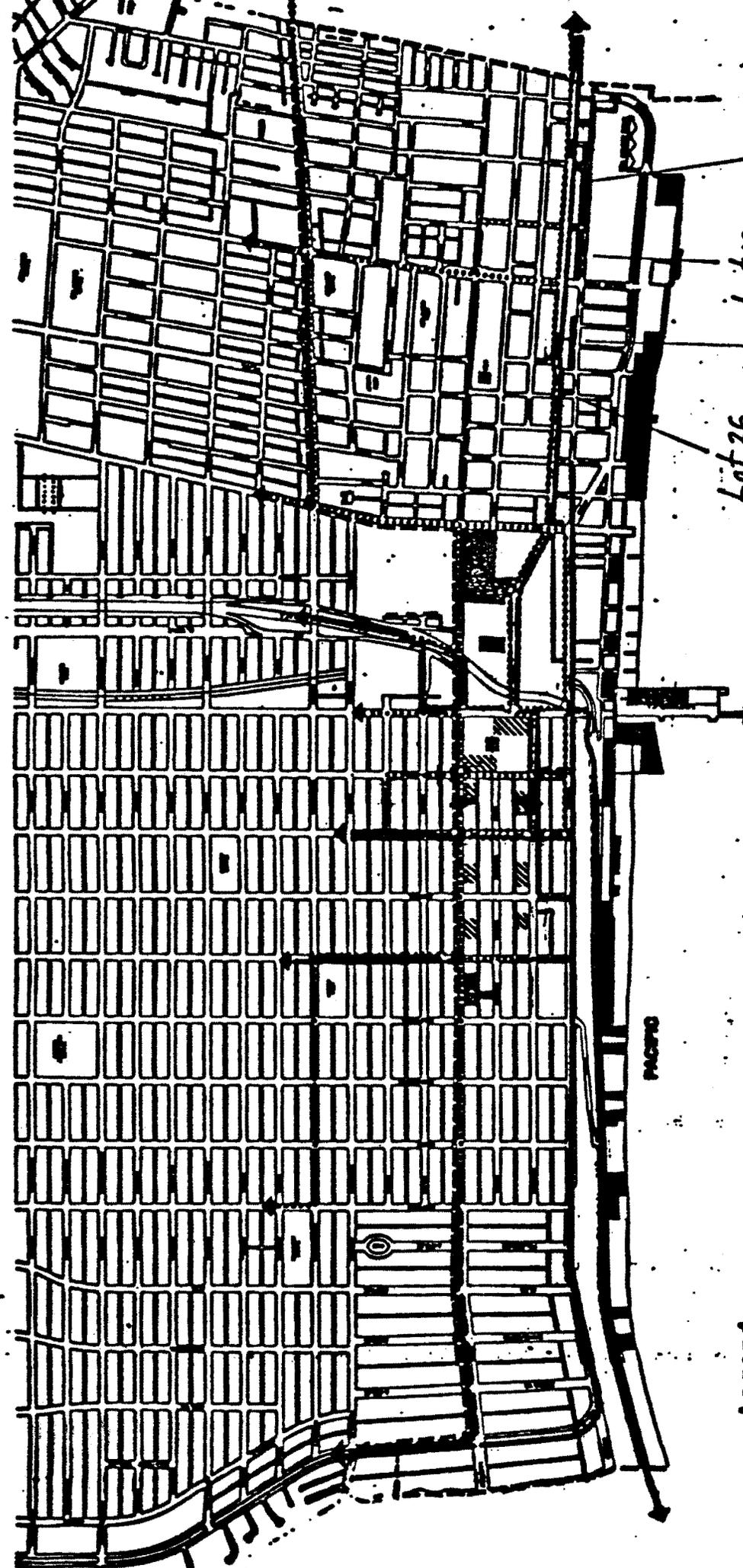
- SANTA MONICA BUS ROUTES
- PUBLIC PARKING LOTS
- DOWNTOWN PARKING STRUCTURES

EXHIBIT NO. 7

Application Number
 5-99-046

Public Beach Lots

South of Pier
 California Coastal Commission



Legend

-  SCOTT BUS ROUTES
-  SANTA MONICA BUS ROUTES
-  FUELING PARKING LOTS
-  DOWNTOWN PARKING STRUCTURES

Number of
Public Spaces = 361

Lot 26 Lot 10 Lot 9

EXHIBIT NO. 8

Application Number
5-99-046

Neilsen Way Parking
Lots

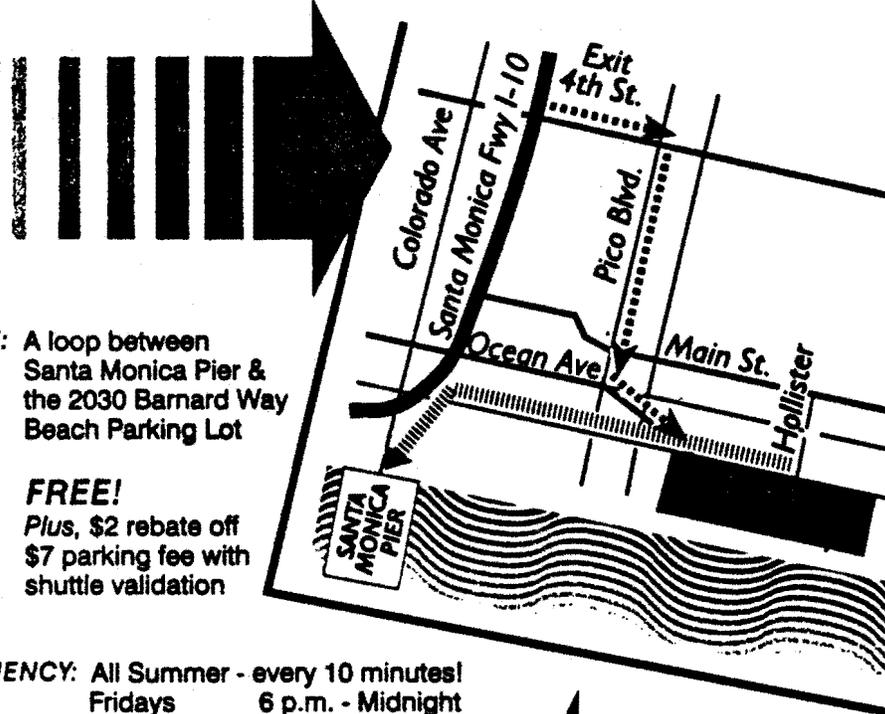
MAP 6

Public Transit and Parking

SANTA MONICA LOCAL COASTAL PROGRAM



Ride the **FREE** Santa Monica Pier/Beach Shuttle and beat the traffic!



ROUTE: A loop between Santa Monica Pier & the 2030 Barnard Way Beach Parking Lot

COST: **FREE!**
Plus, \$2 rebate off \$7 parking fee with shuttle validation

FREQUENCY: All Summer - every 10 minutes!
Fridays 6 p.m. - Midnight
Saturdays Noon - Midnight
Sundays Noon - 10 p.m.

Plus, Thursdays, July 1 thru September 2
6 p.m. - Midnight

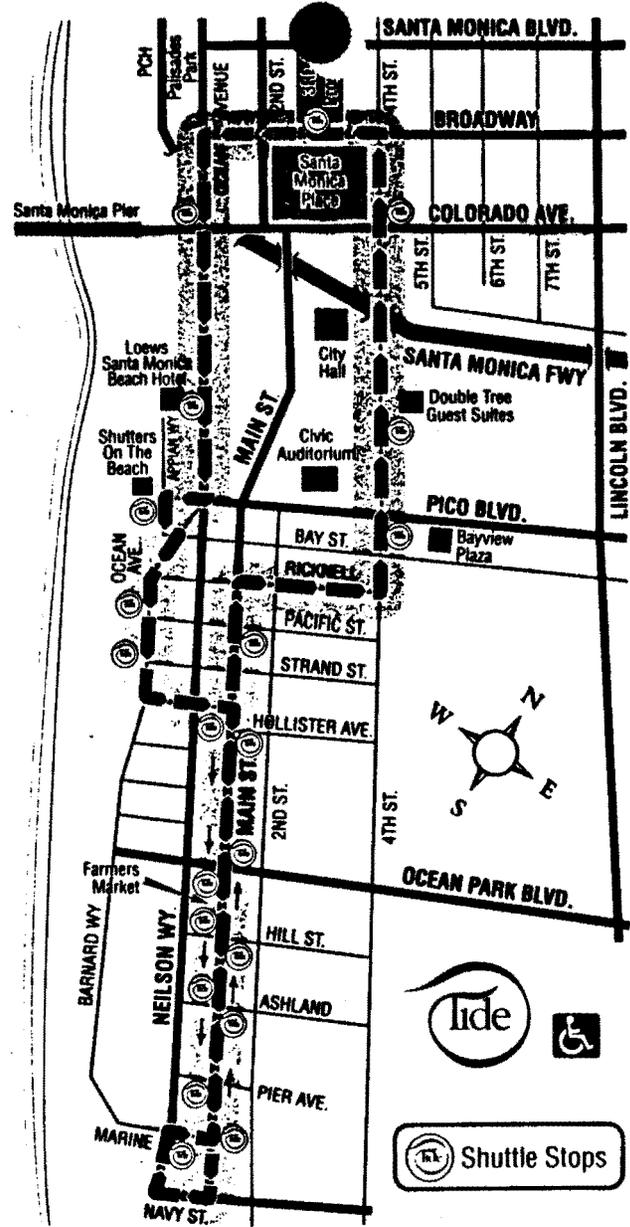
PARKING RATES DURING SHUTTLE HOURS
(2030 Barnard Way parking lot only)
Saturdays & Sundays \$7 All day (rebate applies)
Evenings after 6 p.m. \$3 Flat rate

EXHIBIT NO.	
APPLICATION NO.	5-99-046
Pier/Beach Shuttle Schedule/Route	
California Coastal Commission	

There's no easier way
to get around
Santa Monica...

