

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
 1000 Ocean Gate, Suite 1000
 Long Beach, CA 90802-4302
 (562) 590-5071



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Tu 11a**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 commercial establishments that provide affordable lodging accommodations; (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 lodging opportunities 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, Desser, Dettloff, Hart, McClain-Hill, Nava, Potter, Woolley.

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70.J**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 commercial establishments within the preferential parking zone that (1) provide affordable lodging accommodations; and (2) provide no on-site visitor parking, for use by their overnight guests as well as any permanent residents.

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 1 p.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 38-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, thus 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. At the January Commission meeting, the Embassy Hotel representative stated that hotel units within the Embassy Hotel are available to the public at rates that are both affordable and 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 some of these rates are for unusually large rooms with substantial amenities. Moreover, the rates are negotiable, with negotiable room rates 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 affordable 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.

The Commission found that the provision of affordable lodging near the coast is an essential element in preserving access to the coast. Thus, to the extent that there are existing affordable overnight facilities close to the coast that have no off-street parking, a special provision should be granted to satisfy the public access and recreational mandates of Coastal Act, such as those in Section 30210, 30213, 30252(4), and 30001.5. Therefore, based on the testimony by the owner of the Embassy Hotel, the Commission found that, 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 must be required to provide, on a regular renewable basis, to commercial establishments that (1) provide affordable lodging accommodations; and (2) that provide no on-site visitor parking, preferential parking permits for use by their overnight guests. In a case such as that presented by the Embassy Hotel, which provides both short-term accommodations and extended rental units, these permits would have to be provided to the overnight guests as well as any permanent residents.

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 policies of the Coastal Act. There are no feasible alternatives or mitigation measures available, which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



City Location

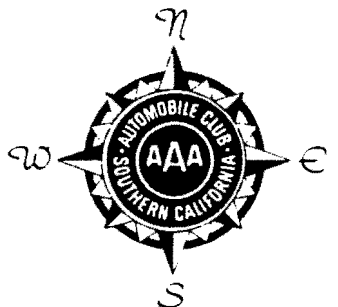
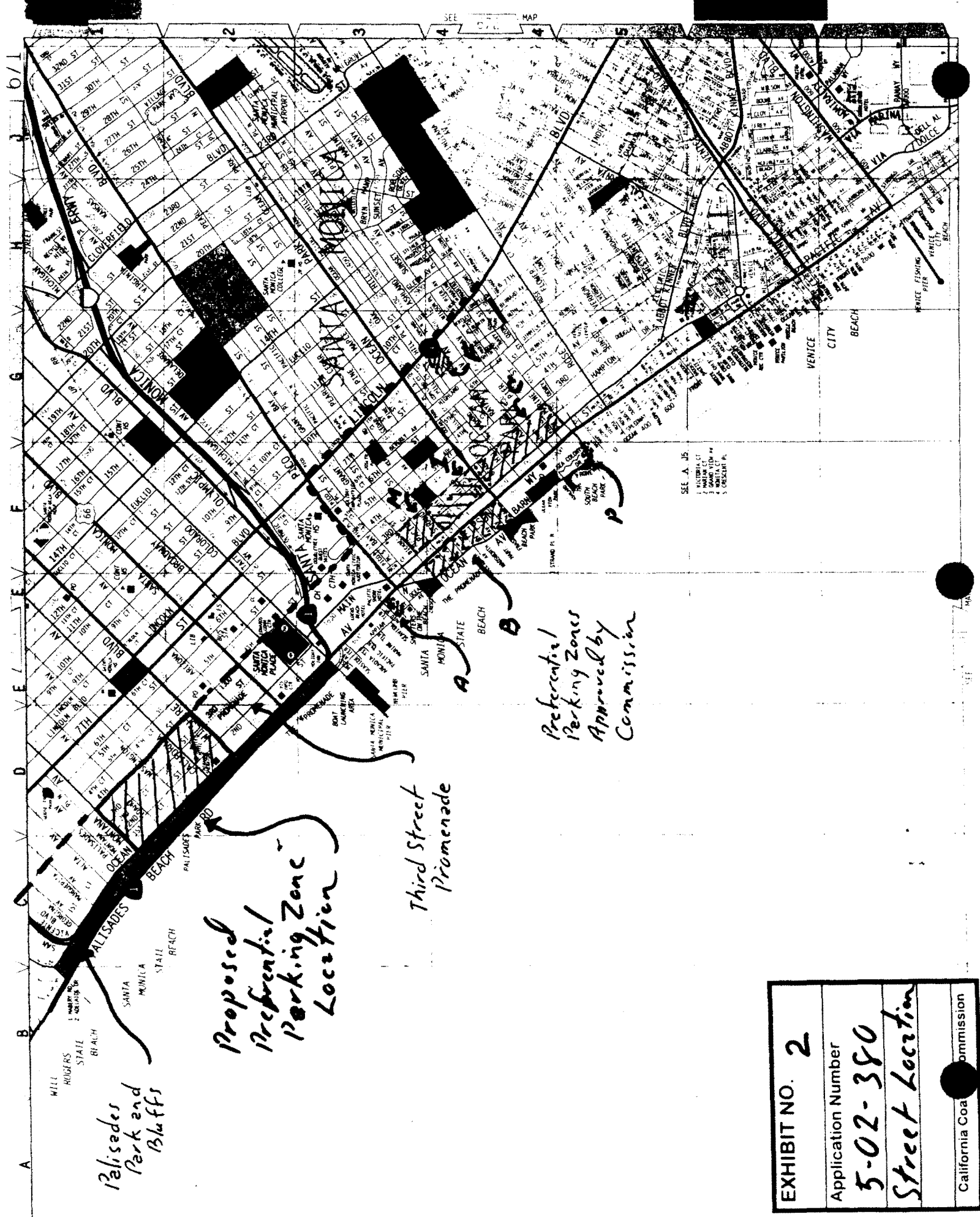


EXHIBIT NO.	1
Application Number	5-02-380
	<i>Vicinity Map</i>
California Coastal Commission	

LOS ANGELES AREA
SCALE
0 1 2 3 4 5 6 7 8 9 MILES

HUNTINGTON BI

Channel
O C E A



Palisades
Park and
Bluffs

Proposed
Preferential
Parking Zone
Location

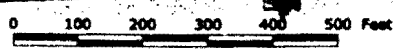
Third Street
Promenade

Preferential
Parking Zones
Approved by
Commission

EXHIBIT NO.	2
Application Number	5-02-380
Street Location	Street Location
California Coastal Commission	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
<i>Parking Zone</i>
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

	<u># parking spaces</u>	<u>3:00 PM</u>	<u>4:00 PM</u>	<u>5:00 PM</u>	<u>6:00 PM</u>	<u>7:00 PM</u>	<u>8:00 PM</u>	<u>9:00 PM</u>	<u>avg(6-9pm)</u>
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	Spaces			
	Vehicles	Available	Capacity	% occ
3:00	260	52	312	83%
4:00	249	63	312	80%
5:00	219	93	312	70%
6:00	207	105	312	66%
7:00	193	119	312	62%
8:00	264	48	312	86%

Structure 2: 1236 2ND ST

Time	Spaces			
	Vehicles	Available	Capacity	% occ
3:00	359	274	633	57%
4:00	348	285	633	55%
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	Spaces			
	Vehicles	Available	Capacity	% occ
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	Spaces			
	Vehicles	Available	Capacity	% occ
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	351	301	652	54%

Structure 5: 1440 4TH ST

Time	Spaces			
	Vehicles	Available	Capacity	% occ
3:00	481	203	664	89%
4:00	487	197	664	70%
5:00	424	240	664	64%
6:00	371	293	664	56%
7:00	382	282	664	58%
8:00	447	217	664	67%

