

CALIFORNIA COASTAL COMMISSION

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Filed: 11/12/02
 49th Day: 12/31/02
 180th Day: 5/11/03
 Staff: AJP-LB
 Staff Report: 2/05/03
 Hearing Date: 3/4-7/03
 Commission Action: 1/09/03

Tu 19a.**RECORD PACKET COPY****STAFF REPORT: REVISED FINDINGS****APPLICATION NO.:** 5-02-380**APPLICANT:** City of Santa Monica**PROJECT LOCATION:** Area bounded by and including Montana Avenue, Fourth Street, Wilshire Boulevard, and Ocean Avenue, in the City of Santa Monica**PROJECT DESCRIPTION:** Establishment of a residential preferential parking zone with no parking or stopping between the hours of 6:00 p.m. to 8:00 a.m. without a permit; and the erection of signs identifying the hours of the parking restrictions and demarcating the restricted areas (Zone UU).**LOCAL APPROVALS RECEIVED:** City Council approval**COMMISSION ACTION:** January 9, 2003**COMMISSIONERS ON PREVAILING SIDE:** Albert, Desser, Dettloff, Hart, McClain-Hill, Nava, Potter, Woolley**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on January 9, 2003, approving the permit for a residential preferential parking zone with special conditions requiring the City to: (1) Prohibit preferential parking along Ocean Avenue, which is located adjacent to Palisades Park; (2) provide preferential parking permits to all hotels that provide affordable visitor-serving over-night accommodations and that provide no on-site visitor parking; (3) limit the authorization of the preferential parking restrictions approved by this permit to a five year time limit, at the end of which the applicant may reapply for a new permit to reauthorize the parking program; and (4) place the applicant on notice that any change in the hours or boundaries of the preferential parking zone will require Commission approval. As conditioned, to mitigate the adverse individual and cumulative impacts on public access and recreation, the project can be found consistent with the access and recreation policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permits No. 5-97-215, 5-96-22, 5-96-059, 5-99-45 through 51 (City of Santa Monica), 5-90-989 (City of Los Angeles Dept. of Transportation), 5-91-498(Sanders); A-5-VEN-97-183 (City of Los Angeles; City of Santa Monica's certified LUP.

STAFF NOTE

In recent years the Commission has received applications from local governments to limit public parking on public streets where there are conflicts between local residents and beach visitors, trail users and/or people seeking coastal views. The streets subject to the current application request for preferential parking extends three to five blocks inland from the Santa Monica's North Beach (area north of the Santa Monica Pier. See Exhibit No. 3). The City of Santa Monica proposes to restrict public parking throughout the evening and early morning hours (6:00 p.m. to 8:00 a.m.). Residents along the affected streets will be allowed to park on the streets within the zone by obtaining a parking permit from the City. The City currently charges \$15.00 per year for a preferential parking permit.

Public access, parking and recreation in an area can result in impacts to neighborhoods that are not designed to accommodate visitors. In this case, the City of Santa Monica has stated that the residential streets within the zone have been impacted by visitors to the downtown visitor-serving commercial Third Street Promenade. The City proposed the parking restriction to address the conflict that occurs when there is a lack of on-site parking for residents and the on-street parking spaces are utilized by non-residents.

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

In this particular case, the Commission allowed parking limitations as proposed by the applicant, with conditions that limit the authorization of the parking restrictions to 5 years and required the applicant to apply for a new permit to reinstate the program after that time. Furthermore, as a result of public testimony the Commission imposed a special condition to require the City to issue parking permits to hotels that provide affordable over-night room rates and do not have on-site parking. Because the Coastal Act protects coastal related recreational opportunities, including jogging, bicycle and trail use, the permit was approved with special conditions to ensure that the implementation of the hours will not adversely impact beach and recreational access. As proposed by the applicant and conditioned by this permit, the Commission found that the proposal will not adversely affect public access and public recreational opportunities.

This permit application is the ninth permit application for residential preferential parking in the City of Santa Monica that has come before the Commission (see Exhibits No. 6). In 1999, the Commission approved seven preferential parking zones. Six zones were located south of Pico Boulevard, with one zone located one block north of Pico Boulevard. The zones varied in location from adjacent to the beach to seven blocks from the beach (see Exhibit No. 2). The parking restriction hours for each zone varied from 24-hour restrictions, limited public parking during the day, to evening hours only (see Exhibit No. 5).

RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-02-380:**

MOTION:

I move that the Commission adopt the revised findings in support of the Commission's action on January 9, 2003, concerning Coastal Development Permit #5-02-380.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the January 9, 2003, hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for approval of Coastal Development Permit #5-02-380 on the ground that the findings support the Commission's decision made on January 9, 2003, and accurately reflect the reasons for it.

Commissioners eligible to Vote on Revised Findings for Coastal Development Permit #5-02-380:

Albert, Dessler, Dettloff, Hart, McClain-Hill, Nava, Potter, Woolley.

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. Public Parking Hours

Preferential residential parking restrictions shall not apply along any portion of Ocean Avenue.

2. Issuance of Parking Permits for Affordable Over-night Accommodations

Prior to the enforcement of the preferential parking zone restrictions, the City shall make preferential parking permits available to all commercial establishments within the preferential parking zone that (1) provide affordable visitor-serving over-night accommodations; and (2) provide no on-site visitor parking.

3. Termination of Preferential Parking Program

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

(b) The City may apply for a new permit to reauthorize the parking program. Any such application shall be filed complete no later than 54 months from the date of approval of this permit and shall include all of the following information: The application for a new permit shall include a parking study documenting parking utilization of the streets adjacent to the preferential zone, including Ocean Avenue. The parking study shall include at least three non-consecutive summer weekends between, but not including, Memorial Day and Labor Day. The parking study shall also include a parking survey for the three non-consecutive summer weekends documenting purpose of trip, length of stay, parking location, destination, and frequency of visits.

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

4. Future Changes

With the acceptance of this permit the applicant agrees that any change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description, Location and Background

The City of Santa Monica proposed the establishment of a residential preferential parking zone (zone UU) that would prohibit public parking between the hours of 6:00 p.m. to 8:00 a.m. without a permit along the following described streets within the City of Santa Monica (see Exhibit No. 2 & 3):

Ocean Avenue, 2nd Street, 3rd Street and 4th Street between Wilshire Boulevard and Montana Avenue; and Montana Avenue, Idaho Avenue, Washington Avenue, California Avenue, between Ocean Avenue and 4th Street.

Preferential parking restrictions will be limited to the east side (inland side) of Ocean Avenue and will apply only to street curbsides that are adjacent to properties developed with residential development within the zone (west side of Ocean, north and south side of Wilshire, and other areas developed with non-residential development, will not be affected by the parking restrictions). The proposed project also includes the erection of signage within the preferential parking zone to identify the hours of the parking restrictions as well as demarcate the restricted areas.

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

The proposed zone is mainly located in the City of Santa Monica's North Side Residential planning area. Lots located along the north side of Wilshire Boulevard are within the Downtown planning area. The proposed zone is generally situated just north of the City's downtown business district and east of Palisades Park, a mile long linear bluff top park (see Exhibit No. 2). The nine streets within and affected by the proposed zone provide approximately 881 curbside parking spaces, with parking on both sides of the streets (132 parking spaces on the west side of Ocean Avenue, and 47 spaces along Wilshire Boulevard, within the boundaries of the zone, are not included in the total since the west side of Ocean Avenue and all of Wilshire Boulevard would not be affected by the restrictions). The coastal zone boundary in this area is 4th street.

The zone extends approximately 3 to 5 blocks from the beach and is located within a high-density residential neighborhood and just north of the City's Third Street Promenade (downtown outdoor shopping and entertainment area). The majority of the residential structures are older structures built between the 1920's and 1950's. These structures have no or limited on-site parking. The structures in the area that provide on-site parking have inadequate parking, based on current standards.

There is currently one other preferential residential parking zone, Zone ZZ, that is in close proximity of the proposed zone. Preferential parking zone ZZ is located immediately adjacent to and east of 4th Street, between Washington Avenue and Wilshire Boulevard. This zone is outside of the coastal zone.

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

The Commission has approved eight previous residential preferential parking zone permit application within the City of Santa Monica (see Exhibit No. 6). In 1996, the City proposed 24-hour preferential residential parking along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard, in the north part of the City (CDP application No. 5-96-059). The Commission found that due to the zone's distance from the beach and absence of direct access to the beach from the street the area did not provide significant beach access parking. However, because the public used the area for scenic viewing and other recreational activities the Commission found that the City's proposed 24-hour parking restriction was too restrictive and would significantly impact access and coastal recreation

in the area. The Commission denied the permit and directed staff to work with the City to develop hours that the City could properly implement and would also protect public access and coastal recreation. The City subsequently submitted a new permit application with hours that restricted public parking only between the hours of 6:00 p.m. and 8:00 a.m. The Commission approved the permit with the proposed evening hour restrictions with special conditions (CDP No. 5-96-221). One of the special conditions limited the authorization to two years and required the City to submit a new permit application if the City wanted to continue the parking restrictions beyond that time, so that the program and possible impacts could be re-evaluated. In June 2000, the City submitted a new application and based on documentation that showed that the parking restrictions created no significant impact to public access to the area or impacts to surrounding streets, the Commission approved the permit (CDP No. 5-00-219).

