

**CALIFORNIA COASTAL COMMISSION**

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

**W22a-e**

Appeal Filed: 12/17/2008  
49<sup>th</sup> Day: 2/4/2009  
180th Day: N/A  
Staff: Charles Posner-LB  
Staff Report: 1/15/2009  
Hearing Date: February 4, 2009  
Commission Action:

**STAFF REPORT: APPEAL/SUBSTANTIAL ISSUE**

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISIONS:** Approvals with conditions

**APPEAL NUMBERS:** A-5-VEN-08-340 (CDP 08-07, OPD 520 - Oxford Triangle Area)  
A-5-VEN-08-341 (CDP 08-08, OPD 521 - Presidents Row Area)  
A-5-VEN-08-342 (CDP 08-09, OPD 522 - West Venice Area)  
A-5-VEN-08-343 (CDP 08-10, OPD 523 - East Venice Area)  
A-5-VEN-08-344 (CDP 08-11, OPD 526 – Villa Marina Area)

**APPLICANT:** City of Los Angeles Department of Transportation (Allan Willis)

**APPELLANTS (39):** Coastal Commission Executive Director Peter Douglas, Peggy Lee Kennedy, Debra Gavlak, Ayana D. Guy, Calvin E. Moss, Janice Yudell, Hope Hanafin, Mark Lipman, Delilah Gill, Neal D. Hasty, Karl Abrams, Rev. Thomas C. Ziegert, Eva Jane Williams, Donald Geagan, Antoinette Reynolds, Celia Williams, Terry L. Hendrickson, Janine K. Pierce, Carol E. Green, Ethel M. Gullette, Erica Snowlake, Jessica Aden, Fortunato Procopio, Melinda Ahrens, Emily Winters, Venice Housing Corporation Executive Director Steve Clare, Linda Lucks, Susan Millman, Eden Andes, Jim Bickhart, Sabrina Venskus, James R Smith, Ross Wilson, Pamela London, Ronald Charbonneau, Brett Barth, David Gueriera, Cindy Chambers, and John Davis.

**PROJECT LOCATION:** Public streets throughout the Venice area, City of Los Angeles.

**PROJECT DESCRIPTION:** Appeals of City of Los Angeles Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11 approved to establish Overnight Parking District Nos. 520, 521, 522, 523 and 526 (in the Venice area) with the following restriction: "No Parking 2 a.m. to 6 a.m. Nightly - Vehicles with Permits Exempted."

**SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission determine the appeals raise **a substantial issue** with respect to the grounds on which the appeals have been filed because the permit parking districts authorized by the local coastal development permits could adversely affect the public's ability to utilize the public street parking in the early morning hours that supports access to the beach and other coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in violation of the public access and recreation policies of the Coastal Act [Sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223 and 30224]. **The motions to carry out the staff recommendation are on Page Five.**

## **I. APPELLANTS' CONTENTIONS**

City of Los Angeles Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11, approved by the Board of Public Works on November 17, 2008, have been appealed by Executive Director Peter Douglas and 38 other persons. The City's proposal to restrict the use of the public rights-of way in Venice between the hours of 2 a.m. to 6 a.m. has generated a significant amount of local opposition, which is reflected in the appeals. See Exhibit Nos. 8 through 45 for the grounds of the citizen appeals. The grounds for the appeals include the following contentions:

- The proposed parking restrictions would adversely affect the public's ability to visit the beach in the early morning hours to surf, swim, stroll, bicycle, exercise and go fishing.
- There has been no parking study conducted to show why such parking restrictions are necessary, how the proposed parking restrictions would mitigate any perceived problems, or how the proposed parking restrictions would adversely affect residents and visitors.
- The proposed parking restrictions discriminate unfairly against homeless people who live in their vehicles, some of whom are long time Venice residents.
- The proposed parking restrictions violate basic rights of the people (e.g. the Equal Protection Clause of the 14<sup>th</sup> Amendment – See U.S. Supreme Court case Shapiro v. Thompson), to use the public rights-of-way.
- Residents and their guests should not be required to buy/obtain a permit to park on their neighborhood streets.
- The proposed parking restrictions will adversely affect people who live outside the boundaries of a district because their neighborhood streets will be inundated by a flood of vehicles once permit-only parking restrictions are implemented nearby.
- The City's approval of the proposed parking restrictions violate the California Environmental Quality Act (CEQA).

The Executive Director of the Coastal Commission appealed the local coastal development permits on the following grounds:

The permit parking program approved by the local coastal development permits (Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11) may adversely affect the public's ability to utilize the public street parking that supports access to the beach and other coastal recreation areas (for surfing, fishing, swimming, exercising, etc.) in the early morning hours, in violation of the public access and recreation policies of the Coastal Act [Coastal Act Sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223 and 30224] Therefore, these local coastal development permit actions merits closer scrutiny by the Commission.

## II. **LOCAL GOVERNMENT ACTION**

On August 26, 2008, the City of Los Angeles City Engineer issued a Notice of Decision which states:

The following coastal development permits were approved without conditions:

CDP No. 08-07: OPD 520 - Oxford Triangle Area  
CDP No. 08-08: OPD 521 - Presidents Row Area  
CDP No. 08-11: OPD 526 – Villa Marina Area

The following coastal development permits were approved with a condition:

CDP No. 08-09, OPD 522 - West Venice Area  
CDP No. 08-10, OPD 523 - East Venice Area

The following is the condition placed on CDP No. 08-09:

“Extend the operating hours of Parking Lot 800, located along Pacific Avenue between Windward Avenue and Venice Way in OPD 522, to overlap with the OPD restriction period (2 a.m. to 6 a.m.), with a maximum of 4 hours of parking during 2:00 a.m. to 6:00 a.m.”

The following is the condition placed on CDP No. 08-10:

“Extend the operating hours of Parking Lot 740, located near the intersection of Main Street and Rose Avenue in OPD 523, to overlap with the OPD restriction period (2 a.m. to 6 a.m.).”

On November 17, 2008, the City of Los Angeles Board of Public Works held a public hearing on the appeals of the City Engineer’s approval of Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11. Several proponents and opponents of the proposed parking restrictions addressed the Board. The proponents identified many of the problems that they hope the parking restrictions would help to solve, especially the trash and nuisances caused by some of the people who live in vehicles parked in the street. The Board rejected the appeals and approved Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11 with the same conditions imposed by the City Engineer (Exhibits #3-7). The Board sought to clarify the special conditions, however, by adding the following footnotes to CDP Nos. 08-09 and 08-10:

The footnote placed on the condition of CDP No. 08-09 states:

“During the normal operating hours of 8:00 a.m. to 6:00 p.m. for Parking Lot 800, a maximum of 1-hour parking will remain in effect. The Los Angeles Department of Transportation will collect parking fees during the extended operating hours of Parking Lot 740.”

The footnote placed on the condition of CDP No. 08-10 states:

“All overnight vehicles parked at Parking Lot 740, which has both 1-hour and 10-hour parking limits, must be removed from the lot by 7:00 a.m. during the tourist season to maximize daytime beach access. The Los Angeles Department of

Transportation will collect parking fees during the extended operating hours of Parking Lot 740.”

On November 20, 2008, the Commission's South Coast District office in Long Beach received the City's Notice of Final Local Action for the City of Los Angeles Board of Public Works approval of Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11. On November 21, 2008, the Commission's required twenty working-day appeal period commenced. The first appeal was filed on December 17, 2008 by Peggy Lee Kennedy. Thirty-eight other appeals were filed before the appeal period ended at 5 p.m. on December 22, 2008.

### **III. DUAL PERMIT JURISDICTION**

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area, the Coastal Act requires that any development which receives a local coastal development permit also obtain a second (or “dual”) coastal development permit from the Coastal Commission. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required.

Because the OPD 523 and OPD 522 are located in the City and Commission's “Dual Permit Jurisdiction” area, the City has submitted two separate coastal development permit applications to the Commission for the proposed development (Coastal Development Permit Applications 5-08-313 and 5-08-314). If possible, the public hearings and actions for both the de novo portion of these appeals (if the Commission finds that a substantial issue exists) and Coastal Development Permit Applications 5-08-313 and 5-08-314 will be combined and scheduled for concurrent action at the same future Commission meeting in Southern California.

### **IV. APPEAL PROCEDURES**

Section 30600(b) of the Coastal Act provides that prior to certification of its Local Coastal Program (LCP), a local jurisdiction may, with respect to development within its area of jurisdiction in the coastal zone and consistent with the provisions of Sections 30604, 30620 and 30620.5, establish procedures for the filing, processing, review, modification, approval or denial of a coastal development permit. Pursuant to this provision, the City of Los Angeles developed a permit program in 1978 to exercise its option to issue local coastal development permits.

Sections 13301-13325 of Title 14 of the California Code of Regulations provide procedures for issuance and appeals of locally issued coastal development permits. Section 30602 of the Coastal Act allows *any* action by a local government on a coastal development permit application evaluated under Section 30600(b) to be appealed to the Commission. The standard of review for such an appeal is the Chapter 3 policies of the Coastal Act. [Cal. Pub. Res. Code §§ 30200 and 30604.]

After a final local action on a local coastal development permit application, the Coastal Commission must be noticed within five days of the decision. After receipt of such a notice which contains all the required information, a twenty working-day appeal period begins during

which any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission. [Cal. Pub. Res. Code § 30602.]

Any appeal of the local action is then analyzed to determine if a substantial issue exists as to the approved project's conformity with Chapter 3 of the Coastal Act (Sections 30200-30265.5). [Cal. Pub. Res. Code § 30625(b)(1).] Unless the Commission finds that the appeal raises no substantial issue, the Commission then holds a public hearing in which it reviews the coastal development permit as a de novo matter. [Cal. Pub. Res. Code §§ 30621 and 30625.]

At this point, the Commission may decide that the appellant's contentions raise no substantial issue as to conformity of the approved project with Chapter 3 of the Coastal Act, in which case the action of the local government stands. Or, the Commission may find that a substantial issue exists with respect to the conformity of the action of the local government with Chapter 3 of the Coastal Act if it finds that the appeal raises a significant question regarding consistency with the Chapter 3 policies of the Coastal Act. If the Commission finds that a substantial issue exists, then the hearing will be continued as a de novo permit request. Section 13321 of the Coastal Commission regulations specifies that de novo actions will be heard according to the procedures outlined in Sections 13114 and 13057-13096 of the Commission's regulations.

## **V. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

The staff recommends that the Commission determine that **a substantial issue exists** with respect to whether the local government's approval of the project is consistent with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to PRC Section 30625(b)(1).

Staff recommends a **NO** vote on the following motions:

**MOTION 1:** *"I move that the Commission determine that Appeal No. A-5-VEN-08-340 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

**MOTION 2:** *"I move that the Commission determine that Appeal No. A-5-VEN-08-341 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

**MOTION 3:** *"I move that the Commission determine that Appeal No. A-5-VEN-08-342 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

**MOTION 4:** *"I move that the Commission determine that Appeal No. A-5-VEN-08-343 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

**MOTION 5:** *"I move that the Commission determine that Appeal No. A-5-VEN-08-344 raises **no** substantial issue with respect to conformity of the local approval with the policies of Chapter 3 of the Coastal Act."*

Failure of each motion will result in a de novo hearing on the application and adoption of the following resolution and findings. A majority of the Commissioners present is required to pass each motion.

**Resolutions to Find Substantial Issue for the Appeals**

The Commission hereby finds that Appeal No. **A-5-VEN-08-340** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

The Commission hereby finds that Appeal No. **A-5-VEN-08-341** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

The Commission hereby finds that Appeal No. **A-5-VEN-08-342** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

The Commission hereby finds that Appeal No. **A-5-VEN-08-343** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

The Commission hereby finds that Appeal No. **A-5-VEN-08-344** presents a substantial issue with respect to conformity of the local government approval with the Chapter 3 policies of the Coastal Act.

**VI. FINDINGS AND DECLARATIONS FOR SUBSTANTIAL ISSUE**

The Commission hereby finds and declares:

**A. Project Description**

Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11 approve the establishment of Overnight Parking District Nos. 520, 521, 522, 523 and 526 (in the Venice area) with the following restriction: "No Parking 2 a.m. to 6 a.m. Nightly - Vehicles with Permits Exempted." The permits are attached to this report as Exhibit Nos. 3 through 7.

**B. Substantial Issue Analysis**

As stated in Section III of this report, the grounds for an appeal of a coastal development permit issued by the local government prior to certification of its Local Coastal Program (LCP) are the Chapter 3 policies of the Coastal Act. Any such local government coastal development permit may be appealed to the Commission. The Commission shall hear an appeal unless it determines that the local government action raises no substantial issue as to conformity with Chapter 3 policies of the Coastal Act. In this case, staff has recommended that a substantial issue does exist in the local government's approval of the overnight parking districts.

The primary Coastal Act issue raised by the City's actions is the effect that the 2 a.m. to 6 a.m. parking restrictions would have on public's ability to utilize the public street parking in the early

morning hours. The public parking provided on the public streets supports access to the beach and other coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.). Coastal Act Sections 30210, 30211, 30212.5, 30213, 30214, 30220, 30221, 30223 and 30224 protect public recreation and public access.

**Section 30210** 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. (Amended by Ch. 1075, Stats. 1978.)

**Section 30211** 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** Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

**Section 30213** Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

**Section 30214** (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 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 30220** Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

**Section 30221** Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

**Section 30223** Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

**Section 30224** Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The City intended to address the public access issue in two of the permits (08-09 and 08-10) by opening two public parking lots during the early morning hours (2 a.m. to 6 a.m.), but the City requirement to vacate the public parking lot at 7 a.m. (Lot No. 740) effectively makes the lot unusable for anyone who wants to stay at the beach past 7 a.m. In addition, anyone using the public parking lot in the early morning hours would have to pay parking fees, where most of the on-street parking costs nothing. Therefore, the local coastal development permits do not ensure that the public ability to access the coast is protected as required by the above-stated sections of the Coastal Act.

