

CALIFORNIA COASTAL COMMISSION

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Filed: March 29, 2001
 49th Day: May 17, 2001
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 Staff: KT-LB
 Staff Report: April 26, 2001
 Hearing Date: May 7-11, 2001
 Commission Action:

Item M 13f**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-01-114

RECORD PACKET COPY

APPLICANT: City of Redondo Beach

AGENT: Barry Kielsmeier, Harbor Director

PROJECT LOCATION: 101 West Torrance Boulevard and 180 North Harbor Drive,
City of Redondo Beach (Los Angeles County)

PROJECT DESCRIPTION: Increase the maximum daily rates on weekends at the Pier and Plaza public parking structures from \$7.00 during summer and \$5.00 during winter to \$13.00 all year. Increase the maximum daily rate on winter weekdays from \$3.00 to \$5.00. No change in the maximum daily rate of \$5.00 on summer weekdays is proposed. No change in the hourly rate of \$1.50 per hour (\$0.50 per 20 minutes) is proposed.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Redondo Beach Land Use Plan Certified June 18, 1981.
2. City of Redondo Beach City Council Approval Dated April 3, 2001.
3. City of Redondo Beach Harbor Department Staff Report Dated April 3, 2001.
4. Parking Demand Analysis Prepared by Walker Parking Consultants for the City of Redondo Beach Dated February 21, 2001.
5. Coastal Development Permits P-79-4801 (City of Redondo Beach), 5-82-801 (City of Redondo Beach), 5-93-187 (City of Santa Monica), 5-94-010 (Northwestern Mutual Life), 5-94-010-A2 (Northwestern Mutual Life), 5-94-010-A4 (Northwestern Mutual Life), 5-94-176-A1 (City of Santa Monica), and 5-98-156-A2 (City of Long Beach & DDR Oliver McMillan).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the proposed project subject to special conditions to limit the proposed increases in the maximum daily rate to summer weekends and winter weekdays only and retain the present rate on winter weekends. Staff recommends that changes in beach parking rates can affect public access to the pier, beach and other nearby public amenities. The special conditions require the hourly rate (\$1.50) to remain

as established in this permit, that the maximum rate on summer weekends not exceed thirteen dollars per day and on all other days not exceed \$5.00 in 2001 dollars. Any proposed change to the hourly or maximum rate must be reviewed by the Executive Director to determine whether an amendment or a new permit is required. Secondly, this permit shall remain in force through the summer of 2006, after which time the applicant would need to apply for an amendment or a new permit to extend or change the price structure established in this permit. The third special condition requires the submission of annual reports that assess the effectiveness of the maximum daily rate increase for the applicant's stated purpose: to increase turnover, thereby increasing the number of vehicles parked in the structures and to reducing traffic congestion on Catalina Boulevard, caused in the past by the parking structure closures.

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the following resolution with special conditions.

Motion:

I move that the Commission approve CDP No. 5-01-114 pursuant to the staff recommendation.

Staff Recommends a **YES** vote. Passage of this 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.

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS**, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized

agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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. Revised Fee Schedule.

- a) Prior to issuance of the coastal development permit, the applicant shall provide the following revised fee schedule:
 - (1) Winter weekdays - \$5.00 maximum daily rate
Winter weekends - \$5.00 maximum daily rate
 - (2) Summer weekdays - \$5.00 maximum daily rate
Summer weekends - \$13.00 maximum daily rate
 - (3) Hourly rate - \$1.50 per hour (\$0.50 per 20 minutes)
- b) The permittee shall undertake development in accordance with the revised fee schedule. Any proposed changes to the approved revised fee schedule shall be reported to the Executive Director. No changes to the approved revised fee schedule shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Term of Coastal Development Permit.

- a) This Commission action authorizes the City to implement the revised fee schedule at the Pier and Plaza parking structures for a limited period of five years. The permit will terminate five years from the date of Commission approval.

- b) A new coastal development permit, or an amendment to this coastal development permit, must be obtained prior to the implementation of any subsequent permit terms.