In 1999, the Commission approved seven additional preferential parking zones within the City of Santa Monica (CDP's 5-99-45 through 51). The seven separate parking zones were generally located in the Ocean Park area (area south of Pico Boulevard) and varied from adjacent to the beach to seven blocks from the beach. The restrictions also varied from no public parking 24 hours per day, to limited public parking.

The Commission found that the creation of the preferential parking zones that excluded the general public from parking on the street during the beach use period adversely impacted public access and were inconsistent with the access policies of the Coastal Act. To mitigate the impacts the Commission required that those zones that excluded public parking during the beach use period, provide one-hundred percent replacement parking. These zones were located immediately adjacent to the beach or within one block of the beach. The zones located further inland (approximately 3 blocks from the beach) were either proposed or conditioned to allow at least two hour public parking during the beach use period. The Commission found that no less than two hours were adequate for beach and recreational use and that extended hours would only be usurped by employees of the nearby Main Street commercial area. Furthermore, based on user surveys the two hours was the average time that beach goers would spend at the beach and there was an adequate supply of street and public lot parking in the area.

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

Since the passage of the Coastal Act the Commission has acted on a number of permit applications throughout the State's coastal zone with regards to preferential parking programs along public streets. In 1979 the City of Santa Cruz submitted an application for a preferential parking program in the Live Oak residential area [P-79-295 (City of Santa Cruz)]. The program restricted public parking during the summer weekends between 11 a.m. to 5 p.m. The City proposed to mitigate the loss of available parking along the public streets by the availability of day use permits to the general public, the provision of remote

lots and a free shuttle system. The Commission approved the program with the identified mitigation measures.

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

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

In 1987 the Commission approved, with conditions, a permit for a preferential parking program in the City of Capitola [#3-87-42 (City of Capitola)]. The program contained two parts: the Village parking permit program and the Neighborhood parking permit program. The Village consisted of a mixture of residential, commercial and visitor-serving uses. The

Neighborhood district consisted of residential development located in the hills above the Village area. The Village, which has frontage along the beach, is surrounded on three sides by three separate neighborhoods. Two neighborhoods are located above along the coastal bluffs with little or no direct beach access. The third neighborhood is located inland, north of the Village.

Similar to the Santa Cruz area mentioned above, the proposed Village area changed from summer beach cottages to permanent residential units, with insufficient off-street parking. With insufficient off-street parking and an increase in beach visitation, on-street parking became a problem for residents and businesses within the Village and within the Neighborhood. The proposed preferential parking programs were proposed to minimize traffic and other conflicts associated with the use of residential streets by the visiting public. The Village program allowed residents to obtain permits to exempt them from the two-hour on-street parking limit that was in place, and the requirement of paying the meter fee. The Neighborhood program would have restricted parking to residents only.

The Village program did not exclude the general public from parking anywhere within the Village. The Neighborhood program as proposed, however, would have excluded non-residents from parking in the Neighborhood streets. The Commission found that public access includes not only pedestrian access, but also the ability to drive into the Coastal Zone and park, to bicycle, and to view the shoreline. Therefore, as proposed the Commission found that the proposal would adversely affect public access opportunities. Without adequate provisions for public use of these public streets that include ocean vista points, residential permit parking programs present conflicts with Coastal Act access policies. Therefore, the Commission approved the permit with special conditions to assure public access. These conditions limited the number of permits within the Village area, restricted public parking limitations to vista point areas in the Neighborhood district, required an access signage program, operation of a public shuttle system, and monitoring program and imposed a one-year time limit on the development that was authorized (requiring a new permit or amendment to continue the program).

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

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

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

All programs attempted to resolve a conflict between residents and coastal visitors over on-street parking. The Commission approved the programs only when the Commission could find a balance between the parking needs of the residents and the general public without adversely impacting public access. For example, in permit #P-79-295 (City of Santa Cruz) and #5-82-251 (City of Hermosa Beach) preferential parking was approved with mitigation offered by the City or as conditions of approval that were required by the Commission to make available day use permits to the general public, remote parking and a shuttle system. In #3-83-209 (City of Santa Cruz), because of a lack of on-site parking for the residents within a heavily used visitor serving area, and adequate nearby public parking, the Commission approved the project to balance the needs of the residents with the general public without adversely impacting public access to the area. In #3-87-42 (City of Capitola) the Commission approved the program for the visitor serving area (the Village) because it did not exclude the general public from parking in the Village but only limited the amount of time a vehicle could park. However, preferential parking in the Neighborhood district, located in the upland area, was, for the most part, not approved since it excluded the general public from parking. The only areas within the Neighborhood district that were approved with parking restrictions were those areas immediately adjacent to vista points. In these areas the Commission allowed the City to limit public parking to two-hour time limits.

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

In addition to preferential parking programs, the Commission has also reviewed proposals to prohibit general parking by such measures as posting "No parking" signs and "red curbing" public streets. In 1993 the City of Malibu submitted an application for prohibiting parking along the inland side of a 1.9 mile stretch of Pacific Coast Highway [#4-93-135

(City of Malibu)]. The project would have eliminated 300 to 350 parking spaces. The City's reason for the request was to minimize the number of beach goers crossing Pacific Coast Highway for public safety concerns. The Commission denied the request because the City failed to show that public safety was a problem and because no alternative parking sites were provided to mitigate the loss of available public parking. Although there were public parking lots located seaward of Pacific Coast Highway and in the upland areas, the City's proposal would have resulted in a significant loss of public parking. The Commission, therefore, found that the proposal would adversely impact public access and was inconsistent with the access policies of the Coastal Act. In denying the proposal, the Commission recognized the City's desire to maximize public safety and found that there were alternatives to the project, which would have increased public safety without decreasing public access.

In 1989 the Commission appealed the City of San Diego's permit for the institution of parking restrictions (red curbing and signage) along residential roads in the La Jolla Farms area (#A-6-LJS-89-166). The impetus for the parking restrictions was residential opposition to the number of students from the University of California at San Diego campus who parked on La Jolla Farms Road and Black Gold road, and the resulting traffic and public safety concerns associated with pedestrians and road congestion in the area. Specifically, the property owners association cited dangerous curves along some portions of the roadway, which inhibited visibility; lack of sidewalks in the area and narrow streets (between 37 to 38 feet wide); and increased crime.

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

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

D. Development Which Requires a Coastal Development Permit

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

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

Although the Vehicle Codes provides the City with the ability to create preferential parking zones, this authority is permissive and in no way eliminates the requirements of other applicable state laws such as the Coastal Act. The Commission has consistently maintained that such zones/districts have potential adverse impacts to coastal access and recreation because public access includes the ability of beach visitors who depend on the automobile to access the beach from inland communities. The impacts of each zone may vary depending on location, hours, boundaries, and coastal and recreational facilities in the area. Therefore, each preferential parking zone needs to be analyzed on a case by case basis to determine the zone's impact to beach access and it's consistency with the Coastal Act. The proposed preferential parking zone's impact to coastal and recreational access is addressed below.

E. Public Access and Recreation

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

Several Coastal Act policies require the Commission to protect beach and recreation access:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public

safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30212.5 of the Coastal Act states:

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

Section 30213 of the Coastal Act states in part:

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

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

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

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

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

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

rights guaranteed to the public under Section 4 of Article X of the California Constitution.

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

Section 30223 of the Coastal Act states:

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

Section 30252(4) of the Coastal Act states:

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

Section 30001.5(d) of the Coastal Act states:

The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: . . . ¶ (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

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

With development of hotels, restaurants, and improvements to the Pier and beach, the Santa Monica beach area has been attracting an increasing amount of visitors from throughout the Los Angeles area and from outside of the region. The City's LUP states that the Santa Monica State Beach is the most heavily used beach in Los Angeles County and possibly in the State. The City has estimated that over 20 million people visit Santa Monica's beaches annually (City of Santa Monica's 1992 certified Land Use Plan). In 1998, between July and September approximately 7.5 million people came to Santa Monica beaches (County of Los Angeles Fire Department Lifeguard Division).

In addition to increased beach visitors, Santa Monica has also experienced an increase in visitors to the downtown's Third Street Promenade, due to the City's revitalization improvements along the pedestrian oriented Promenade. The Promenade extends from Santa Monica Boulevard to the south, to Wilshire Boulevard to the north (See Exhibit No. 2). The increase in visitors to the Promenade has increased the parking occupancy along the neighboring residential areas where parking is already impacted due to existing high density development. According to a survey that was conducted on a summer weekend (July 27, 2002) for the City by a traffic consultant group, The Traffic Solution, parking occupancy between the hours of 6 p.m. and 8 p.m., for the streets within the zone varies from 83% to 100% (see Exhibit No. 4). Because of the impact Promenade visitors are having on the residential neighborhood, the City is proposing a preferential parking program to restrict public parking during evening and early morning hours, from 6 p.m. to 8 a.m. The parking program would allow residents that front on residential streets to purchase parking permits from the City. The City charges \$15.00 for an annual parking permit. The City's municipal code states that the number of Permits per residential household is limited to the number of vehicles registered at that address. If more than three permits are requested the applicant must show that sufficient off-street parking is not available to the applicant (Santa Monica Municipal Code Section 3233).

