

**CALIFORNIA COASTAL COMMISSION**

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Staff: Al Padilla-LB  
Staff Report: 1/14/08  
Hearing Date: 2/6-8/08  
Commission Action:

**TH 14c.****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 5-07-393

**APPLICANT:** City of Santa Monica

**PROJECT LOCATION:** Area bounded by Lincoln Boulevard, Pico Boulevard, Ocean Park Boulevard, and Fourth Street, in the City of Santa Monica

**PROJECT DESCRIPTION:** Establishment of a residential preferential permit parking district (Zone U) for residents only with no public parking or stopping for more than two hours between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday; and the erection of signs identifying the hours of the parking restrictions and demarcating the restricted areas.

**LOCAL APPROVALS RECEIVED:** City Council approval

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permit Nos. 5-02-380, 5-99-048, 5-97-215, 5-96-221, 5-96-059 (City of Santa Monica), 5-90-989 (City of Los Angeles Dept. of Transportation), 5-91-498(Sanders); A-5-VEN-97-183 (City of Los Angeles); City of Santa Monica's certified LUP.

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**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the preferential parking zone with a special condition placing the applicant on notice that any change in the parking restrictions or boundaries of the zone will require an amendment to this permit.

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**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 are not near the beach and do not serve as alternative parking areas for beach parking due to their distance from the beach. The City of Santa Monica proposes to restrict public weekday parking to two hours on the streets between the hours of

7:00 a.m. and 6:00 p.m., except on two of the streets within the zone where parking is by permit only. Residents along the affected streets will be allowed to park on the street without restrictions by obtaining a parking permit from the City.

Public beach access parking, recreational activities, and existing uses, can result in impacts to neighborhoods that are not designed to accommodate visitors. In this case, the City of Santa Monica has documented that the residential area is being impacted by a nearby High School, located north of Pico Boulevard (outside of the coastal zone). The City is proposing the parking restriction to address the weekday conflict that occurs due to a lack of on-site parking to support the High School and use of the public residential streets by the students.

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

This permit application is the eleventh permit application for residential preferential parking in the City of Santa Monica that has come before the Commission. 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 within a block of the beach. The zones varied in location from adjacent to the beach to seven blocks from the beach (see Exhibit No. 3). The parking restriction hours for each zone varied from 24-hour restrictions, limited public parking during the day, to evening hours only. The latest zone approved by the Commission was in 2003, and located just north of the City's downtown area and east of Ocean Avenue.

### **RECOMMENDATION:**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No.5-07-393 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**III. Special Conditions.**

1. Future Changes

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 proposes to establish a residential preferential parking zone (zone U) that would restrict public parking to two hours without a permit between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, with the following exceptions (permit only parking):

Bay Street between Lincoln Boulevard and 6<sup>th</sup> Street,  
6<sup>th</sup> Street between Pico Boulevard to deadend.

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.

The proposed zone is located in the Ocean Park area of the City. The entire zone includes the area bounded by Lincoln Boulevard to the east, Pico Boulevard to the north, Fourth Street to the west, and Ocean Park Boulevard to the south (see Exhibit No. 2). The zone includes approximately eleven streets that provide approximately 762 curbside parking spaces (according to the City's calculations which are based on length of street minus curb cuts and an average parking space of approximately 20 feet). However, at this time, the restrictions will only apply to four blocks (approximately 136 spaces) within the zone. The restrictions are implemented block by block as qualifying petitions from residents are received.

The zone (most western edge of zone) is approximately 1/3 of a mile from the beach and located within a residential neighborhood. The area is developed with single and multiple-family structures. The majority of the residential structures are older structures built between the 1920's and 1950's. These structures have limited on-site parking. The structures in the area that provide on-site parking have inadequate parking, based on current standards.

The City charges residents in the preferential parking zone approximately \$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.