3. Annual Parking Analysis Report.

- a) During the five-year term of this permit, the City shall prepare annual parking reports that assess the effectiveness of the increase in maximum daily rates to increase turnover in the parking lots. The reports shall include records of occupancy counts for the two structures for days of peak occupancy, data on parking space availability, analyses of usage, length of stay and staffing, and recommendations for parking rates. If the reports conclude that the increase in the maximum rates did not effectively increase turnover in the structures as proposed, the reports shall indicate the probable reasons for the failure and shall suggest alternate parking management programs.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicant, City of Redondo Beach, proposes to increase the maximum daily rates on weekends at the Pier and Plaza parking structures from seven dollars (\$7.00) during summer (May through September) and five dollars (\$5.00) during winter (October through April) to thirteen dollars (\$13.00) all year. The applicant proposes to increase the maximum daily rate on winter weekdays from three dollars (\$3.00) to \$5.00. No change is proposed to the summer weekday maximum rate of \$5.00. Each parking facility charges a fee of fifty cents (\$0.50) per 20 minutes (\$1.50 per hour) until the vehicle either exits the structure (prior to reaching the maximum daily rate) or reaches the maximum daily rate. No change is proposed in the hourly rate. Currently, the maximum daily rate of \$7.00 on summer weekends is reached once a vehicle is parked for 4 hours and 40 minutes (See Table 1). The maximum daily rate of \$5.00 on winter weekends is reached once a vehicle is parked for 3 hours and 20 minutes. Therefore, vehicles parked in excess of 4 hours and 40 minutes on summer weekends are charged \$7.00 and those parked in excess of 3 hours and 20 minutes on winter weekends are charged \$5.00 regardless of the duration of stay beyond those initial periods. Under the City's proposal, the maximum daily rate of \$13.00 on weekends would be reached once a vehicle was parked for 8 hours and 40 minutes.

Table 1. Hourly Fees at the Current and Proposed Maximum Daily Rates

Hour	Current Fee (\$)	Proposed Fee (\$)
1	1.50	1.50
2	3.00	3.00
3	4.50	4.50

4	6.00	6.00
5	7.00	7.50
6	7.00	9.00
7	7.00	10.50
8	7.00	12.00
9	7.00	13.00

Project Location

The Pier Parking Structure is located at 101 West Torrance Boulevard and the Plaza Parking Structure is located at 180 North Harbor Drive within the City of Redondo Beach, Los Angeles County (Exhibit #1). The public parking structures are located between the first public road (Catalina Avenue) and the sea (Exhibit #2). The Pier Parking Structure is located just inland of the southern end of the horseshoe-shaped Redondo Beach Pier. The Plaza Parking Structure is located approximately 500 feet north of the northern end of the Redondo Beach Pier. The parking facilities have a total of 1,461 parking spaces (1,126 in the Pier structure and 335 in the Plaza structure). The Redondo Beach Pier is used by both residents and visitors for recreational and commercial activities (shopping, dining, amusement rides, fishing, and walking) and access to the shoreline.

The Pier Parking Structure provides public parking for access to the Redondo Beach Pier, International Boardwalk, Veteran's Park, Los Angeles County bike path and adjacent Redondo State Beach. The Plaza Parking Structure supports public access to the pier, International Boardwalk, Plaza Park, marinas, bike path and adjacent beach. The Redondo Beach Pier, International Boardwalk, Veteran's Park, bike path, marinas and adjacent beach are public recreational resources. Restaurants, stores, concessions, arcades and amusement rides are located on the pier. In addition to the commercial uses, many people fish recreationally from the sides of the pier. The City holds free concerts on the pier on some Thursday and Saturday nights. Kite festivals are held on the pier on some weekends. International Boardwalk is a row of stores, including retail, art and fish market type stores, that is fronted by a wide walkway adjacent to a boat basin. A portion of the Los Angeles County bike path and a walkway are located atop this row of stores. Veteran's Park, located just south of the Redondo Beach Pier, is a City-owned park used for picnicking, relaxing and viewing the ocean and pier. Plaza Park located just north of the pier is a City-owned park used for picnicking, relaxing and viewing the pier and King Harbor. The marinas located north of the Plaza Park provide recreational opportunities including, among other things, boating, sportfishing and whale watching excursions and dining. The Los Angeles County bike path extends from the north end of Santa Monica to the Palos Verdes cliffs, approximately 27 miles. Redondo State Beach is a two-mile long public beach used for sunbathing and swimming.

Parking Structure Capacity

The City representatives state that city officials have become concerned about the operation of the parking facilities during periods of heavy use. The parking facilities reached capacity on 32 days during the year 2000, all of which were on summer weekends. During periods of heavy use, traffic is congested on Catalina Avenue, which is

the first public road from the sea in this part of Redondo Beach and is directly connected to Harbor Drive and West Torrance Boulevard, which are the primary access corridors to the parking structures. When the parking structures reach capacity, the parking staff notifies the police that they are closing and barricade the entrances to the structures. The usual result of closing the structures is increased traffic on Catalina Avenue as vehicles are turned away from the structures. From that point on, the structures are reopened each time a minimum of 20 spaces is available in the combined facilities.