Structure 6: 1431 2ND ST

Time	Spaces			
	Vehicles	Available	Capacity	% occ
3:00	259	86	345	75%
4:00	248	97	345	72%
5:00	277	88	345	80%
6:00	277	68	345	80%
7:00	288	57	345	83%
8:00	271	74	345	79%


Structure 9: 1138 4TH ST

Time	Spaces			
	Vehicles	Available	Capacity	% occ
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	251	294	15%
8:00	53	241	294	18%

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

Time	Spaces			
	Vehicles	Available	Capacity	% occ
3:00	1829	1395	3224	57%
4:00	1765	1459	3224	55%
5:00	1728	1496	3224	54%
6:00	1728	1496	3224	54%
7:00	1963	1261	3224	61%
8:00	2088	1138	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 Barnard Way and Neilson Way; the north side of Ocean Park Boulevard between Barnard Way and Neilson Way; Bicknell Avenue, Pacific Street, and Strand Street between Neilson Way and Ocean Avenue; and Hollister Avenue between Neilson Way and Ocean Avenue/Barnard Way	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	Barnard Way frontage road at the south curve, adjacent to 3356 Barnard 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. 8
APPLICATION NO.
 5-02-380
*Existing Permitted
 Parking Zones*

Next >>

View Enlarged Map

County of Los Angeles Rick Auerbach, Assessor

4292 19
SCALE 1" = 80'
SHEET

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. 1135 - 45 - 46


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

CODE
8004

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
<i>Embassy Hotel</i>
<i>Site Location</i>
 California Coastal Commission

HARDING, LARMORE, KUTCHER & KOZAL

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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

December 30, 2002

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

1250
SANTA MONICA
TEL
FA
W

RECEIVED
Santa Monica Region

DIRECT E-MAIL ADDRESS:
harding@hlkklaw.com

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

CALIFORNIA
COASTAL COMMISSION

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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California Coastal Commission
December 30, 2002
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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 matter 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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Page 3

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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Page 4

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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Page 5

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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Page 6

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.

California Coastal Commission

December 30, 2002

Page 7

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.

HARDING, LARMORE, KUTCHER & KOZAL

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ATTORNEYS AT LAW

California Coastal Commission
December 30, 2002
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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."

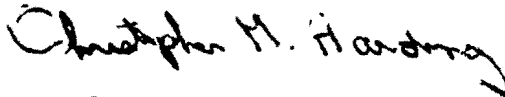
HARDING, LARMORE, KUTCHER & KOZAL

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ATTORNEYS AT LAW

California Coastal Commission
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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STATE OF CALIFORNIA

COASTAL COMMISSION

CERTIFIED COPY

CITY OF SANTA MONICA
COUNTY OF LOS ANGELES

)
) Application No. 5-02-380
) Preferential Parking
)
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REPORTER'S TRANSCRIPT OF PROCEEDINGS

Thursday
January 9, 2003
Agenda Item No. 10.d.

Radisson - LAX
6225 West Century Boulevard
Los Angeles, California

9672 WHISPERING WAY
OAKHURST, CA 93664

PRISCILLA PIKE
Court Reporting Services
mtprisk@sierratel.com

EXHIBIT NO. 9
APPLICATION NO. 5-02-380
Transcript
 California Coastal Commission

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A P P E A R A N C E S

COMMISSIONERS

1
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3
4 Mike Reilly, Chair
5 William A. Burke, Vice Chair
6 Edward L. Albert, Alternate
7 Christina L. Desser
8 Shirley Dettloff
9 Gregg Hart
10 Patrick Kruer
11 Cynthia McClain-Hill
12 Pedro Nava
13 Scott Peters
14 Dave Potter
15 John Woolley

16 Pat Neal, Business, Transportation & Housing Agency
17 Michael Sweeney, Resources Agency
18 Joan Dean, Trade & Commerce Agency

STAFF

19 Peter Douglas, Executive Director
20 Ralph Faust, Chief Counsel
21 Jamee Jordan Patterson, Deputy Attorney General
22 Deborah Lee, Deputy Director

-oOo-

I N D E X T O S P E A K E R S

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-000-

1 California Coastal Commission
2 January 9, 2003
3 Santa Monica Preferential Parking;
4 Application No. 5-02-380

5 * * * * *

6 4:45 p.m.

7 CHAIR REILLY: Okay, we will go to staff, for a
8 staff report in Item 10.d., which is Santa Monica Preferent-
9 ial Parking.

10 DISTRICT DIRECTOR LEE: Yes, thank you, Mr. Chair.

11 Item 10.d. is Application is Item No. 5-02-380.

12 This is a request from the City of Santa Monica to establish
13 a residential preferential parking zone with no parking or
14 stopping between the hours of 6:00 p.m. to 8:00 a.m. without
15 a permit, and the erection of signs identifying the parking
16 restrictions.

17 The location of the proposed zone is 12 blocks,
18 bounded by Montana on the north, Wilshire on the south,
19 Fourth Avenue on the east -- which is also the coastal zone
20 boundary in this area -- and Ocean Avenue on the west. The
21 area is four blocks north of the pier, and immediately north
22 of the Third street promenade.

23 Staff is recommending approval of the preferential
24 parking zone with special conditions requiring the city to
25 prohibit preferential parking along both sides of Ocean

1 Avenue, which is located adjacent to Palisades Park, limit
2 that authorization for the zone to five years, at which time
3 they would have to come back and seek reauthorization of the
4 preferential parking zone, and also acknowledgement on the
5 part of the city that any change in the hours, or boundaries,
6 or operation of the preferential parking zone, would require
7 Commission approval.

8 As the Commission knows, staff has taken very
9 conservative positions relative to preferential parking
10 zones, and has thus generally discouraged them. Given the
11 *Coastal Act's* commitment to providing maximum access to the
12 shoreline for the public, and the recognition that public
13 streets often serve as the bulk of public parking reservoirs,
14 staff has sought to preserve public streets without the
15 imposition of parking regulations, or metering.

16 However, in limited circumstances where there are
17 evident parking conflicts, the Commission has accepted some
18 parking programs where it was clear that public access to the
19 shoreline, or coastal recreational areas, would not be
20 adversely affected by virtue of where the area, itself, in
21 question is located; where restrictions were outside of peak
22 beach use periods; limits on metering; available public
23 parking alternatives or facilities; or the Commission has
24 also required the provision of shuttles to reserved off-site
25 parking facilities.

1 In this case, the area in question is an older
2 residential neighborhood that abuts the Third Street
3 Promenade, which appears to be the genesis of the parking
4 conflict. Older homes in this area, don't have adequate off-
5 street parking, and the employees and patrons of the
6 Promenade, who are seeking free parking availability, are
7 coming into this residential neighborhood and are creating
8 the conflict.

9 The proposed preferential parking zone is
10 separated from the actual beach by a row of private
11 residential lots, Pacific Coast Highway, Palisades Park, and
12 then Ocean Avenue. There are public beach lots available
13 along the shoreline, and there are pedestrian overpasses from
14 the park to the beach.

15 Given this geographic separation, staff's analysis
16 was this zone did not present as significant an access
17 impediment as many other proposals; however, we remain
18 concerned about the loss of parking along Ocean Avenue, given
19 Palisades Park, and the desires of some to attend the park,
20 view the sunset, or recreate during the early evening hours.

21 Therefore, even though the city's proposal would
22 be only for the east side of Ocean Avenue, and evening hours,
23 only, staff is recommending that all of Ocean Avenue be left
24 out of the zone.