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

The Commission has approved eleven previous residential preferential parking zone permit application within the City of Santa Monica. In 1996, the City proposed 24-hour preferential residential parking along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard, in the north part of the City (CDP 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 No. 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 (daytime hours) 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 day. 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 to support beach users.

Most recently, in 2003, the Commission approved a preferential parking zone in the City of Santa Monica's North Side Residential planning area, just north of the City's popular outdoor commercial area—The Third Street Promenade. Because of the impact Promenade visitors were having on the residential neighborhood, the City proposed a preferential parking program to restrict public parking during evening and early morning hours, from 6 p.m. to 8 a.m. The Commission found that the proposed evening hours would not have a significant adverse impact to public beach and recreational access.

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

### **D. 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):

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

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

The proposed zone is located approximately 1/3 to 1/2 mile from the beach in the City's Ocean Park planning subarea. Because of the distance from the beach, the residential streets within the zone are generally not used for beach parking. Furthermore, because the streets, except for Pico Boulevard and Ocean Park Boulevard, are narrow and discontinuous, and do not provide a direct path to the beach, the streets are not used for vehicle access to the beach by the general public.

The City states that the reason for the preferential zone is due to student on-street parking from the nearby Santa Monica High School, located adjacent to and north of Pico Boulevard. The high school provides approximately 40 on-campus parking spaces for the estimated 250 to 300



students that drive to school. Because of the limited on-campus parking, students are forced to find parking in the adjacent residential neighborhoods. Residents initiated the preferential parking zone petition because of the high demand for free on-street parking generated by the high school students.

Because this area of Ocean Park is made up of older higher density residential development, most of the residential development does not provide adequate parking, based on current standards, and residents rely in part, on street parking for residential support parking. Although there has been some recycling of development in the area, and this new development has sufficient parking to accommodate the parking demand on-site, there still remains a significant amount of older development with inadequate on-site parking. According to the City, based on parking occupancy counts, on-street parking is generally at or above 85 percent. In addition to the competition for parking spaces during the day with the nearby high school and businesses along Lincoln Boulevard, residents also complain that the students also create a nuisance with noise and trash.

The proposed zone, with the two-hour limit for public parking, will continue to allow residential parking and allow short-term public parking to help support public parking for nearby commercial uses along Lincoln Boulevard, and at the same time limits the use of the residential streets by students, since the students cannot leave campus to move their vehicles every two hours. The City hopes, with the limited availability of street parking for student parking, that students will use alternative transportation, such as mass transit, car-pool, or walk to school. The City has indicated that they have been meeting with the school district and that the school district has hired a consultant to find a long term solution to the student parking situation.

The City feels that with the combination of short-term spaces along the streets and with the current supply of long-term spaces within the beach lots, there is adequate parking available to meet the current beach demand during the week and weekend. The City has previously stated that within the Coastal Zone there are over 10,000 public parking spaces including approximately 5,434 parking spaces within public beach lots and on the Pier; 550 metered street spaces; and 330 metered lot spaces. Of the total parking within the beach lots the peak utilization rate during the summer was 58%, or a total surplus of 3,151 spaces. Within the two main South Beach lots, that provide 2,406 spaces, the occupancy rate during the summer is approximately 67% during the weekend. During the weekday, occupancy rates are even lower with a maximum of approximately 41% (summer 2007). Therefore, the South Beach lots have a surplus of at least 793 parking spaces during the summer, including during summer holiday periods. Moreover, the proposed preferential parking district is not affective on weekends, when beach use is higher.

In addition to the City's beach lots' relatively low occupancy rate, the City provides significantly more parking than other beach Cities. Surrounding beaches, such as the Venice and Pacific Palisades area, provide less public beach lot parking than the City of Santa Monica. Venice Beach provides 954 public parking spaces within three public beach lots, or 17% of the total beach lot spaces provided by the City of Santa Monica. Will Rogers Beach, in the Pacific Palisades area, provides a total of 1,813 public spaces within five

public beach lots, or 33% of the spaces provided by the City of Santa Monica. Furthermore, the Venice and Will Rogers beach lots operate near or at full capacity during the summer weekends, and do not have the surplus parking as the City of Santa Monica.