Parking Analysis

The City hired Walker Parking Consultants to complete a parking analysis of the Pier and Plaza parking structures. The objectives of the analysis were to determine (1) if the facilities were being operated efficiently to maximize the use of the parking spaces and (2) if the parking rates could be adjusted to allow the maximum number of visitors to the area to utilize the structures on heavy usage days. Based on the analysis, the consultant concluded that vehicles parked for more than four hours occupy approximately 29% of the total parking spaces during peak hours of heavy usage days. The consultant recommended that the City discourage extended stay patrons (those who park for more than four hours) in order to allow more visitors to the area to utilize the parking facilities during heavy usage days. The consultant recommended that the City implement the following rate structure to achieve this goal: maintain the current fee rate of \$0.50 per 20 minutes for the first 3 hours; after 3 hours, charge \$1.00 per 20 minutes; charge a maximum daily rate of \$13.00.

City Proposal

The City proposes to maintain the current fee rate of \$0.50 per 20 minutes and implement a new maximum daily rate of \$13.00 on weekends and \$5.00 on weekdays throughout the year. This would result in no change to the fee rate, an increase in the maximum daily rate from \$7.00 on summer weekends and \$5.00 on winter weekends to \$13.00 all year, and an increase in the maximum daily rate on winter weekdays from \$3.00 to \$5.00. By increasing the maximum weekend daily rates to \$13.00 all year, the maximum daily rate would be reached once a vehicle was parked for 8 hours and 40 minutes (See Table 1). Therefore, a parked vehicle would be charged the rate of \$0.50 per 20 minutes for the first 8 hours and 40 minutes per weekend day the vehicle was parked.

The City proposes to maintain the current fee rate of \$0.50 per 20 minutes rather than change the fee rate to \$1.00 per 20 minutes after 3 hours, as the consultant recommended, for two primary reasons. One reason why the City did not want to implement a fee rate that changes with duration of stay is because it would be confusing to patrons who are accustomed to paying the same fee rate each hour for their entire stay. The second reason is that the City was fearful that doubling the fee rate after 3 hours would discourage visitors from parking in the structures and accessing the pier and beach.

In addition to changing the maximum daily rate for weekends as proposed by the consultant, the City proposes to change the maximum daily rate for winter weekdays. Currently, the maximum daily rate for weekdays is \$3.00 during winter and \$5.00 during summer. The City proposes to increase the maximum daily rate for winter weekdays from

\$3.00 to \$5.00. This increase would bring the maximum daily rate for winter weekdays closer to the rate charged in similar facilities. No change to the \$5.00 maximum daily rate for summer weekdays is proposed. The proposed maximum daily rate for weekdays would be reached after 3 hours and 20 minutes.

The City proposes to increase the maximum daily rates for winter so that they would be the same as the proposed maximum daily rates for summer. The City wants to simplify the signage at the entrances to the parking structures that inform patrons of the fee rate and maximum daily rate. By implementing the same rates during summer and winter, the signs would simply need to state that the fee rate is \$0.50 per 20 minutes and the maximum daily rate is \$5.00 on weekdays and \$13.00 on weekends.

B. CDP Required When Increasing Fees of Public Beach Parking Lots

The Coastal Commission has received numerous inquiries over the years as to whether the imposition or increase of fees at public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit (CDP). In addition to these inquiries, the Commission has taken action on several specific CDP applications to raise parking fees. These applications included 5-93-187 (City of Santa Monica), 5-94-010 (Northwestern Mutual Life), 5-94-010-A2 (Northwestern Mutual Life), 5-94-010-A4 (Northwestern Mutual Life), 5-94-176-A1 (City of Santa Monica) and 5-98-156-A2 (City of Long Beach & DDR Oliver McMillan). In most cases, a CDP is required because the imposition of a fee or increase of an existing fee qualifies as development. Pursuant to the California Coastal Act, a CDP is required for any "development" unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law. Section 30106 of the Coastal Act defines "development" as including a "...change in the intensity of use of water, or of access thereto..." among other things. According to a letter from the Executive Director dated October 29, 1993, "It is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters is a 'development' for purposes of the Coastal Act and requires a coastal development permit..." (Exhibit #3). In this case, the purpose of the proposed increase in fees is to reduce the length of time visitors park at the structures, thereby increasing turnover in the structures. The change is specifically designed to affect the patterns of public use and access to this public parking lot.