The proposed preferential parking zone is located approximately 3 blocks from the City's north beach area (area north of the Santa Monica Pier). The area is separated from the beach by Ocean Avenue, Palisades Park which is set atop a 100 foot bluff, Pacific Coast Highway, and a row of residential development and public beach lots. Access to the beach from atop the bluff within this area is by two separate stairways that lead to pedestrian overpasses near Montana Avenue and between Idaho and Washington Avenue. There are two other bluff top pedestrian overpasses located south of Wilshire Boulevard.

Public parking is currently available along all streets within the zone including Ocean Avenue, which is adjacent to and runs parallel to Palisades Park. The streets within the proposed zone provide approximately 881 parking spaces (the actual number affected by the proposed restrictions would be approximately 802 spaces due to the City's ordinance that prohibits curbsides that are adjacent to commercial properties from providing residential parking restrictions). Current parking restrictions vary from no restrictions to 1, 2 and 5-hour limits. The west side of Ocean Avenue provides 132 metered spaces between Wilshire Boulevard and Montana Avenue, or a total of 275 metered spaces from the southern end (Colorado Boulevard) of Palisades Park to the northern end (Adelaide Drive and City's northern boundary). The 132 spaces that are within the boundaries of the zone along the west side of Ocean Avenue, would not be affected since that side of the street is not fronting residential property.

In addition to the street parking within the proposed zone, there are two public parking structures located in the southeast portion of the zone along 3rd Street (Structure No. 10) and 4th Streets (Structure No. 9), between Wilshire Boulevard and California Avenue. The two structures provide 82 and 294 public spaces respectively. Structure No. 9 provides 2-hours of free parking, and \$1.00 for each additional 30 minutes between 8 a.m. and 6 p.m.,

and a \$7.00 flat rate after 6 p.m. Structure No. 10 is metered with 3-hour maximum at \$.50 per hour.

Although the proposed zone is approximately 3 blocks inland of the beach, the majority of the demand outside of the residential demand, is due to patrons and employees of the downtown area. According to the survey submitted by the City, of 632 vehicles surveyed approximately 46% of the vehicles that parked in the area were residential related, and approximately 28% were going to the Promenade. The parking user survey also indicated that 18% of those surveyed were going to the beach, park or pier. However, of the total surveyed, 15% parked along Ocean Avenue to go the beach, Palisades Park or the pier, and the remaining 3% parked inland of Ocean Avenue within the residential area. Therefore, the majority of people parking within the residential area during the evening hours, excluding Ocean Avenue, were residents or visitors to the Promenade.

The high demand for parking in the area is caused by two factors. The first is that the residential area is an older high-density area with over 3,400 units within the twelve block area and there is inadequate on-site parking to support the residential demand. The second factor is the close proximity to the Promenade and the public's desire to find nearby free street parking rather than park in the surrounding downtown parking structures.

Parking studies have shown that there is adequate parking within the parking structures during the evening hours, which is the period of highest visitor demand for the Promenade. The City provides a total of approximately 3,128 parking spaces within six parking structures within the downtown area. Of this total, 2,480 spaces are available to the public (Parking Analysis Update for the Third Street Promenade/Bayside District, October 1993, prepared by Meyer, Mohaddes Associates). Within the parking structures, parking occupancy varies from 37% to 85%, with an average of approximately 55% for the six structures at 6:00 p.m. By 8:00 p.m. the rate increases to an average of approximately 65%.

Furthermore, there is also a surplus of parking within the nearby public parking structures that are located on 3rd and 4th Street, between Wilshire Boulevard and California Avenue during the evening hours. A parking survey of Parking Structure No. 9, located on 4th street, between Wilshire Boulevard and California Avenue, shows that occupancy at 6:00 p.m. is only 15% for the 294-space structure.

Additional parking for beach use is located below the bluffs and adjacent to Pacific Coast Highway within the State beach parking lots (see Exhibit No. 3). There are 10 separate beach lots from the Pier to the City's northern boundary. The lots provide approximately 2,486 parking spaces. According to beach parking lot information gathered by the City, based on four staffed parking lots (2,009 spaces) located north of the Pier, the lots average approximately 90% occupancy during the peak beach period, with a range from 74% to 103%, and decreases to an average of approximately 68% (551 available spaces), with a range from 54% to 75%, around 6:00 p.m. Therefore, during the evening hours there is a

significant amount of parking available to the general public within the beach lots for beach and recreational access.

As shown by the parking information provided by the City, the majority of the non-resident visitors park along Ocean Avenue, as opposed to the residential neighborhood, because of the high occupancy rate of the residential neighborhood and higher turnover rate along Ocean Avenue (2.1 hours) as compared to the residential area (4.1 hours). The high density and longer turnover rate limits the availability of parking spaces within the residential area. Other factors can also be contributing to the low use by beach and recreational uses. One factor is the time of day. The peak beach period is generally between 1p.m. and 3 p.m. and during the evening hours there are less beach and recreational users searching for parking. Second, since beach demand has decreased during this time, the parking availability within the beach lots, that are closer to the beach, increases.

Although the parking restrictions will prohibit public parking, the restrictions are during a time when beach and recreational use is low and there is an adequate supply of available beach parking and parking along the western side Ocean Avenue. Based on the information provided by the City, although the restrictions will prohibit evening parking, the demand for public use of these streets for beach and recreational access is not significant.

Over the last twenty years the Commission has found in past coastal permit action throughout the State, regarding preferential parking programs and other parking prohibition measures, the needs of the residents and the general public must be balanced without adversely impacting public access [#P-79-295 (City of Santa Cruz); #5-82-251 (City of Hermosa Beach); #3-83-209 (City of Santa Cruz); #3-87-42 (City of Capitola; #5-90-989 (City of Los Angeles); #4-93-135 (City of Malibu); #A-6-LJS-89-166 (City of San Diego); and #5-97-215 (City of Santa Monica)]. The hours proposed within this area of Santa Monica will balance the needs of the residents in regards to adequate curb side parking with the needs of the public in regards to the ability to access a visitor –serving commercial area that is within close proximity of the beach. There are on-street low cost parking meters throughout the surrounding area and public parking structures to provide the downtown visitor with a wide range of parking options.

Because of the location of the proposed zone, hours of the parking restrictions, and availability of additional parking in the surrounding area, the impact to public access for beach and recreational use will not be significant, however, the information submitted by the City has shown that Ocean Avenue is more extensively used by beach and recreational users than the residential area. This is due in large part to the provision of meters on the street parking, which creates a higher turn-over, and proximity to the park. The east side of the street provides approximately 72 parking spaces. Although the east side is not as heavily used as the west side due to shorter time restrictions, it is used by beach and recreational users. Moreover, Ocean Avenue is a major thoroughfare that is used by many visitors to the area. The visibility and proximity of the east side of Ocean Avenue to the park and beach provides visitors a potential source for alternative parking and should

remain available to the general public. Therefore, as a condition of this permit, parking along either side of Ocean Avenue shall not be restricted by the residential permit parking.

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

All posted parking restriction signs shall be removed prior to termination of the preferential parking authorized by this permit, unless the Commission has approved a new permit to authorize preferential parking beyond five years from the date of approval of this permit. Furthermore, to ensure that any change in the restrictions or size of the zone will not adversely impact coastal access, any proposed change in the hours, days, or boundaries of the proposed preferential residential parking zone will require an amendment to this permit.

After the issuance of the staff recommendation on this application in December, but before the Commission meeting on this item in January, the South Coast District office received a letter from an attorney representing an apartment/hotel (Embassy Hotel) owner located on 3rd Street in the proposed zone, along with letters from guests of the hotel, objecting to the parking restrictions (see letter submitted to the Commission, by Mr. Christopher Harding, dated December 30, 2002, attached as Exhibit No. 9). The letter explains that the 36-room apartment/hotel was built in 1927, and does not have on-site parking. The apartment/hotel provides 19 rooms as short-term stay hotel rooms. The apartment/hotel is situated approximately three blocks from Palisades Park and four and half blocks from the beach. Since the development is partly a hotel and the City will not issue permits to hotel room guests, because their use is considered a non-residential use, the owner has indicated that the parking restrictions will adversely impact coastal access by eliminating street parking

for their hotel guests that come to enjoy the coast, discouraging people from staying at the hotel in the first place as a means of visiting the coast, and possibly even causing the Embassy Hotel to stop providing 19 rooms as hotel rooms.

In this particular case the hotel presents unique circumstances that must be considered in determining the impacts of the preferential parking zone, with regards to public coastal access. As stated by the Embassy Hotel representative at the January Commission meeting, hotel units within the Embassy Hotel are available to the public at rates substantially lower than most comparable units in other Santa Monica hotels within the proposed preferential parking zone. The Embassy Hotel representative, at the Commission's public hearing, stated that room rates range from \$100 to \$200 per night, but that these rates are negotiable, with room rates regularly offered as low as \$75 per night. Because of the offered room rates, and proximity to the beach and other visitor destinations, the hotel rooms provide visitors easy and affordable access to the coast. The inability of the hotel guests to park in the immediate area will impact the hotel and consequently impact beach access by discouraging visitor use of the hotel that offers low rates as compared to other hotels in the area, and possibly even affecting the hotel's viability. Furthermore, the hotel was built prior to the Coastal Act in 1927, and because of the era in which it was built, on-site parking was not required. As a result, hotel guests have continuously relied on the adjacent on-street parking. If preferential parking is allowed for permanent residents only, hotel guests will not have convenient parking, and lack of nearby parking may adversely impact the hotel by reducing the number of visitors using the hotel. Moreover, according a letter submitted by the hotel representative and the owner of the hotel, Ms. Michelle Nasatir, the hotel provides affordable room rates. According to public testimony by Ms. Nasatir, although the advertised rate for a short-term hotel room range from approximately \$100 to \$200 per night, rooms are available as low as \$75 per night, if people call in and ask for a lower rate or otherwise indicate that the normal prices are too high for them.