25 With that revision, and the other two conditions,

1 staff is recommending approval, based on the findings the
2 public access to the coast will be protected.

3 It is our understanding that the city is in
4 agreement with the staff recommendation.

5 There are letters in your addendum, and also
6 separate handouts from the city, those both in favor and
7 opposition to the proposal. The principal opposition, to
8 date, has been from representatives from the Embassy Hotel
9 apartments. It is within the district. There are 38 units,
10 19 of which are operated as kind of seasonal hotel units, 19
11 others are operated as residential apartments. It has
12 inadequate parking, and the hotel operators had asked for the
13 city to allow them to issue permits to them, as though they
14 were residential leasehold; however, the city does not, and
15 argues that they do not have the ability to issue the permits
16 to commercial leaseholds.

17 The staff considered this, and they are also
18 making the argument that the hotel serves as a lower-cost
19 visitor accommodation, and under that premise, it would be
20 something that should be allowed to get residential permits?

21 Staff has not viewed allowing commercial uses, or
22 solving those kinds of problems in these situations, and
23 we've limited the scope of our review to first identifying
24 whether or not there is a coastal access impediment, or
25 conflict, and in this case we do not feel there is one,

1 given, first the geographic segmentation from the beach, and
2 then the fact that by retaining both sides of Ocean Avenue,
3 next to Palisades Park, we think there will be adequate
4 public parking maintained in the area for those users.

5 And, again, the city's request is only for the
6 evening time. It is not at a time that does pose a conflict
7 with peak beach use, or recreation.

8 We think there are some other alternatives that
9 the hotel could work out with the city, and perhaps utilizing
10 some of the public parking facilities, and a shuttle
11 operation, but basically staff's analysis has been that it is
12 a problem that they need to work out with the local govern-
13 ment.

14 And, that concludes staff's comments, at this
15 time.

16 CHAIR REILLY: Thank you.

17 And, I'll call for ex parte communications?

18 [No Response]

19 Anything?

20 [No Response]

21 As we broke for lunch today, I had a conversation
22 with a Peter Coopersmith, who was not able to stay for this,
23 but was opposed to the project, on a couple of bases. One,
24 the feeling that they are just moving the problem farther
25 north, in terms of incrementally moving the parking issues,

1 and they are going to end up impacting another area of the
2 city.

3 And, secondly, a concern about the 6:00 p.m.
4 cutoff, when neighboring communities, according to Mr.
5 Coopersmith, have kind of dawn-to-dusk rules around beach
6 use, and so those were his comments.

7 Anyone else?

8 Commissioner McClain-Hill.

9 [No Response]

10 You had the same conversation I did?

11 COMMISSIONER MC CLAIN-HILL: I'm sorry, yes,
12 sorry, I was with Commissioner Reilly, and had the same
13 conversation, at the same time, with the same person.

14 CHAIR REILLY: Thank you.

15 COMMISSIONER MC CLAIN-HILL: Thank you.

16 CHAIR REILLY: Will call Suzanne Frick, City of
17 Santa Monica. And, about how much time will you need, Ms.
18 Frick?

19 MS. FRICK: About five minutes.

20 CHAIR REILLY: Five minutes is fine.

21 MS. FRICK: Good afternoon, I am Suzanne Frick. I
22 am the director of Planning and Community Development for
23 Santa Monica, and I want to reiterate Santa Monica's commit-
24 ment to coastal access and easily accessible parking.

25 The proposed zone restricts parking only in the

1 evening hours, and really results in minimal impact to
2 coastal access.

3 Parking occupancy counts in this particular area
4 have revealed that about 92 percent of the on-street parking
5 spaces are occupied, and the user surveys indicate that the
6 people occupying those spaces are primarily, residents,
7 visitors of residents, employees of the Promenade, or
8 visitors to the Promenade. That is the universe of people
9 who are parking in this neighborhood.

10 Currently, Santa Monica has about 5300 public
11 beach parking spaces, and about two years ago, when the
12 Commission approved the Santa Monica Transit Mall, the
13 Commission expressed concern over the reduction of parking in
14 the area, and the concern that there would be a proliferation
15 of preferential parking zones.

16 Well, I want to let you know that since that time,
17 the city has added a new public parking structure with 294
18 publicly accessible spaces in the area, and added 43 new on-
19 street parking spaces, also, in this particular area.

20 And, on a typical day, after 6:00 p.m. within the
21 new parking structure the occupancy is at about 15 percent,
22 so there is a significant supply of available public parking
23 within our public parking structure. It is unfortunate that
24 people are choosing to park in the residential zone, as
25 opposed to within the public parking area, and so that is

1 what has really necessitated the need for this preferential
2 parking zone.

3 Now, you have received a request from the Embassy
4 Hotel to deny the parking zone, or authorize issuance of
5 parking permits for the hotel guests. This would be in
6 violation of the City of Santa Monica regulations related to
7 preferential parking. The Embassy is one of four hotels
8 within the preferential parking area, and the hotel argues
9 that it is an affordable lodging establishment, and that the
10 parking restrictions would be a violation of both the Coastal
11 Commission and the City of Santa Monica's policies related to
12 the preservation of low-cost lodging. The hotel also argues
13 that the preferential parking zone could render them out of
14 business.

15 The arguments that you will hear were also made
16 before the city council, and were not persuasive to the
17 council.

18 COMMISSIONER DESSER: Deborah, would you stop the
19 clock for one second, and please forgive me. I was, like,
20 trying to track another issue.

21 Would you repeat the part again, about the
22 residential hotel units?

23 And, would you let her do that, because it was my
24 fault, thank you.

25 MS. FRICK: Okay --

1 COMMISSIONER DESSER: You know, just back up a
2 paragraph.

3 MS. FRICK: Sure.

4 You will hear from the Embassy --

5 COMMISSIONER DESSER: Tell me what you think --

6 MS. FRICK: -- Hotel today, that --

7 COMMISSIONER DESSER: -- about it.

8 MS. FRICK: -- okay.

9 And, the Embassy is one of four hotels in this
10 particular area, and the hotel is arguing that they are an
11 affordable establishment, and therefore the policies that
12 both the Coastal Commission has and the City of Santa Monica
13 have, related to the protection and preservation of low-cost
14 lodging would apply to this particular establishment.

15 The argument was also made before the city
16 council, but the council did not feel the need to make
17 special exceptions for this particular hotel.

18 I want to indicate that the hotel is, in fact, not
19 a low-cost lodging facility under the definition that the
20 Coastal Commission has adopted, and also that the City of
21 Santa Monica has accepted. The room rates have consistently
22 been going up since 1989, when we both agreed to that
23 definition, and right now the room rates at the Embassy are
24 such that it is no longer considered a low-cost lodging
25 facility.

1 Having said that, though, the city has identified,
2 several parking solutions for the hotel, and will continue to
3 work with the owner to address these specific issues. There
4 are 19 hotel units, and the owner is eligible for up to 12
5 visitor parking passes that could be used by guests of those
6 hotel units.

7 We are asking the Commission to refrain from
8 granting a special exception to this one particular hotel,
9 and really allow the city to continue working with the owner
10 to develop and identify solutions, that would be beneficial
11 both to the hotel, and also to the city.

12 Now, I have to make the required legal announce-
13 ment that the city, of course, disputes the Commission's
14 jurisdiction on the matter of preferential parking, as
15 outlined in our correspondence from our city attorney to your
16 staff. Nevertheless, we want to work cooperatively with the
17 Commission, and your staff has prepared a detailed and very
18 thorough analysis, and we hope that you will support your
19 staff recommendation.