...than using the electric Tide Shuttle. This service, provided through a unique public/private sector partnership between the City of Santa Monica and the Bayview Plaza, DoubleTree Guest Suites, Loews Santa Monica Beach Hotel, and Shutters On The Beach, is designed to help reduce traffic congestion, pollution and eliminate parking hassles for Santa Monica visitors, residents and those who work within the City.

Riding the electric Tide Shuttle to shopping, dining and entertainment at the Third Street Promenade, Santa Monica Place, the beach, the Pier and Main Street, and to business appointments in the downtown and Civic Center areas is simple and convenient. Since you are using a non-polluting vehicle to make your trip, it will help clean the air, too.



Main Street & Third Street Promenade



*It's Convenient,
It's Electric,
It's The Way to Go*

TIDE SUMMER SCHEDULE
May 29 - September 5, 1999

Sponsored by The City of Santa Monica, Bayview Plaza, DoubleTree Guest Suites, Loews Santa Monica Beach Hotel, and Shutter's On The Beach

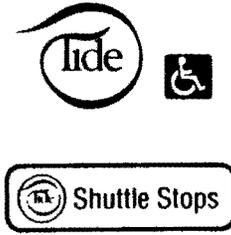
EXHIBIT NO.	9
Application Number	5-99-046
Tide Shuttle Schedule/Route	

operates seven days a year. Consult the tide for schedules. Shuttle stop nearest please refer to the panel.

Tide Shuttle Runs Every 15 minutes
Fare: 25¢, 10¢ (Seniors/Disabled/Medicare)

WEEKEND SCHEDULE
Saturday: 9:30 a.m. - Midnight
Sunday: 9:30 a.m. - 10:00 p.m.

WEEKDAY SCHEDULE
Mon - Thurs: Noon - 10:00 p.m.
Friday: Noon - Midnight



Tide Shuttle Stops



Suzanne Frick
Director
Planning & Community
Development Department
1685 Main Street
PO Box 2200
Santa Monica, California 90407-2200

EXHIBIT NO.	11
Application Number	5-99-046
<i>City's Letter Regarding</i>	
<i>Beach Rates</i>	
California Coastal Commission	

March 8, 2000

Al Padilla
South Coast Area Office
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90802-4416

Dear Mr. Padilla:

At the meeting on January 11, 2000, the Commission requested additional information relating to beach parking rates, the operation of Santa Monica beaches, and development in the Coastal Zone. This letter supplies that information.

Beach Parking Rates

During the public hearing on this matter, concern was expressed that parking rates in the Ocean Park beach parking lots prohibit public parking at the beach. The current parking rates in the south beach parking lots range from a \$5 daily rate during the winter season to \$6 on summer weekdays and \$7 on summer weekends. All 15 Santa Monica beach parking lots, as well as the Santa Monica Pier deck, charge a \$7 summer weekend daily rate.

During the summer of 1998, the City of Santa Monica commissioned a parking survey of all of the beach parking lots. This survey indicated that on a non-holiday summer weekend, when parking rates are at their maximum, peak occupancy in the two parking lots near the Ocean Park neighborhood exceeded 65 percent. In the beach parking lot adjacent to the Pier, occupancy reached 82 percent. While some may perceive this parking rate to be prohibitive, thousands of beach visitors are paying these rates on a daily basis.

Santa Monica's beach parking rates are the most affordable in the Venice / Santa Monica / Palisades area. Will Rogers Beach, which is immediately north of Santa Monica, charges a \$9.50 daily rate on summer weekends. Venice Beach, which is immediately south of the Ocean Park neighborhood, also charges \$9.50 on summer weekends. Even at \$9.50, beach parking lots in Venice are often full. Private parking lots near Venice Beach charge even higher summer rates and are able to attract plenty of paying customers..

Al Padilla
March 8, 2000
Page 2

Given this price advantage, an analysis based only on the cost of parking would assume that Santa Monica's parking would fill before Venice or Will Rogers. However, many other factors play a role in parking occupancy, such as parking location and supply of parking. Within Santa Monica, the parking lots that are near the Pier and close to other activity centers such as the Third Street Promenade, experience the highest occupancy. These lots are also closest to Interstate 10 and Pacific Coast Highway.

Santa Monica is continually exploring strategies to encourage greater utilization of the Ocean Park beach lots. For example, the Pier/Beach Shuttle was established in 1997 to carry summer weekend visitors from the largest Ocean Park beach lot to the Santa Monica Pier. The shuttle service is free, plus users receive \$2 off the parking fee at the beach lots. Over 17,000 riders used the shuttle during the summer of 1998.

Over the past year, Santa Monica has been studying pricing strategies to encourage greater parking utilization in the Ocean Park beach lots. For the summer of 2000, the City is proposing to implement a decreased flat rate for these two parking lots. The City is also planning to convert 152 flat-rate parking spaces in these lots into short-term parking spaces. These spaces will be controlled by parking meters or a pay-and-display collection box program. Short-term spaces in the beach parking lots are designed to provide an opportunity for brief beach visits at a lower cost than the daily flat rate.

Operating Santa Monica Beaches

During the public hearing on this matter, several Commissioners expressed an interest in the provision of two or three hours of free parking within the beach lots adjacent to Ocean Park. An explanation of how Santa Monica's beaches are operated is necessary to understanding the implications of such a proposal.

The beaches within Santa Monica are owned by the State of California. Through an operating agreement, the City of Santa Monica is responsible for the care, maintenance, development, operation and control of the state beaches. The operating agreement limits the City's charges for parking and other services to the actual costs for operation, maintenance, control and development of the state beach.

Parking receipts account for over 85 percent of the beach fund revenue. The remaining 15 percent comes from concession stands, special events, and miscellaneous leases. During fiscal year 1998-99, beach revenues totaled just over

\$4 million. These revenues were used to pay for beach maintenance services, lifeguard services, harbor patrol, beach police patrols, parking operations, the Pier/Beach Shuttle, and beach management. Total beach expenditures during 1998-99 totaled over \$4 million. During fiscal years when the summer season is warm and beach attendance is high, revenues that exceed operating costs are used for capital improvements or are held in reserve for cooler summers when revenues drop below operating expenses. Attached for your review is an overview of the beach operating budget for the current fiscal year, as well as for the past five fiscal years.

In addition to the impacts of weather fluctuations, beach revenues are significantly impacted by beach parking rates. Current parking rates enable the beach fund to balance revenues and expenditures during most fiscal years. However, any decrease in parking rates must correspond with a reduction in services. For example, reducing the parking rate in the Ocean Park beach lots from \$7 to \$5 and converting 152 flat-rate spaces to two-hour metered parking is projected to result in an annual revenue loss of approximately \$250,000. This assumes that the total number of parkers will increase due to the lower rates. Because many of the beach services are governed by long-term contracts, the reduction in services would need to be accommodated by a reduction in beach maintenance. A \$250,000 reduction in beach revenues could be accommodated by a 50 percent reduction in the frequency of restroom cleaning, trash collection, sand raking and sanitizing, walkway cleaning and graffiti removal. Providing poor beach maintenance is not in the interests of the City, Commission, or beach visitors.

Providing two to three hours of free public parking would have even more dramatic impacts on Santa Monica's beaches. Currently, the average summertime length of stay in these lots is 2.1 hours. Parking utilization studies conducted in Santa Monica's beach lots show that approximately 57 percent of all visitors who enter these lots stay less than two hours, with approximately 80 percent staying less than three hours. This data makes clear that two to three hours of free parking would translate into free parking for the majority of customers who now pay the full fee. Even if free parking were only implemented in the two Ocean Park beach lots, which account for approximately 45 percent of the total parking beach supply, the impacts on Santa Monica's ability to operate and maintain the beaches and provide lifeguard services would be dramatically reduced.

Development in the Coastal Zone

At the public hearing on this matter, it was suggested that new development in the Coastal Zone was exacerbating the parking shortage in the area. All new development in the Coastal Zone must be approved by the City of Santa Monica and

Al Padilla
March 8, 2000
Page 4

the California Coastal Commission. Such new development is required to meet parking standards that have been established by the City and the Commission. In fact, many of the newer developments have provided more parking than is required by City code.

As we presented at the hearing, the parking shortage in the area is primarily a result of residential and commercial development from early in the 20th Century, before the prevalence of car ownership and the establishment of modern parking standards. One notable project that is currently under construction and will not be required to meet current parking standards is the Sea Castle Apartments. This project is a reconstruction of an early 20th Century apartment building that was destroyed by a fire resulting from the Northridge Earthquake. Since the building was destroyed by a natural disaster and it is a rebuild of the original building, it is not required to meet current parking standards. Residents of this apartment building have had to compete for off-site parking for decades and this will again be the case when the project is rebuilt. As such, this project cannot be classified as a new impact on neighborhood parking.

Thank you for your consideration in this matter. If you have any questions, please do not hesitate to contact me at (310) 458-2275.