In 1990, the City of Santa Monica adopted ordinance No.1516 and established a mitigation fee for the removal of low-cost lodging accommodations in the City's coastal zone to address the Commission's concern over the loss of affordable over-night accommodations with the City's coastal zone. The ordinance also established a price range for determining the hotel room rates for affordable hotel rooms, based on an economic study (The Policy Rational for Economy Lodging in the City of Santa Monica) that was prepared for the City in 1988. Based on inflation, the hotel room rate range for over-night accommodations that would be considered "affordable" at today's rate would be approximately \$35 to \$80 per night.

Therefore, based on the testimony by the owner of the Embassy hotel, the Commission found that rates offered by the Embassy hotel could be considered "affordable" for the area, and are consistent with the low-cost visitor-serving overnight accommodations rates established by the City. Therefore, in order to protect low-cost visitor-serving accommodations, consistent with Section 30001.5(d) and 30213 of the Coastal Act, as a condition of this permit the City shall provide, on a regular renewable basis, to all facilities

that (1) provide affordable visitor-serving over-night accommodations; and (2) that provide no on-site visitor parking, preferential parking permits for all hotel guests that are paying an "affordable" hotel room rate.

Based on the above information the Commission found that, as conditioned, the proposed preferential zone does not significantly adversely impact coastal access. The Commission, therefore, found that, only as conditioned, will the proposed project be consistent with Sections 30001.5(d), 30210, 30211, 30212.5, 30213, 30214, 30223, and 30252(4) of the Coastal Act of 1976.

G. Local Coastal Program

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

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

In August 1992, the Commission certified, with suggested modifications, the land use plan portion of the City of Santa Monica's Local Coastal Program, excluding the area west of Ocean Avenue and Neilson Way (Beach Overlay District) and the Civic Center. On September 15, 1992, the City of Santa Monica accepted the LUP with suggested modifications. As discussed above, the Commission found that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project, as conditioned, is consistent with the applicable polices of the Coastal Act. There are no feasible alternatives or mitigation measures available, which

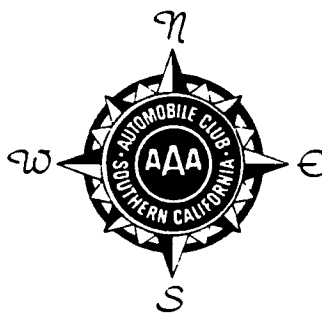
would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

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City of Santa Monica Location



LOS ANGELES AREA

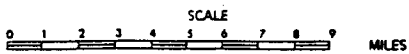
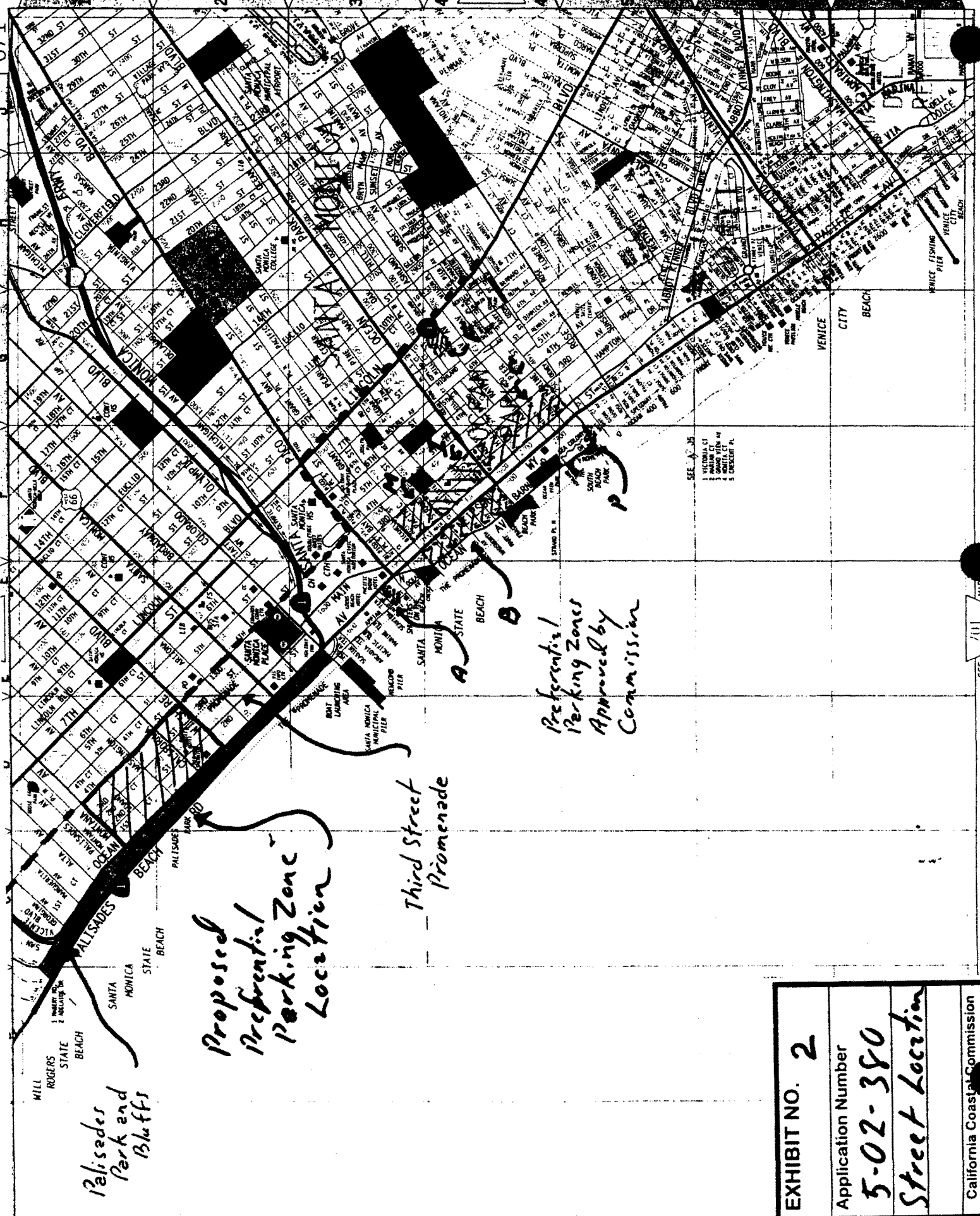


EXHIBIT NO.	1
Application Number	5-02-380
	Vicinity Map
California Coastal Commission	