20 And, that concludes my presentation.

21 CHAIR REILLY: Thank you, Ms. Frick.

22 We have a number of people wanting to testify on
23 this, so I am going to allow two minutes each for testimony.
24 I'll call two names, and if your name is second, please come
25 up and sit in the front, so we can move this along, I would

1 really appreciate it.

2 Gale Feldman, followed by Sean Milliken.

3 MS. FELDMAN: My name is Gale Feldman. As a
4 resident for the past 10 years, I would like to begin by
5 saying that I am a proponent of partially restricted permit
6 parking.

7 That said, as an avid surfer and beach goer, I do
8 have strong concerns, as do all of you, about keeping open
9 access to a healthy coast. Also, as a public health
10 professional serving low-income populations, I have a special
11 concern with insuring the economic limitations are not
12 barriers to enjoying community resources; however, as per the
13 report submitted to you by the City of Santa Monica,
14 virtually no one utilizes the parking in our neighborhood to
15 access the beach at night, which this really alleviates a lot
16 of my concerns.

17 Thus, this is not a case of beach front homes
18 trying to restrict beach access. This is a case of trying to
19 seek an equitable solution for a neighborhood severely
20 impacted by the lack of parking.

21 On our street, Third Street, the parking is filled
22 to more than a 100 percent capacity, and it is not uncommon
23 to spend more than 45 minutes looking for parking, only to
24 have to park three to six blocks away.

25 Because of the lack of parking, residents and

1 visitors, alike, drive very aggressively, and often danger-
2 ously, in order to get a parking space. I have seen drivers
3 increase their speeds to more than 50 miles per hour to get a
4 parking spot at the end of the street, only to make a "U"
5 turn in the middle of the street into oncoming traffic to
6 grab a spot.

7 I have watched on three separate occasions,
8 elderly pedestrians from our local skilled nursing facility
9 come within inches of getting hit when they were crossing the
10 street, and cars swerved to avoid them on their way to a
11 parking spot. I have also seen two frustrated drivers almost
12 come to blows fighting over an available parking spot on
13 Friday night. And, most horrendously, I watched the jaws of
14 life extract passengers from a car that had just wrapped
15 itself around a light pole at the end of my block,
16 purportedly speeding to a parking space.

17 The other issue is one of personal safety. As a
18 lady, I feel unsafe when I have to walk three to six blocks,
19 to or from my car, after dark. This is a real concern for
20 me. I have been harassed to the point of real personal
21 concern for my safety on more than one occasion. The first
22 thing taught in a self-defense class is to avoid potentially
23 dangerous situations, such as walking unescorted in dark
24 areas.

25 CHAIR REILLY: Ms. Feldman, your time has expired,

1 so you need to have a concluding statement.

2 MS. FELDMAN: Okay, I was just going to say our
3 parking problem prohibits me from following this basic tenet
4 for personal safety.

5 And, in conclusion, I believe that providing
6 evening permit parking will improve safety, accessibility,
7 and quality of life for local residents.

8 Thank you.

9 CHAIR REILLY: Thank you.

10 Sean Milliken, then followed by Cyndi Marin Angel.

11 MR. MILLIKEN: My name is Sean Milliken. I am a
12 resident in Santa Monica, in the proposed parking zone area.

13 Well, being a resident of the area in question, I
14 must say that I am biased. My bias stems from the fact that
15 I often spend over 35 minutes looking for a parking spot. I
16 am also frustrated by the fact that I cannot get friends or
17 family to visit me, due to the lack of parking.

18 As you can see, from the city staff report, the
19 parking in this area is impacted primarily by employees and
20 patrons of the Third Street Promenade area. This causes many
21 quality of life issues for the residents of my neighborhood.
22 These issues include traffic -- include increased traffic as
23 people rush through the neighborhoods and streets looking for
24 parking. I routinely see people violating traffic laws,
25 literally fighting for spots. This results in a neighborhood

1 that is not safe to drive in, for kids to play in, and for
2 our senior citizens to walk in.

3 I believe that we can address this issue, while at
4 the same time not impacting beach access, by approving this
5 application. I encourage you to follow the advice of your
6 staff, the City of Santa Monica, and the Wilshire Montana
7 Coalition, which is our neighborhood, local neighborhood
8 coalition, which represents most of the residents that live
9 in the area.

10 Thank you, guys, so much for giving me the time,
11 and have a wonderful day.

12 CHAIR REILLY: Thank you.

13 Cyndi Marin Angel, followed by Dona Van Bluman.

14 MS. RICE: Cyndi Marin Angel had to leave, but she
15 left me something to read, and I don't know what the rules
16 are? can I read it? or?

17 CHAIR REILLY: Go ahead, but let us have your
18 name.

19 MS. RICE: My name is Corina York Rice.

20 CHAIR REILLY: Okay, but when you get done, would
21 you go over and fill out a speaker slip for us, too.

22 MS. RICE: Pardon.

23 CHAIR REILLY: When you finish, would you fill out
24 a speaker slip for us.

25 MS. RICE: Yeah, I filled one out for myself, too.

1 CHAIR REILLY: Oh, okay, but you are not going to
2 be able to do it twice.

3 MS. RICE: Okay.

4 COMMISSIONER DESSER: You can speak on your own
5 behalf.

6 CHAIR REILLY: You have two minutes to say
7 whatever you want --

8 MS. RICE: I'll just try to say --

9 CHAIR REILLY: -- for yourself, or for someone
10 else.

11 MS. RICE: -- everything I can, okay.

12 CHAIR REILLY: Okay.

13 MS. RICE: I am an owner, actually, and my mother
14 is a resident, on the 1100 block of Third Street in Santa
15 Monica. I am not sure if you know that, but that is the
16 exact block that borders the promenade.

17 I am going to talk about the Pajama Parkers. The
18 Pajama Parkers was started by some people in my apartment,
19 basically the apartment manager, and Cyndi Marin Angel, who
20 left. They are the founding fathers -- mothers, I should say
21 -- and what they actually do is they get together to go to
22 their car, which is parked between 6 and 10 blocks away, at
23 night, so that they can bring their cars closer, after the
24 Promenade thins out.

25 Basically, they walk together in pairs, or with 3

1 or 4 people, because they are scared to walk to their car at
2 night, and it has just become very hazardous, dangerous, and
3 we worked so hard to get this permit parking for the people,
4 the residents that live there, so anything you can do to help
5 us, please do.

6 Thanks.

7 COMMISSIONER BURKE: Excuse me --

8 COMMISSIONER HART: Mr. Chair, I have a question,
9 too. COMMISSIONER BURKE: -- can you please repeat your
10 name, please?

11 MS. RICE: Corina York Rice. I filled out a pink
12 slip. I am not sure it was for permit parking.

13 COMMISSIONER BURKE: Yes, we got you.

14 MS. RICE: Thank you.

15 CHAIR REILLY: Okay.

16 COMMISSIONER HART: Mr. Chair, can I just ask a
17 question, please?

18 [No Response]

19 Down here, Mike.

20 CHAIR REILLY: Why don't we wait for --

21 COMMISSIONER HART: Well, just from her, I wanted
22 to ask here a question, if that is okay?

23 CHAIR REILLY: Why don't we wait until we conclude
24 this.

25 COMMISSIONER HART: That's okay, nevermind, I'm

1 sorry.

2 CHAIR REILLY: Donna Van Bluman, followed by Rob
3 Rader.

4 MS. BLUMEN: I live at 1117 Third Street, and I
5 represent -- I speak here for over 200 people, particularly
6 for the single female residents of the area of Second and
7 Third Streets which border the Promenade.