Furthermore, the City of Santa Monica is well served by mass transit (Santa Monica's Big Blue Bus, the Tide shuttle and the Pier/Beach Shuttle) which provides easy access to the beach and other visitor destinations within the Coastal Zone. The transit service provides an attractive alternative to driving and parking at the beach and traveling from one coastal visitor destination to another. No other Southern California beach city provides the type of mass transit that the City of Santa Monica provides.

In addition to the parking and mass transit service, the City argues that they have committed significant resources towards improvements that have made beach access easier and safer throughout the City's coastal zone. New improvements include additional signals, and crosswalks, reconstruction of intersections, and the addition of median islands.

Furthermore, the City states that they have invested over 25.9 million dollars in beach improvements over the last 14 years in order to accentuate the beach experience for coastal visitors. These improvements include creation of a beach bike path, improved beach park and play areas, and restoration of the Santa Monica Pier. The City has also implemented a signage program to improve visitor access to the coast. The City is also developing a marketing program to better inform regular visitors and new visitors of the various beach parking options available along the coast.

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 park on the public streets. The parking restrictions will allow the general public to park on the street for a maximum of two hours. The amount of time allows the public adequate time to patronize the neighborhood businesses found along Lincoln Boulevard. Public beach or recreation access is not an issue in this particular case because of the distance and location of the zone from the beach area, and the businesses are not coastal visitor-serving type businesses. Therefore, the Commission finds that because the streets are in a location that do not generally serve as parking for beach and recreational users, and the parking restrictions are limited to the weekday period only, when beach parking demand is low, the proposed preferential residential parking restrictions will not have a significant impact on public beach or recreational access.

Although with this particular district, due to its limited area, distance from the beach, days and hours of restrictions, there may not be any significant adverse impacts to public access, there is a concern that with the establishment of preferential residential parking districts there is a possibility that there could be a shifting of the parking problem to other nearby unrestricted

streets. This is evident in the fact that this proposed zone is in response to the City creating other preferential parking zones surrounding the school and outside of the coastal zone, to address the student/residential parking conflicts in those residential areas. The spreading of the parking problem to other streets may result in the enlargement of the preferential parking zone into other neighborhoods which may eventually impact streets that are used for beach access parking. However, in this particular location, the streets west of Fourth Street (western edge of proposed zone) have been previously approved by the Commission with preferential parking restrictions. So, there will be no further spreading of the restrictions that would affect the streets closer to the beach and areas used for beach access parking.

Furthermore, the proposed restrictions are for the weekday only, during the non-beach peak use period (weekend), and there is more than adequate public parking within the public parking lots and surrounding streets during this time. In addition, the City is allowing two-hour public parking without a permit which would allow continued public use of the streets for public parking, except for the two streets that are permit only. However, there may be a time where the parking demand increases in the surrounding areas and the residents in the zone or surrounding streets petition the City for increased parking restrictions. The impact caused by expanded hours or enlargement of the preferential parking zone can not be determined until parking information is submitted for staff analysis. Therefore, a special condition is necessary to ensure that the City is aware that any change to the boundaries or hours of the district will require an amendment to this permit. The Commission finds that, only as conditioned, will the proposed project be consistent with the access policies of the Coastal Act.