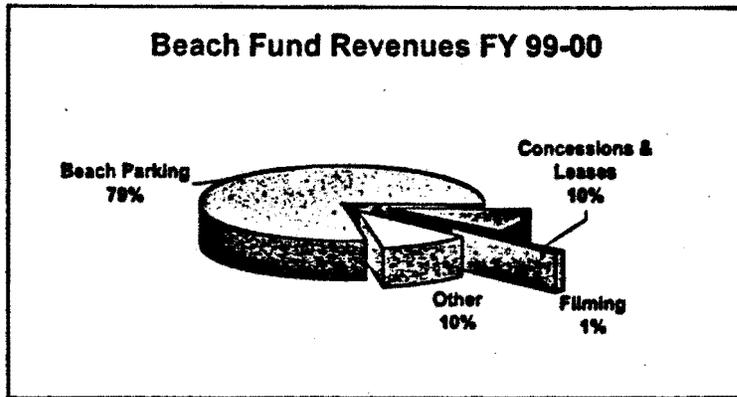
Sincerely,



Andy Agle
Deputy Director

cc: Marsha Jones Moutrie, City Attorney
Suzanne Frick, Director
Ellen Gelbard, Deputy Director
Barbara Stinchfield, Director of Community and Cultural Services
Elaine Mutchnik, Beach Manager
Kate Vernez, Assistant to the City Manager

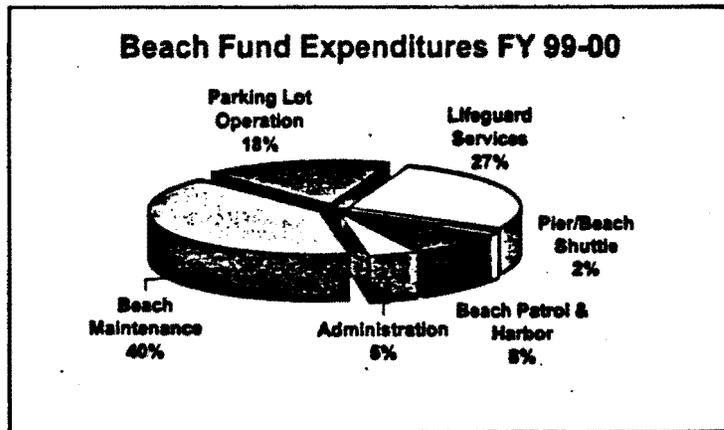
ESTIMATED ACTUAL BEACH OPERATING BUDGET FY 99-00



BEACH FUND ESTIMATED ACTUAL REVENUES FY 99-00

Beach Parking	\$3,136,738
Concessions & Leases	\$ 399,000
Filming	\$ 60,000
Other	\$ 411,132
Total	<u>\$4,006,870</u>

Est. actual parking revenue has been reduced from budgeted by \$500,000 because of poor summer weather and sewer construction impacts.



BEACH FUND ESTIMATED ACTUAL EXPENDITURES FY 99-00

Beach Maintenance	\$1,811,036
Parking Lot Operation	\$ 791,300
Lifeguard Services	\$1,219,100
Pier/Beach Shuttle	\$ 71,400
Beach Patrol & Harbor	\$ 350,600
Administration	\$ 213,200
Total	<u>\$4,456,636</u>

**BEACH FUND REVENUES
5 YEAR HISTORY**

03/08/2000

	FY 1994-1995	FY 1995-1996	FY 1996-1997	FY 1997-1998	FY 1998-1999	FY 1999-2000
	Actuals	Actuals	Actuals	Actuals	Actuals	Est. Actuals
Beach Parking	2,304,540	2,991,989	3,844,574	3,704,612	3,461,477	3,136,738
Concessions & Leases	431,310	431,887	450,739	390,956	392,555	399,000
Filming	59,780	53,000	71,975	65,366	60,000	60,000
Other (Note 1)	333,271	193,233	545,121	234,435	168,032	411,132
TOTAL	<u>3,128,901</u>	<u>3,670,109</u>	<u>4,912,409</u>	<u>4,395,369</u>	<u>4,082,064</u>	<u>4,006,870</u>

Notes:

- 1. Cirque Du Soleil,
Interest on Deposit/Investments,
Encroachment Revenue,
Other Revenue - Miscellaneous**

**BEACH FUND EXPENDITURES
5 YEAR HISTORY**

03/08/2000

	FY 1994-1995	FY 1995-1996	FY 1996-1997	FY 1997-1998	FY 1998-1999	FY 1999-2000
	Actuals	Actuals	Actuals	Actuals	Actuals	Budget
Beach Maintenance	1,126,787	1,244,941	1,249,129	1,292,651	1,465,475	1,490,000
Ongoing Maint. (1)	130,000		451,600	658,100	383,000	191,036
Beach Division	284,524	241,460	252,169	37,404	-	130,000
TOTAL	<u>1,541,311</u>	<u>1,486,401</u>	<u>1,952,898</u>	<u>1,988,155</u>	<u>1,848,475</u>	<u>1,811,036</u>
Parking Operations	<u>129,396</u>	<u>468,387</u>	<u>467,540</u>	<u>582,273</u>	<u>578,733</u>	<u>791,300</u>
Lifeguard	<u>1,364,720</u>	<u>1,348,925</u>	<u>1,623,972</u>	<u>1,137,196</u>	<u>1,235,624</u>	<u>1,219,100</u>
Pier/Beach Shuttle	0	0	0	<u>34,520</u>	<u>82,411</u>	<u>71,400</u>
Police				254,567	240,300	270,800
Harbor	72,880	67,379	74,792	69,352	76,841	79,800
TOTAL	<u>72,880</u>	<u>67,379</u>	<u>74,792</u>	<u>323,919</u>	<u>317,141</u>	<u>350,600</u>
Admin.	<u>88,700</u>	<u>145,802</u>	<u>69,131</u>	<u>106,661</u>	<u>198,376</u>	<u>213,200</u>
TOTAL	<u>3,197,007</u>	<u>3,516,894</u>	<u>4,188,333</u>	<u>4,172,724</u>	<u>4,260,760</u>	<u>4,456,636</u>

Notes

1. Includes vehicle replacement, parking lot resurfacing, lot improvements

TABLE - COASTAL PARKING SYSTEM REVENUE ANALYSIS
PERMITTED RATE SCENARIO 3: PLAT RATE PYRAMID (SCENARIO 3) PLAT RATE IN SOUTHERN ZONE, 2-HOUR METER
SEASONAL SUMMARY BY LOT

Project/Lot	Winter (Dec 1 - Feb 28)			Spring (Mar 1 - May 31)			Summer (Jun 1 - Aug 31)			Fall (Sep 1 - Nov 30)			Year Total		
	Existing Parking Revenue \$	Change from Existing \$	Total Revenue \$	Existing Parking Revenue \$	Change from Existing \$	Total Revenue \$	Existing Parking Revenue \$	Change from Existing \$	Total Revenue \$	Existing Parking Revenue \$	Change from Existing \$	Total Revenue \$	Existing Parking Revenue \$	Change from Existing \$	Total Revenue \$
Northwest Hill															
445 PCH	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082	\$22,082
328 PCH	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000	34,000
318 PCH	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116	22,116
328 PCH	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
4250 PCH	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482	33,482
1130 PCH	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472	17,472
Summerville															
1400150 PCH	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270
Per Lot	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270	\$22,270
Apprentice Hill															
1640 Apprentice Way	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482	\$21,482
1670 Apprentice Way	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250	23,250
1730 Apprentice Way	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200	28,200
Summerville Hill															
2000 Burnside Way	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727
2000 Burnside Way	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727	\$22,727
Marine Club															
Marine Club	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000
Per Lot	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000	\$1,207,000
Total	\$1,500,000	\$1,510,551	\$1,510,551												

Note: 1. Scenario 3 is to be implemented, Quarterly in April, May, October, Winter in November to March. (Other Scenario is adding beach lots high season).
 2. Includes limited and lower capacity and capacity matching parking income only. Includes 10% City parking fee revenue increasing to General Fund. Does not include infrastructure income. Source: City of South Harbor parking revenue data, November 1987 to October 1988.
 See list for description of input assumptions.

EXHIBIT NO. 12

Application Number
 5-99-046
 Parking Rate
 Cerritos - (Raku)
 California Coastal Commission

TABLE COASTAL PARKING SYSTEM REVENUE ANALYSIS
 PARKING RATE SCENARIO X: FLAT RATE PYRAMID (SCENARIO 1) FLAT RATE WITH 60 SPACE BET. A-SIDE 2000 BARNARD LOT; \$5 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
 SUMMER WEEKDAY