Furthermore, the letter stated that it is the Commission's position that the substantial increase of a user fee for beach access parking would result in a change in access to state waters. For purposes of guidance, a "substantial increase" is defined in the letter as "any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period." By this criterion, the proposed increase in fees is substantial. An increase in the maximum daily rate on summer weekends from \$7.00 to \$13.00 is greater than a 25% increase in one year. Likewise, an increase in the maximum daily rate on winter weekends from \$5.00 to \$13.00 is greater than a 25% increase in one year. The increase in the maximum daily rate on winter weekdays from \$3.00 to \$5.00 also is greater than a 25% increase in one year. According to the analysis above, these fee increases constitute substantial increases. Since it has been determined that a

substantial increase in fees has the effect of changing access to state waters, the increases in the maximum daily rates require a CDP.

C. Previous Commission Action in Project Area

The Pier Parking Structure is a City-owned structure that was built prior to establishment of the Coastal Commission. In 1979, the City applied to the Commission for a coastal development permit (P-79-4801) to construct the Plaza Parking Structure, which is a City-owned structure. In 1983, the Commission approved a coastal development permit (5-82-801) to construct a police substation on a portion of the top deck of the Pier Parking Structure, remove inoperable moving sidewalk, and construct a 14-foot wide staircase with a lookout landing. The City has not applied to the Commission for coastal development permits for development at the Pier or Plaza parking structures since.

D. Public Access/Parking

As noted above, the principal Coastal Act issue raised by this request is the maintenance of low cost public access to public recreational areas.

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 authority, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

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.

Increasing the maximum daily rates has the potential effect of reducing access to the beach and other nearby recreational opportunities. The Commission has been concerned that raising rates at beach parking areas to unaffordable amounts could exclude the general public from the beach. The proposed maximum daily rate of \$13.00 on weekends is higher than the rates at most other publicly owned beach parking lots in Los Angeles County (re: Table 2). However, the fees that would be charged on summer weekends for 4, 5 or 6 hours (\$6.00, \$7.50 and \$9.00), which is what the Commission considers to be the average length of stay for beach visits, are comparable to the rates charged at beach parking facilities elsewhere in Los Angeles County (re: p.5, Table 1).

Table 2. Beach Parking Rates on Summer Weekends

Jurisdiction	Parking Rate Range On Summer Weekends
Los Angeles County (I)*	\$2.00 to \$9.50 per day flat fee
Los Angeles County (II)**	\$2.00 to \$5.00 per day flat fee
City of Los Angeles (Venice)	\$9.00 to \$11.00 per day maximum
Santa Monica	\$6.00 to \$8.00 per day

Hermosa Beach	\$0.50 per hour
Manhattan Beach	\$1.00 per hour (metered)
Long Beach	\$6.00-\$12.00 per day max. or \$2.00/hr.

*Includes parking lots in Malibu, Pacific Palisades, Venice, El Segundo, Torrance, and San Pedro.

**Includes parking lots in Marina Del Rey only.

The parking areas used for rate comparison in Table 2 are used primarily or only for beach access, whereas, the Pier and Plaza parking structures are not. The Pier and Plaza parking structures are used by visitors to the pier, restaurants, shops, parks, marina and bike path, as well as the beach. Since many recreational and commercial uses are located within close proximity to one another, some visitors visit and do multiple things while their vehicles are parked in the structures. Therefore, some visitors park their vehicles in these structures longer than they would at parking areas that serve the beach only. Plus, one-hour validations are offered by many of the commercial establishments. By increasing the maximum daily rate to \$13.00 on summer weekends, the increase would change the fee for patrons who park five hours or longer. Since the Commission considers the average beach visit to last between 4 and 6 hours, the Commission concludes that the increase would affect long term parkers more so than beach visitors. Because the fee charged to beach visitors who park for 4 to 6 hours would not increase significantly from the fee charged under the current fee schedule, the increase in the maximum rate would not reduce public access to the beach.

The City proposes to increase the maximum daily rates at each of the structures on summer and winter weekends and winter weekdays. The City proposes to increase the maximum daily rates in order to increase turnover in the parking lots. The increased maximum daily rates are expected to increase turnover by allowing the fee rate of \$0.50 per 20 minutes to continue to be applied to each 20 minute period for up to 8 hours and 40 minutes on weekends rather than for only the first 4 hours and 40 minutes, as currently exists. The City contends that increased turnover is needed on summer weekends when the parking lots tend to fill to capacity, thereby denying visitors parking that supports access to the beach, pier and other nearby public amenities. The City contends that the proposed rate changes may increase turnover in the parking structures during peak periods when the structures normally fill to capacity.

The City rejected some alternative methods, such as (1) raising hourly rates after 4 hours due to enforcement difficulties and (2) providing valet parking due to design restraints inherent in the Pier structure and an expected negligible increase in number of vehicles. The Commission concludes that a coastal development permit should be approved for the project subject to three special conditions.