#### **E. 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).

**F. California Environmental Quality Act.**

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

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

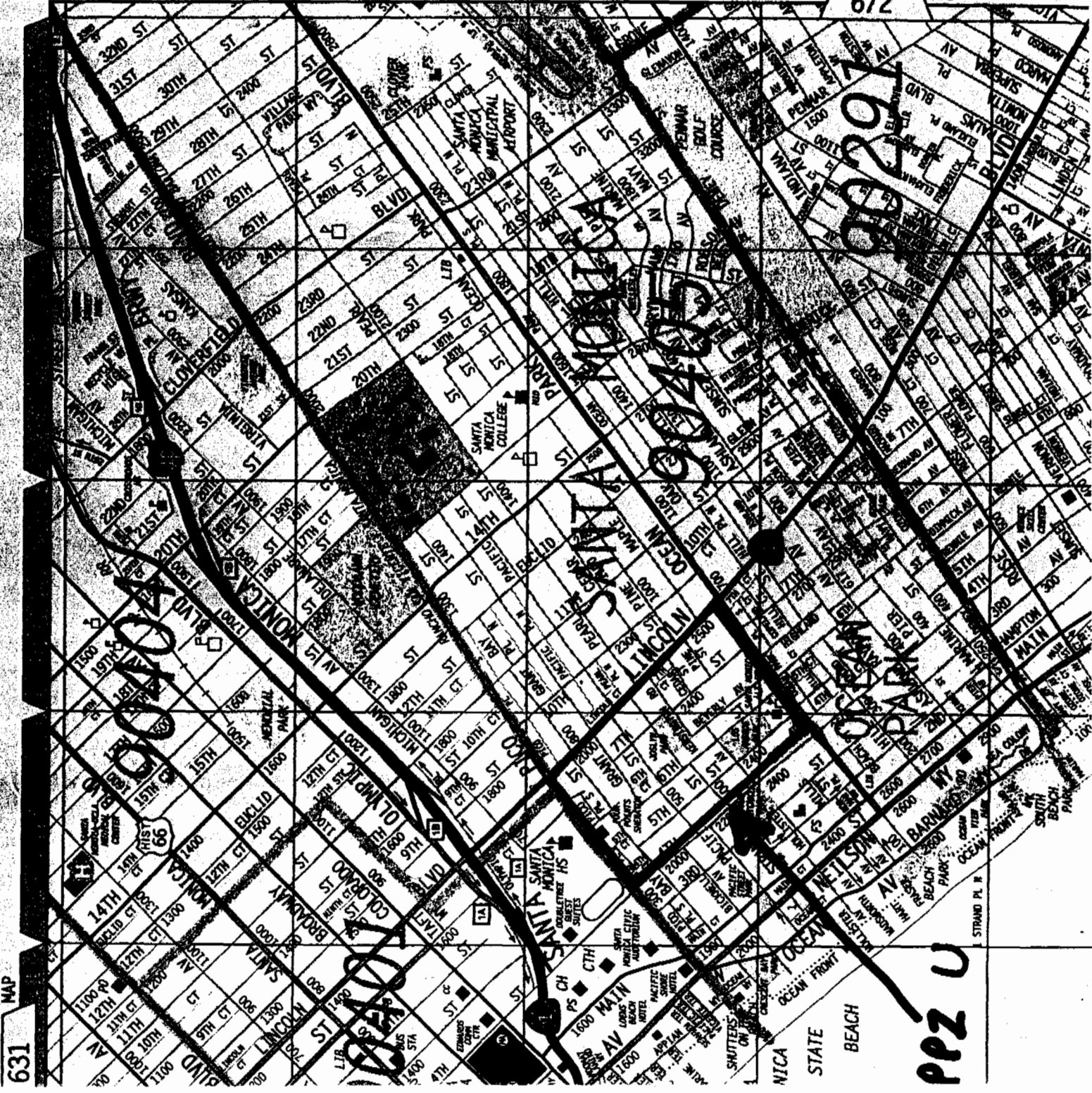
EXHIBIT NO. 1

Application Number

5-07-393

Vicinity Map

California Coastal Commission



631 MAP

PP2U

# Concept Plan for Preferential Parking District U

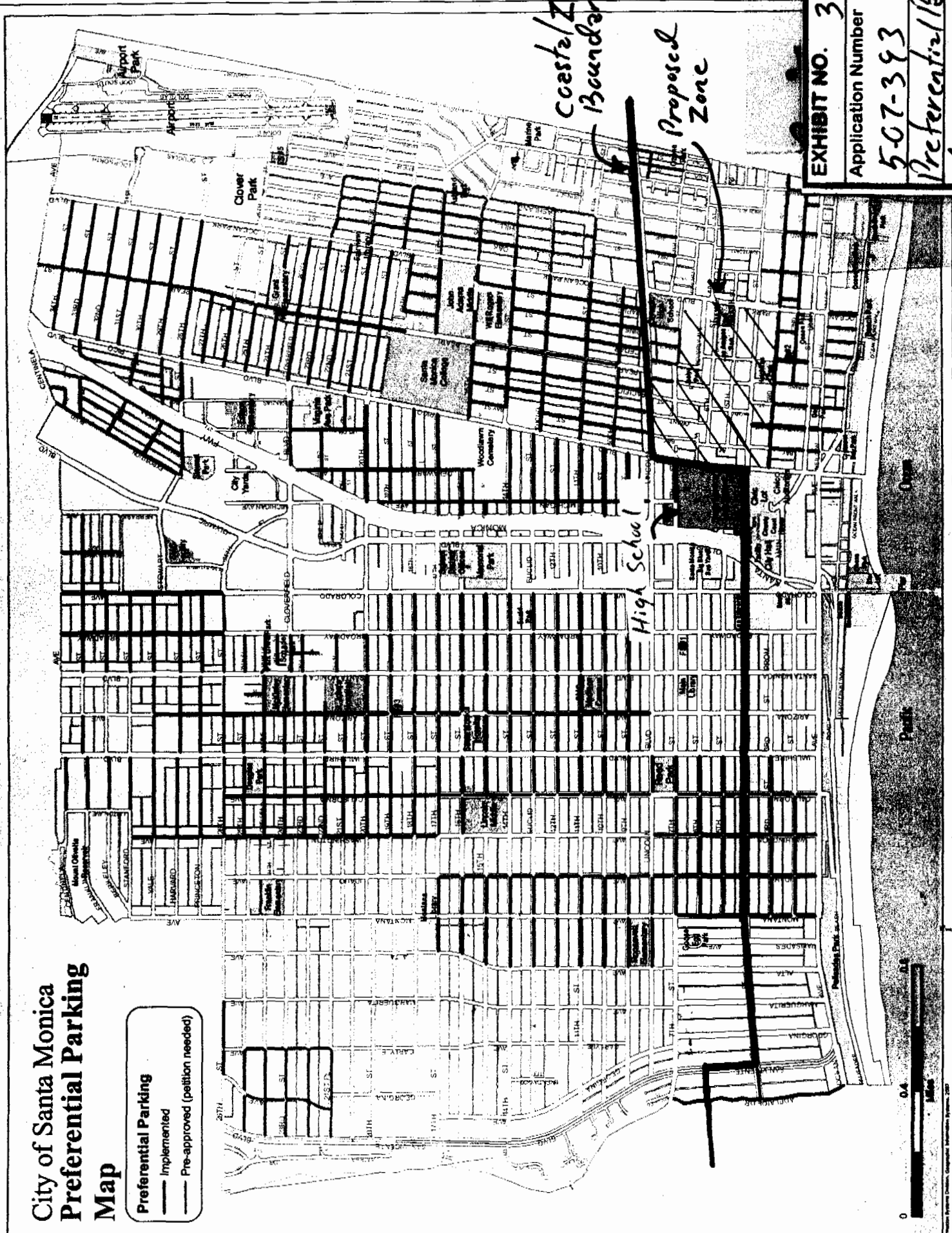


EXHIBIT NO. 2  
 Application Number  
 5-07-393  
 Parking District U



# City of Santa Monica Preferential Parking Map

**Preferential Parking**  
 — Implemented  
 — Pre-approved (petition needed)



**EXHIBIT NO. 3**  
 Application Number  
 5-07-393  
 Preferential Parking  
 Map  
 California Coastal Commission



Source: Planning Division, City of Santa Monica, 1988