HUNTINGTON BI

Channel
O C E A



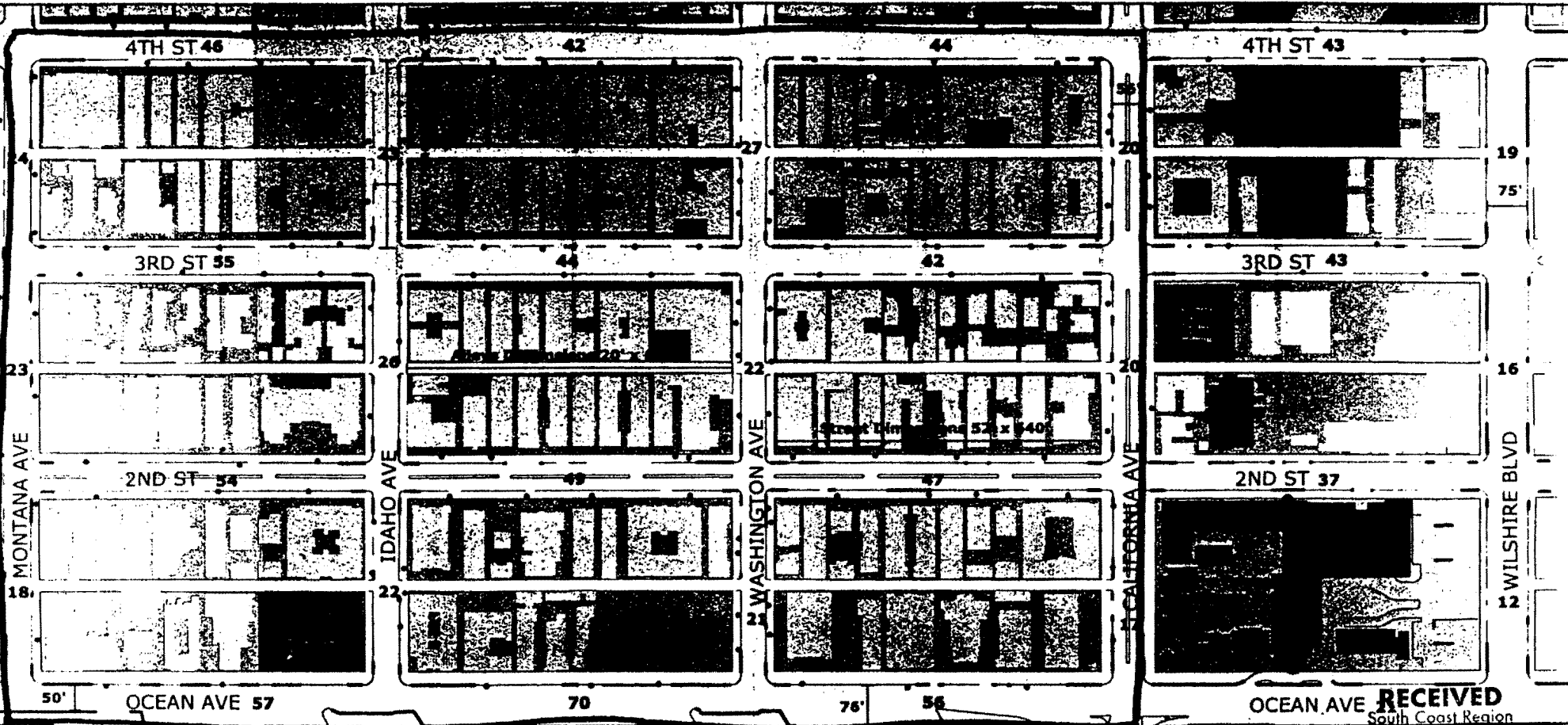
Palisades Park and Bluffs

Proposed Preferential Parking Zone Location

Third Street Promenade

Preferential Parking Zones Approved by Commission

EXHIBIT NO.	2
Application Number	5-02-380
Street Location	Street Location
California Coastal Commission	



- Existing Sign Post/
Location of PPZ Sign
- Curb Marking
 - Blue curb
 - Green curb
 - Red curb
 - White curb
 - Yellow curb
 - Curb
 - Hotel

• Bold black numbers are
number of parking
spaces per block.



Beach Parking Lots

OCEAN AVE RECEIVED
South Coast Region

NOV 12 2002

CALIFORNIA
COASTAL COMMISSION
PALISADES BEACH ROAD

EXHIBIT NO. 3

APPLICATION NO.

5-02-380

Parking Zone

California Coastal Commission

SANTA MONICA PARKING STUDY: OCCUPANCY DETAILS - SATURDAY JULY 27, 2002

Block	Street	Cross Streets	Restrictions	Peak Occupancy	Peak Occupancy Time	Occupancy >85%	Lowest Occupancy	Lowest Occupancy Time
800	Ocean Avenue	Montana Ave/Idaho Ave	5-Hour 9-6; None	89%	3pm, 4pm	3pm-6pm	68%	9pm
900	Ocean Avenue	Idaho Ave/Washington Ave	5-Hour 9-6; None; 3-Minute	90%	7pm	3pm, 6pm, 7pm	77%	4pm
1000	Ocean Avenue	Washington Ave/California Ave	36-Min 9-6; 15-Min 9-6; 5-Hour 9-6	84%	5pm, 9pm	None	77%	3pm
1100	Ocean Avenue	California Ave/Wilshire Blvd	2-Hour 9-6	100%	6pm	3pm, 5pm to 9pm	81%	4pm
800	2nd Street	Montana Ave/Idaho Ave	None	93%	3pm, 4pm, 7-9pm	3pm to 9pm	89%	6pm
900	2nd Street	Idaho Ave/Washington Ave	None, 15-Minute	96%	3pm to 9pm	3pm to 9pm	96%	3pm to 9pm
1000	2nd Street	Washington Ave/California Ave	20-Minute, None	94%	4pm, 7pm, 8pm	3pm to 9pm	89%	3pm, 5pm
1100	2nd Street	California Ave/Wilshire Blvd	2-Hour 9-6; 3-Minute	92%	4pm	4pm, 6pm to 9pm	84%	3pm, 5pm
800	3rd Street	Montana Ave/Idaho Ave	None	100%	8pm, 9pm	3pm to 9pm	93%	4pm
900	3rd Street	Idaho Ave/Washington Ave	1-Hour 9-5, None	95%	3pm; 5pm to 9pm	3pm to 9pm	91%	4pm
1000	3rd Street	Washington Ave/California Ave	15-Min 9-5, None	105%	5pm	3pm to 9pm	100%	3pm, 6 - 9 pm
1100	3rd Street	California Ave/Wilshire Blvd	1-Hour 9-6; 2-Hour 9-6	98%	5pm, 9pm	3pm to 9pm	93%	4pm
800	4th Street	Montana Ave/Idaho Ave	None	91%	3pm to 9pm	3pm to 9pm	91%	3pm to 9pm
900	4th Street	Idaho Ave/Washington Ave	None	98%	3pm, 5-- 6pm, 9pm	3pm to 9pm	95%	4pm, 7pm, 8pm
1000	4th Street	Washington Ave/California Ave	None	100%	3pm, 5pm, 7-- 9pm	3pm to 9pm	95%	6pm
1100	4th Street	California Ave/Wilshire Blvd	1-Hour 9-6	98%	7pm to 9pm	4pm to 9pm	67%	3pm
100	Montana Avenue	Ocean Ave/2nd Street	None	94%	3-- 6pm, 8pm, 9pm	3pm to 9pm	89%	7pm
200	Montana Avenue	2nd Street/3rd Street	None	87%	3pm to 6pm	3pm to 6pm	83%	7pm to 9pm
300	Montana Avenue	3rd Street/4th Street	None	92%	3pm	3pm, 7pm to 9pm	83%	4pm to 6pm
100	Idaho Avenue	Ocean Ave/2nd Street	None	91%	4pm to 7pm	3pm to 9pm	86%	3pm, 8pm, 9pm
200	Idaho Avenue	2nd Street/3rd Street	None	96%	3, 6, 7, 9pm	3pm to 9pm	92%	4pm, 5pm, 8pm
300	Idaho Avenue	3rd Street/4th Street	None	100%	7pm, 8pm	3pm to 9pm	91%	4pm
100	Washington Avenue	Ocean Ave/2nd Street	None	95%	9pm	3pm to 9pm	90%	3pm to 8pm
200	Washington Avenue	2nd Street/3rd Street	None	100%	3 - 4pm, 6 - 8pm	3pm to 9pm	95%	5pm, 9pm
300	Washington Avenue	3rd Street/4th Street	None	100%	3 - 4pm, 7 - 9pm	3pm to 9pm	96%	5pm, 6pm
100	California Avenue	Ocean Ave/2nd Street	2-Hour 9-6	100%	3pm	3pm to 9pm	88%	4pm, 7pm
200	California Avenue	2nd Street/3rd Street	None; 20-Minute	90%	3pm, 7pm, 8pm	3 - 4pm, 6 - 9pm	80%	5pm
300	California Avenue	3rd Street/4th Street	None; 15-Minute	100%	5pm, 7pm to 9pm	3pm to 9pm	95%	3pm, 4pm, 6pm
100	Wilshire Blvd.	Ocean Ave/2nd Street	36-Min 9-6; 1-Hour 9-6	108%	7pm, 9pm	5pm to 9pm	67%	3pm
200	Wilshire Blvd.	2nd Street/3rd Street	1-Hour 9-2am; 1-Hour 9-6; None	88%	3pm, 4pm, 7pm	3pm, 4pm, 7pm	75%	6pm
300	Wilshire Blvd.	3rd Street/4th Street	36-Min 9-6; None; 2-Hour 9-6	89%	4pm to 6pm	4pm to 6pm	79%	7pm, 8pm

