

CALIFORNIA COASTAL COMMISSION

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Staff Report: 9/20/01
Hearing Date: October 8, 2001
Commission Action:

**Mon-8d****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-01-028**APPLICANT:** City of Los Angeles, Department of Transportation

PROJECT DESCRIPTION: Request for permanent authorization of a previously approved temporary public parking lot, including after-the-fact approval for reconstruction, design, and re-striping of the existing parking lot (lot 701) and establishment of a monthly parking program on two City-owned lots (lot 701 and 731) Monday-Friday only with a monthly fee of \$70 not including a 10% City Occupancy Tax.

PROJECT LOCATION: 2150 Dell Avenue (Lot 701) and 100 North Venice Boulevard (Lot 731), Venice, City & County of Los Angeles

LOCAL APPROVALS: Approval in Concept 2000-5422, 12/28/00

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Certified Land Use Plan for Venice.
2. Local Coastal Development Permit Case No. 96-005.
3. Coastal Development Permit 5-90-664 and amendments (CalTrans & City of Los Angeles).
4. Coastal Development Permit 5-94-081 (City of Los Angeles).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a permit for the proposed project with special conditions to: protect the public beach parking lots for coastal access and public recreation, require the City to monitor the permit program and use of the parking lots, limit the term of the monthly permit parking program to one year, and submit a drainage plan that incorporates best management practices for parking lot 701.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-028 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. **Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. **Standard Conditions**

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Monthly Parking Permit Program

This Commission action does not authorize any parking permit program in any public beach parking lot other than a monthly permit-parking program valid during the days of Monday through Friday. The monthly parking permit is not valid on weekends or holidays. This Commission action authorizes weekday (except holidays) parking only in the following parking lots with a valid City-issued parking permit:

Lot 701 located at 2150 Dell Avenue

Lot 731 located at 100 N. Venice Boulevard

No parking permit shall be required for parking in the above public beach parking lots any day on the regular daily rate basis. All persons parking vehicles in the public beach parking lot during weekends and holidays shall be required to pay the parking attendant for use of Lot 701 and 731 on a regular daily rate basis.

2. Issuance of Monthly City Parking Permits

The City-issued parking permits shall be available to the general public, and shall not be restricted only to local residents, local businesses or any other preferential group. Each City-issued parking permit shall clearly state that the parking permit only authorizes use of the public beach parking lots consistent with condition one above, and that use of the public beach parking lots at all other times shall be subject to the same metered/attendant parking rates as the general public, and that any violation of these terms could result in a fine and/or towing of the vehicle at the owner's expense.

3. Term of Monthly Permit Parking Program

This Commission action authorizes the City to implement a monthly permit-parking program in Lot 701 and 731 for a limited period of one year. The one-year parking program term will terminate one year from the date of Commission approval. During the one-year term of the monthly permit-parking program, the City shall monitor the monthly permit-parking program and collect data to be used during the City and Commission's review of any subsequent permit terms. An amendment to this Coastal Development Permit or a new Coastal Development Permit must be obtained prior to the implementation of any subsequent monthly permit parking program terms. For each parking lot, the City shall keep a record of the number of parking permits issued, monthly daytime parking demand, and public complaints. The one-year term for the monthly

permit-parking program does not limit the term of this Coastal Development Permit and the authorization of a permanent parking lot located at 2150 Dell Avenue (Lot 701).

4. Protection of Public Beach Parking Facilities

Both Lot 701 and Lot 731 shall remain open and in use for public beach parking during all hours of operation (every day of the week). All parking spaces within the public beach parking lots shall be available for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within a public beach parking lot by any person or group (handicapped spaces excluded). No parking spaces within a public beach parking lot shall be used to satisfy parking requirements for any commercial use or activity or any other development. This condition does not prohibit the City from implementing a monthly permit-parking program, available to the general public, for use of Lot 701 and 731 during weekday (excluding holiday) use.

5. Best Management Practices

A. The applicant shall implement structural Best Management Practices (BMPs) in public parking lot 701, which will serve to minimize pollutant loads contained in runoff prior to entering the storm water conveyance system, Ballona Lagoon, and the Pacific Ocean.