8 I think it is key to point out that the huge
9 economic boom which is being enjoyed by the businesses in
10 Santa Monica, since the development of the Promenade and the
11 coastal hotels was, in fact, financed to a considerable
12 extent, by our tax dollars, beginning back in the 80's, yet
13 we are having our lives disrupted on a daily basis, not only
14 by the continual rise in crime, noise and garbage on our very
15 front doors, but by the astonishing fact that we are not even
16 able to come and go freely in an normal way from our homes,
17 because we are forced to circle the area, search for parking,
18 as far a way as 8 to 10 blocks several times a day, all these
19 things that you have heard, I reiterate.

20 But, worst of all, we are actually compelled -- it
21 is quite an astounding little fact -- we are actually
22 compelled to go out in our robes, in the middle of the night,
23 to stuff meters, and move cars. This is dangerous,
24 emotionally disturbing, and just plain wrong. It is very
25 clear. It is not complicated.

1 The meters, the double meters which were put in
2 front of our homes on Third Street were installed as a
3 temporary measure, only until the completion of the
4 construction project behind us on Fourth Street. The meters,
5 of course, are still in use, and monopolized by shoppers and
6 employees of the Promenade businesses.

7 We shouldn't be suffering because of this. It is
8 not a complicated issue, as I said. The residents' rights to
9 full and peaceful enjoyment of their homes should not be
10 sacrificed to commercial interests, whether they are the
11 interests of the Promenade businesses, or the Embassy Hotel's
12 guests.

13 I urge you to give consideration to us, and our
14 basic rights, and allow preferential parking zones to be
15 allocated immediately.

16 Thank you.

17 CHAIR REILLY: Rob Rader, followed by Gideon
18 Brower.

19 MR. RADER: I believe Gideon Brower had given his
20 time to me. Is that -- there is an arrow down at the bottom
21 there.

22 COMMISSIONER BURKE: Yes.

23 CHAIR REILLY: Is he here?

24 [Response from audience]

25 Good, okay, you have four minutes.

1 MR. RADER: My name is Rob Rader. I am vice-chair
2 of the Wilshire Montana Neighborhood Coalition.

3 First, let me assure you that I will not bring up
4 a Bolsa Chica issue, so rest assured.

5 The Wilshire Montana Neighborhood Coalition, I
6 sent you guys a letter -- or I had a letter that should have
7 been distributed to you earlier today, and hopefully you have
8 had a chance to review that -- but I am not going to
9 reiterate that letter, or read it to you -- I know, another
10 breath of relief.

11 We are talking about Santa Monica here, and I
12 think it is useful to remember that Santa Monicans have an
13 enormous amount of guilt, and if we felt that we were
14 usurping the public's right to the beach, I personally
15 wouldn't be able to appear before you today. We believe in
16 protecting, preserving, and enhancing the public's right of
17 access to the coast.

18 And, I personally have never seen anyone park
19 along these streets, and then walk down to the beach, and I
20 think that the studies bear this out, and I think I high-
21 lighted them in the letter, but we are talking about a
22 parking situation that is caused largely by the Third Street
23 Promenade, and the success of the Third Street Promenade,
24 which clearly behooves us. You know, we are happy to have
25 the Promenade there, but we are sad that basically friends

1 and family won't visit us -- family members won't visit us.

2 With regards to the limited nighttime parking
3 restrictions only, the city has negotiated with your staff
4 over a period of years, I think, with regards to this.
5 Naturally, we would want daytime restrictions. We would want
6 morning restrictions. We would want afternoon restrictions,
7 but we understand that is when there is the possibility
8 people might use the beach, and naturally, we don't want to
9 monopolize a valuable resource that we feel belongs to every-
10 body.

11 So, nighttime restrictions -- look, my personal
12 view is that my girlfriend is supposed to move in with me --
13 I live on Second Street -- in April. We did not pick that
14 month by chance. We knew that this Commission was meeting.
15 She always has to park blocks and blocks away, and I end up
16 having to escort her. That is the problem in a microcosm.
17 We are just -- we can't live daily lives.

18 And, it is exacerbated by a lot of the businesses
19 in the area. I have seen -- I hate to be an ungracious guest
20 here at the Radisson, but the Radisson Huntley is one of the
21 hotels there. I have seen their valet parkers park on the
22 street, in street parking at night, and that is another
23 further strain on our limited resources in this neighborhood.

24 There are roughly 730 spots that we are talking
25 about here. When Suzanne Frick mentioned, there are at least

1 5900 other available spots in the beach lots, in the two
2 parking garages that are within this proposed zone, and in
3 the Third Street Promenade parking lots, which have about
4 2500 spots, which are right there.

5 There is also the problem that some of the
6 employees for some of the businesses -- and I am particularly
7 thinking of the Miramar Mar, and again the Huntley -- the
8 employees only give up their spots in shifts to other
9 employees. So, effectively, spots become property of the
10 hotel. They become private spots that are not there for any
11 public use.

12 I have heard the arguments, also, of the Embassy,
13 and we are sympathetic, and the Wilshire Montana Neighborhood
14 Coalition supports local businesses, and I have spoken with
15 the owner, and the owner has come to speak with us. We think
16 it would be somewhat ironic, however, if one private interest
17 could overturn what would be a benefit for 3400 units, per
18 your own staff report, and that a private interest could
19 overturn a larger public interest of the Wilshire Montana
20 residents, who have been trying to accommodate the greater
21 public interest, which is represented by you. I think that
22 would be somewhat perverse in this situation, especially,
23 when the city and the hotel are still trying to negotiate a
24 solution.

25 And let me, quickly, point, an empirical matter,

1 anyone that parked at one of the lots that have been offered
2 to the hotel, or on Ocean Avenue, three blocks away -- two-
3 and-a-half blocks away, will get to their cars faster than
4 any of us will get to our cars at this hotel right now,
5 because those two-and-a-half blocks can be walked faster than
6 we will get valet out of here.

7 I just wanted to conclude by just reading to you a
8 quick, little, portion of the letter. The Wilshire Montana
9 residents do not want to monopolize a resource, which by
10 right is owned by all --

11 CHAIR REILLY: You have used your time up, Mr.
12 Rader.

13 MR. RADER: -- all we want is a reasonable
14 accommodation, and to protect both the public's right of
15 access, and our residents right to park and have family and
16 friends over.

17 Thank you, very much, for your time.

18 CHAIR REILLY: Thank you.

19 Alice Clagett, followed by Sonja Braga.

20 UNIDENTIFIED SPEAKER: Alice had to leave.

21 CHAIR REILLY: Okay, Sonja Braga.

22 UNIDENTIFIED SPEAKER: She faxed her statement to
23 you.

24 CHAIR REILLY: We do have it.

25 DISTRICT DIRECTOR LEE: That letter was

1 distributed to you.

2 CHAIR REILLY: Okay.

3 Michele Nasatir, followed by Chris Harding.

4 MS. NASATIR: Hi, my name is Michele Nasatir, and
5 my family has owned and operated the Embassy Hotel Apartments
6 for the past 30 years.

7 I would like you to know that it is not only a
8 mixed-use building, which is part permanent residents, and
9 part transient hotel use, but it has been in continuous
10 operation for 75 years. This is not a new hotel, and it has
11 been very difficult to operate it as a mixed-use business.
12 Thirty years ago, there were plenty of other businesses that
13 are like the Embassy, but they have all been replaced now by
14 luxury hotels.

15 The Embassy does not have any onsite parking. It
16 is not that they have some, they have none. When it was
17 built in 1927, it was built without any onsite parking. So,
18 we depend upon being able to have our guests park on the
19 street. If they cannot park on the street, they will not
20 come and stay with us.