EXHIBIT NO. 4

Application Number
5-02-380

Occupancy Data
for Streets

California Coastal Commission

SANTA MONICA PARKING STUDY: UTILIZATION DETAILS - SATURDAY JULY 27, 2002

Block	Street	Cross Streets	Total Spaces	Average Occupancy	% Space Occupied	Total Vehicles Parked	Turnover (Vehicle/ Spaces)	Total Vehicle Hours	Average Duration
800	Ocean Avenue	Montana Ave/Idaho Ave	57	47.1	83%	157	2.75	332	2.1
900	Ocean Avenue	Idaho Ave/Washington Ave	70	59.0	84%	212	3.03	406	1.9
1000	Ocean Avenue	Washington Ave/California Ave	56	45.7	82%	130	2.32	320	2.5
1100	Ocean Avenue	California Ave/Wilshire Blvd	21	19.6	93%	70	3.33	137	2.0
800	2nd Street	Montana Ave/Idaho Ave	54	49.6	92%	81	1.50	347	4.3
900	2nd Street	Idaho Ave/Washington Ave	49	47.1	96%	72	1.47	330	4.6
1000	2nd Street	Washington Ave/California Ave	47	43.1	92%	66	1.40	301	4.6
1100	2nd Street	California Ave/Wilshire Blvd	37	32.6	88%	68	1.84	215	3.2
800	3rd Street	Montana Ave/Idaho Ave	55	53.7	98%	85	1.55	376	4.4
900	3rd Street	Idaho Ave/Washington Ave	44	41.7	95%	64	1.45	292	4.6
1000	3rd Street	Washington Ave/California Ave	42	42.4	101%	59	1.40	297	5.0
1100	3rd Street	California Ave/Wilshire Blvd	43	41.1	96%	138	3.21	288	2.1
800	4th Street	Montana Ave/Idaho Ave	46	42.0	91%	57	1.24	294	5.2
900	4th Street	Idaho Ave/Washington Ave	42	40.6	97%	61	1.45	284	4.7
1000	4th Street	Washington Ave/California Ave	44	43.6	99%	76	1.73	305	4.0
1100	4th Street	California Ave/Wilshire Blvd	43	39.1	91%	116	2.70	274	2.4
100	Montana Avenue	Ocean Ave/2nd Street	18	16.9	94%	23	1.28	118	5.1
200	Montana Avenue	2nd Street/3rd Street	23	19.6	85%	33	1.43	137	4.2
300	Montana Avenue	3rd Street/4th Street	24	20.7	86%	34	1.42	145	4.3
100	Idaho Avenue	Ocean Ave/2nd Street	22	19.6	89%	35	1.59	137	3.9
200	Idaho Avenue	2nd Street/3rd Street	26	24.6	95%	41	1.58	172	4.2
300	Idaho Avenue	3rd Street/4th Street	23	22.1	96%	33	1.43	155	4.7
100	Washington Avenue	Ocean Ave/2nd Street	21	19.1	91%	31	1.48	134	4.3
200	Washington Avenue	2nd Street/3rd Street	22	21.7	99%	40	1.82	151	3.8
300	Washington Avenue	3rd Street/4th Street	27	26.7	99%	36	1.33	187	5.2
100	California Avenue	Ocean Ave/2nd Street	17	15.9	93%	43	2.53	111	2.6
200	California Avenue	2nd Street/3rd Street	20	17.3	86%	26	1.30	121	4.7
300	California Avenue	3rd Street/4th Street	20	19.6	98%	36	1.80	137	3.8
100	Wilshire Blvd.	Ocean Ave/2nd Street	12	11.3	94%	42	3.50	78	1.9
200	Wilshire Blvd.	2nd Street/3rd Street	16	13.3	83%	72	4.50	93	1.3
300	Wilshire Blvd.	3rd Street/4th Street	19	16.1	85%	87	4.58	113	1.4
Total			1060	972.5	92%	2124	2.00	6787	3.2

SANTA MONICA PARKING STUDY: HOURLY OCCUPANCY DETAILS - SATURDAY JULY 27, 2002

		# parking spaces	3:00 PM	4:00 PM	5:00 PM	6:00 PM	7:00 PM	8:00 PM	9:00 PM	avg(6-9pm)
800	Ocean Avenue	57	89%	89%	86%	86%	84%	75%	68%	79%
900	Ocean Avenue	70	89%	77%	83%	89%	90%	81%	81%	85%
1000	Ocean Avenue	56	77%	82%	84%	82%	82%	80%	84%	82%
1100	Ocean Avenue	21	90%	81%	95%	100%	95%	95%	95%	96%
800	2nd Street	54	93%	93%	91%	89%	93%	93%	93%	92%
900	2nd Street	49	96%	96%	98%	96%	96%	96%	96%	96%
1000	2nd Street	47	89%	94%	89%	91%	94%	94%	91%	93%
1100	2nd Street	37	84%	92%	84%	89%	89%	89%	89%	89%
800	3rd Street	55	98%	93%	98%	96%	98%	100%	100%	99%
900	3rd Street	44	95%	91%	95%	95%	95%	95%	95%	95%
1000	3rd Street	42	100%	102%	105%	100%	100%	100%	100%	100%
1100	3rd Street	43	95%	93%	98%	95%	95%	95%	98%	96%
800	4th Street	46	91%	91%	91%	91%	91%	91%	91%	91%
900	4th Street	42	98%	95%	98%	98%	95%	95%	98%	96%
1000	4th Street	44	100%	98%	100%	95%	100%	100%	100%	99%
1100	4th Street	43	67%	88%	93%	95%	98%	98%	98%	97%
100	Montana Avenue	18	94%	94%	94%	94%	89%	94%	94%	93%
200	Montana Avenue	23	87%	87%	87%	87%	83%	83%	83%	84%
300	Montana Avenue	24	92%	83%	83%	83%	88%	88%	88%	86%
100	Idaho Avenue	22	86%	91%	91%	91%	91%	86%	86%	89%
200	Idaho Avenue	26	96%	92%	92%	96%	96%	92%	96%	95%
300	Idaho Avenue	23	96%	91%	96%	96%	100%	100%	96%	98%
100	Washington Avenue	21	90%	90%	90%	90%	90%	90%	95%	92%
200	Washington Avenue	22	100%	100%	95%	100%	100%	100%	95%	99%
300	Washington Avenue	27	100%	100%	96%	96%	100%	100%	100%	99%
100	California Avenue	17	100%	88%	94%	94%	88%	94%	94%	93%
200	California Avenue	20	90%	85%	80%	85%	90%	90%	85%	88%
300	California Avenue	20	95%	95%	100%	95%	100%	100%	100%	99%
100	Wilshire Blvd.	12	67%	83%	92%	100%	108%	100%	108%	104%
200	Wilshire Blvd.	16	88%	88%	81%	75%	88%	81%	81%	81%
300	Wilshire Blvd.	19	84%	89%	89%	89%	79%	79%	84%	83%

**CITY OF SANTA MONICA
DOWNTOWN PARKING STRUCTURES
OCCUPANCY: SATURDAY JULY 27, 2002**

Structure 1: 1234 4TH ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	260	52	312	83%
4:00	249	63	312	80%
5:00	219	93	312	70%
6:00	207	106	312	66%
7:00	193	119	312	62%
8:00	264	48	312	86%

Structure 2: 1236 2ND ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	359	274	633	57%
4:00	348	286	633	56%
5:00	305	328	633	48%
6:00	368	275	633	57%
7:00	456	177	633	72%
8:00	489	144	633	77%

Structure 3: 1320 4TH ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	271	53	324	84%
4:00	224	100	324	69%
5:00	250	74	324	77%
6:00	274	50	324	85%
7:00	278	48	324	85%
8:00	213	111	324	66%

Structure 4: 1321 2ND ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	152	500	652	23%
4:00	170	482	652	26%
5:00	198	454	652	30%
6:00	238	414	652	37%
7:00	325	327	652	50%
8:00	361	301	652	54%

Structure 5: 1440 4TH ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	461	203	664	69%
4:00	467	197	664	70%
5:00	424	240	664	64%
6:00	371	283	664	56%
7:00	382	282	664	58%
8:00	447	217	664	67%

Structure 6: 1434 2ND ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	259	86	345	75%
4:00	248	97	345	72%
5:00	277	68	345	80%
6:00	277	66	345	80%
7:00	288	57	345	83%
8:00	271	74	345	78%

Structure 9: 1136 4TH ST

Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	67	227	294	23%
4:00	59	235	294	20%
5:00	55	239	294	19%
6:00	55	239	294	19%
7:00	43	261	294	15%
8:00	53	241	294	18%

TOTAL STRUCTURES 1,2,3,4,5,6,9

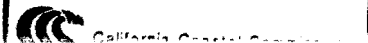
Time	Vehicles	Spaces		% occ
		Available	Capacity	
3:00	1829	1395	3224	57%
4:00	1765	1459	3224	56%
5:00	1728	1496	3224	54%
6:00	1963	1261	3224	61%
7:00	2088	1136	3224	65%

EXHIBIT NO. 5

APPLICATION NO.

5-02-380

Occupancy Rates for
Parking Structures



**Santa Monica's Preferential Parking Zones
Within the Coastal Zone**

Permit #	Zone	Location	Parking Restrictions
5-99-045	A	Vicente Terrace, between Appian Way on the west and Ocean Avenue to the east.	No parking or stopping during the hours of 9:00 AM and 6:00 PM without a permit
5-99-046	B	Fraser, Hart, and Wadsworth Avenues between Bamard Way and Neilson Way; the north side of Ocean Park Boulevard between Bamard Way and Neilson Way; Bicknell Avenue, Pacific Street, and Strand Street between Neilson Way and Ocean Avenue; and Hollister Avenue between Neilson Way and Ocean Avenue/Bamard Way	No parking or stopping anytime without a permit
5-99-047	C	Second and Third Streets between Ocean Park Boulevard and the south City limits; Hill Street between Main Street and Fourth Street; and Beach Street, Ashland Avenue, and Marine Street between Main Street and Third Street, excepting there from the portion of any such street directly adjacent to a school, church, or license day care facility in other than a place of residence and excepting there from any metered parking space from use by permittees	No parking or stopping during the hours of 6:00 p.m. to 2:00 a.m. without a permit
5-99-048	F	Hill and Raymond Streets, between Lincoln Boulevard and Seventh Street	No parking or stopping for more than two hours between the hours of 7:00 a.m. and 6:00 p.m. without a permit
5-99-049	I	Second and Third Street from Ocean Park Boulevard to Strand Street; Strand Street, Hollister Avenue, and Ocean Park Boulevard from Main Street to Third Street; Norman Place from Main Street to Second Street; and Miles Street from Second Street to Third Street	No parking or stopping for more than one hour between the hours of 9:00a.m. and 6:00 p.m. without a permit, and no parking or stopping adjacent to any curb between the hours of 6:00 p.m. and 2:00 a.m. without a permit
5-99-050	M	Third Street between Pico Boulevard and Strand Street; Bay Street between Neilson Way and Third Street; Bicknell Avenue between Neilson Way and Third Street; Pacific Street between Neilson Way and Third Street; and Bicknell Avenue between Third and Fourth Streets	No parking or stopping for more than two hours between the hours of 9:00 a.m. to 10:00 p.m. without a permit, and no parking or stopping between the hours of 10:00 p.m. and 2:00 a.m. without a permit
5-99-051	P	Bamard Way frontage road at the south curve, adjacent to 3356 Bamard Way	24-hour preferential parking district for residents only with no parking or stopping any time without a permit
5-97-215 & 5-00219		Along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard	No parking or stopping during the hours of 6:00 p.m. to 8:00 a.m. without a permit