B. **Prior to Issuance of the Coastal Development Permit**, the applicant shall submit a Drainage Plan to the Executive Director for review and approval. The Plan shall provide for the installation of catch basins with inserted biofilters specifically designed to remove vehicular contaminants and other typical urban runoff pollutants¹ more efficiently than a standard silt and grease trap. If existing catch basins are currently in place throughout lot 701 and meet the requirements below, the applicant is only required to insert the above-described biofilters. The drainage plan shall also include a weekly street sweeping program for the entire lot 701. The applicant shall submit, with the drainage plan, a schedule and maintenance for the street sweeping program. The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain. The Drainage Plan shall account for the following:

C. The applicant shall, where practical and feasible, incorporate the following BMP's including, but not limited to: clarifier and separator units, infiltration trenches, filtration basins and sand filters, vegetated filter strips and grass swales, and increased pervious surfaces with native landscaping to absorb water runoff.

¹ "Typical urban runoff pollutants" describes constituents commonly present in runoff associated with precipitation and irrigation. Typical runoff pollutants include, but are not limited to: paints, varnishes, and solvents; hydrocarbons and metals; non-hazardous solid wastes and yard wastes; sediment from construction activities (including silts, clays, slurries, concrete rinsates, etc.); ongoing sedimentation due to changes in land cover/land use; nutrients, pesticides, herbicides, and fertilizers (e.g., from landscape maintenance); hazardous substances and wastes; sewage, fecal coliforms, animal wastes, and pathogens; dissolved and particulate metals; and other sediments and floatables.

(1) The drainage system shall be designed where feasible to filter or treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event for volume based Best Management Practices (BMPs), and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs, prior to its discharge to the Pacific Ocean. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993).

D. All drainage system elements shall be permanently operated and maintained at a minimum:

(a) All storm drain inlets, traps/separators, and/or filters shall be inspected to determine if they need to be cleaned out or repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) prior to April 15th each year; and (3) during each month that it rains between November 1st and April 1st. Clean-out and repairs (if necessary) shall be done as part of these inspections. At a minimum, all traps/separators and/or filters must be cleaned prior to the onset of the storm season, no later than October 15th of each year; and,

(b) Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner; and

(c) All inspection, maintenance and clean-out activities shall be documented in an annual report submitted to the Executive Director no later than June 30th of each year.

(2) The applicant is encouraged to develop connections from the storm drain system to the sanitary sewer system to allow polluted runoff to be directed from the storm drain system to the sanitary sewer, particularly during times of low-volume flows, wet street cleaning episodes, or hazardous spills.

(3) It is the applicant's responsibility to maintain the drainage system in a structurally sound manner in its approved state.

E. The applicant shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is for the permanent authorization of a previously approved temporary public parking lot, including the after-the-fact approval for reconstruction, design, and re-striping of the existing parking lot (lot 701). The project also includes a request to implement a monthly permit-parking program on two City of Los Angeles owned public lots during the weekday period (excluding all weekends and holidays). During weekends and holidays the permit holders would have to pay the fixed daily rate that non-permit holders pay. These lots are located at 2150 Dell Avenue (Lot 701) and 100 N. Venice Boulevard (Lot 731). Lot 701 lies within the median of North and South Venice Boulevards between Dell Avenue and Ocean Avenue, approximately three blocks from Venice Beach. Lot 701 contains 150 parking spaces, which are operated by a parking attendant (contracted by the City). Lot 731 is also located within the median of North and South Venice Boulevards between Dell Avenue and Pacific Avenue, approximately one block from Venice Beach. Lot 731 contains 177 parking spaces. A contracted parking attendant also operates Lot 731.

Currently, both public parking lots charge a fixed daily rate. This rate does change seasonally and ranges from a minimum of \$3.00 to a maximum of \$11.00. The monthly parking permit program would be offered to local businesses at a cost of \$70 per month plus a 10% City Parking Occupancy Tax. The applicant has stated that parking lot 731 is open year round during operating hours. During the summer period (April through September) lot 731 is open from 9:00 am to 8:00 pm and during the winter period (October through March) from 9:00 am to 5:00 pm. Lot 701 is used primarily as an overflow to lot 731 and is open during the summer period Thursdays and Fridays from 10:00 am to 5:00 pm and Saturdays and Sundays from 9:00 am to 7:00 pm. During the winter period lot 701 is closed Monday through Friday and operates between 9:00 am and 5:00 pm on Saturdays and Sundays. The applicant has also indicated that the hours and days of operation of both lots are dependant on demand and weather conditions, typically during the winter season rainstorms and cold weather decrease the demand for beach use.