The City is also making the assertion that there are no adverse impacts to public access during the hours of the restrictions (2 a.m. to 6 a.m.) because the beach closes at 10 p.m. The City may have passed a curfew ordinance for the public beach, but the Commission has not reviewed or approved any nighttime and early morning beach closure.

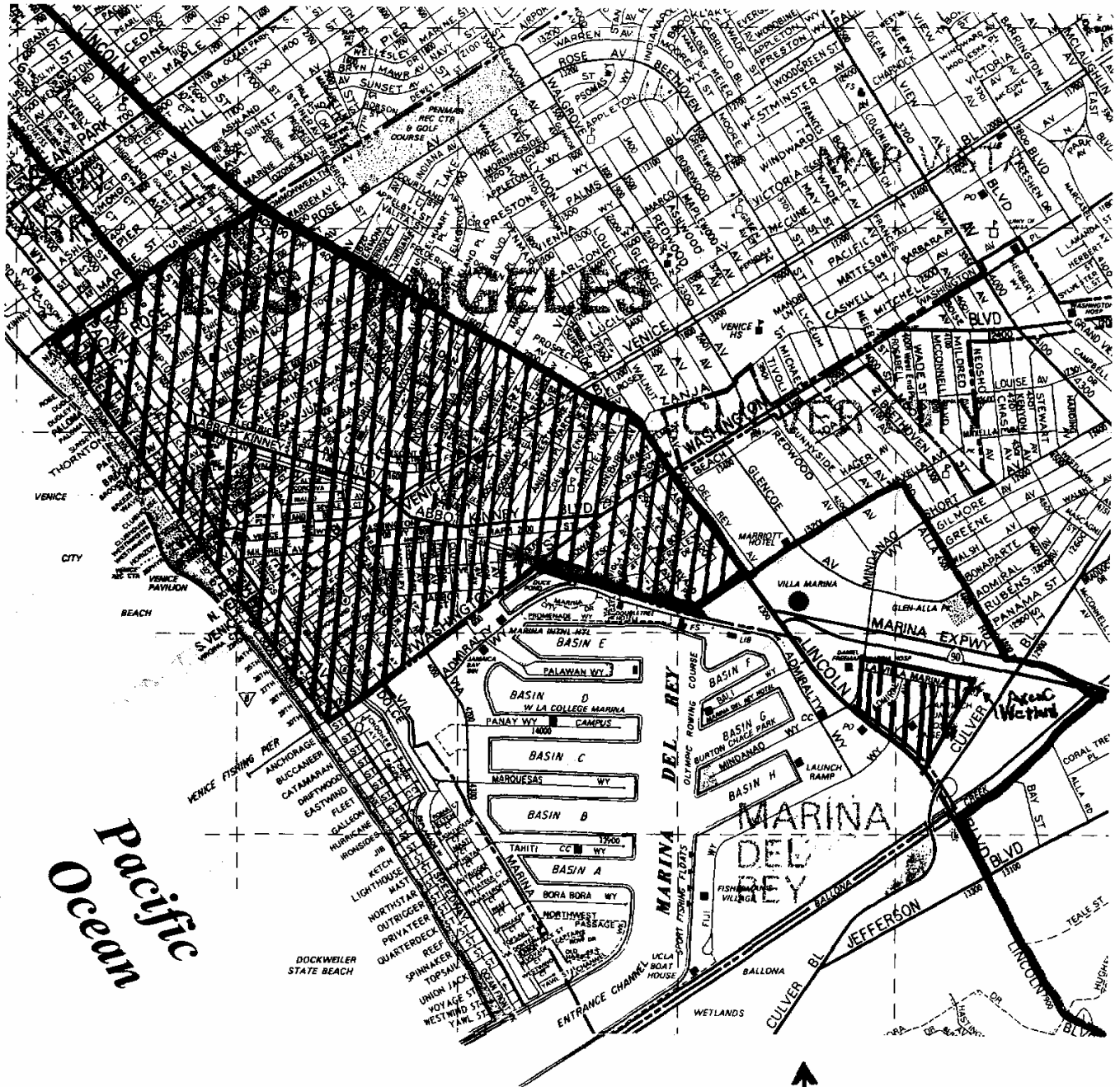
As approved by the City, the proposed overnight parking districts would allow the use of on-street parking to only area residents with permits and their guests with permits. The parking restrictions would adversely impact coastal access by eliminating the primary parking supply for early-morning beachgoers. Therefore, a substantial issue exists with regards to the proposed overnight parking district's impacts to the overall public parking supply and coastal access.

Because of the importance of the public access issue raised by the City's actions, the Commission will carefully review the proposed parking restrictions at the de novo hearings on the applications. Only with careful review of the proposed project can the Commission ensure that public access to the coast is protected. If it finds that a substantial issue exists, the Commission will have the opportunity to review and act on the proposed project at the subsequent de novo hearings. Therefore, the Commission finds that a substantial issue exists with respect to the proposed projects' conformance with Chapter 3 of the Coastal Act, and with the approval of Local Coastal Development Permit Nos. 08-07, 08-08, 08-09, 08-10 and 08-11.



# VENICE, CA

## Venice Overnight Parking Districts



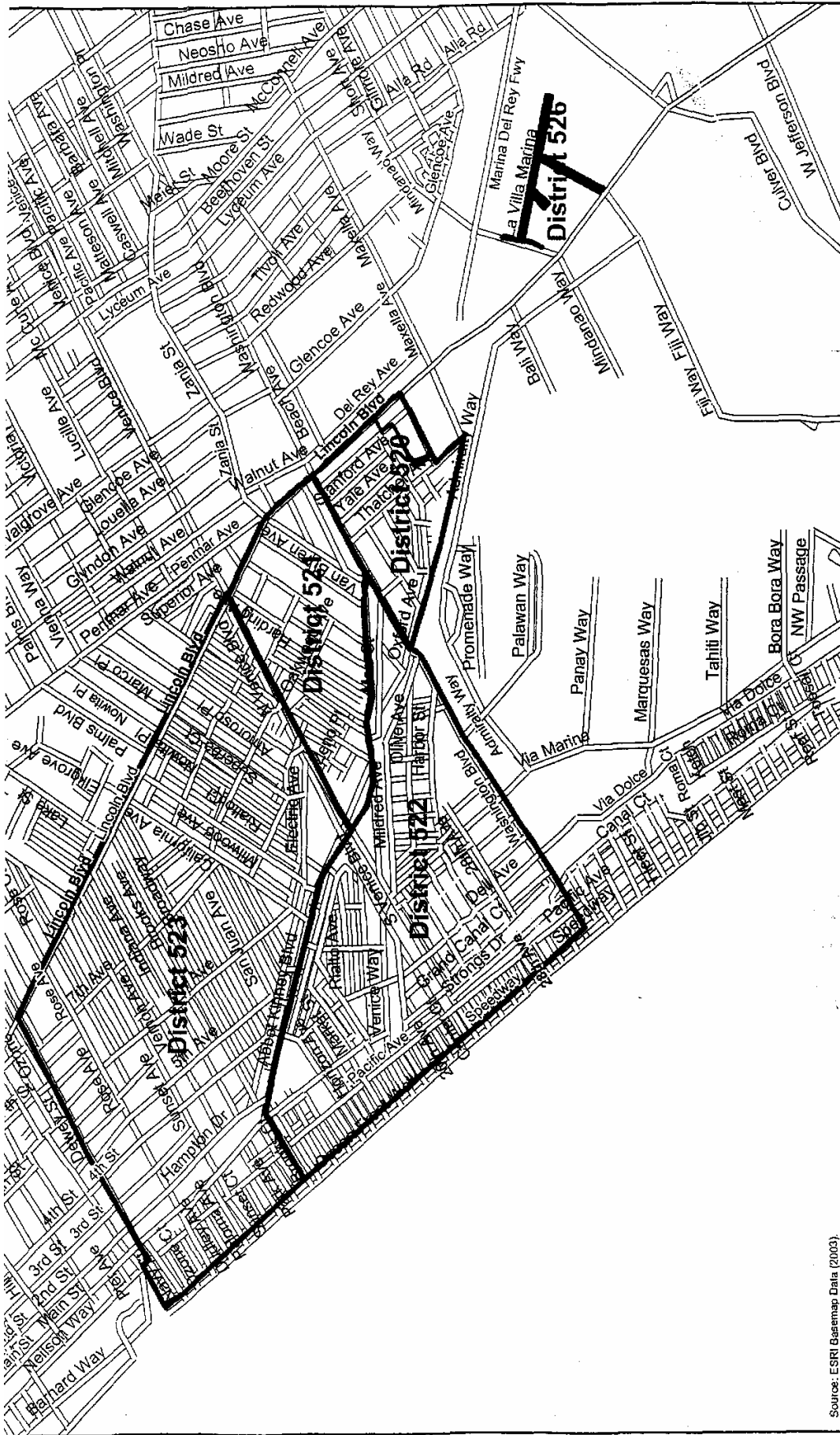
Pacific  
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APPEAL NOS. A-5-VEN-08-340, A-5-VEN-08-341,  
A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344



COASTAL COMMISSION

EXHIBIT # 1  
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Source: ESRI BaseMap Data (2003).

Approximate boundary shown for each district. For discussion purposes only.

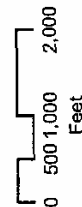
City of Los Angeles Bureau of Engineering

Venice Overnight Parking Districts

Legend



Overnight Parking District



Location Map

COASTAL COMMISSION

APPEAL NOS. A-5-VEN-08-340, A-5-VEN-08-341,  
A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

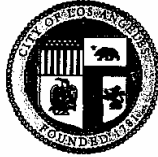
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South Coast

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COASTAL DEVELOPMENT PERMIT

CALIFORNIA  
COASTAL COMMISSION

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private

APPLICATION NUMBER: 08-07

**520**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

PROJECT LOCATION: The project is located within the Oxford Triangle Area of Venice. The Overnight Parking District (OPD) 520 consist of both sides of all street segments within the area bounded on the north by Washington Boulevard, on the east by Lincoln Boulevard, and on the south and west by Princeton Drive, Thatcher Avenue, Harbor Crossing Lane and Oxford Avenue and including the properties on the south side of Washington Boulevard between Oxford Avenue and Lincoln Boulevard, the west side of Lincoln Boulevard between Washington Boulevard and a point opposite the centerline of Princeton Drive, and both sides of Princeton Drive, Thatcher Avenue, Harbor Crossing Lane and Oxford Avenue.

DEVELOPMENT DESCRIPTION: The proposed project would establish OPD (or District) No. 520 in the Oxford Triangle area of Venice, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 520 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and
2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and

COASTAL COMMISSION  
**AS-VEN-08-340**

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

EXHIBIT # 3  
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3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

- (a) 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 City Engineer's office.
- (b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.
- (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
- (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
- (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- (f) Other approvals: There are no other approvals required.

II. The following are site-specific conditions of approval for the OPD 520 – Oxford Triangle Area:

- (a) No special conditions.

III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:

- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability

**COASTAL COMMISSION**  
**AS-VEN-08-340**

EXHIBIT # 3  
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of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.

- (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.
  - (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
  - (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-07 is hereby approved.
  - V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
  - VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.
  - VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.

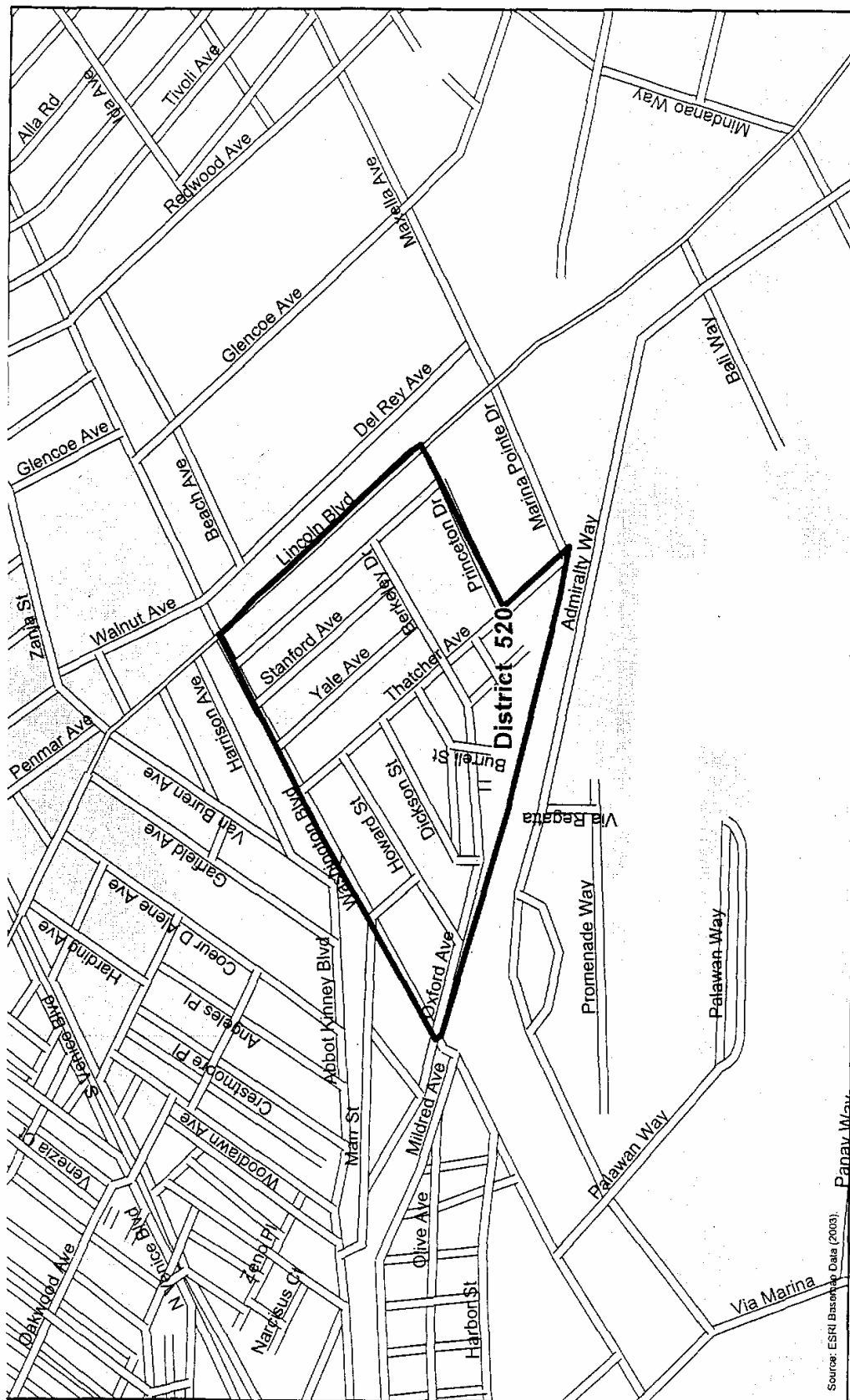
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**A5-VEN-08-340**

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- VIII. Issued: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-07 and have accepted its content.