21 I have 135 letters here that I had not known I
22 needed to submit earlier, but I can leave them with staff --

23 CHAIR REILLY: Please do that.

24 MS. NASATIR: -- from people who have come and
25 stayed with us, who have reiterated that they would not be

1 able to stay, if they were forced to park three blocks away.
2 I know three blocks doesn't sound far, but as you have heard
3 from some of the residents, walking at night, it is unlit, it
4 is unsafe. It is very far if you have baggage, if you have
5 children, you know, people just are not willing to do it.

6 The City of Santa Monica has mentioned that they
7 don't consider us an affordable -- I forgot what they said,
8 but I would just like to point out that our room rates range
9 from \$100 a night to \$200 a night. The \$200 a night suite is
10 two bedrooms, two bathrooms, two stories, full kitchen,
11 dining room, and living room, and that all of our rack rates
12 are very negotiable when people call to make reservations, so
13 that quite honestly, what we actually collect is more like
14 \$80 to \$150 a night, which is far less expensive than anybody
15 else in the neighborhood.

16 We are also the only hotel that was built in 1927
17 without any onsite parking, and it is important to
18 differentiate us from the other hotels that have been
19 referred to.

20 I have read the City of Santa Monica's staff
21 report, and when I read it I feel that the staff isn't really
22 fairly representing the situation. They say they have all of
23 this parking available. People are -- I am an operator. I
24 know what people are willing to do, and they are not willing
25 to park three blocks away and walk.

1 CHAIR REILLY: I've given you a little extra time,
2 Ms. Nasatir --

3 MS. NASATIR: I'm sorry.

4 CHAIR REILLY: -- because you are the opposition

5 --

6 MS. NASATIR: Okay, okay --

7 CHAIR REILLY: -- and I gave the proponents some
8 time.

9 MS. NASATIR: -- all I just want to say is that we
10 are not in opposition to this parking zone. All we are
11 asking is that -- we have been trying to work with the city
12 to include us in the zone, and they are not willing to do so.

13 So, we hope that you can include us, and help us
14 convince them to work with us.

15 Thank you.

16 CHAIR REILLY: Thank you.

17 I'll call Chris Harding, and then the final
18 speaker slip is John Schwartz.

19 MR. HARDING: Good afternoon, Chris Harding,
20 speaking on behalf of the Embassy, as their legal counsel.

21 If a developer came before you and said, "Give me
22 my permit and I'll work it out with the opposition later,"
23 you wouldn't take it seriously. But, that is what Santa
24 Monica has done. They have said they will work out our
25 parking situation later. That is not sufficient. Your

1 staff, in fact, has directed us -- or directed you to vote
2 accordingly, and so we will be left working out what is
3 really a coastal access issue, with the city later. My
4 client has tried to do that with no success, at this point.

5 I submit to you that approving a permit that
6 effectively closes down 19 rooms of affordable lodging in the
7 coastal zone raises a very serious issue under the Coastal
8 Act, under Section 30213. You are obliged to preserve
9 affordable lodging. If you vote to approve this permit, as
10 is, you will clearly violate that part of the Coastal Act.

11 Now, this has a relative easy solution, from our
12 perspective. That solution is allow the hotel guests at the
13 Embassy, which is the only affordable lodging facility in the
14 zone, and the only lodging facility that has no parking --
15 allow them parking permits.

16 Now, what is the practical impact? Fewer parking
17 permits are used by hotel guests than residents. If these
18 same 19 units were used by residents they would qualify for
19 up to three permits. As hotel units, they need one permit
20 per unit. So, from a resident perspective, this is better
21 for them. That is why the Wilshire Montana group supported
22 the Embassy in meetings with the Embassy representatives.
23 That is why the Pajama Parkers supported the Embassy. Why
24 city staff hasn't seen fit to do that is, frankly, beyond me.

25 Now, you have two choices, I think, that are

1 consistent with the Act: continue this item and allow the
2 staff to work with the city, to craft a condition that makes
3 sense to them; or, take what we think is the obvious
4 solution, and impose a condition that the city allow the
5 hotel guests to get permits.

6 Now, Santa Monica says, "But, wait a minute, that
7 violates the law."

8 But, it is their own law. They can change that
9 law with the vote of a majority of the city council. This is
10 silliness. If a corporation came before you and said, "But,
11 wait a minute we can't do this, that violates corporate
12 policy," you'd laugh them out of the room. They can change
13 corp policy to comply with your condition --

14 CHAIR REILLY: Need to have you conclude, Mr.
15 Harding.

16 MR. HARDING: -- and Santa Monica can do the same.
17 Thank you.

18 CHAIR REILLY: Okay, thank you.
19 John Schwartz.

20 [No Response]

21 John Schwartz isn't here.

22 Okay, we will go back to staff.

23 DISTRICT DIRECTOR LEE: Thank you, Mr. Chair.

24 Staff's recommendation is based on several
25 factors: first, the geographic segmentation of the prefer-

1 ential parking zone from the beach.

2 The second point in staff's recommendation is that
3 the hours of the proposed preferential parking zone do not
4 conflict with peak beach-use hours.

5 And, then finally, the fact that the staff
6 recommendation, which the city is accepting would retain both
7 sides of Ocean Avenue to serve Palisades Park, we believe,
8 does address any coastal access impediment that was presented
9 by the project.

10 On the question raised by the hotel operator, it
11 is our understanding that the city has agreed that for the 19
12 units, that clearly operate as residential units, they will
13 provide them permits just like any other resident in the pre-
14 ferential parking zone. And, for the 19 remaining units that
15 operate as transient hotel operation, they will give them 12
16 guest passes to utilize in whatever way they want, for 12
17 guests that they may have.

18 And, we do believe that the alternatives, and
19 available parking alternatives, are better situated than what
20 the commenter raised with you. If you will look on Exhibit
21 No. 3, the hotel is located at the corner of Third and
22 Washington, and just one-and-a-half blocks south, along Third
23 Street, and then on the opposing side on Fourth Street, are
24 the two city public parking facilities where there are
25 available spaces, and the hotel, for those additional guests

1 that might need parking, they could utilize those facilities,
2 either with a valet, or a shuttle.

3 The reason that staff agrees, or at least is
4 concerned with the Commission getting into more detailed
5 operation of allowing the residential permits to be
6 distributed to commercial lease holds, is that there are
7 other hotels that are within the district. There are other
8 visitor-serving uses within the district, and we think that
9 to begin to also require allocation to the commercial lease
10 holds, really gets us more involved in the program than is
11 necessary, based on the fact that we believe -- as
12 recommended and conditioned -- there will not be a coastal
13 access impediment proposed.

14 CHAIR REILLY: Thank you.

15 Did we ask for ex partes on this, earlier?

16 Okay.

17 Go to Commissioner Albert.

18 COMMISSIONER ALBERT: Thank you.

19 Actually, I would like to address a few questions
20 to the planning director, Suzanne Frick, please.

21 CHAIR REILLY: Commissioner Albert, are you
22 planning on making a motion?

23 COMMISSIONER ALBERT: Would you prefer that I do
24 that, before I speak to --

25 CHAIR REILLY: I would.

1 COMMISSIONER ALBERT: Okay.

2 Then, I will defer to staff, who by now has
3 crafted the motion that I spoke to Peter about, hopefully.

4 No?

5 Okay, moving on.

6 DISTRICT DIRECTOR LEE: You would need.

7 COMMISSIONER ALBERT: I would like to propose a
8 motion.

9 DISTRICT DIRECTOR LEE: You would need to start
10 with the motion on Page 3 of the staff report, and then if
11 you want a suggested amendment, you would have to phrase that
12 separately.