Lot 701 and 731 are adjacent to each other and bordered by Pacific Avenue to the west and Ocean Avenue to the east, along the median of North and South Venice Boulevards. Venice Boulevard is a major east-west arterial, providing public access to the coastline from the City of Los Angeles and connecting the San Diego Freeway to Venice Beach. The surrounding areas include a mixture of commercial and residential uses. Single and multi-family homes are located directly north and south of the public parking lots. The Venice Canals community is located one-half block south and Venice Beach is located one block west of the public parking lots. There is a mixture of small commercial development and residential uses along Pacific Avenue and Strongs Drive between Venice Boulevard and Washington Avenue. Further north, surrounding the intersection of Grand Boulevard and Main Street, the area is predominantly commercial. Commercial uses are also located along Ocean Front Walk north and south of Venice Boulevard.

B. Project History

Both the Coastal Commission and the City of Los Angeles have taken past actions on the public parking lots located at 2150 Dell Avenue and 100 N. Venice Boulevard. The Commission approved 5-90-664 and amendments and 5-94-081. The following describes the history of both Commission approved permits as well as City of Los Angeles Coastal Development Permit 96-005.

5-90-664 as amended (CalTrans and City of Los Angeles)

On September 13, 1990, the Coastal Commission approved Coastal Development Permit No. 5-90-664. This permit authorized the California Department of Transportation (CalTrans) to widen Venice Boulevard and construct improvements within the median strip between the north and southbound lanes of Venice Boulevard between Pacific Avenue and Lincoln Boulevard. The improvements included providing two traffic lanes plus a bikeway lane, bus pads, street parking, replacement of a timber bridge with a reinforced concrete structure, and a median varying in width between 12 feet and 190 feet. The project was approved with conditions to, among others, require the submittal of revised parking plans which indicate the location of spaces removed and parking spaces which would be replaced.

Prior to the permit approval, the right-of-way, including the median strip were used for formal and informal parking, including curb parking and parking on paved areas within the median. Local businesses and residents used some of the parking but beachgoers used most. The CalTrans street improvements would eliminate most of this public parking. As part of the condition of approval for 5-90-664 CalTrans was required to replace public parking that was lost do to the construction. In early May 1991, CalTrans began construction of the street improvements and removed no parking signs and berms to allow public parking within the median. Soon after, beachgoers began parking in the newly created lot at no cost. Problems arose from the lack of order and supervision in operating the lot. After residents contacted the Commission office in response to the unsupervised parking lot, the Commission discovered that the lot was not described in the original permit description and required an amendment to 5-90-664.

On July 17, 1991, the commission approved amendment No. 5-90-664-A1 which authorized the construction and operation of a temporary parking lot on the median strip between Dell Avenue and Ocean Avenue to provide no fewer than 180 parking spaces [Note: this area is now the City owned public lot 701]. This temporary lot was to partially comply with Special Condition #2 of the original permit that required the submittal of a beach access mitigation plan. Special Condition #1 of the amended permit stated that the parking lot is temporary and must be removed and restored to its previous state after completion of the street improvements unless an additional amendment is approved to extend the time limit of removal. CalTrans did not request authorization to develop the site as a permanent parking lot and did not, at the time, have permission from the City to develop a permanent parking lot on City land.

On August 19, 1993, the Commission approved permit amendment No. 5-90-664-A2 to extend the time limit of the temporary public parking lot by 18 months after the completion of the

project. CalTrans requested the time extension because disruptions to the parking system had continued and locations of other possible parking site for mitigated spaces had not been found. Also, the City of Los Angeles was still holding public hearings in regards to a permanent parking facility. The permit was amended a third time on May 12, 1994 (5-90-664-A3). The third amendment was a request by the City of Los Angeles (as successor in interest to CalTrans) to extend the time period of the temporary lot by one year. This allowed time for the City to develop alternate plans for a permanent lot on the site (lot 701). The time extension also allowed the public parking lot to remain pending final plans for the size of the lot, landscaping and configuration of the lot, and resolution of budget issues. The Commission imposed seven special conditions relating to time limits of installing landscaping and drainage control system, a plan to reduce impacts to water quality, and a time limit to keep the temporary parking lot until the City received coastal development permits from both the City and the Coastal Commission.