**COASTAL COMMISSION**  
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EXHIBIT # 3  
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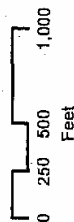


Source: ESRI based on Data (2003).  
Approximate boundary shown for each district. For discussion purposes only.

**Legend**

Overnight Parking District

**CDM**



City of Los Angeles Bureau of Engineering  
Venice Overnight Parking Districts  
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Location Map - District 520  
EXHIBIT # 3  
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**520**

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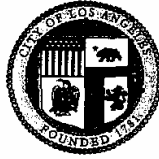
PAULA A. DANIELS  
PRESIDENT PRO TEMPORE

ERNESTO CÁRDENAS  
COMMISSIONER

VALERIA LYNNE SHAW  
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CALIFORNIA**



ANTONIO R. VILLARAIGOSA  
MAYOR

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**COASTAL DEVELOPMENT PERMIT**

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private

APPLICATION NUMBER: 08-08

**521**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

**PROJECT LOCATION:** The project is located within the Presidents Row area of Venice. The Overnight Parking District (OPD) 521 consists of both sides of all street segments within the area bounded on the south by Washington Boulevard, on the west by Abbot Kinney Boulevard, on the north by South Venice Boulevard, and on the east by Lincoln Boulevard and including the properties on the north side of Washington Boulevard between Lincoln Boulevard and Abbot Kinney Boulevard, the east side of Abbot Kinney Boulevard between Washington Boulevard and South Venice Boulevard, the south side of South Venice Boulevard between Abbot Kinney Boulevard and Lincoln Boulevard and the west side of Lincoln Boulevard between South Venice Boulevard and Washington Boulevard.

**DEVELOPMENT DESCRIPTION:** The proposed project would establish OPD (or District) No. 521 in the Presidents Row area of Venice, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 521 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and

**COASTAL COMMISSION**  
**A5-VEN-08-341**

EXHIBIT # 4  
PAGE 1 OF 4



2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and
  3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.
- I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:
    - (a) 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 City Engineer's office.
    - (b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.
    - (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
    - (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
    - (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
    - (f) Other approvals: There are no other approvals required.
  - II. The following are site-specific conditions of approval for the OPD 521 – Presidents Row Area:
    - (a) No special conditions.
  - III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:

**COASTAL COMMISSION**  
**AS-VEN-08-341**  
EXHIBIT # 4  
PAGE 2 OF 4

- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
  - (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.
  - (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
  - (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-08 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.

COASTAL COMMISSION  
A5-VEN-08-341

EXHIBIT # 4  
PAGE 3 OF 4

- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-08 and have accepted its content.

COASTAL COMMISSION  
A5-VEN-08-341

EXHIBIT # 4  
PAGE 4 OF 4

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**COASTAL DEVELOPMENT PERMIT**

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private

APPLICATION NUMBER: 08-09

**522**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

**PROJECT LOCATION:** The project is located within the West Venice area of Venice. The Overnight Parking District (OPD) 522 consists of both sides of all street segments within the area bounded on the east by Abbot Kinney Boulevard, on the south by Washington Boulevard, on the west by Speedway, and on the north by Brooks Avenue and including the properties on the west side of Abbot Kinney Boulevard between Main Street and Washington Boulevard, the north side of Washington Boulevard between Oxford Avenue and Speedway, the east side of Speedway between Washington Boulevard and Brooks Avenue, and the south side of Brooks Avenue between Speedway and Main Street.

**DEVELOPMENT DESCRIPTION:** The proposed project would establish OPD (or District) No. 522 in the West Venice area of Venice, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 522 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and
2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and

**COASTAL COMMISSION**  
**A5-VEN-08-342**

EXHIBIT # 5  
PAGE 1 OF 5

3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.

I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:

- (a) 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 City Engineer's office.
- (b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.
- (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
- (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
- (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
- (f) Other approvals: A portion of OPD 522 is within the dual jurisdiction of the Coastal Zone. Therefore, a permit is also needed from the California Coastal Commission.

II. The following are site-specific conditions of approval for the OPD 522 – West Venice Area:

- (a) Extend the operating hours of Parking Lot 800, located along Pacific Avenue between Windward Avenue and Venice Way, to overlap with

**COASTAL COMMISSION**  
**A5-VEN-08-342**

EXHIBIT # 5  
PAGE 2 OF 5

the OPD restriction period (2:00 a.m. to 6:00 a.m.), with a maximum of 4 hours of parking during 2:00 a.m. to 6:00 a.m.<sup>1</sup>

- III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:
- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
  - (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.
  - (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
  - (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-09 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional Commission, upon which copy all permittees or agent(s) authorized in the

<sup>1</sup> During the normal operating hours of 8:00 a.m. to 6:00 p.m. for Parking Lot 800, a maximum of 1-hour parking will remain in effect. The Los Angeles Department of Transportation will collect parking fees during the extended operating hours of Parking Lot 800.

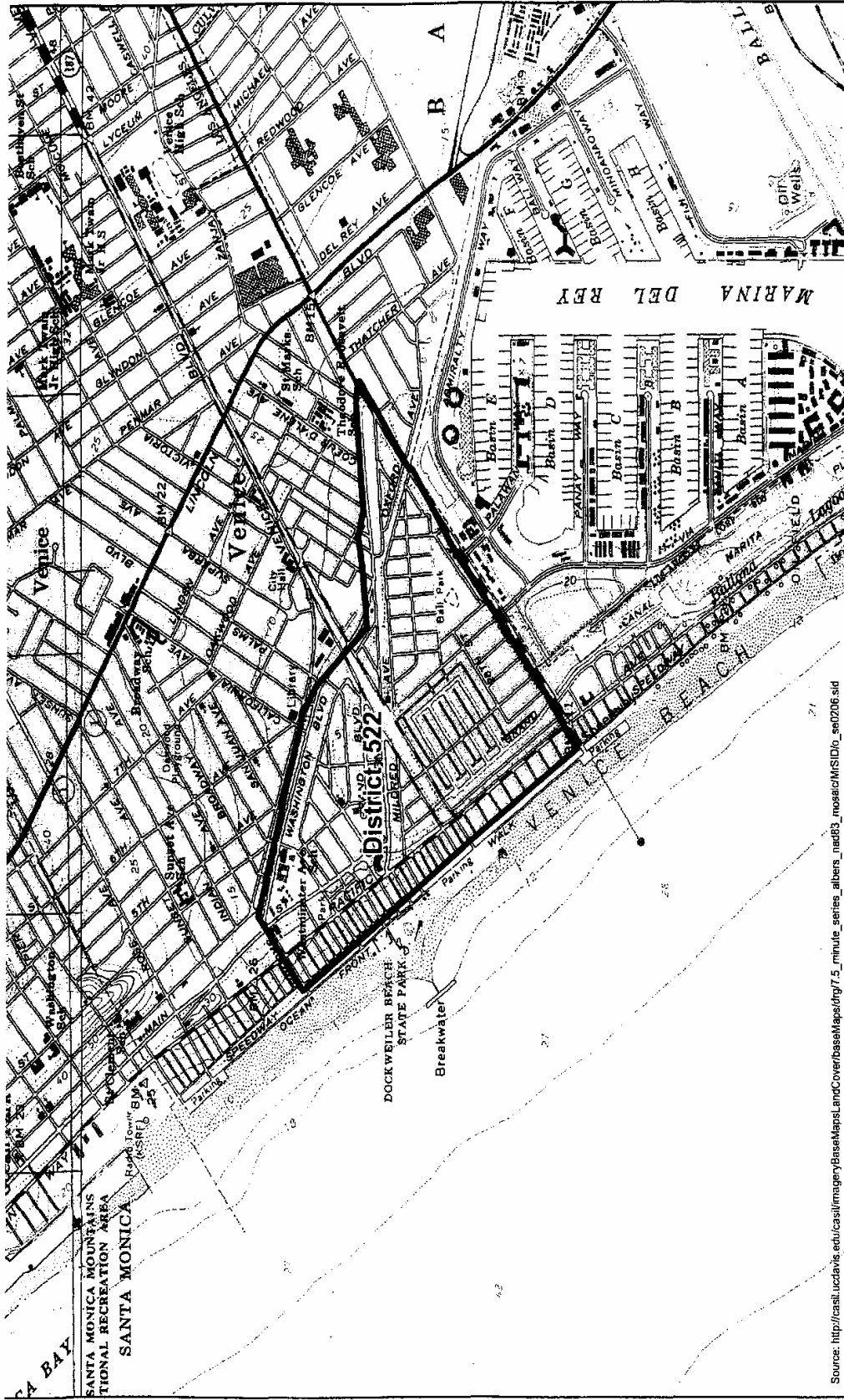
AS-VEN-08-342

EXHIBIT # 5  
PAGE 3 OF 5

permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.

- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-09 and have accepted its content.

COASTAL COMMISSION  
A5-VEN-08-342  
EXHIBIT # 5  
PAGE 4 OF 5



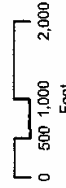
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Approximate boundary shown for each district. For discussion purposes only.

# Legend

☐ Overnight Parking District

**CDM**



City of Los Angeles  
Venice Overnight Parking Districts  
**COASTAL COMMISSION**

Vicinity Map - District 522

EXHIBIT # 5

PAGE 5 OF 5

**A-5-VEN-08-342**

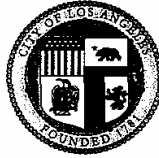
**522**



**BOARD OF PUBLIC WORKS  
MEMBERS**

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VICE PRESIDENT  
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ERNESTO CÁRDENAS  
COMMISSIONER  
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CITY ENGINEER  
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**COASTAL DEVELOPMENT PERMIT**

CALIFORNIA  
COASTAL COMMISSION

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private

APPLICATION NUMBER: 08-10

**523**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

**PROJECT LOCATION:** The project is located within the East Venice area of Venice. The Overnight Parking District (OPD) 523 consists of both sides of all street segments within the area bounded on the west by Abbot Kinney Boulevard, Brooks Avenue and Speedway; on the north by the City Limit with the City of Santa Monica, on the east by Lincoln Boulevard, on the south by North Venice Boulevard and including the properties on the east side of Abbot Kinney Boulevard between North Venice Boulevard and Main Street, the north side of Brooks Avenue between Main Street and Speedway, both sides of Speedway between Brooks Avenue and the City Limit with the City of Santa Monica, the west side of Lincoln Boulevard between the City Limit with the City of Santa Monica and North Venice Boulevard, and the north side of North Venice Boulevard between Lincoln Boulevard and Abbot Kinney Boulevard.