EXHIBIT NO. 6
APPLICATION NO.
 5-02-380
*Existing Permitted
 Parking Zones*

Map

Next >>

View Enlarged Map

County of Los Angeles: Rick Auerbach, Assessor

4292 19
SHEET 1
SCALE 1" = 80'

2001
CONDOMINIUM
TRACT NO. 50906
M.B. 1232 - 83 - 84

Embassy
Hotel
Site



CONDOMINIUM
TRACT NO. 40252
M. B. 1019 - 55 - 56
CONDOMINIUM
TRACT NO. 36291
M. B. 928 - 66 - 67

CONDOMINIUM
TRACT NO. 50901
M. B. 1195 - 45 - 46

CONDOMINIUM
TRACT NO. 35145
M. B. 911 - 89 - 90

CODE
6004

TOWN OF SANTA MONICA
M.R. 39-45-51

FOR PREV. ASSMT. SEE: 96-33

1001 3rd St.

(15)

EXHIBIT NO. 7

APPLICATION NO.
5-02-380 RF

Embassy Hotel
Site Location

California Coastal Commission

HARDING, LARMORE, KUTCHER & KOZA

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

CHRISTOPHER M. HARDING
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KENNETH L. KUTCHER
KEVIN V. KOZAL
LAURIE LIEBERMAN
DANIEL TELLALIAN

December 30, 2002

1250
SANTA MONICA
TEL
FA
W

EXHIBIT NO. 8
Application Number 5-02-380
Harding Letter dated 12/30/02
California Coastal Commission

RECEIVED
South Coast Region

JAN 2 2003

CALIFORNIA
COASTAL COMMISSION

DIRECT E-MAIL ADDRESS:
harding@hlkklaw.com

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Re: City Of Santa Monica's Proposed Preferential Parking Zone
Hearing Date: Thursday, January 9, 2003
Agenda Item No. 10.d
Our Client: The Nourafchan Family/Embassy Hotel Apartments
Our File No. 1428.3

Dear Commissioners:

This letter is submitted on behalf of the Nourafchan family, which for the past thirty years has owned and operated the historic Embassy Hotel Apartments in Santa Monica. The Nourafchan family opposes the City of Santa Monica's application for a Coastal Development Permit to create still another Preferential Parking Zone ("PPZ") in Santa Monica Coastal Zone because, as presented, it will violate the California Coastal Act by effectively mandating closure of the Embassy as an affordable visitor-serving facility.

We have reviewed the Coastal Commission Staff Report concerning the City's application. Contrary to Staff's recommendation, approval of the City's latest PPZ would violate the Coastal Act, would directly conflict with Santa Monica's certified Local Coastal Program Land Use Plan and would be contrary to core policies of the Commission regarding the importance of maintaining affordable lodging. Accordingly, the Commission should either deny the City's application or, alternatively, add a condition mandating that affordable lodging accommodations within the PPZ's boundaries (i.e., the Embassy) will be entitled to obtain parking permits for their hotel guests.

I. BACKGROUND

A. The Embassy.

The Embassy is located at 1101 Third Street, two blocks north of Wilshire Boulevard. Constructed in 1927, the Embassy has been operating as an apartment hotel for seventy-five years, with a blend of hotel guests and residents. It is family

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ATTORNEYS AT LAW

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owned and operated, has its own webpage at www.embassyhotelapts.com, and hosts coastal-related visitors all year round.

In its December 12, 1989 Staff Report concerning the adoption of a low-cost coastal lodging mitigation fee, the City of Santa Monica identified fifteen lodging establishments as low cost. The Embassy was one of those fifteen low-cost hotels. Concurrently with this submission, a copy of that Staff Report is being provided to Coastal Commission Staff.

Due to the era of its construction (circa 1927), the Embassy has no on-site parking. As a result, its guests and residents have no choice but to use on-street parking. This has become increasingly difficult due to the success of the Third Street Promenade (two blocks south), the City's recent removal of on-street parking from the downtown to make way for the new Transit Mall, and an existing PPZ immediately east of the proposed PPZ. All three factors have caused significant parking encroachment into the neighborhood surrounding the Embassy.

Beginning in the mid-1990s, the City launched an effort to force termination of the Embassy's hotel operation. The City's goal was to compel the Nourafchans to operate all thirty-eight units within the Embassy as conventional apartment units. This led to a settlement agreement in October 2000 whereby nineteen of the Embassy's thirty-eight units are operated as hotel rooms for short term visitors and the other nineteen units are operated as apartment units. This settlement allows the Embassy to operate in a manner generally consistent with its historic pattern of operation, with its combination of hotel guests and residents. A copy of the Settlement Agreement is being provided to Coastal Commission Staff as an enclosure with this letter.

The Embassy is one of five hotels located within the boundaries of the proposed PPZ. (The others are the Fairmont Miramar, the Huntley House, the Oceana and the Calmar.)¹ However, the Embassy's hotel units combine two features which make it a unique coastal resource: (1) their size -- the nineteen units range from large singles to one and two bedroom units with kitchens; and (2) their cost -- the Embassy units are available at rates substantially lower than most comparable units in other Santa Monica hotels within the Coastal Zone. These features allow the Embassy to provide affordable

¹ The City's application is markedly deficient in providing relevant information about hotels within the proposed PPZ. Given the timing of their construction, we highly doubt whether any of the four other hotels has sufficient parking under the Coastal Commission's parking standards or even under the City's lower Zoning Code standards. Before approving the City's application, the Commission should continue this item and request the City to provide on-site parking information for these important visitor-serving uses located in the proposed PPZ.

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lodging to moderate and middle income families, and to accommodate larger groups than a typical hotel room.

The Embassy faces a parking problem not shared by the other four hotels within the proposed PPZ because, unlike its neighboring hotels, the Embassy lacks any off-street parking. Consequently, the proposed PPZ would create a prohibitive problem for the Embassy that would not be faced by other area hotels.

B. The Proposed Preferential Parking Zone.

Less than two years ago, City Planning Director Suzanne Frick assured the Coastal Commission that the City would not be proposing any further PPZs in the neighborhoods surrounding the downtown area where on-street parking spaces were removed for the Transit Mall.² Nevertheless, the City is now proposing another PPZ in the neighborhood immediately north of the downtown.

As proposed, this PPZ will contain the following features:

- The PPZ encompasses 12 square blocks and approximately 81 on-street parking spaces.
- Non-resident parking will be prohibited from 6 p.m. until 8 a.m. seven days per week.
- The PPZ will discriminate between neighborhood residents and neighborhood hotel guests, including occupants of the same building (i.e., the Embassy). Residents will qualify for special parking permits at the rate of three permits per unit; in contrast, guests of hotels within PPZ UU's boundaries will not qualify for parking permits.

² At the California Coastal Commission hearing on Tuesday, February 13, 2001, concerning Agenda Item No. 15a, Coastal Commission Chair Wan told Santa Monica Planning Director Suzanne Frick that the Commission did not want to approve the City's Downtown Transit Mall Plan, which included the loss of on-street parking in the downtown, only to have the City then return "in a couple of years and asking for preferential parking districts in those surrounding neighborhoods." Chair Wan warned the City not to do so, "Because, I've got to tell you, if I am on the Commission, I am going to be pretty upset by that." Planning Director Frick emphatically agreed not to do so: "That is understood. And, we have no intention of establishing additional preferential parking zones in that area." Reporter's Transcript of Proceedings, City of Santa Monica Streetscape Project, Appl. No. 5-00-150, prepared by Priscilla Pike, p. 32, lines 11-21. The City's current application flies directly in the face of that representation.

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When the Nourafchans first became aware of this proposed PPZ several months ago, they notified the City of their concerns that the PPZ, as proposed, would effectively force closure of the Embassy as a visitor-serving use. The Nourafchans further presented the City with a series of suggestions that would allow the PPZ to be established while addressing the Embassy's parking needs. One suggestion was to provide the Embassy with parking permits for its hotel guests as well as its residents on a non-discriminatory basis.

Nevertheless, the City approved the proposed PPZ without addressing the Embassy's concerns and has filed the pending application for a Coastal Development Permit.

C. The Myth Of Alternative Parking.

The Staff Report erroneously claims that, "as shown by information submitted by the City, there is available parking within the nearby parking structures." (Staff Report, p. 17.) A cursory look at the Embassy and its surroundings proves otherwise.

The closest public parking structure to the Embassy is located on Third Street near Wilshire, nearly two blocks south of the Embassy. All of its parking is restricted to three hours maximum, with twenty-four hours per day enforcement. Quite obviously, this parking structure does not provide viable alternative parking for Embassy guests.

The next closest public structure is on Fourth Street just north of Wilshire Boulevard, nearly three blocks away from the Embassy. By no means can such parking be plausibly characterized as "nearby" the Embassy as claimed in the Staff Report.