City Coastal Development Permit 96-005

The City of Los Angeles Department of Transportation applied for a coastal development permit and conditional use permit from the City of Los Angeles for the permanent use of the public parking lot (lot 701), including reconstruction, design, and re-striping of the existing City-owned lot. The project was appealed to the City Council. The Council approved the conditional use permit and coastal development permit on January 8, 1997. The Commission's 20 working day appeal period ended on February 25, 1997 and was not appealed by anyone from the public or the Commission. The City did not apply for or receive a Coastal Development Permit from the Coastal Commission. However, the City has included the request to make lot 701 (a temporary public parking lot) a permanent parking lot.

5-94-081 (City of Los Angeles)

On June 9, 1994, the Coastal Commission authorized the re-paving, re-striping, and landscaping of an existing 181 space public parking lot and expansion of a 3,800 square foot vacant lot. The completed parking lot would contain 182 spaces after completion of the parking lot improvements. This parking lot, lot 731, is located at 100 N. Venice Boulevard, adjacent to lot 701, which was approved as a temporary lot (see above).

The permit issued with three special conditions. Special condition #1 required the applicant to provide and maintain a low flow drainage and filtration system consistent with the Santa Monica Bay Restoration Plan. The applicant was to provide a sand or gravel filled trench system and oil separators to achieve a 20 percent reduction in surface flow. The applicant was to comply with this condition within a specific time period to ensure that the drainage system was installed. Special condition three of the permit specified that no preferential parking permit program shall occur at the public parking lot (lot 731). This condition also required the applicant to submit an amendment or new coastal development permit for any increase in parking fees, changes in parking lot hours, or any other action which could affect public use of the parking lot.

In summation, there are currently two City-owned public parking lots before the Commission for a monthly permit-parking program, lot 701 and lot 731. Both of these lots are located

within the median, between North and South Venice Boulevard, and are located adjacent to one another. Lot 731 was approved by the Commission in 1994 (5-94-081) with conditions that required the installation and maintenance of water quality measure and a parking management program that prohibits any type of preferential parking program. Lot 701 was constructed as a temporary parking lot to offset parking spaces lost by a CalTrans project to improve North and South Venice Boulevard and the median area between the two roads (5-90-664 and amendments). The City of Los Angeles assumed responsibility of lot 701 in response to inadequate parking lot monitoring and organization. The Commission required CalTrans and the City to remove the temporary lot and restore the area to its original state when construction of the street improvements had concluded. In later amendments the Commission approved time extensions for the temporary lot and finally required the City of Los Angeles, Department of Transportation (CalTrans successor in interest) to apply for both a City and Coastal Commission coastal development permit. The City eventually approved a coastal development permit and conditional use permit for a permanent parking lot on Lot 701 (96-005). The City did not apply for a coastal development permit from the Coastal Commission, believing that the local permit sufficed. The current application includes a request by the City to make the temporary lot 701 a permanent public parking lot.

C. Recreation and Public Access

The proposed project can be approved only if it is found to be consistent with the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project is the request for permanent authorization of a previously approved temporary public parking lot, including after-the-fact approval for reconstruction, design, and re-stripping of the existing parking lot (lot 701). The City of Los Angeles, Department of Transportation has also proposed the establishment of a monthly permit parking program on two City-owned lots (lot 701 and 731) Monday-Friday only with a monthly fee of \$70 not including a 10% City Occupancy Tax. The City has proposed that the monthly permit-parking program be offered to local businesses only. The monthly permit-parking program would not be valid during weekends or holidays. Monthly permit holders would have to pay the daily rate to the parking attendant during these times. Also, the public would not be prohibited from parking in the lots during the weekday.