**DEVELOPMENT DESCRIPTION:** The proposed project would establish OPD (or District) No. 523 in the East Venice area of Venice, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 523 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and

**COASTAL COMMISSION  
AS-VEN-08-343**

EXHIBIT # 6  
PAGE 1 OF 5

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2. The Venice Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and
  3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.
- I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:
- (a) 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 City Engineer's office.
  - (b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.
  - (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
  - (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
  - (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
  - (f) Other approvals: A portion of OPD 523 is within the dual jurisdiction of the Coastal Zone. Therefore, a permit is also needed from the California Coastal Commission.
- II. The following are site-specific conditions of approval for the OPD 523 – East Venice Area:

**COASTAL COMMISSION**  
**A5-VEN-08-343**

EXHIBIT # 6  
PAGE 2 OF 5

- (a) Extend the operating hours of Parking Lot 740, located near the intersection of Main Street and Rose Avenue in OPD 523, to overlap with the OPD restriction period (2:00 a.m. to 6:00 a.m.).<sup>1</sup>
- III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:
- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
- (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.
- (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
- (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-10 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional

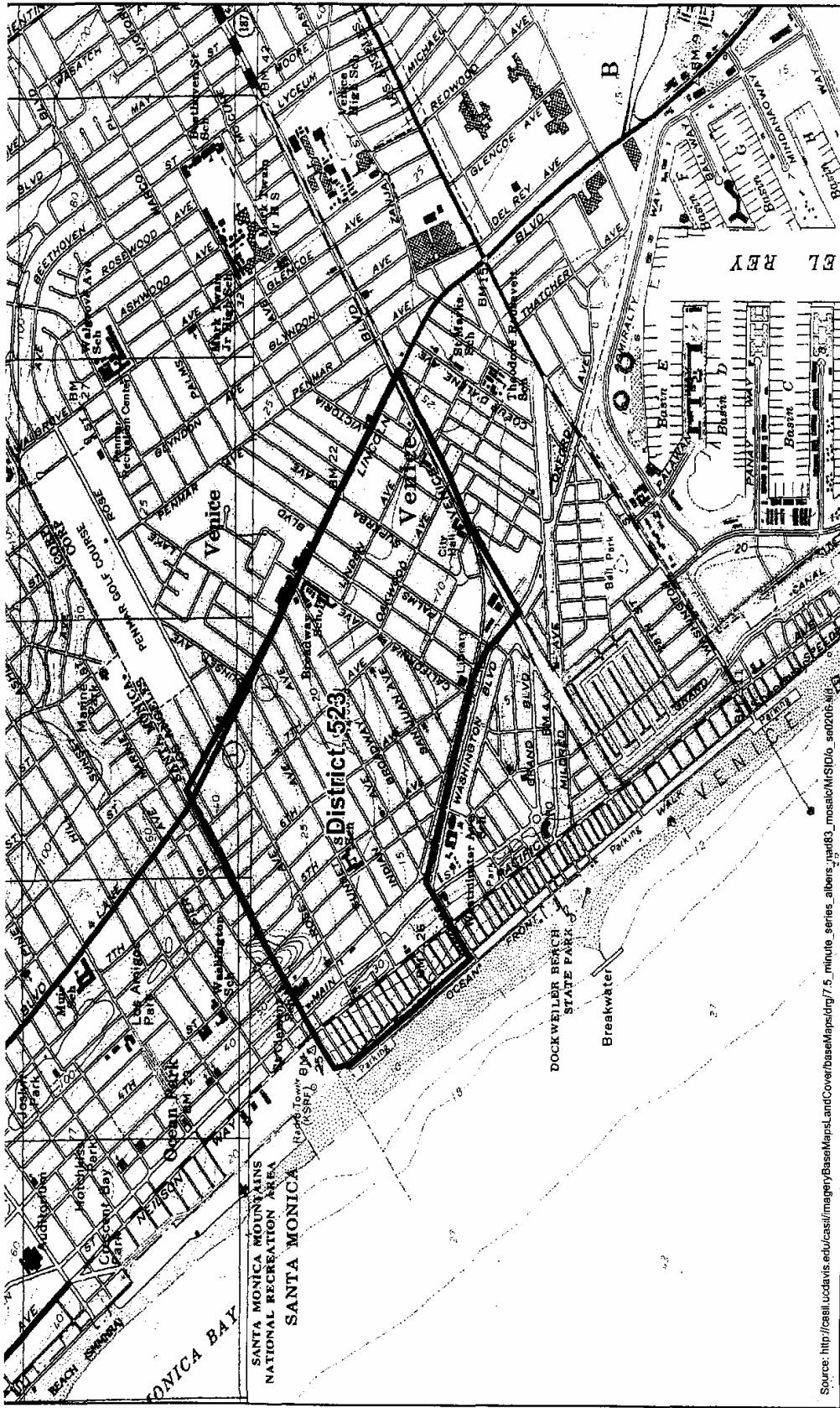
<sup>1</sup> All overnight vehicles parked at Parking Lot 740, which has both 1-hour and 10-hour parking limits, must be removed from the lot by 7:00 a.m. during the tourist season to maximize daytime beach access. The Los Angeles Department of Transportation will collect parking fees during the extended operating hours of Parking Lot 740.

Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.

- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-10 and have accepted its content.

COASTAL COMMISSION  
A5-VEN-08-343

EXHIBIT # 6  
PAGE 4 OF 5



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 Approximate boundary shown for each district. For discussion purposes only.

# Legend

☐ Overnight Parking District

CDM

**523**

**A-5-VEN-08-343**

City of Los Angeles  
 Venice Overlight Parking Districts  
 COASTAL COMMISSION

Vicinity Map - District 523

EXHIBIT # **6**

PAGE **5** OF **5**

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**COASTAL DEVELOPMENT PERMIT**

(under authority of Sec. 30600(b) of the California Coastal Act of 1976)

PROJECT TYPE: (X) Public ( ) Private

APPLICATION NUMBER: 08-11

**526**

NAME OF APPLICANT: City of Los Angeles Department of Transportation

PROJECT LOCATION: The project is located within the Villa Marina Community. The Overnight Parking District (OPD) 526 consists of consisting of the following street segments:

- Both sides of Admiral Avenue from La Villa Marina to the dead-end south of La Villa Marina (one street segment),
- Both sides of La Villa Marina from Mindanao Way to the dead-end east of Fiji Way (three street segments),
- Both sides of Fiji Way from La Villa Marina to the barricade east of Lincoln Boulevard (one street segment), and
- South side of Mindanao Way from the alley east of Lincoln Boulevard to the alley west of the eastbound roadway of Highway 90 (two street segments).

DEVELOPMENT DESCRIPTION: The proposed project would establish OPD (or District) No. 526 in the Villa Marina Community, pursuant to Los Angeles Municipal Code (LAMC) Section 80.54. The following parking restrictions would be posted throughout the OPD:

"NO PARKING, 2 AM TO 6 AM NIGHTLY; VEHICLES WITH DISTRICT NO. 526 PERMITS EXEMPTED".

The parking restriction signs would not be installed on any block until the following actions occur:

1. At least 2/3 of the residents on the block have signed a petition requesting the signs, and

**COASTAL COMMISSION**  
**A5-VEN-08-344**

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER

EXHIBIT # 7  
PAGE 1 OF 4

2. The Del Rey Neighborhood Council adopts a motion supporting the installation of the signs on the block at a publicly noticed meeting, and
  3. The appropriate Council District Councilmember sends a letter to LADOT requesting the installation of the signs on the block. The proposed overnight parking restrictions would be in addition to existing parking restrictions, if any.
- I. The proposed development is subject to the following conditions imposed pursuant to the California Coastal Act of 1976:
    - (a) 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 City Engineer's office.
    - (b) Expiration: If development has not commenced, the permit will expire two years from the effective date, which is twenty working days from the date the notice of permit issuance is deemed received by the Coastal Commission, unless the permit is extended. Application for extension of the permit must be made prior to the expiration date. Development shall be pursued in a diligent manner and completed in a reasonable period of time.
    - (c) Interpretation: Any questions of intent or interpretation of any condition will be resolved by the City Engineer.
    - (d) Assignment: The permit may be assigned to any qualified person, provided assignee files with the City Engineer an affidavit accepting all terms and conditions of the permit.
    - (e) Terms and conditions run with the land: These terms and conditions shall be perpetual, and it is the intention of the City Engineer and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.
    - (f) Other approvals: There are no other approvals required.
  - II. The following are site-specific conditions of approval for the OPD 526 – Villa Marina Area:
    - (a) No special conditions.
  - III. FINDINGS: In keeping with the findings and recommendations set forth in the adopted staff report incorporated herein by reference, the City of Los Angeles finds that:

COASTAL COMMISSION  
A5-VEN-08-344

EXHIBIT # 7  
PAGE 2 OF 4

- (a) The development is in conformity with Chapter 3 of the California Coastal Act of 1976, and will not prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with said Chapter 3.
  - (b) The Interpretative Guidelines established by the Coastal Commission dated February 11, 1977 (as amended December 16, 1981) have been reviewed, analyzed, and considered in the light of the individual project in making this determination, and the decision of the permit-granting authority has been guided by any applicable decision of the Coastal Commission.
  - (c) If the development is located between the nearest public road and the sea or shoreline of any body of water located within the Coastal Zone, the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.
  - (d) There are no feasible alternatives, or feasible mitigation measures, as provided in the California Environmental Quality Act, available for imposition by this authority under the power granted to it which would substantially lessen any significant adverse impact that the development, as finally permitted, may have on the environment.
- IV. Pursuant to the public hearing held on June 26, 2008, a Notice of Decision on August 26, 2008, and following the expiration of the mandatory ten-calendar-day appeal period, permit application number 08-11 is hereby approved.
- V. This permit may not be assigned to another person except as provided in Section 13170, Coastal Commission Rules and Regulations.
- VI. This permit shall not become effective until the expiration of 20 working days after a COPY of this permit has been received by the Regional Commission, upon which copy all permittees or agent(s) authorized in the permit application have acknowledged that they have received a copy of the permit and have accepted its contents, unless a valid appeal is filed within that time. The acknowledgement should be returned within ten (10) working days following issuance of the permit but in any case prior to commencement of construction. If the acknowledgement has not been returned within the time for commencement of construction under Section 13156(g), the City Engineer will not accept any application for the extension of the permit.

**COASTAL COMMISSION**  
**AS-VEN-08-344**

EXHIBIT # 7  
PAGE 3 OF 4



- VII. Work authorized by this permit must commence within two years from the effective date of this permit. Any extension of time of said commencement date must be applied for prior to expiration of the permit.
- VIII. Issued: August 26, 2008, pursuant to local government authority as provided in Chapter 7 of the California Coastal Act of 1976.
- VIX. I, \_\_\_\_\_, permittee/agent, hereby acknowledge receipt of permit number 08-11 and have accepted its content.

**COASTAL COMMISSION**

**AS-VEN-08-344**

EXHIBIT # 7

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342 A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Peggy Lee Kennedy

Parking Study

No comprehensive studies, such as those conducted by the City of Santa Monica, have been attached to the CDP application, found with any other reports and files on the Bureau of Engineering web site, or received in the California Information Act requests from City Council District 11, Los Angeles Department of Transportation, and the Bureau of Engineering. Although, in those records and documents received in the Information Act requests, there were multiple copies of extremely comprehensive studies and door-to-door surveys done by the City of Santa Monica conducted prior to instituting permit parking in the coastal zone.

No information has been provided which shows that the City of Los Angeles conducted any parking study proving the fact that the City needs to implement Overnight Permit Parking in the Venice Coastal Zone or that Overnight Permit Parking solves the parking requirements.

During the November 17, 2008 Bureau of Engineering hearing for 103 appeals against the City Engineer's decision to go forward with Overnight Permit Parking in the Venice area coastal zone, Councilman Rosendahl District 11, stated that the consultants insure that the Overnight Permit Parking Districts will increase coastal access. The only possible way that this could be true is if the Overnight Permit Parking removes those Venice residents ineligible for parking permits due to the strict definition of "resident." To be sure, this is targeting the population of people currently living in vehicles, because there is no abandoned vehicle or commercial vehicle problem.

The parking study and door-to-door survey done by the City of Santa Monica was submitted to the Coastal Commission and is an established standard of evaluation used to verify parking problems and what the residents most want. The California Coastal Commission should require this also from the City of Los Angeles prior to actions, such as LAMC 80.54 the Overnight Parking District (OPD) permit parking law meant to restrict parking in residential areas - a law being used to remove the poorest people from a very unique coastal zone.

Petitions

The City of Los Angeles has inserted in the CDP application that there will be petitions with a percentage of signatures required prior to putting up the signs restricting parking, but this is not reflected in any part of the OPD law, LAMC 80.54, and there is no current way to verify petitions or regulate that petitioning is objective. If the petition rule is only in a CDP application, will the Coastal Commission be the existing agency that verifies or regulates the objectivity of petitions? The law, LAMC 80.54, states that these districts are created through "resolution" and not by petition. The issue of supporting petitions has been brought up many times, but only 51 signatures were ever seen after reviewing thousands of pages of documents received through information act requests. A cover sheet that reflected a percentage of supporting signatures on petitions for some streets was found, but the alleged petitions, the cover sheet, and the 51 signature provided were all collected by the people agitating in favor of OPDs in Venice. One page consisted of one signature, which was an employee of the developer (Combined Properties) that owns the property currently operating a Whole Foods on Rose and Lincoln. This is a property with very large parking lots without residential parking issues. Another page has a signature representing the Venice Community Housing Corporation, but the person who signed is unknown to the director, Steve Clare, and does not work there.

Councilman Rosendahl is in favor of OPDs and has created OPDs over and over again by resolution without any petitioning. The law simply does not require it. Rosendahl has not responded to requests to amend LAMC 80.54 with a petitioning requirement.

#### Lack of Public Support

No legal Fact of public support exists for OPDs in the Venice Coastal Zone. A very vocal and well-organized, relatively small group are agitating in favor of OPDs. In fact, approximately 800 Venice residents signed petitions opposing OPDs and 103 people wrote and notarized appeals against the City Engineer decision. Please review the attached 103 appeals and over 800 signatures opposing OPDs.

Furthermore Venice Neighborhood Council was mentioned as a form of public support for OPDs, but an initiative to resend the Venice Neighborhood Council's vote to support OPDs was submitted to the monthly Board meeting December 16, 2008. Per the Venice Neighborhood Council's bylaws only 100 signatures are required for such an initiative, but 200 were gathered for the initiative. Please find initiative attached.

In general, many of the people who oppose the OPDs see this as a non-solution to the Venice parking and homeless problems and prefer that the City seek solutions that will help, such as opening lots closed at night or finding legal places for people to park, rather than taking any parking away or making poor people suffer (paying for permits or having to leave).

#### Other Reasons

The public outcry against OPDs at the June 26, 2008 public hearing held in Venice by the Bureau of Engineering was ignored. Records of or transcripts from public hearings can be used to evaluate if public support exists, but this was not provided by the City of Los Angeles. (DVD of June 26, 2008 public hearing will be submitted within 5 days to the Coastal Commission).

The law used to create LAMC 80.54, the OPD law, is Section 22507 of the California Vehicle Code, which requires a general public notice per Section 65090 of the Government Code. This was not followed and has not been followed in creating OPD that is not in the coastal zone – nor was any petition conducted.

The beach belongs to all people and reasonable access to it should be permitted at all times, including between 2-6AM. Coastal Act provides the “development shall not interfere with the public's right of access to the sea” Government Code Section 30211. Development includes any “change in density or intensity of use of land.”