Parking Lot	Existing Data - Summer 1988 (Wednesday)		Input Assumptions		Length of Stay (Adjusted)		New Short Term Rate (7:30 AM - 5:00 PM)		Short Term Rate Sensitivity (1% Change)		Mainstream Rate Sensitivity (1% Change)		Lump Term Revenue to be Adjusted		Current Short Term Revenue to be Adjusted		Lump Term Revenue to be Adjusted		Estimated Revenue (Existing Revenue)		Short Term Revenue		Lump Term Revenue		Total Revenue		Change from Existing	
	Parking Revenue	Payable Cost	Current Rate	Current Rate	New Short Term Rate	Short Term Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity	Rate Sensitivity
445 PCH	\$29,447	7,212	66	36	36	6%	36	36	36	36	36	36	36	\$29,447	36	36	36	36	36	\$29,447	36	36	36	36	\$29,447	36	36	0%
538 PCH	\$12,853	2,131	74	36	36	6%	36	36	36	36	36	36	36	\$12,853	36	36	36	36	36	\$12,853	36	36	36	36	\$12,853	36	36	0%
578 PCH	\$6,879	1,139	91	36	36	6%	36	36	36	36	36	36	36	\$6,879	36	36	36	36	36	\$6,879	36	36	36	36	\$6,879	36	36	0%
1038 PCH	\$6	6	75	36	36	6%	36	36	36	36	36	36	36	\$6	36	36	36	36	36	\$6	36	36	36	36	\$6	36	36	0%
1039 PCH	\$6	6	57	36	36	6%	36	36	36	36	36	36	36	\$6	36	36	36	36	36	\$6	36	36	36	36	\$6	36	36	0%
1139 PCH	\$88,091	10,124	437	36	36	5%	36	36	36	36	36	36	36	\$88,091	36	36	36	36	36	\$88,091	36	36	36	36	\$88,091	36	36	0%
Subtotal	\$117,219	20,603	3,268											\$117,219	36	36	36	36	36	\$117,219	36	36	36	36	\$117,219	36	36	0%
1455/1518 PCH	\$451,009	73,848	1,100	36	36	5%	36	36	36	36	36	36	36	\$451,009	36	36	36	36	36	\$451,009	36	36	36	36	\$451,009	36	36	0%
1519 PCH	\$291,332	72,808	700	36	36	5%	36	36	36	36	36	36	36	\$291,332	36	36	36	36	36	\$291,332	36	36	36	36	\$291,332	36	36	0%
Subtotal	\$742,341	146,656	1,800											\$742,341	36	36	36	36	36	\$742,341	36	36	36	36	\$742,341	36	36	0%
1849 Arabian Way	\$29,265	4,218	75	36	36	5%	36	36	36	36	36	36	36	\$29,265	36	36	36	36	36	\$29,265	36	36	36	36	\$29,265	36	36	0%
1878 Arabian Way	\$18,853	3,187	64	36	36	5%	36	36	36	36	36	36	36	\$18,853	36	36	36	36	36	\$18,853	36	36	36	36	\$18,853	36	36	0%
1758 Arabian Way	\$28,944	4,091	117	36	36	5%	36	36	36	36	36	36	36	\$28,944	36	36	36	36	36	\$28,944	36	36	36	36	\$28,944	36	36	0%
Subtotal	\$77,062	11,496	256											\$77,062	36	36	36	36	36	\$77,062	36	36	36	36	\$77,062	36	36	0%
2039 Barnard Way	\$113,379	21,271	1,520	36	36	10%	36	36	36	36	36	36	36	\$113,379	36	36	36	36	36	\$113,379	36	36	36	36	\$113,379	36	36	0%
2039 Barnard Way	\$69,262	14,794	310	36	36	10%	36	36	36	36	36	36	36	\$69,262	36	36	36	36	36	\$69,262	36	36	36	36	\$69,262	36	36	0%
Subtotal	\$182,641	36,065	2,400											\$182,641	36	36	36	36	36	\$182,641	36	36	36	36	\$182,641	36	36	0%
Beach Lot Subtotal	\$873,363	146,656	5,190											\$873,363	36	36	36	36	36	\$873,363	36	36	36	36	\$873,363	36	36	0%
Total	\$3,251,332	72,808	700											\$3,251,332	36	36	36	36	36	\$3,251,332	36	36	36	36	\$3,251,332	36	36	0%
Total	\$1,204,875	238,354	3,402											\$1,204,875	36	36	36	36	36	\$1,204,875	36	36	36	36	\$1,204,875	36	36	0%

Notes:
 a. Source: City of Santa Monica parking revenue data. Summer 1988 - June to September 1988 (adjusted to Plus 1st definition of High season).
 b. Includes Premium and lower parking and display revenue. Includes 10% City parking fee revenue according to General Fund. Does not include refreshment income.
 c. Includes Santa Monica estimated number of vehicles using lower temporary and display methods. Does not include residential permits or disabled parking.
 d. Derived from City duration survey data for Wednesday, 6/25/88.

TABLE -- COASTAL PARKING SYSTEM REVENUE ANALYSIS
 PARKING RATE SCENARIO 2: FLAT RATE PYRAMID (SCENARIO 1) WITH 60 SPACE SET-A-SIDE 2000 BARRIARD LOT; \$5 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
 WINTER WEEKEND

Parking Lot	Existing Data (Winter 87/88) (Vehicle) [L]		Length of Stay (Average) [L]		Type of Assumptions		Existing Revenue (Short-Term) vs. Long-Term		Estimated Revenue (Existing Scenario)		Estimated Revenue (With Rate Change)		Change from Existing	
	Total Paying Car Revenue [L]	Total Revenue [L]	Current Rate [L]	Current Rate [L]	New Short-Term Term Rate [L]	New Short-Term Term Rate [L]	Current Short-Term Revenue to be Adjusted [L]	Current Short-Term Revenue to be Adjusted [L]	Short-Term Revenue [L]	Short-Term Revenue [L]	Short-Term Revenue [L]	Short-Term Revenue [L]	Long-Term Revenue [L]	Long-Term Revenue [L]
443 PCH	1770	298	160	55	53	20%	90	90	90	90	90	90	90	90
538 PCH	90	0	75	55	53	20%	90	90	90	90	90	90	90	90
519 PCH	3370	70	209	55	53	20%	90	90	90	90	90	90	90	90
528 PCH	5297	93	91	55	53	20%	90	90	90	90	90	90	90	90
598 PCH	90	0	75	55	53	20%	90	90	90	90	90	90	90	90
1838 PCH	90	0	57	55	53	20%	90	90	90	90	90	90	90	90
1888 PCH	90	0	105	55	53	20%	90	90	90	90	90	90	90	90
1158 PCH	525,000	4,917	467	55	53	20%	90	90	90	90	90	90	90	90
Subtotal	525,522	5,204	5,208				90	90	90	90	90	90	90	90
1440/1538 PCH	8106,664	37,289	1,189	55	53	20%	90	90	90	90	90	90	90	90
Plus Lot	178,777	42,299	288	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	3,115,231	79,585	5,674				90	90	90	90	90	90	90	90
Apprentice Alley	9000	179	75	55	53	20%	90	90	90	90	90	90	90	90
1810 Apprentice Alley	111,598	2,212	64	55	53	20%	90	90	90	90	90	90	90	90
1120 Apprentice Alley	112,242	4,489	117	55	53	20%	90	90	90	90	90	90	90	90
Subtotal	223,279	5,679	209				90	90	90	90	90	90	90	90
2038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90	90	90	90	90	90
2008 Barrard Alley	521,195	4,271	1,449	55	53	6%	90	90	90	90	90	90	90	90
Subtotal	1,049,815	12,655	3,024				90	90	90	90	90	90	90	90
3038 Barrard Alley	528,620	8,384	1,575	55	53	6%	90	90	90					

TABLE 1 - COASTAL PARKING SYSTEM REVENUE ANALYSIS
 PARKING RATE SCENARIO 3E: FLAT RATE PYRAMID (SCENARIO 19 FLAT RATE) WITH 300 SPACE SET-A-SIDE 2000 BARRARD LOT; \$5 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
 SEASONAL SUMMARY BY LOT

Parking Lot	Summer Months			Winter Months			Winter Months			Annual Total																	
	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change	Existing Parking Revenue \$	Total Parking Revenue \$	% Change						
Northside Pk																											
445 PCH	\$2,082	\$2,082	0%	\$2,047	\$2,047	0%	\$19,302	\$19,302	0%	\$14,875	\$14,875	0%	\$770	\$770	0%	\$770	\$770	0%	\$199,371	\$199,371	0%	\$4,000	\$4,000	0%			
510 PCH	\$4,000	\$4,000	0%	\$4,000	\$4,000	0%	\$7,420	\$7,420	0%	\$8,815	\$8,815	0%	\$8	\$8	0%	\$8	\$8	0%	\$4,000	\$4,000	0%	\$4,000	\$4,000	0%			
510 PCH	\$22,113	\$22,113	0%	\$12,853	\$12,853	0%	\$8,270	\$8,270	0%	\$5,700	\$5,700	0%	\$272	\$272	0%	\$272	\$272	0%	\$23,890	\$23,890	0%	\$23,890	\$23,890	0%			
510 PCH	\$18,914	\$18,914	0%	\$8,078	\$8,078	0%	\$2,338	\$2,338	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$13,870	\$13,870	0%	\$13,870	\$13,870	0%			
510 PCH	\$3,662	\$3,662	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%			
1000 PCH	\$1,471	\$1,471	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%			
1150 PCH	\$7,472	\$7,472	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%	\$8	\$8	0%			
Subtotal	\$1,000,990	\$1,002,461	0%	\$68,081	\$68,216	0%	\$75,313	\$75,313	0%	\$23,308	\$23,308	0%	\$23,308	\$23,308	0%	\$23,308	\$23,308	0%	\$433,409	\$433,409	0%	\$433,409	\$433,409	0%			
1150 PCH	\$208,429	\$210,826	0%	\$147,270	\$151,887	0%	\$189,208	\$189,208	0%	\$179,858	\$179,858	0%	\$179,858	\$179,858	0%	\$20,522	\$20,522	0%	\$20,522	\$20,522	0%	\$20,522	\$20,522	0%			
Per Lot																											
1400/1500 PCH	\$670,229	\$682,877	0%	\$451,080	\$469,824	0%	\$335,223	\$335,223	0%	\$275,648	\$275,648	0%	\$275,648	\$275,648	0%	\$180,824	\$180,824	0%	\$180,824	\$180,824	0%	\$1,248,429	\$1,248,429	0%	\$1,248,429	\$1,248,429	0%
Per Lot	\$221,276	\$227,625	0%	\$150,359	\$156,608	0%	\$111,376	\$111,376	0%	\$91,883	\$91,883	0%	\$91,883	\$91,883	0%	\$60,275	\$60,275	0%	\$60,275	\$60,275	0%	\$416,276	\$416,276	0%	\$416,276	\$416,276	0%
Subtotal	\$949,505	\$962,320	0%	\$643,312	\$663,912	0%	\$492,138	\$492,138	0%	\$409,932	\$409,932	0%	\$409,932	\$409,932	0%	\$269,932	\$269,932	0%	\$269,932	\$269,932	0%	\$1,612,702	\$1,612,702	0%	\$1,612,702	\$1,612,702	0%
Southside Pk																											
1040 Aquatic Way	\$21,462	\$23,282	0%	\$25,285	\$28,128	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%	\$8,370	\$8,370	0%
1070 Aquatic Way	\$5,090	\$5,154	0%	\$19,082	\$21,082	0%	\$4,372	\$4,372	0%	\$4,372	\$4,372	0%	\$4,372	\$4,372	0%	\$4,372	\$4,372	0%	\$4,372	\$4,372	0%	\$4,372	\$4,372	0%			
1750 Aquatic Way	\$8,299	\$8,731	0%	\$29,044	\$30,882	0%	\$4,238	\$4,238	0%	\$4,238	\$4,238	0%	\$4,238	\$4,238	0%	\$4,238	\$4,238	0%	\$4,238	\$4,238	0%	\$4,238	\$4,238	0%			
Subtotal	\$33,312	\$37,167	0%	\$71,332	\$79,092	0%	\$15,180	\$15,180	0%	\$15,180	\$15,180	0%	\$15,180	\$15,180	0%	\$15,180	\$15,180	0%	\$15,180	\$15,180	0%	\$15,180	\$15,180	0%			
Southern Pk																											
2000 Barrard Way	\$228,769	\$196,488	-14%	\$173,970	\$161,897	-7%	\$42,889	\$42,889	0%	\$74,762	\$74,762	0%	\$23,760	\$14,433	-40%	\$23,760	\$23,332	-2%	\$23,760	\$23,332	-2%	\$23,760	\$23,332	-2%	\$23,760	\$23,332	-2%
2000 Barrard Way	\$148,029	\$79,374	-47%	\$89,202	\$44,714	-50%	\$23,257	\$23,257	0%	\$23,257	\$23,257	0%	\$23,257	\$13,243	-43%	\$23,257	\$23,257	0%	\$23,257	\$23,257	0%	\$23,257	\$23,257	0%			
Subtotal	\$299,727	\$195,857	-34%	\$232,881	\$193,972	-17%	\$66,146	\$66,146	0%	\$98,019	\$98,019	0%	\$47,017	\$27,676	-42%	\$47,017	\$46,584	-1%	\$47,017	\$46,584	-1%	\$47,017	\$46,584	-1%			
Central																											
51,307 0th	\$1,104,129	\$1,104,129	0%	\$773,282	\$849,481	0%	\$335,829	\$335,829	0%	\$297,884	\$297,884	0%	\$498,882	\$498,882	0%	\$297,882	\$297,882	0%	\$297,882	\$297,882	0%	\$297,882	\$297,882	0%	\$297,882	\$297,882	0%
51,307 0th	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%	\$221,276	\$221,276	0%			
Per Lot Subtotal	\$1,325,405	\$1,325,405	0%	\$994,558	\$1,070,757	0%	\$571,654	\$571,654	0%	\$524,768	\$524,768	0%	\$720,164	\$720,164	0%	\$524,768	\$524,768	0%	\$524,768	\$524,768	0%	\$524,768	\$524,768	0%			
Total	\$1,325,405	\$1,325,405	0%	\$994,558	\$1,070,757	0%	\$571,654	\$571,654	0%	\$524,768	\$524,768	0%	\$720,164	\$720,164	0%	\$524,768	\$524,768	0%	\$524,768	\$524,768	0%	\$524,768	\$524,768	0%			