The methods of operation and management of public parking lots can have an impact on the public's ability to access the coast and coastal areas. One of the fundamental goals of the Coastal Act is the protection and maximization of public access to the coast. The Commission can only approve a project if it does not restrict public access to the coast or negatively impact public recreational opportunities. A portion of the applicant's proposed project would ultimately improve coastal access. The applicant has requested permanent authorization of a previous Commission approved temporary public parking lot. This lot (lot 701) contains 150 spaces for public parking. Authorizing the City to permanently operate and maintain lot 701 will enhance the public's ability to use the parking lots, and thus improve access to the beach and shoreline. Changing the temporary lot to a permanent lot would have no negative impact to the public's ability to access the coast. However, the second portion of the applicant's proposed project, to establish a monthly permit parking program would negatively impact public access and recreation if the proposed monthly permit program reduced the amount of parking that is currently available for use by beach goers. Therefore, the approval of the proposed monthly permit-parking program must be conditioned in order to protect the existing use of the public parking lots for coastal access.

The City of Los Angeles, Department of Transportation has submitted a parking analysis with respect to revenue data. The Parking division does not track statistics involving numbers of vehicles per hour and day of the week for lots 701 and 731. The Parking Division states, "Revenue data for fiscal year 1999-2000 show that 71 percent of the total revenue generated on the two lots was obtained during the summer period [April through September]. Of the total summer revenue, 87 percent was generated on Saturdays, Sundays, and holidays. Lot 701

produced 33 percent and Lot 731 produced 54 percent of that summer's total holiday and weekend revenue." The two public parking lots are currently open for public use, with no parking permit required. As previously mentioned lot 701 is used as an overflow lot. It is operated in the summer period on Thursdays and Fridays from 10:00 am to 5:00 pm and on Saturdays and Sundays from 9:00 am to 7:00 pm. During the winter period (October through March) lot 701 is operated on Saturdays and Sundays only from 9:00 am to 5:00 pm. The lot is closed during the weekdays. The City has stated that the hours and days this lot 701 is opened vary depending on demand and weather conditions. Lot 731 is in operation seven days a week from 9:00 am to 8:00 pm during the summer period and 9:00 am to 5:00 pm during the winter period.

Anyone may use the public parking lots during the current hours of operation, including beach goers, residents and customers and employees of the nearby commercial uses. The parking attendant must be paid to use lot 701 and 731. The current parking lot management system allows anyone to park in the public lot for a one-time fee. This fee depends on the time of year and amount of parking demand. The parking management charges a minimum of \$3.00 (typically during the winter months) and a maximum of \$11.00 for all day use.

Commission staff site visits have confirmed that the parking lots are not filled and lot 701 is rarely opened during weekday summer and winter months. A monthly parking permit program would not greatly reduce the available public parking spaces in the lot because the City has limited the time period to week days only (excluding holidays) when beach parking demand is at its lowest. Therefore, in order to protect public access to the parking that supports access to the shoreline and coastal recreational activities, Special Condition One states that

This Commission action does not authorize any parking permit program in any public beach parking lot other than a monthly permit-parking program valid during the days of Monday through Friday. The monthly parking permit is not valid on weekends or holidays. This Commission action authorizes weekday (except holidays) parking only in the following parking lots with a valid City-issued parking permit:

Lot 701 located at 2150 Dell Avenue

Lot 731 located at 100 N. Venice Boulevard

No parking permit shall be required for parking in the above public beach parking lots any day on the regular daily rate basis. All persons parking vehicles in the public beach parking lot during weekends and holidays shall be required to pay the parking attendant for use of Lot 701 and 731 on a regular daily rate basis.

Special Condition One ensures that the monthly parking permit program does not allow permit holders, who for the most part will not be visiting the beach, to park during peak beach use time (weekends and holidays) and would not discourage public beach parking and access to the coastline.

The applicant intends to only sell monthly parking permits to employees of the nearby commercial facilities. The Commission views this restricted sale of parking permits as

preferential parking. The public access and recreation policies of the Coastal Act require that the public beach parking lots be open and available for use by the general public with no preferential treatment for any person or group. This means that everyone can use the facilities, subject to the same rules. Special Condition Three of Coastal Development Permit 5-94-081 (lot 731) also states:

There shall be no preferential parking permit programs in the parking lot, and there shall be no parking spaces reserved for private use. Any increase in parking fees, change in parking lot hours, or any other action which could affect public use of the parking lot, shall be subject to the review of the Executive Director to determine if a Coastal Development Permit is required.