Life long residents of Venice, such as Eden Andes, live in vehicles, work on the Venice Beach Boardwalk (right by the sea) and other places in Venice, and are registered to vote using the legal definition of the nearest intersection. Eden Andes has 3<sup>rd</sup> Ave between Rose Ave and Sunset (on her voter registration) listed as her address in Venice, which is about four blocks from the beach. She lives in a vehicle there. Her first address, coming home from her birth at Brotman Hospital in Culver City, was in Venice. People, such as Eden Andes, use the Venice clinic on Rose Ave and 6<sup>th</sup> or eat at Bread and Roses Café

across the street from the clinic (about six blocks from the beach in the coastal zone) – they cannot afford to drive back and forth to outlining areas that have no OPDs. Overnight permit parking will harm the very poorest residents in Venice – people who live and work here.

Venice has services like the Venice Clinic and St Joseph's Bread and Roses because it used to be mostly poor people. There are few places with services like this in the City of Los Angeles and Venice is the only place in the coastal zone of Los Angeles with services like this for poor people. Many of the poor people here are not transient – just like Eden Andes. Your decision to go forward with OPDs in the area will hurt these people and help drive more of them from the coastal zone and from their home. Please try to understand the importance of this issue. I know this, because my grandmother came here during the depression and settled in Venice - a single workingwoman with two children could afford to live here. Poor people are still here, because there are services here and many have lived here all their lives – maybe generations or for many years - like myself. This is our home and our community, but we either cannot afford the permits or do not qualify to get one for some reason - like Eden Andes. Many of us are disabled and are elderly living on social security checks or we work at low-income jobs in Venice. Many are vendors on the Venice Boardwalk.

The City states that the beach is closed in the CDP applications, but the City of Los Angeles amended a law closing the beach in 1989 (LAMC 63.44B14(b) without a Coastal Development Application and in direct violation of the California Coastal Act. The State of California and the California Coastal Commission does not officially recognize the beach being closed during the early morning hours.

The 5 OPDs proposed for the Venice area virtually cover all streets in the Coastal Zone and if OPD's are implemented on these streets, block by block through the proposed petition process, the public will be almost totally denied access to the Coastal Zone during early morning hours. The California Coastal Act provides the "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in density or intensity of use of land."

Street parking in the Venice Coastal Zone is the only free parking available and the only early morning parking now available. The three main beach parking lots (Rose Ave, Venice Blvd, and Washington Blvd) close from 1-6AM and the other public lots provide even less hours of operation.

The Bureau of Engineering conditioned approval of OPD 522 and OPD 523 by allowing for two lots consisting of less than 60 spaces is available only between the hours of 2-6AM. This gesture should not be taken serious in any way considering the inconvenient location from most locations within the two OPDs, the limited hours of operation, the ridiculously small number of spaces, and the city's rumored plan to actually charge for the use of these two lots during these four hours in the early morning.

The resolutions, amendments, and motions used to create LAMC 80.54 and the Venice OPDs along with the letters from the Department of Transportation and mountains of documents and correspondence obtained through Information Act Requests reveal that the true intent of OPDs is

really to remove homeless people living in vehicles out of Venice. LAMC 80.54, the OPD law, is based on Section 22507 of the California Vehicle Code, which is meant to protect off street parking in residential districts from commercial vehicles – not to remove homeless people from a beach town. Not only is the law being used for something other than the California Vehicle Code it was created pursuant to, it is being used to commit human rights violations by removing from an area that provides life essential services.

Poor homeless people living in vehicles are continually referred to as “criminal and public nuisances.” The crimes are LAMC 85.02 (living in a vehicle) or LAMC 80.73 (72-hour parking limit, which is often illegally enforced on exempt vehicles with disabled plates or placards or it is unequally enforced in an attempt to move unwanted vehicles).

The OPD is an extension of the on-going removal of street parking being used to remove homeless people from Venice, which has been happening for the last several years. I submitted a complaint and a list of the many street signs restricting parking in the coastal zone to the Coastal Commission. (See attached list.)

In the Oxford Triangle, the city has already erected a very large iron gate removing any access to the neighborhood from Lincoln Blvd – removing the perceived problem of commercial traffic- and the area has ample off street parking along with garages and driveways.

It is a fact that existing OPDs have homes with garages, driveways, and plenty of off street parking during the early morning, which directly conflicts with statements filed by the Department of Transportation regarding a “Parking Study.” (See OPD 506, Council File 07-0106). Certain homeowners simply do not want homeless people living in vehicles parked on the streets near their homes, so much so that a 29-block OPD was created in Mar Vista (the town Council Rosendahl lives in) under the pretense of the lack of off-street parking and a crime problem that simply did not exist.

The City of Los Angeles is using permit parking to move perceived problems, such as homeless people living in vehicles, out of affluent, high property value areas- from one neighborhood to the next, which is acting like a domino effect of permit parking not being planned or tracked in any way by the city. See Preferred Permit District No. 27 proposed for the affluent neighborhood of Del Rey Lagoon, Council File 08-1878, and See Preferential Parking District No. 153, Council File No. 08.2088, proposed for the affluent neighborhood next to Will Rogers State Park. There is a pattern and practice of the city of Los Angeles for using Permit Parking as a tool to privatize public streets for those with the highest quality of life. Placing permit parking in the higher valued property areas next to recreational space disproportionately affects poor people and people of color who wish to live, visit, or work in these areas that are areas with cleaner air and finer weather.

The Venice OPDs are a scheme specifically meant to eliminate homeless people with vehicles out of a community that provides life essential services - without providing them alternatives, places to park or housing them, which is a violation of human rights according to the UN Charter and ratified by the United States.

Councilman Rosendahl responds to this issue by saying time and again that he will find a place for these people. Rosendahl even proposed a motion amending the law that restricts living in a

vehicle in the city of Los Angeles, which he used in his speech at the November 17 Board of Public Works Hearing on the 103 Appeals. But the proposed alternatives are simply unrealistic, such as expecting rickety old RVs owned by people who have no money for gas or repairs to move miles up and down the coast to a parking lot next to the RV Park at Docweiler -- not in the RV Park - for only six hours every night. Years have gone by with no solutions. Many committees have met and not one space has ever been legally provided. This is not a reality in the making. Humane solutions will require fearless action that politicians, such as the Los Angeles Mayor and City Council members, are not willing to take. Until that time comes, I urge the California Coastal Commission to refrain from joining with the city of Los Angeles in this act that will remove the poorest people from the coastal zone in and near Venice.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Debra Gavlak

1. The project will have a negative impact on the neighborhoods by the beach. Access to the Shoreline will not exist 24/7 directly or indirectly. I have lived in Venice for 18 years at 5441 Minnesota Ave. We the tenants of the Waldorf apartments do not have the right to vote or not for permits nor do the walk streets. If we have guests they will have to park in a city lot off Venice Blvd which is too small to deal with tenants who live between ocean park + speedway. This will impact direct and indirect access to the Beach. This process is not democratic and denies the need of the citizens of not only Venice but all other Los Angeles neighborhoods who choose to visit the beach. People in my neighborhood feel this is a way to generate more money off the back of the middle class (if there is one) and take away what we believe we already pay for in taxes public access to Public Streets and Beaches.

2. The California Coastal Act "provides that development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in density or intensity of use of land". The Beach parking lots in Venice are closed between 11:00 am to 6 am - other lots close earlier or open later. Where will X number of people park who live between Ocean Front Walk and Speedway. The beach is Public therefore it belongs to All people as well as the Streets which are Public. 13 million people live in Los Angeles not including Tourists. How will the Lots be allocated. There may be some streets which are empty - with people not being able to park near their home but at a distant lot - because of a few who desire OPD'S.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Ayana D. Guy

1. No need has been shown for the creation of Overnight Parking Districts(OPDs) in Venice, nor has the desirability of so doing been convincingly argued, nor has an exhibit of public support for this action been demonstrated.

a. No comprehensive parking study has been attached to the CDP reports, nor has one been conducted that shows a need for the creation of OPDs in the Venice Coastal Zone.

b. No evidence exists to support the claim by the backers of this decision that a parking problem exists in the residential areas of Venice, let alone that such a problem, if it did exist, were the result of abandoned vehicles and parked commercial vehicles. As a resident of Venice I can testify to the lack of these problems. In my experience there is NO OVERNIGHT PARKING PROBLEM in Venice. Summer weekend afternoon's, sure, but Overnight? NO!

c. This Decision has been muscled through passage by a vocal, but non-representative minority of Venice residents, the vast majority of people living in Venice are not in favor of this decision, but have not had their voices heard. Not only are we who live in Venice against the implementation of this decision because we see no overnight parking problem in the first place, but also because we recognize the importance of non-resident beach and Venice community overnight access, and of course because we don't want the added expense and hassle of acquiring residential parking permits, but also because we are outraged by what we see as the duplicitous efforts of a small minority of residence trying to impose their views on the majority.

2. The applicant for this decision is attempting to misuse and misrepresent the OPD law. The OPD law (LAMC 80. 54), is based on Section 22507 of the California Vehicle Code, which is meant to protect off-street parking in residential districts from commercial vehicles. Despite mentioning commercial vehicles as a reason behind the designation of these areas as OPDs, no proof of the existence of these commercial vehicles has been presented, and a quick late night drive-through of the neighborhoods in question will show that in fact, the claim of their existence is unfounded. It is clear, that the intention behind the creation of these OPDs is to purge the streets of vehicle-dwelling homeless people, thereby driving them to relocate to other areas and depriving Venice Coastal Zone of the diversity of residents that it has become known for and that the majority of us living here value.

3. The Bureau of Engineering conditioned approval of OPD 522 and OPD 523 by allowing for two lots consisting of less than 60 spaces is ridiculously inadequate - it's allows for too few spaces at too inconvenient locations.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Calvin E. Moss

**Grounds for Appeal**

1) Violating the basic human rights of the Poor and the Disabled Vehicular Housed People and denying them equal access to the coastal zone.

2) Slandering, libeling and defaming people who are poor and disabled and Vehicular housed.

**Statement of Facts**

The Law LAMC 80.54 and the Venice OPDs sole main intent is to remove the poor and disabled living in vehicles from the area. Many of the Poor and Vehicular housed people have lived in the area for many years, some their entire lives. Many use the social services that are located in the Coastal Zone. The Venice Clinic, St Joseph's Center, Westminster Senior Center, Oakwood Senior Center and many other places where people obtain food and vital medical services.

The City Council person has referred to people living in vehicles as "Blight" in written communication. Law enforcement has called homeless people "ugly" and "disgusting" in public meetings. Other elected neighborhood council members and members seated on committees have accused people living in vehicles of sex offenses and other horrible acts. These accusations have been proven untrue and exaggerated in official investigations. The persons making these statements have created a campaign of hatred directed towards people living in vehicles in the coastal zone.

The OPD ordinance, LAMC 80.54 is created so that disabled people living in vehicles, people who do not qualify under the ordinances definition for "residence" will not be eligible for a parking permit and will be forced to leave the coastal zone.

Disabled people with legal disabled placards and disabled plates are being illegally harassed with laws that do not apply to them, because they are believed to live in their vehicles.

**Summary of Issues**

The City is violating the Fourth Amendment, the Fifth Amendment, the Fourteenth Amendment, and the Fifteenth Amendment of the United States Constitution. Also the City is violating the International Covenant on Civil and Political Rights, Article 17, the International Covenant on Civil and Political Rights, Article 2.1, and the UN Charter Article 55.

**COASTAL COMMISSION**

EXHIBIT # 11  
PAGE 1 OF 1

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Janice Yudell

As a 39-year resident of Venice  
I have not experienced an overnight  
parking problem here that would  
necessitate OVERNIGHT PARKING PERMITS.

I do not believe commercial and  
abandoned vehicles are a problem. In  
fact I walk 4 miles a week AT  
NIGHT through the streets of Venice  
and never see any commercial  
vehicles parked.

I feel a minority of residents are  
biased against people living in their  
vehicles and are using this OPD law  
to unfairly deal with them. This  
COASTAL PERMIT DECISION is one more  
step in destroying the diversity that has  
been Venice - rich and poor, all races and  
cultures, artistic minds.

Janice Yudell  
artist & SMC English Teacher  
COASTAL COMMISSION

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Hope Hanafin

1. The project will have a negative effect on public access to and along the shoreline, either directly or indirectly, and will remove and restrict parking used for access to the beach. The purpose of the OPD as set out in the application is without merit. The lack of parking is NOT because of abandoned vehicles or parked commercial vehicles. The City has provided no parking study or other evidence supporting such assertion. Rather, as interdepartmental communication reveal (all provided pursuant to a Public Records Request), the current effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from our community - not by providing alternative places for them to park their vehicles, or housing that they so desperately need, but by denying them any public space to park overnight. The a lack of parking is because residents have converted garages to other uses, and as a result park on the streets and because Venice Beach is a world reknown tourist destination. However, as the City has failed to provide parking facilities sufficient to accommodate the public need.
2. The California Coastal Act provides that "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in the density or intensity of use of land". The beach parking lots in Venice (at the end of Washington Blvd., Venice Blvd. and Rose Ave.) are all closed between the hours of 1:00 AM - 6:00 AM. Other public lots in Venice close earlier and open later. Street parking is about the only late night/over night parking now available to the public in Venice. The 5 OPD's proposed for Venice cover virtually all streets in the Coastal Zone and if OPD's were implemented on those streets, the public would be almost totally denied access to the beach, to early morning surfing, to late night fishing on Venice Pier, to late night grunion observation (they appeared most recently June 20-23), to the simple pleasure of walking along the Ocean Front Walk and the Venice Canals and watching the boat action at the Marina del Rey Yacht Harbor. The beach belongs to all of the people of this State and reasonable access to it should be permitted at all times.
3. BOE's token effort that conditioned approval of OPDs 522 and 523 on extending beach lot parking is inadequate. 55 spaces is not sufficient parking to accommodate 13 million people in the LA Metropolitan area, and tourists. In addition, how they would ever locate these lots is a puzzle. Instead, they would find empty streets with restricted parking, keeping the public from the beach.
4. There is a vocal minority in Venice who desire to institute OPDs. At the BOE public hearing, the community overwhelmingly voiced opposition.