Notes:
 1. Revenue = June to September; Shoulder = April, May, October, Winter = November to March. (Thus, Summer = adding Per Lot high season; Shoulder = adding South into high season)
 2. Includes Inland and North Highway-and-deploy machine parking income only. Includes 10% City parking lot revenues according to General Fund. Does not include miscellaneous income. Source: City of Santa Barbara parking revenue data, November 1999 to October 1998.
 See text for description of input assumptions.

**TABLE - COASTAL PARKING SYSTEM REVENUE ANALYSIS
 PARKING RATE SCENARIO SEE: FLAT RATE PYRAMID (SCENARIO 7) FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
 SHOULDER MONTHS WEEKEND**

Parking Lot	Existing Data Shoulder (18) Weekends			Length of Stay (Minutes)			Current Short-Term Revenue			New Short-Term Revenue			Long-Term Revenue			Adjusted Revenue (Existing Demand)			Estimated Revenue (New Demand)			Revenue Change						
	Parking Fee	Price	Car	Current Rate	Short-Term Rate	Maximum Rate	0-30	31-60	61-120	0-30	31-60	61-120	0-30	31-60	61-120	0-30	31-60	61-120	0-30	31-60	61-120	0-30	31-60	61-120	Revenue Change	%		
	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue	Revenue		
Northern P&L																												
445 PCH	\$10,302	4,040	100	\$7		\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
530 PCH	0	0	0	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
810 PCH	\$7,420	1,000	200	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
930 PCH	\$6,279	897	91	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
950 PCH	\$728	54	78	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
1030 PCH	0	0	0	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
1080 PCH	\$728	104	100	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
1150 PCH	\$75,313	90,730	487	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
Subtotal	\$109,200	17,502	1,200																									
Pier P&L																												
1400/1500 PCH	\$335,223	47,000	1,100	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
Pier Lot	\$148,918	24,000	200	\$6	0	\$6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
Subtotal	\$484,141	71,000	1,300																									
Apex P&L																												
1040 Apex Way	\$6,370	910	75	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
1070 Apex Way	\$4,372	625	64	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
1120 Apex Way	\$4,228	605	117	\$7	0	\$7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%	
Subtotal	\$15,000	2,100	236																									
Southern P&L																												
2030 Bernard Way	\$78,702	11,000	1,500	\$7	10%	\$7	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	
2000 Bernard Way	\$61,000	8,747	800	\$7	10%	\$7	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	
Subtotal	\$139,002	19,747	2,300																									
Trails																												
Beach Lots Subtotal	\$299,000	\$7,000	5,100																									
Pier Lot Subtotal	\$169,918	24,000	200																									
Total	\$768,084	112,443	5,402																									

Notes:
 a. Source: City of Santa Monica parking revenue data. Shoulder = April, May & October 1999 (part of beach lots high season. Pier lot shoulder revenue plus April).
 b. Includes transit and honor liability and display machine parking income only. Includes 10% City parking lot revenue according to General Fund. Does not include refundable income.
 c. Includes Schott and plus estimated number of vehicles using honor liability and display machines. Does not include residential permits or disabled parking.
 d. Shoulder month duration data not available. Derived from City duration survey data for Sunday, 8/20/98.

**TABLE - COASTAL PARKING SYSTEM REVENUE ANALYSIS
PARKING RATE SCENARIO SEE: FLAT RATE PYRAMID (SCENARIO 1) FLAT RATE) WITH 300 SPACE SET-A-SIDE 2038 & 2088 BARNARD LOT; \$5 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
SUMMER WEEKDAY**

Parking Lot	Existing Data Source: 1988 Worksheet [d]		Proposed Worksheet [d]		Length of Day (Minutes) [d]		New Short-Term Rate (Hours) [d]		Maximum Rate (Hours) [d]		Long-Term Rate (Hours) [d]		Estimated Revenue With Rate Change		Change from Existing		
	Lot	Payor	Current Rate	Proposed Rate	0-30	31-60	61-90	91-120	121-150	151-180	181-210	211-240	241-270	Short-Term Revenue	Long-Term Revenue	Total Revenue	%
Northern PAL																	
443 PCH	7,272	198	30	30	30	30	30	30	30	30	30	30	\$29,447	30	\$29,447	30	0%
530 PCH	0	0	30	30	30	30	30	30	30	30	30	30	30	30	30	30	0%
810 PCH	2,131	240	30	30	30	30	30	30	30	30	30	30	\$12,853	30	\$12,853	30	0%
930 PCH	1,138	91	30	30	30	30	30	30	30	30	30	30	\$6,879	30	\$6,879	30	0%
950 PCH	0	0	30	30	30	30	30	30	30	30	30	30	30	30	30	30	0%
1030 PCH	0	0	30	30	30	30	30	30	30	30	30	30	30	30	30	30	0%
1080 PCH	0	0	30	30	30	30	30	30	30	30	30	30	30	30	30	30	0%
1150 PCH	99,124	487	30	30	30	30	30	30	30	30	30	30	\$114,440	30	\$114,440	30	11%
Subtotal	\$147,270	20,000	30	30	30	30	30	30	30	30	30	30	\$163,819	30	\$163,819	30	7%
Per PAL																	
1140/1250 PCH	73,548	1,180	30	30	30	30	30	30	30	30	30	30	\$37,193	30	\$37,193	30	11%
Per Lot	5391,332	78,208	30	30	30	30	30	30	30	30	30	30	\$547,885	30	\$547,885	30	20%
Subtotal	\$5,422,880	79,388	30	30	30	30	30	30	30	30	30	30	\$602,078	30	\$602,078	30	19%
American PAL																	
1040 Appleton Way	4,218	75	30	30	30	30	30	30	30	30	30	30	\$25,385	30	\$25,385	30	11%
1070 Appleton Way	2,487	64	30	30	30	30	30	30	30	30	30	30	\$19,073	30	\$19,073	30	11%
1170 Appleton Way	4,481	117	30	30	30	30	30	30	30	30	30	30	\$26,944	30	\$26,944	30	11%
Subtotal	\$11,186	254	30	30	30	30	30	30	30	30	30	30	\$71,402	30	\$71,402	30	11%
Southern PAL																	
2020 Barnard Way	21,271	1,325	30	30	30	30	30	30	30	30	30	30	\$43,160	30	\$43,160	30	11%
2080 Barnard Way	14,794	840	30	30	30	30	30	30	30	30	30	30	\$33,825	30	\$33,825	30	11%
Subtotal	\$36,065	2,165	30	30	30	30	30	30	30	30	30	30	\$76,985	30	\$76,985	30	11%
Beach Lots Subtotal	\$113,379	21,271	30	30	30	30	30	30	30	30	30	30	\$43,160	30	\$43,160	30	11%
Per Lot Subtotal	\$291,332	79,208	30	30	30	30	30	30	30	30	30	30	\$547,885	30	\$547,885	30	20%
Total	\$1,264,085	220,354	30	30	30	30	30	30	30	30	30	30	\$1,328,637	30	\$1,328,637	30	6%

Notes:
 a. Source: City of Santa Monica parking revenue data. Summer 1988 = June to September, 1988 (equivalent to prior lot definition of high season).
 b. Includes transient and longer-term-and-display machine parking revenue only. Includes 10% City parking fee increase according to General Fund. Does not include miscellaneous income.
 c. Includes vehicle sold plus estimated number of vehicles using longer-term-and-display machines. Does not include residential permits or disabled parking.
 d. Derived from City decision survey data for Wednesday, 8/23/88.