The City may restrict the size of vehicles that may park in the parking lots, and as authorized by this coastal development permit, may offer monthly parking permits during weekdays (excluding holidays), but the parking permits shall be available to the general public. This action does not authorize any preferential parking system that would limit the sale of parking permits to commercial businesses, local residents, or reserve any parking spaces for anyone, except for handicapped. Special Condition Four states:

Both Lot 701 and Lot 731 shall remain open and in use for public beach parking during all hours of operation. All parking spaces within the public beach parking lots shall be available for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within a public beach parking lot by any person or group (handicapped spaces excluded). No parking spaces within a public beach parking lot shall be used to satisfy parking requirements for any commercial use or activity or any other development. This condition does not prohibit the City from requiring a City-issued parking permit, available to the general public, for use of Lot 701 and 731 during weekday (excluding holiday) use.

Special Condition Four also states that the parking spaces in the public beach parking lots shall not be used to satisfy parking requirements for any commercial use or activity or any other development. Although the current City proposal does not include any provision to allow public parking spaces to be counted towards the satisfaction of parking requirements for any commercial use or activity, there have been proposals in the past.

During the hours that each parking lot is open for public use, access to the parking shall be equal and the rules regarding the use of the public beach parking lots shall be the same for the general public (those without parking permits) and persons who have purchased a City-issued parking permit. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

Because the existing and future demand for parking by beach goers in public beach parking lots 701 and 731 is not known, and the demand for monthly parking permits is not yet known, the full effect of the proposed project as conditioned cannot be fully anticipated. Special Condition Three limits the monthly permit-parking program to a one-year period during which time the City shall be required to monitor the parking facilities and monthly parking

permit program. The one-year monthly permit parking program term will terminate one year from the date of Commission approval. During the one-year term of this permit program, the City shall monitor the monthly permit-parking program and collect data to be used during the City and Commission's review of any subsequent permit terms. An amendment to this Coastal Development Permit or new Coastal Development Permit must be obtained prior to the implementation of any subsequent monthly permit parking program terms. For each parking lot, the City shall keep a record of the number of parking permits issued, monthly daytime parking demand, and public complaints. The one-year term for the monthly permit-parking program does not limit the term of this Coastal Development Permit and the authorization of a permanent parking lot located at 2150 Dell Avenue (Lot 701). The authorization to make the parking lot permanent will not expire after the one-year monthly permit parking term.

Currently, lot 701 is closed during the weekday winter period (October through March) and is only opened Thursday through Sunday during the summer period (April through September). While the demand may be such that it is not necessary or feasible to keep both lots 701 and 731 open every day of the week, there is no data that could foresee the impacts of selling monthly parking permits to the public. Increasing the parking demand and reducing the parking supply by closing lot 701 three to five days out of the week would negatively impact public access to the parking lot, which directly impacts public access to the coastline. Therefore, the Commission imposes Special Condition Four which requires both Lot 701 and Lot 731 to remain open and in use for public beach parking during all hours of operation (every day of the week). All parking spaces within the public beach parking lots shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis.

As conditioned, the proposed permanent parking lot (lot 701) and the monthly parking permit program is consistent with the Coastal Act policies which encourage public access and recreational use of coastal areas.

D. Water Quality

The Commission has found that Ballona Lagoon and the Venice Canals are sensitive habitat areas that must be protected from negative impacts associated with development.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored

through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Public parking lots 701 and 731 are located near or adjacent to Grand Canal and the Venice Canals system. Lot 701 is located directly above Grand Canal (two sides of the parking lot are connected by a bridge that crosses the canal). The Venice Canals are located up stream from Ballona Lagoon, and are part of the Ballona Wetlands system. The Ballona Wetlands system is habitat for many species of marine biota, including the state and federally listed endangered least tern. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, and pesticides are often contained within urban runoff entering the storm water system. The discharge of polluted runoff into the canal system would have significant adverse impacts on the overall water quality of the Pacific Ocean and would directly impact the biological productivity of the Ballona Wetlands system.