**COASTAL COMMISSION**

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PAGE 1 OF 1

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

December 12, 2008

To: California Coastal Commission

From: Mark Lipman  
c/o Beachhead  
P.O. Box 2  
Venice, CA 90294

RE: Appeal of Overnight Parking Districts in Venice

Dear sirs,

On November 17, 2008, The Los Angeles City Bureau of Engineering held a hearing regarding over 100 appeals - an extraordinary number for such a procedure - filed against the establishment of Overnight Parking Districts (OPDs) in Venice. These appeals - unread and unconsidered were summarily dismissed.

This resulted primarily due to the intervention by Councilman Bill Rosendahl. He argued that "We need OPDs because all these other communities such as Malibu, Santa Monica and Manhattan Beach have them and we are getting squeezed by too many recreation vehicles."

In fact, he specifically reversed the argument I gave against installing OPDs to push the approval through. I draw your attention to the letter I wrote and read to the Bureau of Engineering, stating that the problem of overcrowding is caused by too much permit parking, which displaces people all up and down the coastline and therefore to alleviate the problem we need to reduce the amount of permit parking along the coast instead of increasing it.

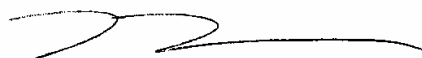
My letter, which went unanswered, specifically asked if their study included the statewide ramifications of these permit parking districts, or solely looked at Venice?

This concern is clearly pertinent to coastal access, as laid out in the Coastal Act, yet the Bureau of Engineering chose not to respond.

Additionally, the constitutional argument concerning the violation of civil rights, specifically on the Equal Protection Clause of the 14th Amendment, as supported by Supreme Court case Shapiro v. Thompson, which sets court precedent (please see attached) and holds great relevance to the issue before us today, again went ignored.

The question that we now must answer is whether or not this body, the California Coastal Commission, is going to go along with a measure that was not voted on by the people of Venice, that is being railroad through by a small and influential vested group, again denying us justice, or will you see this charade for what it really is and finally put an end to it by denying the permits.

Sincerely,

  
Mark Lipman  
Concerned Resident of Venice

**COASTAL COMMISSION**

EXHIBIT # 14  
PAGE 1 OF 5

November 17, 2008

To: Los Angeles Department of Public Works,  
Bureau of Engineering

From: Mark Lipman  
c/o Beachhead  
P.O. Box 2  
Venice, CA 90294

RE: Overnight Parking Districts – Appeal

Dear Sirs,

In reviewing the staff report denying the appeals of Overnight Parking Districts (OPDs) in Venice, there was a grave error regarding the violation of constitutional rights, particularly in the narrow reading of the Fourteenth Amendment, which failed to take into consideration precedent set by prior Supreme Court rulings.

May I draw your attention to the case of *Shapiro v. Thompson*, where the court ruled that – and I quote – "... the purpose of inhibiting migration by needy persons into the state is constitutionally impermissible.

"The court long ago recognized that the nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules or regulations which unreasonably burden or restrict this movement ...

"If a law has 'no other purpose ... than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it is patently unconstitutional.'

"... a state may no more try to fence out those indigents who seek higher welfare benefits than it may try to fence out indigents generally."

What these OPDs do in effect is put up a fence around Venice that says, "Poor people – stay out."

The real crime here is that those in our community who have money and influence and options in their lives are trying to strip the rights and quality of life away from the poorer classes who do not benefit from these same options. It is immoral, unethical and just plain wrong, and those of you who have been asked to merely rubber stamp this injustice should feel ashamed of partaking in such an action. Just imagine how you would feel if the shoe were on the other foot and it was your parent, or your child, or yourself who was the target of this legislation.

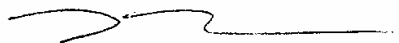
Now, I understand that the Bureau of Engineering is not in the position to weigh such things as ethics, morality, or the constitution, so let me ask you, have you, or your consultants considered the statewide coastal ramifications of the Overnight Parking Districts, or did your study merely look at what would happen solely in Venice?

The importance of this is that by enacting these parking restrictions you are setting up a domino effect that will have adverse consequences to our entire coastline.

Through this forcible eviction of targeted motor vehicles from Venice, you are pushing out of our community a number of people who will have no other choice than to move somewhere else along the coast. This will inevitably result in exasperating the vehicular crowding problem in other communities, thus leading them to enact similar parking restrictions to the point where you will have thousands and possibly tens of thousands of vehicles that will be restricted from parking anywhere along the California coastline. That is a clear and unmistakable violation of the Coastal Act.

By approving this permit, that is what you are setting in motion.

Sincerely,

  
Mark Lipman

**COASTAL COMMISSION**

EXHIBIT # 14  
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sioner. That court held that the residency requirement had a "chilling effect on the right to travel" and denied Thompson the equal protection of the law as guaranteed by the Fourteenth Amendment. Shapiro then appealed that ruling to the Supreme Court, which granted review and consolidated the case with others, challenging the constitutionality of residency requirements of Pennsylvania and the District of Columbia.

The Court's decision was six to three, and the majority's opinion was announced by Justice Brennan. Justice Stewart concurred. Dissenting opinions were delivered by Justice Harlan and Chief Justice Warren, who was joined by Justice Black.

Justice BRENNAN delivers the opinion of the Court.

[This] is an appeal from a decision of a three-judge District Court holding unconstitutional a State or District of Columbia statutory provision which denies welfare assistance to residents of the State or District who have not resided within their jurisdictions for at least one year immediately preceding their applications for such assistance. We affirm. . . .

There is no dispute that the effect of the waiting-period requirement in each case is to create two classes of needy resident families indistinguishable from each other except that one is composed of residents who have resided a year or more, and the second of residents who have resided less than a year, in the jurisdiction. On the basis of this sole difference the first class is granted and the second class is denied welfare aid upon which may depend the ability of the families to obtain the very means to subsist—food, shelter, and other necessities of life.

. . . The interests which appellants assert are promoted by the classification either may not constitutionally be promoted by government or are not compelling governmental interests.

Primarily, appellants justify the waiting-period requirement as a protective device to preserve the fiscal integrity of state public assistance programs. It is asserted that people who require welfare assistance during their first year of residence in a State are likely to become continuing burdens on state welfare programs. Therefore, the argument runs, if such people can be deterred from entering the jurisdiction by denying them welfare benefits during the first year, state programs to assist long-time residents will not be impaired by a substantial influx of indigent newcomers. . . .

We do not doubt that the one-year waiting period device is well suited to discourage the influx of poor families in need of assistance. An indigent who desires to migrate, resettle, find a new job, and start a new life will doubtless hesitate if he knows that he must risk making the move without the possibility of falling back on state welfare assistance during his first year of residence, when his need may be most acute. But the purpose of inhibiting migration by needy persons into the State is constitutionally impermissible.

This Court long ago recognized that the nature of our Federal Union and our constitutional concepts of personal liberty unite to re-

*Shapiro v. Thompson*

394 U.S. 618, 89 S.Ct. 1322 (1969)

Two months after moving from Massachusetts to Connecticut, Vivian Thompson applied for assistance under the Aid to Families with Dependent Children program. She was nineteen years old, pregnant, and the mother of one child. Thompson was denied assistance because she failed to meet Connecticut's one-year residency requirement for receiving assistance. She sued in federal district court Bernard Shapiro, Connecticut's welfare commis-

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quire that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules, or regulations which unreasonably burden or restrict this movement. That proposition was early stated by Chief Justice TANNEY in the *Passenger Cases*.<sup>7</sup> How (48 U.S.) 283 (1849):

"For all the great purposes for which the Federal government was formed, we are one people, with one common country. We are all citizens of the United States; and, as members of the same community, must have the right to pass and repass through every part of it without interruption, as freely as in our own States."

We have no occasion to ascribe the source of this right to travel interstate to a particular constitutional provision. It suffices that, as Justice STEWART said for the Court in *United States v. Guest*, 383 U.S. 745 (1966):

"The constitutional right to travel from one State to another occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized."

"... [The] right finds no explicit mention in the Constitution. The reason, it has been suggested, is that a right so elementary was conceived from the beginning to be a necessary concomitant of the stronger Union the Constitution created. In any event, freedom to travel throughout the United States has long been recognized as a basic right under the Constitution."

Thus, the purpose of deterring the immigration of indigents cannot serve as justification for the classification created by the one-year waiting period, since that purpose is constitutionally impermissible. If a law has "no other purpose . . . than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional."

Alternatively, appellants argue that even if it is impermissible for a State to attempt to deter the entry of all indigents, the challenged classification may be justified as a permissible state attempt to discourage those indigents who would enter the State solely to obtain larger benefits . . .

[However,] a State may no more try to fence out those indigents who seek higher welfare benefits than it may try to fence out indigents generally. Implicit in any such distinction is the notion that indigents who enter a State with the hope of securing higher welfare benefits are somehow less deserving than indigents who do not take this consideration into account. But we do not perceive why a mother who is seeking to make a new life for herself and her children should be regarded as less deserving because she considers, among other factors, the level of a State's public assistance. Surely such a mother is no less deserving than a mother who moves into a particular State in order to take advantage of its better educational facilities.

Appellants argue further that the challenged classification may be sustained as an attempt to distinguish between new and old residents

on the basis of the contribution they have made to the community through the payment of taxes. [But, appellants' reasoning would logically permit the State to bar new residents from schools, parks, and libraries or deprive them of police and fire protection. Indeed it would permit the State to apportion all benefits and services according to the past tax contributions of its citizens. The Equal Protection Clause prohibits such an apportionment of state services.]

We recognize that a State has a valid interest in preserving the fiscal integrity of its programs. It may legitimately attempt to limit its expenditures, whether for public assistance, public education, or any other program. But a State may not accomplish such a purpose by invidious distinctions between classes of its citizens. It could not, for example, reduce expenditures for education by barring indigent children from its schools. Similarly, in the cases before us, appellants must do more than show that denying welfare benefits to new residents saves money. The saving of welfare costs cannot justify an otherwise invidious classification.

Appellants next advance as justification certain administrative and related governmental objectives allegedly served by the waiting period requirement. They argue that the requirement (1) facilitates the planning of the welfare budget; (2) provides an objective test of residency; (3) minimizes the opportunity for recipients fraudulently to receive payments from more than one jurisdiction; and (4) encourages early entry of new residents into the labor force . . .

The argument that the waiting-period requirement facilitates budget predictability is wholly unfounded. The records [here] are utterly devoid of evidence that either State or the District of Columbia in fact uses the one-year requirement as a means to predict the number of people who will require assistance in the budget year . . .

The argument that the waiting period serves as an administratively efficient rule of thumb for determining residency similarly will not withstand scrutiny. The residence requirement and the one-year waiting-period requirement are distinct and independent prerequisites for assistance under these three statutes, and the facts relevant to the determination of each are directly examined by the welfare authorities. Before granting an application, the welfare authorities investigate the applicant's employment, housing, and family situation and in the course of the inquiry necessarily learn the facts upon which to determine whether the applicant is a resident . . .

Similarly, there is no need for a State to use the one-year waiting period as a safeguard against fraudulent receipt of benefits; for less drastic means are available, and are employed, to minimize that hazard . . .

[Finally, a] state purpose to encourage employment provides no rational basis for imposing a one-year waiting-period restriction on new residents only.

We conclude therefore that appellants in these cases do not use and have no need to use the one-year requirement for the governmental purposes suggested. Thus, even under traditional equal protection tests a classification of welfare applicants according to whether they have

lived in the State for one year would seem irrational and unconstitutional. But, of course, the traditional criteria do not apply in these cases. Since the classification here touches on the fundamental right of interstate movement, its constitutionality must be judged by the stricter standard of whether it promotes a *compelling* state interest. Under this standard, the waiting-period requirement clearly violates the Equal Protection Clause. . . .

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Delilah Gill

1. No need has been shown for the creation of Overnight Parking Districts(OPDs) in Venice, nor has the desirability of so doing been convincingly argued, nor has an exhibit of public support for this action been demonstrated.

No comprehensive parking study has been attached to the CDP reports, nor has one been conducted that shows a need for the creation of OPDs in the Venice Coastal Zone. No evidence exists to support the claim by the backers of this decision that a parking problem exists in the residential areas of Venice, let alone that such a problem, if it did exist, were the result of abandoned vehicles and parked commercial vehicles. As a resident of Venice I can testify to the lack of these problems. In my experience there is NO OVERNIGHT PARKING PROBLEM in Venice. Summer weekend afternoon's, sure, but Overnight? NO!

This Decision has been muscled through passage by a vocal, but non-representative minority of Venice residents, the vast majority of people living in Venice are not in favor of this decision, but have not had their voices heard. Not only are we who live in Venice against the implementation of this decision because we see no overnight parking problem in the first place, but also because we recognize the importance of non-resident beach and Venice community overnight access, and of course because we don't want the added expense and hassle of acquiring residential parking permits, but also because we are outraged by what we see as the duplicitous efforts of a small minority of residence trying to impose their views on the majority.