Common sense and experience confirm that hotel guests will not stay at the Embassy if they have to park several blocks away. In short, there is no practical alternative to allowing the Embassy's hotel guests to use on-street parking.

II.

**THE PROPOSED PREFERENTIAL PARKING ZONE, BY
EFFECTIVELY FORCING CLOSURE OF THE EMBASSY AS A
VISITOR-SERVING USE, IS CONTRARY TO THE COASTAL
ACT AND THE COASTAL COMMISSION'S POLICIES**

As this Commission is well aware, PPZs potentially impede coastal access by discriminating against coastal visitors in favor of coastal residents. Notwithstanding this concern, Staff has recommended approval of this particular PPZ based on Staff's conclusion that this PPZ will not impede coastal-related visitor accommodations. Unfortunately, this conclusion is based on a faulty assumption: i.e., that alternate

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parking is available for area hotel guests occupying affordable accommodations that lack parking. For the Embassy, at least, this is demonstrably false.

A. Closure Of The Embassy Would Be Contrary To The Coastal Act And The City's Certified LUP.

The Staff Report erroneously assumes the proposed PPZ is consistent with the Coastal Act largely because its hours are limited to evenings only and thus will not impede daytime beach access. This argument misses the point with respect to the Embassy and assumes an unduly narrow scope for the Coastal Act.

The Coastal Act encompasses private land uses within the Coastal Zone and specifically favors coastal-dependent and coastal-related uses. Pub. Res. Code § 30001.5(d). The Coastal Act further identifies lower cost visitor facilities as uses to be protected and encouraged in the Coastal Zone. See Pub. Res. Code § 30213 ("Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided").

Consistent with this component of the Coastal Act, Santa Monica's Local Coastal Program Land Use Plan (August 1992) includes Recreation and Visitor-Serving Policies 31 (addressing the need for visitor-serving uses such as hotels) and 35 (addressing preservation of existing affordable lodging facilities). These LCP provisions, which were adopted at the request of the Coastal Commission, reflect the Commission's strong policy in favor of visitor-serving uses in the Coastal Zone and especially the need to preserve affordable overnight accommodations.

LUP Policy 35 provides:

"Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. New development shall not remove lower cost lodging facilities unless a finding of infeasibility is made. Where new development removes lower-cost lodging facilities, the feasibility of replacing the lower cost units on-site shall be considered. If on-site replacement is not feasible, then one-to-one replacement within the Coastal Zone shall be considered. The City shall identify sites suitable for lower-cost over-night lodging. If these alternatives are not feasible, then an in-lieu fee payment shall be made and placed in a fund established by the City for the provision of lower-cost lodging facilities within the Coastal Zone, including land

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acquisition, construction, and replacement. (Emphasis added.)

The City's cavalier attitude towards the Embassy's viability cannot be squared with this LUP policy favoring preservation of existing affordable lodging such as the Embassy.³ Here, it is clearly feasible for the City to provide parking permits for Embassy hotel guests, or otherwise accommodate their parking needs. Both the letter and spirit of Policy 35 require that the City take such action if this PPZ is adopted.

Pursuant to Public Resources Code Section 30604(a), the Commission is precluded from approving a coastal development permit if the permit is not in conformity with Chapter 3 (commencing with Section 30200) of the Coastal Act. In this case, the City's proposed PPZ is clearly contrary to Section 30213 (protect lower cost visitor facilities) and related Coastal Act provisions because it would force conversion of the Embassy's affordable lodging rooms into apartment units. Absent some reasonable accommodation of the Embassy's parking needs, it would be unlawful for the Commission to approve the City's application.

B. Affordable Lodging Facilities Such As The Embassy Are In Short Supply And Of Critical Importance In This Portion Of The Coastal Zone.

LUP Policy 35 is implemented by City Ordinance No. 1516, which requires developers to pay an in lieu fee in the event their projects remove affordable lodging within the Coastal Zone. In Ordinance No. 1516, the City acknowledges its shortage of affordable lodging in the Coastal Zone as well as the vital importance of preserving existing affordable lodging, noting:

- "The City of Santa Monica has experienced a significant reduction in the number of low cost lodging accommodations due to demolition and conversion of existing units . . ." (Section 1(b))
- "The vast majority of visitor accommodations in the Coastal Zone removed from the market due to demolition are low cost lodging accommodations." (Section 1(c))
- "The demolition of low cost lodging accommodations in combination with the replacement by, and new construction of, luxury lodging accommodations has

³ In a report to the City Council for its meeting of December 12, 1989 (Agenda Item 11-E), City Staff identified the Embassy as an affordable lodging facility. Thirteen years later, the Embassy's rates remain substantially below the vast majority of Santa Monica hotels in the Coastal Zone including those in the immediate area.

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altered the balance and has contributed to the scarcity of affordable visitor accommodations in the City. Only fifteen percent (15%) of the total hotel-motel accommodations which will exist in the Coastal Zone once the new City-approved accommodations are completed, will be low cost accommodations." (Section 1(d))

- "Pursuant to the police power, the City has the authority to address both the imbalance created by the removal of existing low cost lodging accommodations and the overall need for affordable visitor accommodations in the City." (Section 1(f))
- "The City has a continuing need for low cost visitor accommodations and such need is exacerbated by the demolition and conversion of such units and construction of new commercial developments." (Section 1(i))

Notwithstanding this past City recognition of the need to preserve and enhance affordable lodging in its Coastal Zone, here the City has crafted the proposed PPZ in a fashion that would make it impossible to continue the Embassy as a visitor-serving use. If the PPZ is approved as presented, the Embassy will be left without any parking for its hotel guests (while Embassy residents will qualify for parking permits). Under the circumstances, the Embassy will then have no practical choice but to discontinue its visitor-serving hotel operations and use all thirty-eight units as apartments occupied by long-term residents.

Such a result would violate the Coastal Act and the Commission's policies. Indeed, if the Nourafchans were to seek a Coastal Development Permit to convert the Embassy to an all apartment/long-term residential use, presumably the Commission would deny such an application as contrary to the Coastal Act. Yet such a conversion, or change of use, will clearly occur if this Commission approves the City's PPZ as presented. Indeed, such a conversion -- and the consequent loss of affordable lodging -- would effectively be mandated by Commission approval of the City's PPZ application.

**III.
FAILING TO PROVIDE PARKING PERMITS TO EMBASSY
HOTEL GUESTS WILL ACCENTUATE NEIGHBORHOOD
PARKING PROBLEMS**

The City's proposed PPZ, insofar as it denies parking permits to Embassy hotel guests, cannot be defended on grounds that it will help address the parking problems of local residents. Indeed, its discriminatory treatment of Embassy hotel guests is destined to have the opposite result.

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Specifically, conversion of the Embassy's nineteen hotel units into apartments will allow the residents of these apartments to qualify for parking permits at a rate of three permits per unit.⁴ In addition, the guests and visitors of these residents may also use visitor parking permits. The parking impacts of these former hotel units will, therefore, far exceed the impact of granting parking permits to hotel guests occupying these same units.

Thus, when the Embassy's parking situation is viewed solely from the vantage point of on-street parking for neighborhood residents, the obvious choice is to grant parking permits to Embassy hotel guests thereby minimizing Embassy parking demands on neighborhood streets. The Embassy's nineteen units in question will generate substantially more parking demand (potentially double or more) if converted to apartments than they currently generate as hotel units.

It should be obvious, then, that the City's approach to Embassy parking is not motivated by a concern for local residents. Rather, the City is clearly being driven by its longstanding goal of forcing conversion of the Embassy's hotel units to apartments. Having failed to achieve this goal by threatening litigation against the Nourafchans, the City now turns to the Commission to accomplish this objective. The Commission should not cooperate with such a strategy, which clearly runs counter to the Coastal Act's rules and policies favoring affordable visitor accommodations.

IV. CONCLUSION

Based upon the forgoing, the Nourafchan family hereby requests that the Commission deny the City's application for a Coastal Development Permit for its proposed PPZ or, alternatively, approve it with the added condition that the Embassy be eligible to obtain parking permits for its hotel guests as well as its residents pursuant to Public Resources Code Sections 30001.5(d) and 30213. Such a condition should apply

⁴ Santa Monica Municipal Code Section 3.08.070(a) provides in pertinent part as follows: "Applicants requesting more than three permits for their dwelling unit may be granted additional permits by the Parking and Traffic Engineer upon showing that there are more than three vehicles registered at the dwelling unit, and that sufficient off-street parking is not available to the applicant, and that to deny additional permits would constitute a hardship."

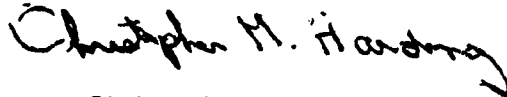
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December 30, 2002
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generically to any affordable lodging facility within the PPZ boundaries that lacks adequate on-site parking, though in this instance the Embassy is the only such facility.

Sincerely,



Christopher M. Harding

CMH:smk

cc: Peter M. Douglas
Deborah Lee
Teresa Henry
Al Padilla
Ralph Faust
Susan McCarthy, City Manager
Suzanne Frick, Planning Director
Lucy Dyke, Transportation Planning Manager
Marsha Jones Moutrie, City Attorney
Cara Silver, Deputy City Attorney
Michele Nasatir
Paris Nourafchan
Elis Nourafchan

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