**TABLE COASTAL PARKING SYSTEM REVENUE ANALYSIS
PARKING RATE SCENARIO SEE: FLAT RATE PYRAMID (SCENARIO 1) FLAT RATE) WITH 300 SPACE SET-A-SIDE 2030 & 2000 BARNARD LOT; \$5 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER
SHOULDER MONTHS WEEKDAY**

Parking Lot	Existing Data Shoulder (6th Weekday)				Liquid Assets				Existing Revenue Spft Short vs				Estimated Revenue With Rate Change				Change from Existing				
	Total Parking Revenue	Car Spacing	Current Rate	Rate Sensitivity	Length of Stay (minutes)	New Short-Term Rate	Short-Term Rate Sensitivity	Maximum Rate	Long-Term Revenue	Current Short-Term Revenue	Spft Adj	Spft Adj	Spft Adj	Spft Adj	Short-Term Revenue	Short-Term Rate Sensitivity	Long-Term Revenue	Long-Term Rate Sensitivity	Total Revenue	Rate Change	
																					Revenue
Northwest PALZ																					
415 PCH	\$12,087	3,270	168	36	34	30	20%	34	\$12,087	30	30	30	30	30	30	30	30	30	\$1,009	30%	30%
530 PCH	80	0	78	36	34	30	20%	34	80	30	30	30	30	30	30	30	30	80	30%	30%	
810 PCH	\$3,191	897	209	36	34	30	20%	34	\$3,191	30	30	30	30	30	30	30	30	30	30	30%	30%
930 PCH	\$2,093	345	91	36	34	30	20%	34	\$2,093	30	30	30	30	30	30	30	30	30	30	30%	30%
1030 PCH	80	0	78	36	34	30	20%	34	80	30	30	30	30	30	30	30	30	80	30%	30%	
1080 PCH	80	0	57	36	34	30	20%	34	80	30	30	30	30	30	30	30	30	80	30%	30%	
1130 PCH	\$24,541	8,644	487	36	34	30	20%	34	\$24,541	30	30	30	30	30	30	30	30	30	30	30%	30%
Subtotal	\$51,004	9,755	1,306						\$51,004	30	30	30	30	30	30	30	30	30	\$4,605	30%	30%
Pier PALZ																					
1440/1500 PCH	\$182,463	29,274	1,188	36	34	30	20%	34	\$182,463	30	30	30	30	30	30	30	30	30	30	30%	30%
Pier (April) [M]	\$45,417	15,139	290	53	34	30	-5%	34	\$45,417	30	30	30	30	30	30	30	30	30	30	30%	30%
Pier (May, Oct) [M]	\$92,418	23,353		54	34	30	0%	34	\$92,418	30	30	30	30	30	30	30	30	30	30	30%	30%
Subtotal	\$322,318	68,716	1,478						\$322,318	30	30	30	30	30	30	30	30	30	\$51,437	30%	30%
Apollon PALZ																					
1640 Apollon Way	\$4,253	716	73	36	34	30	20%	34	\$4,253	30	30	30	30	30	30	30	30	30	30	30%	30%
1670 Apollon Way	\$9,098	1,516	64	36	34	30	20%	34	\$9,098	30	30	30	30	30	30	30	30	30	30	30%	30%
1730 Apollon Way	\$5,911	1,362	117	36	34	30	20%	34	\$5,911	30	30	30	30	30	30	30	30	30	30	30%	30%
Subtotal	\$27,262	3,614	258						\$27,262	30	30	30	30	30	30	30	30	30	\$3,259	30%	30%
Southern PALZ																					
2030 Barnard Way	\$25,770	4,262	1,578	36	12%	12%	19%	30	\$25,770	33,095	33,095	34,901	34,901	34,901	32,708	32,708	32,708	32,708	30	30%	30%
2000 Barnard Way	\$27,844	3,910	960	36	12%	12%	19%	30	\$27,844	32,081	32,081	34,530	34,530	34,530	34,777	34,777	34,777	34,777	30	30%	30%
Subtotal	\$49,614	8,292	2,408						\$49,614	65,176	65,176	69,431	69,431	69,431	67,485	67,485	67,485	67,485	30	30%	30%
Totals	\$207,884	32,695	3,119						\$207,884	277,709	277,709	302,431	302,431	302,431	297,900	297,900	297,900	297,900	30	30%	30%
Pier Lot Subtotal	\$128,877	28,482	208						\$128,877	158,827	158,827	173,358	173,358	173,358	173,358	173,358	173,358	173,358	30	30%	30%
Total	\$440,891	70,548	3,402						\$440,891	541,518	541,518	592,144	592,144	592,144	592,144	592,144	592,144	592,144	30	30%	30%

Notes:
 a. Shoulder - City of Santa Monica parking revenue data. Shoulder = April, May & October 1999 (rest of beach lots high season. Pier lot shoulder months plus April).
 b. Includes transient and hourly bus-stop-and-display machine parking income only. Includes 10% City parking fee revenues according to General Fund. Does not include microtransit income.
 c. Includes tickets sold plus estimated number of vehicles using hourly-and-display machines. Does not include residential permits or disabled parking.
 d. Shoulder month duration data not available. Derived from City duration survey data for Wednesday, 8/20/98.
 e. April is a Pier winter month, May and October are Pier shoulder months (different existing weekday rates).

**TABLE COASTAL PARKING SYSTEM REVENUE ANALYSIS
PARKING RATE SCENARIO SEE: FLAT RATE PYRAMID (SCENARIO 19 FLAT RATE) WITH 300 SPACE SET-A-SIDE 2030 & 2000 BARNARD LOT; 90 FLAT RATE IN SOUTHERN ZONE; 2-HOUR METER WINTER WEEKDAY**

Parking Lot	Existing Data Winter 87/88 Weekdays		Input Assumptions		Existing Revenue Split Short- vs. Long-Term to be Adjusted		Estimated Revenue (Existing Duration)		Estimated Revenue With Rate Change		Change from Existing		
	Parking Revenue	Car Paying Total	Length of Stay (minutes)	New Short-Term Rate (\$/hr)	Short-Term Rate (\$/hr)	Short-Term Revenue	Long-Term Revenue	Short-Term Revenue	Long-Term Revenue	Short-Term Revenue	Long-Term Revenue	Total Revenue	Revenue Change
Northwest PAL			6:30	31:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00
445 PCH	\$770	230	95	20%	20%	\$770	\$0	\$0	\$0	\$0	\$0	\$0	\$0
530 PCH	\$0	0	70	20%	20%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
810 PCH	\$170	70	200	20%	20%	\$170	\$0	\$0	\$0	\$0	\$0	\$0	\$0
820 PCH	\$197	53	91	20%	20%	\$197	\$0	\$0	\$0	\$0	\$0	\$0	\$0
850 PCH	\$0	0	70	20%	20%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1030 PCH	\$0	0	57	20%	20%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1080 PCH	\$0	0	100	20%	20%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1150 PCH	\$25,099	4,917	487	20%	20%	\$25,099	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$25,522	5,204	1,208			\$25,522	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pier PAL			6:30	31:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00
1440/1500 PCH	\$160,054	27,200	1,100	20%	20%	\$160,054	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pier Lot	\$120,777	42,259	200	0%	0%	\$120,777	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$315,731	70,545	1,474			\$315,731	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Applies PAL			6:30	31:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00
1040 Applies Way	\$800	170	75	20%	20%	\$800	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1070 Applies Way	\$11,050	2,212	64	20%	20%	\$11,050	\$0	\$0	\$0	\$0	\$0	\$0	\$0
1750 Applies Way	\$12,532	2,480	117	20%	20%	\$12,532	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$25,252	5,259	259			\$25,252	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Southern PAL			6:30	31:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00
2030 Barnard Way	\$20,020	3,300	1,520	20%	20%	\$20,020	\$0	\$0	\$0	\$0	\$0	\$0	\$0
2000 Barnard Way	\$21,095	4,221	889	20%	20%	\$21,095	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$40,025	9,005	2,409			\$40,025	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trails			6:30	31:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00	81:00
Barnard Lots Subtotal	\$207,790	97,804	5,110			\$207,790	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Pier Lot Subtotal	\$120,777	\$42,259	200			\$120,777	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$414,571	99,293	5,402			\$414,571	\$0	\$0	\$0	\$0	\$0	\$0	\$0

Notes:
 a. Source: City of Santa Monica parking revenue data, Winter 1987/1988 - November 1987 to March 1988 (excludes 1988 budgeted to March 1988 debit of four accounts).
 b. Includes lot-level and house number- and display machine parking income only. Includes 1974 City parking lot income according to General Fund. Does not include reborescence income.
 c. Includes vehicle and plus estimated number of vehicles using house number- and display machines. Does not include residential permits or disabled parking.
 d. Winter duration data not available. Derived from City duration survey data for Wednesday, 8/20/88.



City of
Santa Monica

Office of the City Attorney
City Hall
1685 Main Street
PO Box 2200
Santa Monica, California 90407-2200

EXHIBIT NO. 13
Application Number 5-99-046
City Attorney Letter
California Coastal Commission

March 9, 2000

Chair Sara Wan and Members of the California
Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California 94105

Re: City of Santa Monica - Ocean Park Neighborhood Street Parking
Application Nos. 5-99-45 through 51

Dear Chair Wan and Commissioners:

In mid-April, you will again consider the applications which the City of Santa Monica filed, under protest, in an attempt to resolve through your administrative process issues relating to Santa Monica's long-standing use of permit parking in its Ocean Park Neighborhood. You have an extensive record before you. It demonstrates this City's deep commitment to maximizing public use and enjoyment of the incomparable section of coast within Santa Monica. It also demonstrates the City's respect for the Commission, for Commission staff, and for your agency's mission.