Surface runoff from parking lots has been identified as a major contributor of water pollution in Ballona Lagoon, the Marina del Rey entrance channel and the Pacific Ocean. The resurfacing, restriping, and landscaping of Lot 731 was approved by the Commission on May 25, 1994 (5-94-081), and required water quality measures as a condition of approval. Special Condition #1 of 5-94-081 states:

Through the acceptance of this Coastal Development Permit, the applicant agrees to provide and maintain drainage improvements which incorporates a low flow drainage filtration system consistent with the Draft Santa Monica Bay Restoration Project Action Plan. The Santa Monica Bay Restoration Project Action Plan requires a twenty percent reduction in surface flows from parking lots and recommends a maintainable sand or gravel filled trench system and oil separators for this purpose. Areas shall be reserved on the site where drainage will flow naturally for the provision of low flow drainage filtration trenches and oil separators. The applicant shall not locate any irrigation or power lines in these reserved areas. No drainage from the parking lot shall be allowed to flow directly into Grand Canal.

The applicant submitted a drainage improvement plan for lot 731 in compliance with Coastal Development Permit 5-94-081. The City of Los Angeles, Department of Transportation has received a Coastal Development Permit from the City of Los Angeles for the permanent use of

lot 701 for a public parking lot but has not received a Commission approved Coastal Development Permit for permanent authorization of the previously approved temporary public parking lot (see Section B. Project History, above). Lot 701 is an existing operated public parking lot. The Commission, however, must treat the existing parking lot as if it had not been constructed as a permanent parking lot and thus must address the coastal resource issues associated with it.

As previously mentioned, urban runoff from parking lots is a major contributor of water pollution. Lot 731 was required to incorporate water quality measures as a condition of approval for Coastal Development Permit 5-94-081. Lot 701, however, has not received a Coastal Development Permit and is therefore required to incorporate water quality standards to limit adverse impacts to the biological productivity of coastal waters and sensitive habitat areas. While the Commission does understand that the parking lot is existing, an after the fact project must still be found consistent with the Chapter Three policies of the Coastal Act, namely Section 30230, 30231, and 30240. For this reason the Commission imposes Special Condition Five which requires the applicant to submit a drainage plan that includes the installation of structural best management practices (BMPs) to reduce the impact of urban runoff water that enters Grand Canal and ultimately the Pacific Ocean. This drainage plan is only for lot 701, and shall incorporate a weekly street sweeping program as well as the installation of catch basins with biofilters. If catch basin currently exist within lot 701 the applicant is only required to insert the biofiltration unit.

The Commission also understands that the parking lot surface is complete along with parking space striping and landscaping. Therefore it will be difficult for the City to undertake certain best management practices. Some BMPs require water to drain to specific locations for filtration purposes. Others require the development of storm drains that are placed underground. While these BMPs may be the most appropriate at removing contaminants of concern, the Commission would not require the applicant to demolish the entire 150 space parking lot. Therefore, to the extent feasible, the applicant must incorporate best management practices that reduce the amount of both polluted nuisance flow and storm water runoff from entering the storm drain system and Grand Canal. Such measures must, where practical and feasible be designed to filter or treat (i.e., a physical and/or chemical reduction of pollutants achieved through active filtration) the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event for volume based Best Management Practices (BMPs), and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs, prior to its discharge to the Pacific Ocean. The drainage system and its individual components (such as drop inlets and filtration mechanisms) shall be sized according to the specifications identified in the California Storm Water Best Management Practice Municipal Handbook (California Storm Water Management Task Force, March 1993).

Special condition Five also requires that the drainage system be permanently operated and maintained. All BMPs must be inspected and when necessary cleaned or repaired. Debris from such maintenance activities must be contained and disposed of in a proper manner (See Special Condition Five for more detail).

Therefore, only as condition to incorporate a weekly street sweeping program, install catch basins with biofilters, and where feasible include other best management practices to reduce the amount of polluted runoff from entering Grand Canal and the Pacific Ocean can the Commission approve the project

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. On March 28, 2001, the Los Angeles City Council accepted the Commission's suggested modifications and adopted the Venice LUP as it was approved by the Commission on November 14, 2000.

The proposed project, as conditioned, conforms with the Commission-certified Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the Coastal Act and the applicable requirements of CEQA.

End/am



Exhibits #1-3
For Staff Report 5-01-028
Will follow in the Commission Addendum