The Commission finds that the proposed increases in the maximum daily rates on summer weekends and winter weekdays should be permitted. By maintaining the current hourly rate of \$1.50 per hour, the increased maximum rates should not significantly affect beach visitors who on average visit the beach for 4 to 6 hours. The effect is limited because the hourly rates will not change. Only as conditioned to maintain the hourly rate is the project consistent with the requirement of Section 30213 of the Coastal Act to protect lower cost visitor facilities. The change from \$3.00 to \$5.00 on winter weekdays is de minimus and the proposed \$5.00 rate is comparable to the rate change at nearby public beach parking

facilities. Therefore, the proposed increased maximum rates for summer weekends and winter weekdays should not reduce public access to the beach. Only as conditioned to limit the maximum rate increase to summer weekends and winter weekdays are those proposed increases consistent with Section 30211 of the Coastal Act, which requires development to not interfere with the public's right of access to the beach.

According to the parking demand analysis submitted by the City, the parking structures do not reach capacity during winter. In fact, the analysis reports that in winter the parking structures maintained a minimum of 378 available spaces during days of maximum demand. This indicates that there is not a need to increase turnover in the structures during winter because the structures never reached capacity and parking spaces were always available for additional visitors. The parking demand analysis does not address the length of time vehicles are parked in the structures on winter weekends. Therefore, it does not identify the percentage of vehicles that belong to extended stay patrons. The analysis does not provide any data or information that concludes that increasing the maximum daily rate would not discourage use of the parking structures on winter weekends.

An increased maximum daily rate on winter weekends may discourage visitors from parking in the structures and accessing the beach and pier. Discouraging the public from using the parking structures would interfere with the public's right of access to the beach. This would be inconsistent with Section 30211 of the Coastal Act which states, in part, that "development shall not interfere with the public's right of access to the sea." Special Condition 1 is imposed to not allow the proposed increase in the maximum daily rate on winter weekends, thereby avoiding negative impacts to public access to the sea and to make the project consistent with Section 30211 of the Coastal Act. An increase in the maximum daily rate on winter weekends from \$5.00 to \$13.00 is not justified because the applicant has not demonstrated a need to increase turnover during that period and has not provided evidence that the increase would not negatively impact access. Therefore, the increase would be inconsistent with Section 30213 of the Coastal Act, which states that "lower cost visitor... facilities shall be protected." By not allowing the proposed increase in the maximum daily rate on winter weekends, Special Condition 1 protects lower cost visitor facilities and public access to the beach. Only as conditioned to protect lower cost visitor facilities and avoid negative impacts to public access to the sea is the project consistent with Sections 30211 and 30213 of the Coastal Act.

In order to determine the effectiveness of the proposal, the term of the coastal development permit is limited to five years by Special Condition 2. This condition is necessary to ensure that the project is consistent with Sections 30211 and 30213 of the Coastal Act. The permit is conditioned to require the submission of annual parking analysis reports for five years that assess the effectiveness of the increase in maximum daily rates to increase turnover in the parking lots. The City may apply for a coastal development permit or an amendment to this permit immediately prior to expiration of this permit to maintain or increase the maximum daily rates.

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.*

On January 11, 2001, the Commission certified, with suggested modifications, the amended land use plan portion of the City of Redondo Beach Local Coastal Program to bring it into consistency with the City's General Plan and the Harbor/Civic Center Specific Plan. The amendment excluded the pier and harbor areas and did not address parking fees. The land use plan certified in 1981 addresses the pier and harbor areas and identifies the Pier parking structure as an important access facility for those areas. Since the Commission has not certified the implementation portion of the City of Redondo Beach Local Coastal Program, the standard of review for development in Redondo Beach is still the Coastal Act. Recently, the City submitted a specific plan to revitalize the harbor area of Redondo Beach. The proposal is in its early stages and may be brought before the Commission in the future in a request to amend the land use plan.

The proposed development as conditioned is consistent with the public access policies of Chapter Three of the Coastal Act. The Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a certified Land Use Plan or a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