For almost two years, your staff and ours have worked diligently together to address issues and concerns relating to permit parking on city streets. Over the course of this cooperative effort, the City has voluntarily acceded to a number of Coastal staff's suggestions and requests. Through a combination of re-striping of public parking lots and public streets and making modifications to parking and traffic regulations, the City has added, or is in the process of adding, 174 daytime public parking spaces in the area which is the subject of this proceeding. Additionally, we are in the process of converting a significant number of beach lot spaces to short-term parking, enhancing pedestrian access, and making improvements to signage and circulation.

Chair Sara Wan/Coastal Commission
March 9, 2000
Page 2

This cooperative process continues through the present. Enclosed with this letter is a letter from Mr. Agle, of our Planning and Community Development Department, providing additional information which was requested at the hearing on January 11th relating to beach parking rates, beach operation, and development in the Coastal Zone. Moreover, we expect our cooperative efforts to continue long into the future. Whatever the outcome of this particular matter, City staff will continue to work with your agency to fulfill our mutual commitment to coastal access and preservation. We treasure the coast and we look forward to continuing our stewardship of this remarkable resource with you.

However, at the same time, we must protect our ability to fulfill our basic commitments and obligations. We must protect the welfare of our City by preserving our power to maintain the complex and delicate balance between the multiple needs of our residents, businesses and visitors. Unfortunately certain unreasonable conditions being proposed by your agency threaten our ability to maintain this balance. Therefore, we must now reiterate our viewpoint on the issue which has been held in abeyance for these last 22 months: the issue of your jurisdiction.

We continue to believe that, as a matter of law, the Commission has no jurisdiction over the establishment of preferential parking zones. Further, based upon on the applicable statutory language, case law, well-established rules of statutory construction, and the circumstances of this particular case, we believe that a court would agree that the Commission lacks jurisdiction.

Understandably, you, your staff, and your attorneys probably have a different viewpoint. Therefore, because we value our relationship with you and respect your mission and your work, we want to give you a full and fair opportunity to assess our position on this crucial issue before we present it in any other forum. To that end, I have prepared a detailed legal argument for your consideration. It is in the form of points and authorities, much like we might file in court were the jurisdictional issue to be litigated. Hopefully, openly sharing our position on the issue of jurisdiction will help facilitate a prompt resolution of this matter which meets both the Commission's and the City's present and future needs.

Our legal argument that the Commission lacks authority over permit parking on City streets is as follows:

I. The State Legislature Has Taken The Power To Regulate Parking On City Streets From The State And Given It To California Cities.

A. The Plain Language Of Vehicle Code Section 22507(a) Gives All Cities Broad Power To Establish Preferential Parking Zones, And That Section's History Confirms The Legislature's Intent That Cities' Powers In This Area Should Be Broadly Interpreted.

California Vehicle Code Section 22507(a) authorizes cities to establish preferential parking zones. It states:

"Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof during all or certain hours of the day. The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or resolution. ... A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program."

This language is clear, unambiguous, and unqualified. It says that local authorities may restrict parking by establishing preferential parking zones. It does not distinguish between inland and coastal cities. It is an absolutely clear-cut grant of power from the state to all cities.

Moreover, the history of Section 22507 makes indisputable the Legislature's decision to empower cities to control parking. Section 22507 has been amended many times. Amendments made in 1980, 1985, 1987 and 1997 each increased or reinforced cities' powers. See Friedman v. City of Beverly Hills, 54 Cal. Rptr. 2d 882 (1996) [upholding a city's preferential parking system]. This pattern of recent modifications to the statute belies any claim that the Legislature intends to preserve state control of local street parking.

B. The Court Of Appeal Eliminated Any Doubt About Cities' Right To Control Parking By Specifically Concluding That The Legislature Intended To Divest The State Of That Power And Give It To California Cities.

The Second District Court of Appeal's decision in Friedman v. City of Beverly Hills, *supra*, provides the definitive interpretation of 22507(a). Notably, the court took pains to parse the provision sentence by sentence. Thus, the court explained that the first sentence of Section 22507 "provides a broad, general grant of power to local entities to regulate the parking of vehicles, even though it does not expressly provide for preferential parking privileges and permits." 54 Cal. Rptr. at 885. Next, the appellate court explained that the second sentence of Section 22507 was added as an amendment intended to ensure that cities could make parking available to those most affected: "[T]he second sentence of section 22507 clarifies the initial grant of power to prohibit or restrict parking. It does so by stating that such

an ordinance or resolution may provide for the issuance of preferential permits. The legislative intent of the amendment is to help assure that parking space is readily available to those most affected in a local area.” *Id.* (emphasis supplied). The court then turned to the final sentence of 22507(a), which was added in 1980: “The import of the words of this later amendment to the statute is to give localities substantial power to tailor preferential parking programs to meet local circumstances.” *Id.*

The appellate court concluded its explanation of the meaning of Section 22507 with a clear declaration of law which controls this case:

“The language of section 22507, harmonized and read as a whole, shows that the state does not desire to micro-manage local parking circumstances. Instead, the statute shows that the state has decided to turn over regulation of parking minutiae to localities. Localities are best able to understand and respond to local parking problems. The initial grant of power in Section 22507 broadly empowered localities to regulate parking within their jurisdictions. The subsequent statutory amendments to section 22507 have expanded rather than restricted the powers accorded local government over parking matters. These amendments are especially significant because they concern a Vehicle Code provision, which is subject to preemption by the state.” *Id.*

In short, the law is very clear: Section 22507 gives cities the power to regulate parking within their boundaries, free of micro-management by the State. Pursuant to this mandate, the Coastal Commission has no authority to regulate preferential parking.

II. There Is No Conflict Between Vehicle Code Section 22507 And Public Resources Code Section 30106; And, Even If There Were, The Vehicle Code Would Prevail.

A. The Express Language Of The Coastal Act Does Not Include The Establishment Of Preferential Parking Zones Within The Definition of “Development” Projects Subject To Commission Control.

The Coastal Act defines the term “development” to include:

“[T]he placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land; ... change in the intensity of use of water, or of access thereto; construction,

Chair Sara Wan/Coastal Commission

March 9, 2000

Page 5

reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation" Public Resources Code Section 30106.

By its plain language, this list of the many activities which include "development" within the meaning of the Coastal Act does not include the adoption of restrictions upon street parking. Thus, the Coastal Act harmonizes with Vehicle Code Section 22507 because the Coastal Act's plain language leaves control of street parking management to localities.

B. The Coastal Act's Definition Of "Development" May Not Be Interpreted To Include Preferential Parking Because That Interpretation Would Be Inconsistent With Vehicle Code Section 21 And Would Create A Conflict Between The Two Codes In Violation Of The Rule That Statutes Must Be Harmonized.

Vehicle Code Section 21 specifically states that "[e]xcept as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein...." (Emphasis supplied.) This language means the authorization to create preferential parking districts conferred by Vehicle Code Section 22507 applies throughout the state and to all cities within California. Absent an express statement by the Legislature, coastal cities may not be deprived of that authority. The Legislature has made no such statement. To the contrary, the Legislature has repeatedly strengthened cities' authority to control preferential parking. Therefore, the definition of "development" may not be interpreted to include preferential parking.

Additionally, a fundamental rule of statutory construction requires that statutes be harmonized if possible. California Mfrs. Ass'n v. Public Utilities Commission, 24 Cal.3d 836 (1979); Swenson v. County of Los Angeles, 89 Cal. Rptr.2d 572 (1999). This rule precludes interpreting the language of Public Resources Code Section 30106 so as to create a conflict with Vehicle Code Section 22507 and deprive Santa Monica of the authority to establish preferential parking.

C. Even If There Were A Conflict Between Vehicle Code Section 22507 And Public Resources Code Section 30106, Which There Is Not, The Vehicle Code Provision Would Prevail Pursuant To Basic Rules Of Statutory Construction.

Even if there were a conflict between Sections 22507 and 30106 were in conflict, the Vehicle Code provision would control. Specific statutes control over those which are more

general. See Civil Code Section 1859; Lazar v. Hertz Corp., 82 Cal. Rptr. 368 (1999). Section 22507 speaks specifically to jurisdiction over parking on city streets. In contrast, Public Resources Code Section 30106 addresses the general subject of the Coastal Commission's jurisdiction and says nothing whatsoever about the subject of parking. Moreover, if a statutory conflict exists, the more recent enactment controls. Lazar v. Hertz, 69 Cal.App.4th 1494 (1999). Section 30106 has not been amended since its adoption in 1976. In contrast, Section 22507 has been amended five times since 1976, and each amendment has buttressed or enlarged local control of parking.

III. Even If The Law Did Not Clearly Authorize All Cities To Regulate Street Parking And Prevent The Commission From Doing So. Considerations Of Equity Should Preclude The Commission From Depriving The City Of The Jurisdiction Over Permit Parking Zones Created Years Ago Through A Public Process With The Commission's Knowledge.

Santa Monica has relied heavily upon preferential parking districts as a means of balancing competing needs and demands since 1983. Our need to use this mechanism resulted partly from Santa Monica's basic characteristics: it is geographically very small -- only about 8 square miles -- and it is extremely dense. The City is home to about 90,000 residents. On workdays, there are about 200,000 people in the City, and on weekends and holidays that number swells to 400,000, or more. Additionally, the City has been fully built out for over 50 years and has an aging infrastructure and a large number of older residences and commercial structures, many of which have no on-site parking. Moreover, residential and commercial uses are immediately adjacent in much of the City.

The resulting problems became particularly acute in the Ocean Park neighborhood about twenty years ago. Following a successful revitalization program, the commercial backbone of the neighborhood, Main Street, became a popular destination. Its restaurants, shops and entertainments drew crowds from throughout the Los Angeles area. Street parking was filled by employees and customers; and the brunt of the street's new-found success fell upon neighborhood residents, many of whom were low-income or elderly people living in older buildings with no on-site parking. This crisis threatened the neighborhood's very existence. Without a parking solution, residents who needed to park near their homes, but who could not afford to purchase or build parking, would have been forced out of the area. The likely result would have been gentrification of the neighborhood and the end of the economic diversity which Santa Monica treasures.