2. The applicant for this decision is attempting to misuse and misrepresent the OPD law. The OPD law (LAMC 80. 54), is based on Section 22507 of the California Vehicle Code, which is meant to protect off-street parking in residential districts from commercial vehicles. Despite mentioning commercial vehicles as a reason behind the designation of these areas as OPDs, no proof of the existence of these commercial vehicles has been presented, and a quick late night drive-through of the neighborhoods in question will show that in fact, the claim of their existence is unfounded. It is clear, that the intention behind the creation of these OPDs is to purge the streets of vehicle-dwelling homeless people, thereby driving them to relocate to other areas and depriving Venice of the diversity of residents that it has become known for and that the majority of us living here value.

The Bureau of Engineering conditioned approval of OPD 522 and OPD 523 by allowing for two lots consisting of less than 60 spaces is ridiculously inadequate - it's allows for too few spaces at too inconvenient locations.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Neal D. Hasty

In my neighborhood of Oakwood, I have no problem parking close to my apartment building. I do not have parking provided by the owner/management and am dependent on street parking and my parking is not currently compromised. As for crime in the area, I do not believe the parking restrictions will have an effect on reduction.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Karl Abrams

1. No parking study or concrete evidence of abandoned/parked commercial vehicles has been presented to rationalize the purpose of the OPD. The OPD is in place to eliminate people who live within vehicles, people who are members of our community and have been, in many cases for years.
2. Those would impose OPDs on our community are a very vocal minority who just can't imagine an RV on "their" street. This is not a moral or ethical reason for backing OPDs and affecting the lives of those few vehicle dwellers <sup>who</sup> are, in reality, a vibrant part of our community.
3. There is, actually, no overnight parking problem in Venice. During the day tourists take up summer parking; at night, year round, we have no problem with space. Besides, restricting overnight parking interferes with the public's right of "access to the sea", as stated in the California Coastal Act.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Rev. Thomas C. Ziegert

1. The initiation of OPDs in the coastal zone will, over time, come to restrict access to the beach and within the zone on a much larger scale than envisioned. We understand that the real intended victims of this restriction are the poor who are living in their vehicles in Venice. However, as parking becomes restricted, those OPDs will be full of empty spaces and surrounding areas will become more dense with vehicles by those who can't get permits. In time those people living in those now-full areas will need OPD relief. It is a kind of domino effect. County Supervisor Knab's office recognized this at a recent meeting at the Venice Neighborhood Councils Ad Hoc Committee on Homelessness and Vehicular Living.
2. No comprehensive parking study has been done.
3. No evidence supports the claim for a need of OPD for the reasons claimed.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Eva Jane Williams

. As a resident since 1950 it has always been free to park on the streets of Vero - Vero has been a main attraction and "free" to those who want to visit the beach area. This should remain free.

. I am on a fixed income and cannot afford to buy anything out of my budget and at age "78" I need my children, grandchildren, and great grandchildren who spend the night to be able to do so when they want. Restricting I had to deal with in Little Rock Arkansas and I thought in 2008 I wouldn't have to fight this again.

. This is a free nation and anyone should be allowed to park and live on the streets with no payment to the city for this. Paying to park at certain time is very much like apartheid and in America its not right.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342 A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Donald Geagan

I am a resident of Venice for over 40 yrs. & having sent my children through school here my appeal of your decision on off street parking is well thought out.

Most residents of this beach area are familiar with and well aware of the problems of off st. parking. They overwhelmingly reject the intrusive nature of this ordinance.

This blatant invasion of our collective will does not sit well in this area.

We locals have always held our openness and welcoming attitude to be our most precious preserve.

You must realize this intrusion on our status as a vibrant & happy place to live.

Never residents see our community with closed outlooks and narrow visions of what makes us a different viable resort.

Other solutions to this problem have been put forth by the people of our City and we would you to consider them all before hastily acting on this ordinance.

Donald Geagan

COASTAL COMMISSION

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342 A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Antoinette Reynolds

1. No need has been shown for the creation of Overnight Parking Districts(OPDs) in Venice, nor has the desirability of so doing been convincingly argued, nor has an exhibit of public support for this action been demonstrated.

a. No comprehensive parking study has been attached to the CDP reports, nor has one been conducted that shows a need for the creation of OPDs in the Venice Coastal Zone.

b. No evidence exists to support the claim by the backers of this decision that a parking problem exists in the residential areas of Venice, let alone that such a problem, if it did exist, were the result of abandoned vehicles and parked commercial vehicles. As a resident of Venice I can testify to the lack of these problems. In my experience there is NO OVERNIGHT PARKING PROBLEM in Venice. Summer weekend afternoon's, sure, but Overnight? NO!

c. This Decision has been muscled through passage by a vocal, but non-representative minority of Venice residents, the vast majority of people living in Venice are not in favor of this decision, but have not had their voices heard. Not only are we who live in Venice against the implementation of this decision because we see no overnight parking problem in the first place, but also because we recognize the importance of non-resident beach and Venice community overnight access, and of course because we don't want the added expense and hassle of acquiring residential parking permits, but also because we are outraged by what we see as the duplicitous efforts of a small minority of residence trying to impose their views on the majority.

2. The applicant for this decision is attempting to misuse and misrepresent the OPD law. The OPD law (LAMC 80. 54), is based on Section 22507 of the California Vehicle Code, which is meant to protect off-street parking in residential districts from commercial vehicles. Despite mentioning commercial vehicles as a reason behind the designation of these areas as OPDs, no proof of the existence of these commercial vehicles has been presented, and a quick late night drive-through of the neighborhoods in question will show that in fact, the claim of their existence is unfounded. It is clear, that the intention behind the creation of these OPDs is to purge the streets of vehicle-dwelling homeless people, thereby driving them to relocate to other areas and depriving Venice Coastal Zone of the diversity of residents that it has become known for and that the majority of us living here value.

3. The Bureau of Engineering conditioned approval of OPD 522 and OPD 523 by allowing for two lots consisting of less than 60 spaces is ridiculously inadequate - it's allows for too few spaces at too inconvenient locations.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Celia Williams

1) Access to the coast should be 24 hours - this would include parking wherever a human wants to park and walk to the beach without having a permit from 2am-6pm.

2) Senior citizen on a restricted budget and it cannot afford a permit for family and friends to come spend the night. Affordability for those on fixed incomes.

3) Our Venice community overwhelmingly denied OPD's in a Venice Neighborhood Council meeting. Bill Rosendahl CD 11 heard the crowd with resounding voices and we still need to fight this is wrong!

4) Families of six or more whose parents have resided in Venice since the 40's and want to come and have late nights are denied if no permits are had by their parents. This is discrimination of large families. This is wrong!

5) The City of Los Angeles has provided no study that says we have problems with overnight parking. This is made up to control the streets and this is a city streets and we shouldn't privatize!

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Terry L. Hendrickson

I CAN NOT believe THAT I AM filling OUT AN APPEAL AND THAT THE COASTAL COMMISSION is even considering OPD'S in Venice. We the people have AGENTENCES TO PROTECT EVERYONES right to the beach and YOU PUTTING IN OPD'S TO PROTECT ONLY the RICH. Giving ONLY RICH access to the beach is UNCONSTITUTIONAL I CAN NOT believe THIS IS HAPPENING IN THE USA. ONE EXAMPLE is the 2 PARKING lots they SAY will be OPEN are SMALL. I HAVE gone TO these PARKING lots between the hours of 2-6 AM AND they ARE full AND TOO SMALL TO PLACE AN RV. When I drove MY RV OUT OF THE ROSE PARKING Lot at MIDNIGHT there WAS NO PARKING except ONE night when the police CAME TO 3rd STREET AT 10PM and CLEARED EVERYONE PARKED ON THAT STREET so THAT BY EVERYONE MOVED TO OTHER STREETS like Venice Blvd. where the Venice HOMEOWNERS ASSOCIATION TREATENED AND VICIUMIZED them, WHICH I HAVE experience first hand. People have been going WITH RV'S AND WITH OUT RV'S AND there HAS NOT been a problem UNTIL a SMALL group of people HAS decided it would be more PROFITABLE for them if they could aquire public property AND public beaches ONLY for them AND there friends by using the COASTAL COMMISSION TO block the public from ACCESS TO the beach then them AND their friends will be the ONLY ONES. They PUT SLIERS ON your vehicle THAT YOU ARE NOT A friend of theirs AND you ARE NOT owner of expenise property so the Venice HOMEOWNERS ASS. WANTS YOU OUT. If you do NOT own A NEW vehicle they will TELL YOU, you do NOT deserve TO PARK or live in Venice. Please do the AMERICA thing AND PROPECT the public's right TO ACCESS the beach AND STOP OPD'S TODAY.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Janine K. Pierce

THIS OPD PLAN COMPLETELY KINGS THE RESIDENTS LIVING BETWEEN SPEEDWAY AND OCEAN FRONT WALK. THE REPORT THAT THERE ARE ON-STREET PARKING SPACES BETWEEN SPEEDWAY AND OCEAN FRONT IS BLATANTLY INACCURATE. AT BEST THEY ARE LOADING ZONES AND EMERGENCY PARKING ONLY SPACES CLEARLY MARKED WITH SIGNS, RED CURBS AND HYDRANTS.

1101 OCEAN FRONT WALK HAS 35 TENANTS WHO ARE ABLE TO LIVE AT THIS ADDRESS BECAUSE STREET PARKING PROVIDES THEM FAIRLY CLOSE ACCESS. PACIFIC AVE 8:00 PM TO 8:00 AM IS THE PREFERRED BUT ABBOTT KINNEY, MAIN STREET, WESTMINSTER, AND BROOKS ALL CORRECTLY PROVIDE AND MEET THE NEEDS OF THESE 35 AND THOSE OF OUR NEIGHBORS. HAVING LIVED ON VENICE BEACH SINCE SEPTEMBER 1968 THE PARKING HAS ALWAYS BEEN A NECESSARY CONSIDERATION. THERE ARE NOT ENOUGH PUBLIC OR PRIVATE LOTS TO MEET THE RESIDENTIAL NEEDS NOW IF THIS PLAN GOES THROUGH WITH ALLOTMENT BEING MADE FOR RESIDENTS THE DISPLACEMENT WILL BE OVER WHELMING. WE HAVE NO WHERE TO PARK THAT IS REMOTELY ACCESSIBLE WITH THIS PLAN. HOW THIS PLAN WAS DERIVED WITH CONSIDERATION OF RESIDENTS WEST OF SPEEDWAY IS DISGRACEFUL AND UNCONSCIONABLE. TO COMPLETELY WORK 100'S OF LAW ABIDING, TAX PAYING CITIZENS TO FURTHER A HIDDEN AGENDA FOR VIOLATES INDIVIDUAL HUMAN RIGHTS.

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Carol E. Green

1.No need has been shown for the creation of Overnight Parking Districts(OPDs) in Venice, nor has the desirability of so doing been convincingly argued, nor has an exhibit of public support for this action been demonstrated.

No comprehensive parking study has been attached to the CDP reports, nor has one been conducted that shows a need for the creation of OPDs in the Venice Coastal Zone. No evidence exists to support the claim by the backers of this decision that a parking problem exists in the residential areas of Venice, let alone that such a problem, if it did exist, were the result of abandoned vehicles and parked commercial vehicles. As a resident of Venice I can testify to the lack of these problems. In my experience there is NO OVERNIGHT PARKING PROBLEM in Venice. Summer weekend afternoon's, sure, but Overnight? NO!

This Decision has been muscled through passage by a vocal, but non-representative minority of Venice residents, the vast majority of people living in Venice are not in favor of this decision, but have not had their voices heard. Not only are we who live in Venice against the implementation of this decision because we see no overnight parking problem in the first place, but also because we recognize the importance of non-resident beach and Venice community overnight access, and of course because we don't want the added expense and hassle of acquiring residential parking permits, but also because we are outraged by what we see as the duplicitous efforts of a small minority of residence trying to impose their views on the majority.

2. The applicant for this decision is attempting to misuse and misrepresent the OPD law. The OPD law (LAMC 80. 54), is based on Section 22507 of the California Vehicle Code, which is meant to protect off-street parking in residential districts from commercial vehicles. Despite mentioning commercial vehicles as a reason behind the designation of these areas as OPDs, no proof of the existence of these commercial vehicles has been presented, and a quick late night drive-through of the neighborhoods in question will show that in fact, the claim of their existence is unfounded. It is clear, that the intention behind the creation of these OPDs is to purge the streets of vehicle-dwelling homeless people, thereby driving them to relocate to other areas and depriving Venice of the diversity of residents that it has become known for and that the majority of us living here value.

The Bureau of Engineering conditioned approval of OPD 522 and OPD 523 by allowing for two lots consisting of less than 60 spaces is ridiculously inadequate - it's allows for too few spaces at too inconvenient locations.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Ethel M. Gullette

1. No comprehensive parking study has been attached to the CDP reports and no parking study has been conducted that proves the Fact that the City needs to implement Overnight Permit Parking in the Venice Coastal Zone.

2. No legal Fact of public support exists for OPDs in the Venice Coastal Zone.

3. The beach belongs to all people of this state and reasonable access to it should be permitted at all times, including between 2-6AM. Coastal Act provides the "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in density or intensity of use of land."

4. The 5 OPDs proposed for Venice virtually cover all streets in the Coastal Zone and if OPD's are implemented on these streets, block by block through petition, the public will be almost totally denied access to the Coastal Zone during early morning hours. The California Coastal Act provides the "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in density or intensity of use of land."

5. The resolutions, amendments, and motions used to create LAMC 80.54 and the Venice OPDs along with the letters from the Department of Transportation and mountains of documents and correspondence obtained through Information Act Requests reveal that the true intent of OPDs is to remove homeless people living in vehicles out of Venice. LAMC 80.54, the OPD law, is based on Section 22507 of the California Vehicle Code, which is meant to protect off street parking in residential districts from commercial vehicles -- not to remove homeless people from a beach town. Not only is the law being used for something other than the California Vehicle Code it was created pursuant to, it is being used to commit human rights violations.