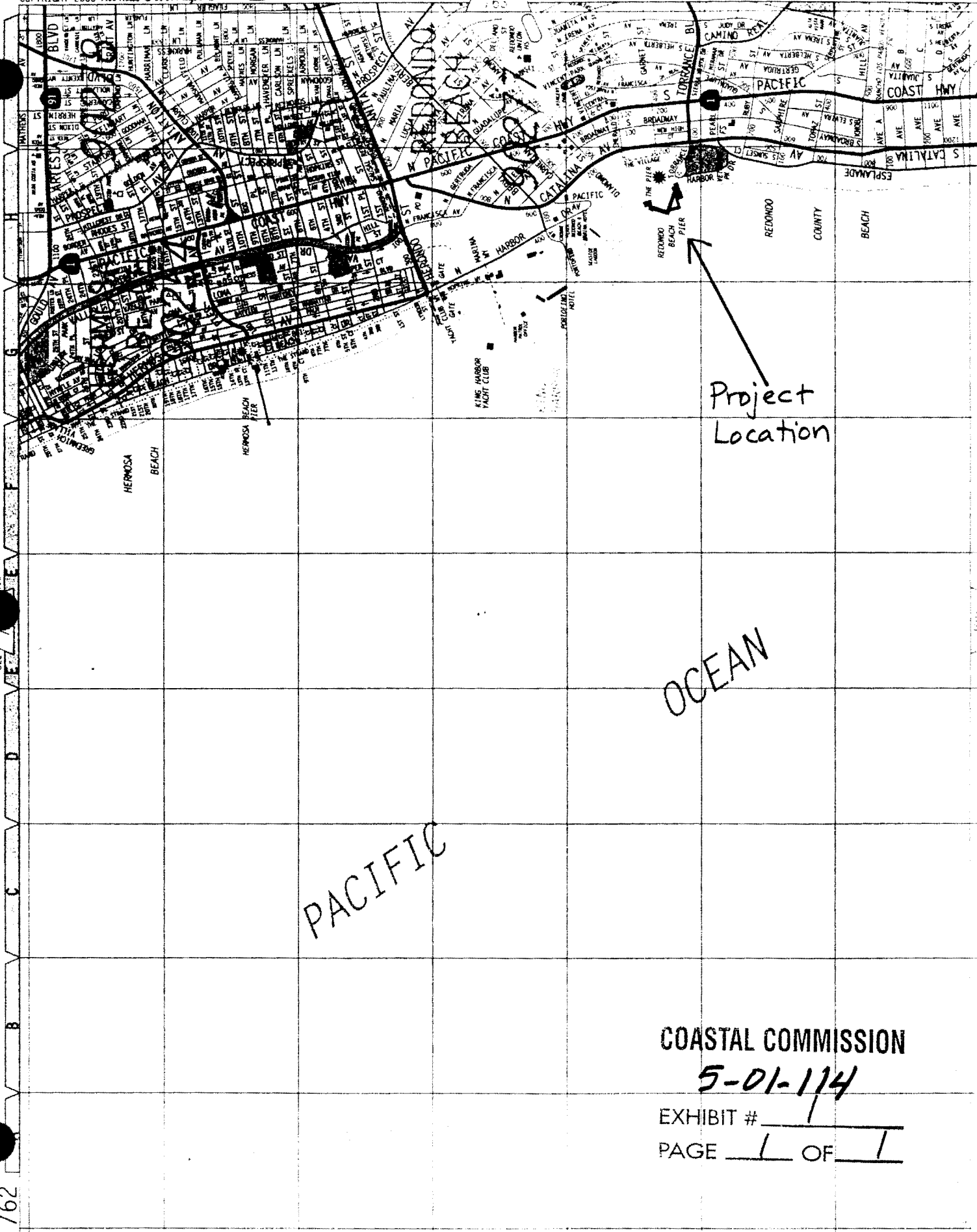
F. California Environmental Quality Act

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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 that the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no

feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

End/KT



Project Location

OCEAN

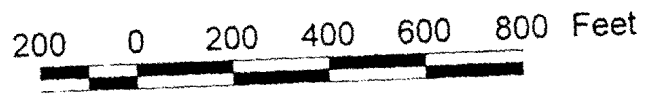
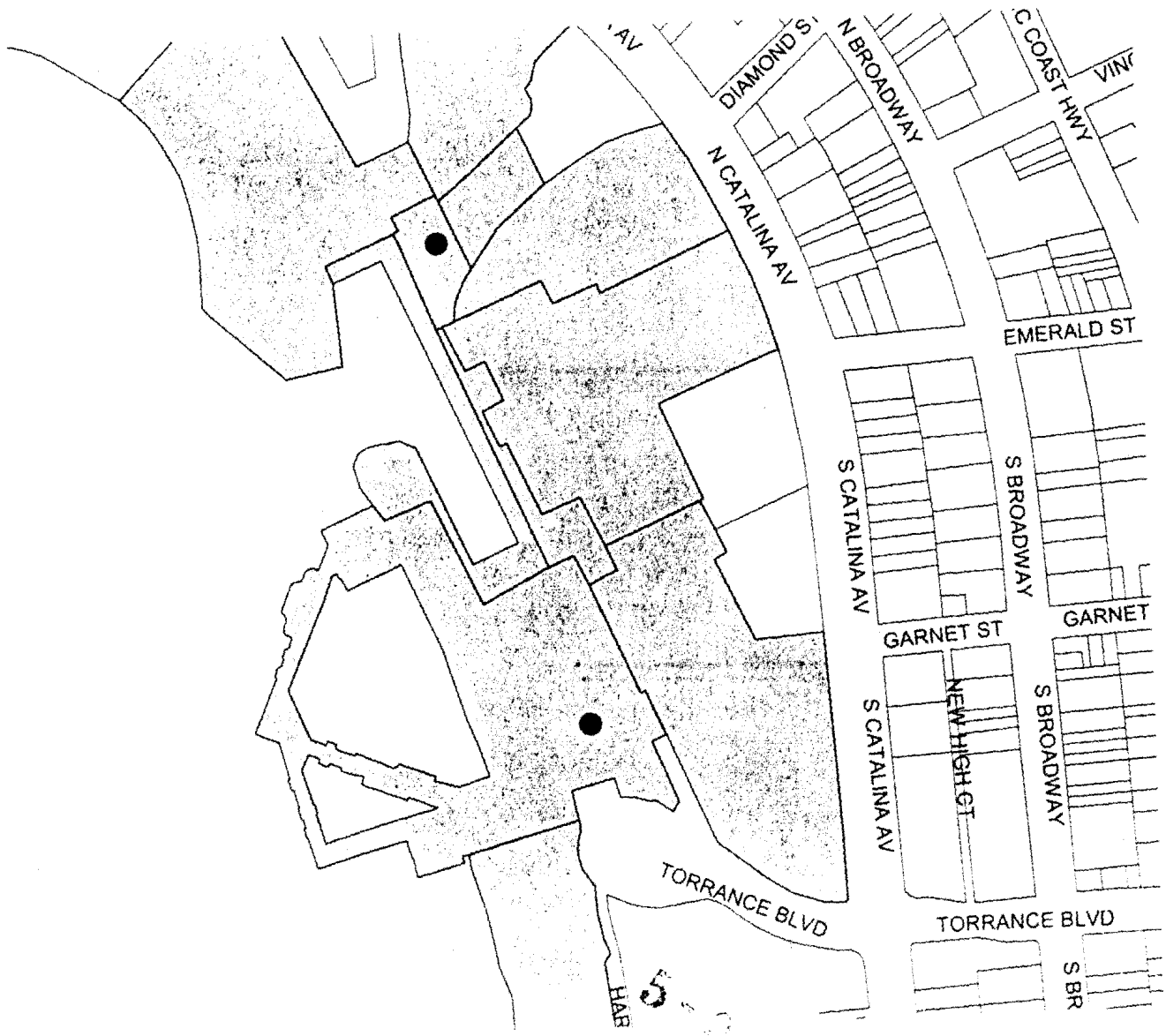
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101 W. Torrance Blvd and 180 N Harbor Dr



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CALIFORNIA COASTAL COMMISSION

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RECEIVED



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October 29, 1993

CALIFORNIA
 COASTAL COMMISSION
 SOUTH COAST DISTRICT

TO: Planning Directors of Coastal Cities and Counties, and Other Interested Persons

FROM: Peter Douglas, Executive Director *Peter Douglas*

SUBJECT: COASTAL DEVELOPMENT PERMIT REQUIRED WHEN IMPOSING OR INCREASING FEES OR MODIFYING THE HOURS OF OPERATION OF PUBLIC BEACHES OR PUBLIC BEACH PARKING LOTS, PIERS OR BOAT LAUNCHING RAMPS

The Coastal Commission has received numerous inquiries as to whether the imposition or increase of fees or making a change in operating hours of public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit. It appears these inquiries result from increasing pressures on local governments to charge fees and/or change the hours of operation of such facilities based on budgetary and public safety concerns. In addition to these inquiries, the Commission has taken action on several specific coastal development permit applications for such activities of which you should be aware. We think it appropriate to respond on a statewide basis and apologize for our delay.

The answer is yes, in most cases. For purposes of this communication, it is important to distinguish between the various types of facilities and actions being discussed. The descriptions below of the types of facilities referred to in this memorandum are not intended to constitute any sort of legal definition but rather provide the context for the discussion that follows. Public beaches refers to all sandy beach areas under public ownership or control, whether or not subject to the public trust. Shoreline parks are public recreation areas that may or may not include sandy beach located immediately adjacent to or in close proximity to state waters and which can be used by the public to gain access to such waters. Public parking facilities include any parking areas or portions of such areas (eg. parking lots, on-street or curbside parking spaces, parking structures) open to the public that are used by the public to gain access to public beaches or state waters. Public piers and public boat launching ramps are self-explanatory.