13 COMMISSIONER ALBERT: The motion is on page?

14 CHAIR REILLY: Three.

15 DISTRICT DIRECTOR LEE: Page three.

16 COMMISSIONER ALBERT: Okay, with a following
17 condition, I move the Commission approve Coastal Development
18 Permit 5-02-380 pursuant to the staff recommendation, and my
19 condition.

20 CHAIR REILLY: No, Commissioner.

21 [General Discussion]

22 COMMISSIONER ALBERT: No, is that separate? I beg
23 your pardon.

24 CHAIR REILLY: Make the main motion and then if
25 there are amending motions, they can be made subsequent to

1 er Albert, seconded by Commissioner Desser.

2 Do you want to speak to your motion?

3 COMMISSIONER ALBERT: Well, only, really in that
4 this is an area that I know very well, having lived there for
5 quite awhile, and I am troubled by several things here.

6 First of all, this is not about beach access, at
7 all. Nobody parks in this area to get on the sand. It is
8 blocks from Ocean Avenue, then you have got to walk down
9 several more blocks to the California incline, which you have
10 got to walk down, and then go over PCH on a bridge, where you
11 then have to cross parking lots to get to the beach. Also,
12 anybody who is on the beach at night needs to be
13 investigated.

14 That's a joke, sorry -- for the transcript.

15 It is, to the best of my knowledge, in this
16 proposed PPZ, the only affordable housing available.

17 Also, I feel very strongly about the safety issue
18 for women. I think that this is a very, very important
19 thing, and I agree with the speakers that anything we can do
20 to support safe parking within the area, including all of the
21 residents, including transient residents of the Embassy
22 Apartment Hotels would be simply proper.

23 CHAIR REILLY: Commissioner Desser.

24 COMMISSIONER DESSER: Yeah, I concur.

25 I am not worried about opening up the flood gates

1 to other commercial activities in the area. I mean, this is
2 a hotel that could be -- I don't know if it has an historical
3 designation, it could. It is the kind of place that actually
4 creates the community character in Santa Monica. I am
5 grateful that this hotel remains operating there.

6 I am very sympathetic, as a sort of -- as a person
7 who travels every month to a Coastal Commission meeting, and
8 there usually isn't anybody to help schlep the bags, and it
9 is just in front of a hotel, schlepping bags with kids, I
10 don't think it is reasonable to expect a hotel to continue to
11 do business, if there isn't a place close by for the people
12 who are staying there to park.

13 I can absolutely differentiate this between
14 restaurants, shops, other kinds of commercial entities. I
15 don't want to get into the micro-management of the City of
16 Santa Monica. I hope we can sort of figure this out here
17 today, in a way that makes sense.

18 To the extent that there are similar hotels,
19 similar of these small hotels, in old buildings, in other
20 PPZs I would make the same argument for them, as well. But,
21 the fact is there is only one in this instance, and as was
22 pointed out, they would have the right to three parking
23 passes in each of those units, if they were turned into
24 apartment.

25 This is another way to approach it, why should

1 structures have three parking passes? But, I am not even
2 going to go into that.

3 I think it is perfectly reasonable to provide
4 parking passes for each of the units in the hotel, and I
5 would hope that we can amend this accordingly.

6 CHAIR REILLY: Okay, I'll have a comment on this,
7 as well.

8 My concern is that, if it really doesn't meet our
9 affordability standards for low-cost visitor services, then
10 in my mind it is really not a coastal-related matter. And, I
11 am very reluctant to adopt a condition that is in direct
12 violation of city ordinance, on a matter that is not directly
13 coastal related.

14 And, I don't know if staff wants to comment on
15 that, or not?

16 EXECUTIVE DIRECTOR DOUGLAS: Well, yes, Commis-
17 sioner Albert did bring this to my attention, and I discussed
18 it with Ms. Lee, and the concern that we have is that this is
19 not an affordable overnight accommodation. The rates are
20 \$100 to \$200 -- \$100 to \$200.

21 [General Discussion]

22 Let me ask Deborah to respond, and maybe the
23 representative from the hotel can come forward.

24 CHAIR REILLY: They have just been reduced, Mr.
25 Executive Director.

1 DISTRICT DIRECTOR LEE: Yes, on the record, I
2 believe the hotel operator said they were \$100 to \$200 a
3 night --

4 CHAIR REILLY: That is what I heard.

5 DISTRICT DIRECTOR LEE: -- which would not
6 constitute --

7 COMMISSIONER DESSER: And, negotiable when people
8 call.

9 And, come on, you guys, you know how expensive it
10 is. That is reasonable.

11 CHAIR REILLY: Let's have the staff response to
12 this, please.

13 DISTRICT DIRECTOR LEE: Again, our concern was
14 focused first on whether or not there was a coastal access
15 impediment, in terms of physical access to the coast, by
16 usurping otherwise available public parking supplies.

17 Given the separation, the hours that this was
18 going to be imposed, we did not identify a coastal access
19 conflict.

20 In addition, it is our understanding they will
21 issue 19 permits, at a minimum, to the apartment units, and
22 then they will also provide the hotel with 12 guest passes
23 that they can use for the remaining 19 transient operated
24 units.

25 COMMISSIONER DESSER: They don't --

1 CHAIR REILLY: Can we have the representative from
2 the city come forward, please. Can you verify that our staff
3 is correct in their understanding of what your intention is,
4 that the hotel will receive 19 for the permanent and 12 guest
5 passes? has that been decided by the city?

6 MS. FRICK: Let me explain this.

7 There are 19 residential units, as your staff
8 indicated, that are going to be eligible for at least one
9 resident pass, and two visitor passes, if the residents
10 choose to have the visitor passes.

11 Of the 6 out of the 19 residential units, are
12 being used right now as long-term rentals, meaning that they
13 don't have occupants in them that stay sometimes for -- you
14 know, they are not permanent residents.

15 And, so, those six units are going to be eligible
16 for 12 visitor passes that could be used for those six units,
17 or for those other 19 hotel units. So, the city has agreed
18 to that.

19 Now, if there are permanent residents in those six
20 units, then those residents would also eligible for two
21 visitor passes, and then a resident pass.

22 CHAIR REILLY: So, in the city's estimate, there
23 is only 13 permanent residents, not 19?

24 MS. FRICK: That is correct.

25 CHAIR REILLY: That is a little bit different,

1 okay.

2 MS. FRICK: That is correct.

3 CHAIR REILLY: Commissioner Hart, did you have a
4 question that you wanted to ask earlier?

5 COMMISSIONER HART: No, that is okay. I got the
6 answer from Commissioner Albert.

7 CHAIR REILLY: And, Commissioner Burke, did you
8 have a question you wanted to ask something?

9 COMMISSIONER BURKE: For that, I would like to
10 abstain on this issue.

11 EXECUTIVE DIRECTOR DOUGLAS: Mr. Chairman.

12 CHAIR REILLY: I understand.

13 Commissioner Nava.

14 Let's go to the Executive Director, first.

15 COMMISSIONER NAVA: Yes.

16 EXECUTIVE DIRECTOR DOUGLAS: I guess it is my
17 understanding, too, that there are four hotels --

18 DISTRICT DIRECTOR LEE: Four other hotels.

19 EXECUTIVE DIRECTOR DOUGLAS: -- four other hotels
20 that are in this zone, and the question is, if the motion
21 were to pass, what does it mean to be lower cost? does it
22 have to be under \$100 a night? or how are we going to define
23 that?

24 So, we would like some clarity on that.

25 CHAIR REILLY: Well, we will try to get that for

1 you somewhere along the way.

2 Commission Nava.

3 COMMISSIONER NAVA: Yeah, if I could have the
4 representative of the hotel come up, because there was a lot
5 of head nodding when staff was saying things, and when the
6 city was saying things, and so what was it that you heard --
7 this is the biggest softball you are ever going to get --
8 what was it that you heard that caused you to respond that
9 way?