In order to protect the neighborhood and the quality of life in Ocean Park and other residential neighborhoods adjacent to commercial uses, the City began adopting preferential parking districts in 1983. Today, such districts exist throughout the City. Residents have depended upon them to preserve local quality of life, particularly throughout the economic upsurge of the last five to ten years when commercial interests within the City have flourished.

The Coastal Commission has known about the City's use of preferential parking to protect residents from the outset. In 1983, the City Attorney contacted Coastal staff, advised that the City intended to utilize the mechanism in the Coastal Zone, and asked whether the Commission took the position that coastal development permits were required. He was told by Coastal staff that permits were not required. Thereafter, the City proceeded to adopt the preferential parking zones which are the subject of this case through a noticed and public process established by local law. Given these circumstances and history, it would be inequitable to belatedly deprive Santa Monica of the authority over parking which it has long exercised to meet its local needs.

IV. The Facts Of This Case Belie Any Argument For A Strained Statutory Interpretation Designed To Give The Commission Jurisdiction Because The Record Establishes That Santa Monica Fosters Coastal Access And Has Already Voluntarily Undertaken Most Of The Measures Requested By Commission Staff.

That the Coastal Commission wishes to assert jurisdiction over preferential parking in the Coastal Zone is understandable. Conceivably, a city's exercise of the power conferred by Vehicle Code Section 22507 could adversely impact coastal access. It is even conceivable that a city could purposefully utilize preferential parking to keep the public away from the beach and wealthy beach dwellers' homes. However, Santa Monica is not that city. To the contrary, as the record incontestably demonstrates, Santa Monica welcomes visitors, provides model beach access, takes superb care of its coastal environment, and affords beachgoers an unequalled array of services, educational opportunities, and entertainments.

The beach in Santa Monica stretches for three miles. Its entire length is accessible within both the letter and spirit of the Coastal Act. The millions of visitors who enjoy the beach each year attest to this fact as does the record in this case. It shows that Santa Monica affords beach visitors abundant parking opportunities. There are 5,500 parking spaces in the City's public beach lots. The parking rates in those lots are significantly lower than the rates charged for parking at the beach to the north and to the south of the City limits. Additionally, the City has 10,000 more public spaces in the Coastal Zone. Finally, as a result of efforts undertaken in the context of this matter, new parking spaces have been created and the City is in the process of converting some beach parking from "all day" to "short-term."

Chair Sara Wan/Coastal Commission
March 9, 2000
Page 8

Moreover, as an expression of its commitment to preserving the environment, Santa Monica makes it easy to get to the beach without an automobile. The City's award-winning public transportation system provides convenient, safe, clean, and inexpensive bus and shuttle service to the beach. Additionally, the City's bike paths and foot paths promote access for those individuals who prefer not to use a motor vehicle.

In addition to providing uniquely convenient access, Santa Monica does an exemplary job of keeping the beach clean, safe, and attractive. The City does this by maintaining a beach fund whereby parking revenues are reinvested in the beach. Moreover, the City has also been on the forefront of the crusade to "heal" Santa Monica Bay by addressing problems posed by urban runoff. At present, we are building the country's first, state-of-the-art facility for treating dry weather runoff which will help protect the ocean in the future. Moreover, over the last 14 years, the City has spent \$25.9 million on public, coastal improvements. These include, the restoration of the Santa Monica Pier, substantial improvements to Palisades Park and other coastal parks, upgrading the Beach Promenade and other walkways, and improvements to beach parking lots.

This record speaks for itself. It irrefutably demonstrates Santa Monica's implementation of the principles which underlie the Coastal Act and the City's success at fostering coastal access, preservation, and enjoyment. Absolutely nothing in this record shows or even suggests a factual justification for allowing the Coastal Commission to violate the mandate of Vehicle Code Section 20507 and take over parking in Santa Monica. To the contrary, the record shows that the 3 miles of beachfront in Santa Monica are a model of accessibility. Given this fact, neither logic nor the language of the Coastal Act suggest any justification for the Coastal Commission's demanding that one, small neighborhood give up local control over its streets.

For the foregoing reasons, Santa Monica respectfully submits that the Coastal Commission has no jurisdiction over preferential parking in California cities.

I hope that this rather formalistic presentation of our reasons for concluding that the Commission lacks jurisdiction will help you understand and evaluate our position on the issue. Should this case end up in court -- a result we hope to avoid -- we would likely assert other arguments on other issues. However, I assume that those issues are less significant to you; so I will not address them now.

Chair Sara Wan/Coastal Commission
March 9, 2000
Page 9

If you, your staff or your attorneys have questions or comments about our legal position, we would be happy to speak with anyone representing the Commission. You are welcome to contact me, Assistant City Attorney Joe Lawrence, or Deputy City Attorney Cara Silver at any time.

Sincerely,


MARSHA JONES MOUTRIE
City Attorney

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cc: Chuck Damm
Al Padilla
Ralph Faust, Esq.
Susan McCarthy, City Manager
Suzanne Frick, Director of Planning and Community
Development
Andrew Agle, Deputy Director

EXHIBIT NO. 24
Application Number
 5-99-046
Proposed Replacement
Parking
 California Coastal Commission

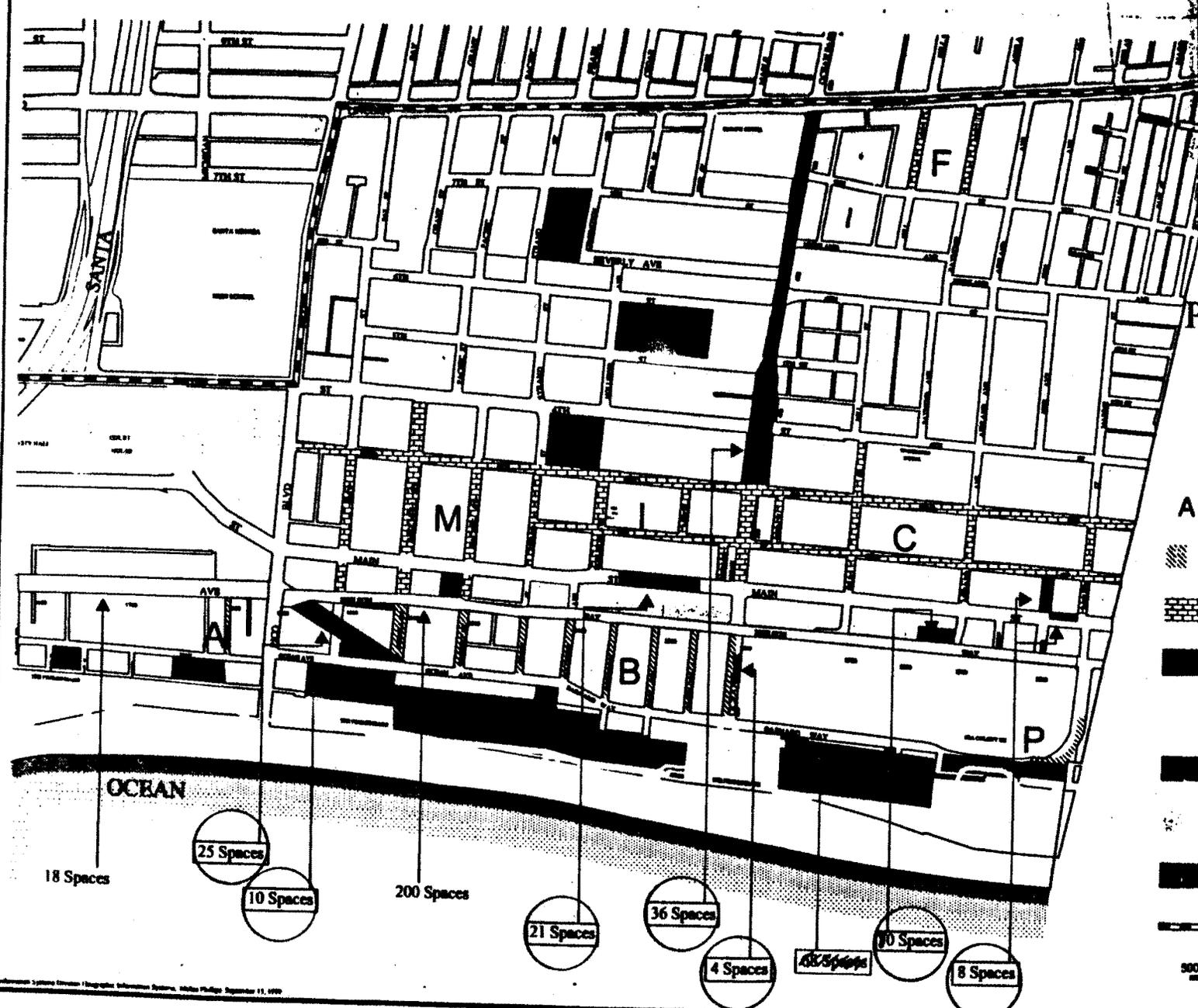
City of
Santa Monica
 CALIFORNIA
 COASTAL COMMISSION

Ocean Park
Preferential Parking and
Parking Mitigation



- A** Preferential Parking Zone
- Daytime Public Parking Restricted
- Daytime Public Parking Allowed
- Daytime Mitigation Spaces
- Nighttime Mitigation Spaces
- Short Term Beach Spaces
- Other Public Parking
- Public Beach Parking
- Coastal Zone Boundary

500 0 500 1000 Feet



- Proposed Replacement Spaces to Mitigate loss of Daytime Parking for Zones A, B and P

Information Systems Division Geographic Information Systems, Miller Phillips September 11, 1999

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