Pursuant to the California Coastal Act a coastal development permit is required for any "development", unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law (eg. the doctrine of vested rights). The Coastal Act defines "development" as including, among other things, a "...change in the intensity of use of water, or of access thereto..." (Public Resources Code Section 30106.) After a local coastal program (lcp) has been fully certified

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EXHIBIT # 3

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for a city or county, the coastal development permit issuing responsibilities of the Commission are delegated to that local government. Coastal permitting responsibilities stay with the Commission for any development on any land or water areas subject to the public trust. In addition, certain coastal permit actions by local government are appealable to the Commission, including those for the types of facilities and actions that are the subject of this memo. Local coastal programs (lcps) have incorporated the Coastal Act definition of "development" requiring a coastal development permit from the local government implementing a fully certified lcp.

It is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters is a "development" for purposes of the Coastal Act and requires a coastal development permit from the Commission or, in appropriate circumstances, from a local government implementing a fully certified lcp or the Commission on appeal. Because the imposition or substantial increase of a user fee for beach access parking, pier or boat launching ramp use, or for beach or shoreline park use would, in our opinion, result in a change in access to state waters, a coastal development permit is required. For purposes of this memo and for purposes of guidance, "substantial increase" means any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period. Similarly, any action changing the hours of operation or availability for public use of, for example, any beach, shoreline park, parking facility, pier or boat launching ramp or facility requires a coastal development permit. A coastal development permit is required even if little or no physical construction is necessary to implement the action calling for a fee, a fee increase or a change in hours of operation.

As mentioned before, whether the coastal development permit must be obtained from the Commission or the appropriate local government depends on whether the local government has in place a fully certified lcp and has been delegated the coastal development permit issuing authority pursuant to the Coastal Act. In some cases, even where a fully certified lcp is in place, the Commission may have retained coastal development permitting authority because the affected lands are subject to the public trust or otherwise fall into a category of retained permit jurisdiction. If there is a question about whether the Commission or the local government is responsible for processing and acting on a coastal development permit, please contact the appropriate Coastal Commission office. Even where a local government has coastal development permit issuing responsibility, it is important to know that the action is probably appealable to the Coastal Commission and, because the issue involves public access and is of vital concern to the Commission, may well be appealed.

The fact a coastal development permit is required for the type of actions described above does not mean a permit application will necessarily be denied. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Coastal Commission has already reviewed and acted on several proposals to change the hours of operation of public beaches, parking facilities, accessways, boat launching ramps, and a pier. These proposals involved the cities of San Diego, Carlsbad and Long

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Beach. It is our intent to prepare a memo on this subject that will provide guidance to local government, other public agencies and members of the public relative to the type of factors the Commission has considered and examples of concerns that should be taken into account when these types of proposals are being formulated. The Commission is extremely sensitive to the budgetary and public safety concerns of local governments. At the same time, the Commission must carefully balance those concerns against broader public interests relative to public use of and access to public coastal resources such as beaches and state waters. It is for this reason, among others, that the Commission has not approved any request to close public beaches to the public on a continuing basis. On the other hand, the Commission has approved the closure of public beach parking lots at certain hours during the night. Finally, it should be remembered that because these types of actions requiring coastal development permits involve questions of public access, the legal standard of review is the Chapter 3 policies of the Coastal Act relating to public access.

Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency, including any action to close to all public use a beach, parking facility or park. Similarly and pursuant to the Coastal Act, if a local government takes an action to close a public facility pursuant to a legally approved declaration of "public nuisance", no coastal development permit is required. We should caution however, Commission staff will look carefully at any action using the "public nuisance" exception to the coastal development permit requirement when the result of such action is to close to public use for any extended period of time a public beach, parking facility or any other facility providing public access to the beach or state waters.

Because there has been some ambiguity and uncertainty about the coastal permit requirements for the types of actions covered by this memo, it is not our intent to pursue any coastal act violation actions at this time. However, we ask every entity that has taken any action described here as requiring a coastal development permit and for which such a permit has not been approved to contact our office to determine the appropriate steps to complete and process a coastal permit application. We realize that in some cases the action requiring a coastal permit may have been taken some time ago. Notwithstanding the passage of time, a coastal permit will still be required and must be secured. We also understand there have been many instances where local jurisdictions have increased parking fees. We recognize that not every increase in parking fees requires a coastal permit. Accordingly, please contact our office for clarification on how we intend to proceed in these cases.

We would appreciate your passing this memo on to anyone you think may have an interest in the matter. We are particularly anxious that this memo get to the responsible people in your jurisdiction who manage your **COASTAL COMMISSION** programs. Thank you for your cooperation and attention to this matter.

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