10 MR. HARDING: Well, your staff indicated that
11 there were 12 visitor permits available for the 19 hotel
12 guests. That just is not true. I think Ms. Frick clarified
13 that.

14 There are 12 such permits available for six of the
15 apartment units, and they might be used for the hotel units,
16 if those six apartments don't need the 12 permits. That is a
17 very different picture.

18 We are looking for -- to be very concrete --
19 roughly 19 parking permits for the 19 hotel rooms, so when
20 someone calls up, and wants to check in, we can let them know
21 they have a permit to park nearby.

22 With respect to the other hotels, the other hotels
23 all have parking, and they are the Miramar Fairmont -- by any
24 estimation a luxury hotel -- the Oceana, which costs more
25 than the Miramar Fairmont, the Huntley House which is across

1 the street from the Miramar Fairmont, and the Calmore, which
2 has adequate parking. So, if your condition were to read,
3 affordable lodging with no parking, it is very clear that
4 those hotels are left out of the picture.

5 In terms of hotel rates, I'll let Ms. Nasatir
6 answer.

7 MS. NASATIR: Okay, well, I never went to hotel
8 school, so I will tell you that to begin with.

9 And, I am embarrassed to admit this in front of
10 you, but the truth is if somebody calls to make a reservation
11 and they ask what your rate is, and you say it is \$100 a
12 night, an they hesitate, even a minute, you then come back
13 and say, "Well, I think, you know, on this date, you know we
14 can give it to you for \$75 a night."

15 It is our interest to have the rooms occupied.

16 COMMISSIONER NAVA: So, what is the phone number
17 there?

18 MS. NASATIR: So, I mean, the thing is that it is
19 also interesting because the Embassy was built at a time
20 where none of our rooms are the same, no two rooms are
21 exactly alike, every room in that building is different.

22 And, so, even coming up with a price per room is
23 difficult, so I know we are being lumped together with luxury
24 hotels, or Santa Monica hotels, and I brought a book that I
25 would just like to show you some of the pictures of the

1 building, for you to understand the historic nature, how we
2 are a part of this community, how we have been in operation
3 for such a long time, and have never charged a lot of money.

4 CHAIR REILLY: I think you are going beyond what
5 the question was, and we are in a questioning period here.

6 COMMISSIONER NAVA: Yes, thank you.

7 And, the comment that I want to make is that I
8 really, in a sense, resent the Commission being put in this
9 position, having to make these kinds of decisions on
10 neighborhood issues.

11 It is obvious that the impacts on the neighbor-
12 hoods are brought about by commercial development, the
13 parking for that commercial development, the failure, either
14 through ordinance, or policy of the city to insist that there
15 be adequate employee parking that doesn't impact on the
16 neighborhoods.

17 And, I am looking at a December 30 correspondence,
18 from Harding Lemore Cutcher and Kazal, with a footnote that
19 makes reference to our February 13, 2001 meeting where the
20 Chair, at that time, in considering the transit mall plan for
21 Santa Monica, specifically, made reference to in a couple of
22 years don't come back and ask for preferential parking, in
23 those surrounding neighborhoods. And, the city assured us
24 that that would not be the case.

25 But, having said that, I don't believe that the

1 residents of these neighborhoods should be penalized for it.
2 This is a policy issue that needs to be resolved through your
3 elected officials, and it is unfortunate that they haven't
4 come up with a better solution.

5 CHAIR REILLY: Commissioner McClain-Hill.

6 COMMISSIONER MC CLAIN-HILL: I would simply like
7 to, you know, echo the comments of Commissioner Nava, who
8 simply preempted just about everything that I was going to
9 say on this issue, including making reference to the December
10 30 letter.

11 CHAIR REILLY: Great minds, right?

12 COMMISSIONER DESSER: An historical moment.

13 COMMISSIONER KRUER: It wasn't that bad.

14 COMMISSIONER MC CLAIN-HILL: You haven't been
15 around long enough to know.

16 And, you know, I have sort of suggested to a
17 number of Commissioner on the dais that I just hate pre-
18 ferential parking anyway, and while I, you know, feel for the
19 residents, and all of that, I live two, you know, maybe 45
20 steps off of Second Street, in Long Beach, and so I deal with
21 these issues all of the time.

22 Be that as it may, if we can, you know, get some
23 consensus on the accommodation for the low-cost visitor-
24 serving hotel, I can hold my nose and join the majority.

25 CHAIR REILLY: The first motion is the amending

1 motion, and can we get that clarified, Mr. Director?

2 EXECUTIVE DIRECTOR DOUGLAS: Mr. Chairman, the
3 maker of the motion said that this would be, these passes,
4 would be available for hotels that provide lower-cost
5 accommodations.

6 The gentleman representing the hotel indicated
7 that if the motion were modified to only apply with hotels --

8 CHAIR REILLY: Without parking.

9 EXECUTIVE DIRECTOR DOUGLAS: -- that don't have
10 parking, that it would only apply to this hotel --

11 CHAIR REILLY: Is that satisfactory to the maker
12 of the motion?

13 EXECUTIVE DIRECTOR DOUGLAS: -- I think that would
14 --

15 CHAIR REILLY: Okay, that has been incorporated.
16 So, does everybody understand the motion?

17 [No Response]

18 The maker is asking for a "Yes" vote.

19 Call the roll.

20 SECRETARY GOEHLER: Commissioner Desser?

21 COMMISSIONER DESSER: Yes.

22 SECRETARY GOEHLER: Commissioner Dettloff?

23 COMMISSIONER DETTLOFF: Yes.

24 SECRETARY GOEHLER: Commissioner Hart.

25 COMMISSIONER HART: Yes.

1 SECRETARY GOEHLER: Commissioner Kruer?
2 COMMISSIONER KRUER: Abstain, on this, please.
3 SECRETARY GOEHLER: Commissioner McClain-Hill?
4 COMMISSIONER MC CLAIN-HILL: Yes.
5 SECRETARY GOEHLER: Commissioner Nava?
6 COMMISSIONER NAVA: Yes.
7 SECRETARY GOEHLER: Commissioner Peters?
8 [No Response]
9 Commissioner Potter?
10 COMMISSIONER POTTER: Aye.
11 SECRETARY GOEHLER: Commissioner Albert?
12 COMMISSIONER ALBERT: Yes.
13 SECRETARY GOEHLER: Commissioner Woolley?
14 COMMISSIONER WOOLLEY: Aye.
15 SECRETARY GOEHLER: Commissioner Burke?
16 COMMISSIONER BURKE: Abstain.
17 SECRETARY GOEHLER: Chairman Reilly?
18 CHAIR REILLY: No.
19 SECRETARY GOEHLER: Eight --
20 CHAIR REILLY: All right, the --
21 SECRETARY GOEHLER: -- one, two.
22 CHAIR REILLY: All right, the amendment passes.
23 Is there any objection to unanimous roll call on
24 the main motion?

25 [No Response]

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Seeing none, the motion passes as amended, with one abstention -- actually two abstentions, Commissioner Burke, and Commissioner Kruer.

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[Whereupon the hearing concluded at 5:40 p.m.]

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STATE OF CALIFORNIA)
) SS.
COUNTY OF MADERA)
)

I, PRISCILLA PIKE, Hearing Reporter for the State of California, do hereby certify that the foregoing 47 pages represents a full, true, and correct transcription of the proceedings as reported by me on January 9, 2003.

Dated: March 3, 2003

PRISCILLA PIKE

PRISCILLA PIKE

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