**COASTAL COMMISSION**

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APPEAL NOS.

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Erica Snowlake

On so many levels, and in full intent of the law, the OPDs are not democratic, they only address the needs of people living in houses or apts on these streets, there are many more people who utilize the city of Venice, as a center of commerce, tourism, as a beach, as a temporary sanctuary and shelter. These uses of the streets, which are not owned by residents, are being restricted.

Also, many people will inadvertently be penalized by this process. You cannot turn a vibrant city into a controlled financial venture. A city is for everyone. The community of Venice opposes the OPDs, for the most part. We are not a gated community, nor do we wish to become one.

The impetus for this whole venture is based on hate complaints by a few residents for people living in RVs, and as a cashcow for the city. If Venice were its own city, this problem would be resolved by providing alternative

street parking and alternative "overnight" parking areas. There is way enough "space" for this. Lets look at this issue creatively and democratically, with solutions for all involved.

Lets read the Pattern Book, the Pattern Language Book by <sup>the</sup> Berkeley School from the 60's. Lets leave capitalism behind and strive for a higher model of cooperation. Shall we!!!???

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Jessica Aden

1. In all do respect, there has not been any evidence shown for the creation of the Overnight Parking District (OPD's) in Venice, nor has there been a legitimate argument for ~~the~~ the passing of the OPD's. From the response of the residents ~~of~~ Venice, the majority feel that their voice ~~has~~ been ignored and that this would not help our city, but instead cause overcrowding and indirectly cause the citizens of Venice to suffer. To have the residents of Venice, whom many are working middle class, to spend \$15.00 or more a month, that they cannot spare, <sup>be able to</sup> to park in the city they live in is ridiculous. This is a issue that should not be addressed, since there is not a Overnight Parking Problem! I ~~believe~~ <sup>believe</sup> this is another way of gentrifying the city of Venice. With all that has ~~been~~ <sup>been</sup> done ~~to~~ <sup>to</sup> the city of Venice & its residents, this does not seem right. The city council, many of whom are not residents of Venice, are the only people who feel ~~that~~ the OPD should pass. A quick study of both Santa Monica & Malibu, both whom have permit parking, it is obvious the backfire the permit parking has had on both cities. It has cause overflowing traffic, built from the lack of spots, & has caused many of there residents loose the right to park since many could not afford to spend the money to receive there parking pass.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Fortunato Procopio

1. No need has been shown for the creation of Overnight Parking Districts (OPDs) in Venice, nor has their desirability been convincingly argued. There is no evidence of public support for this action.
2. No comprehensive parking study has been attached to the CDP reports, nor has one been conducted that shows a need for the creation of OPDs in the Venice Coastal Zone. No evidence exists to support the claim that a parking problem exists in the residential areas of Venice. In my experience there is NO OVERNIGHT PARKING PROBLEM in Venice. Parking is difficult in some areas on summer weekend afternoon's, but never overnight?
3. This change will have a negative effect on public access to the shoreline. It will restrict public access to the beach. This restriction will impact Venice businesses and in turn the health of the entire community at a time when the overall economy is in peril.
4. The added expense and hassle of acquiring residential parking permits is an unnecessary burden to Venice residents. It adversely affects our ability to peacefully enjoy our homes. Our invited guests will be restricted and inconvenienced.
5. It is clear, that the creation of these OPDs is simply intended to purge the streets of vehicle-dwellers, thereby driving them to relocate to other areas. This action will deprive the Venice population of its diversity – something valued by the majority of Venice residents.
6. We are outraged by the duplicitous efforts of a small minority of residents to impose their views on the majority. This effort to create OPD's has been muscled through by a vocal, but non-representative minority of Venice residents. The vast majority of people living in Venice are not in favor of this decision, but they have not had their voices heard. Not only are we who live in Venice against the implementation of this decision because we see no overnight parking problem in the first place, but also because we recognize the importance of non-resident beach and Venice community overnight access.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Melinda Ahrens

1. The project will have a negative effect on public access to and along the shoreline, either directly or indirectly, and will remove and restrict parking used for access to the beach. The purpose of the OPD as set out in the application is without merit. The lack of parking is NOT because of abandoned vehicles or parked commercial vehicles. The City has provided no parking study or other evidence supporting such assertion. Rather, as interdepartmental communication reveal (all provided pursuant to a Public Records Request) amply demonstrate, the current effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from our community - not by providing alternative places for them to park their vehicles, or housing that they so desperately need, but by denying them any public space to park overnight. The lack of parking is because residents have converted garages to other uses, and as a result park on the streets and because Venice is a world renowned tourist destination. However, as the City has failed to provide parking facilities sufficient to accommodate this extraordinary traffic.
2. The California Coastal Act provides that "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in the density or intensity of use of land". The beach parking lots in Venice (at the end of Washington Blvd., Venice Blvd. and Rose Ave.) are all closed between the hours of 1:00 AM - 6:00 AM. Other public lots in Venice close earlier and open later. Street parking is about the only late night/over night parking now available to the public in Venice. The 5 OPD's proposed for Venice cover virtually all streets in the Coastal Zone and if OPD's were implemented on those streets, the public would be almost totally denied access to the beach, to early morning surfing, to late night fishing on Venice Pier, to late night grunion observation (they appeared most recently June 20-23), to the simple pleasure of walking along the Ocean Front Walk and the Venice Canals and watching the boat action at the Marina del Rey Yacht Harbor. The beach belongs to all of the people of this State and reasonable access to it should be permitted at all times.
3. BOE's token effort that conditioned approval of OPDs 522 and 523 on extending beach lot parking is inadequate. 55 spaces is not sufficient parking to accommodate 13 million people in the LA Metropolitan area, and tourists. In addition, how they would ever locate these lots is a puzzle. Instead, they would find empty streets with restricted parking, keeping the public from the beach.
4. There is a vocal minority in Venice who desire to institute OPDs. At the BOE public hearing, the community overwhelmingly voiced opposition.

5. If we can't even get a permit + we live here, then what, I am a female + young, I am scared for my safety if I can't park

6. If some

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Emily Winters

The majority of Venice residents do not want this permit parking. It penalizes the residents by having to pay to park on <sup>the</sup> their own street when the issue is we need to find overnight parking for those who cannot pay rent. We need to deal with the issue of homelessness, the lack of housing, lack of jobs, etc. instead of making criminals of these people.

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Steve Clare, Executive Director, Venice Housing Corporation

**Venice Community Housing Corporation**

720 Rose Avenue, Venice, California 90291-2710

Tel: (310) 399-4100 Fax: (310) 399-1130

Web: [www.VCHCorp.org](http://www.VCHCorp.org)

December 15, 2008

California Coastal Commission  
South Coast District Office  
200 Oeangate, 10th Floor  
Long Beach, CA 90802

RE: Venice Overnight Parking Districts (OPD's)

CPD 8-07: OPD 520

CPD 8-08: OPD 521

CPD 8-11: OPD 526

CPD 8-09: OPD 522

CPD 8-10: OPD 523

To the California Coastal Commission:

This letter communicates the opposition of the Venice Community Housing Corporation (VCHC) to the decision of the City of Los Angeles Board of Public Works to permit the establishment of Overnight Parking Districts (OPD's) in Venice.

The Venice Community Housing Corporation is a community based, nonprofit housing and community development corporation dedicated to the creation and preservation of housing affordable to low income people in Venice and surrounding neighborhoods. Since its formation in 1988 we have constructed, acquired, rehabilitated, own and operate 175 units of affordable housing in Venice and Mar Vista including a transitional housing facility for homeless women and their children. 75% of our residents have incomes less than 50% of the median. Last year we housed 464 people, 100 of whom had previously been homeless. Since 1995 we have developed other programs and assets that address critical needs of our community including a comprehensive youth development program for "at risk" and gang affiliated local youth, after school programs for children 6-12 years old, and the first and only infant-toddler child care center in Venice that is free to low income families. VCHC also contracts with the City to provide free home repairs to low income senior and disabled homeowners living on the west side of Los Angeles through the City's Handyworker program.

At VCHC's regular board meeting of August 28, 2008 the Board of Directors of VCHC unanimously approved a resolution to appeal the decision of the Bureau of Engineering to approve the above-referenced OPD's in Venice. The reasons include the following.

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1. The streets of Venice are public right-of-ways that belong to the City, not to those who happen to reside on private property immediately adjacent to them. Because Venice is a destination point for beachgoers from all over the region and tourists from all over the world, and because the City has failed to provide parking facilities sufficient to accommodate this extraordinary traffic burden, the lack of parking has become a major and ongoing concern of Venice residents and the public at large. The situation is exacerbated by the decisions of many Venice home owners to convert required parking spaces and garages to other uses and rely instead on street parking for their vehicles. It is bad public policy to privatize public streets where the public need is so great. It is even worse policy to effectively reward property owners for their decisions to violate municipal parking requirements simply to enhance their own private living environment.

2. The California Coastal Act provides that "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in the density or intensity of use of land". The beach parking lots in Venice (at the end of Washington Blvd., Venice Blvd. and Rose Ave.) are all closed between the hours of 1:00 AM – 6:00 AM. Other public lots in Venice close earlier and open later. Street parking is about the only late night/over night parking now available to the public in Venice. Taken together, the 5 OPD's proposed for Venice cover virtually all streets in the Coastal Zone and if OPD's were implemented on those streets, the public would be almost totally denied access to the beach, to late night fishing on Venice Pier, to late night grunion observation (they appeared most recently June 20-23), to the simple pleasure of walking along the Ocean Front Walk and the Venice Canals and watching the boat action at the Marina del Rey Yacht Harbor. The beach belongs to *all* of the people of this State and reasonable access to it should be permitted at *all* times.

In a token effort to address this critical issue, the Bureau of Engineering conditioned approval of OPD 522 on extending the open hours for public parking at Lot 800 to the hours of 2:00 AM-6:00 AM for a maximum of four hours. OPD 523 was conditioned upon extending open hours for Lot 740 to the hours of 2:00 AM-6:00 AM. (Inexplicably the other three OPD's were approved without any conditions whatsoever.) Currently Lots 800 and 740 close at 1:00 AM. So for instance, the proposed conditions would allow a person driving to the beach for night fishing at Venice Pier to park his car in either lot until 1:00 AM at which time he would be required to exit the lot and find parking somewhere *east of Lincoln Blvd* (almost a mile from the beach) for an hour before returning to the lot at 2:00 AM to continue his recreational activity. Surely this cannot be the kind and quality of public access contemplated by the California Coastal Act. To make an unreasonable limitation even worse, Lot 800 has 14 parking spaces and Lot 740 has 41 spaces. How can it be seriously argued that 55 spaces is sufficient parking to accommodate the 13 million people living in the Los Angeles Metropolitan area?

The reality is that over the years, the City has taken unilateral and perhaps unlawful action to systematically limit the public's right of access to Venice Beach in violation of the provisions of the Coastal Act. - first by closing the Venice beach parking lots between the hours of 1:00 AM-6:00 AM and then in 1989 by closing the beach itself to public use between the hours of midnight and 5:00 AM. LAMC Article 3, Section 6344B14 (b). The Final Staff Reports recommending approval of the OPD's assert that public access would not be affected by the OPD's because the County (not the City) has closed the beaches between the hours of 10:00 PM and 6:00 AM. This is at best misleading if not an intentional misrepresentation. *The County has not closed Venice beach to the public at any time.* Rather, it provides services to the public only between the hours of 6:00 AM and 10:00 PM. A person violates no County law by fishing or walking along Venice beach at 3:00 AM, only LAMC Article 3, Section 6344B14(b). The OPD's, if approved, would be the last nail in the coffin of public access to Venice Beach during their time of operation.

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3. The Resolutions proposing OPD's references a parking problem "exacerbated by the overnight parking of commercial vehicles and abandonment of vehicles on the streets of [Venice]" The City has provided no parking study or other evidence supporting such assertion. Rather, as the volumes of information, correspondence and inter departmental communications (all provided pursuant to a Public Records Request) amply demonstrate, the current effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from our community - not by providing alternative places for them to park their vehicles, or housing that they so desperately need, but by denying them any public space to park overnight. According to the City, 20% of the people in Los Angeles live in poverty. On any given night there are over 40,000 homeless people in Los Angeles and over 73,000 people annually are homeless for some period of time (draft Housing Element 2006-2014). The City admits that it lacks sufficient resources to respond to the housing needs of the homeless and that "housing options that do not require rent...are necessary, especially for the homeless living with disabilities". In the face of such need, fully acknowledged by the City, it is unconscionable, against good public policy and perhaps illegal (see Jones v the City of Los Angeles), to create such a restrictive parking scheme.

For all of these reasons the Venice Community Housing Corporation urges that the California Coastal Commission grant this appeal and reverse the decision of the Board of Public Works to approve all 5 OPD's for Venice.

Respectfully submitted

Venice Community Housing Corporation

By   
Steve Clare, Executive Director

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Linda Lucks

**I. Grounds for Appeal**

The project impedes early morning Coastal recreational access to Venice beach (article 2, chapter 3, Public Resources Code sections 30210-30214) and creates unintended practical hardships for all residents and their visitors in walk street neighborhoods within the proposed district.

**II/III. Statements of Fact and Issues**

I am a resident at 30 Wave Crest Avenue, Venice 90291, in the walk street neighborhood approximately one block south of the boundary between the proposed West Venice and East Venice overnight parking districts (OPDs). This proposal will create new, unintended hardships for residents and their overnight visitors for properties without sufficient onsite parking in the areas within three blocks of Ocean Front Walk in both district 522 and adjacent district 523, and for any resident without sufficient onsite parking who lives near a boundary between the parking districts.

I have lived in various locations within OPDs 522 since 1973 and am familiar with every aspect of the parking issues in the Venice beach area, both from the perspective of a resident with 2 parking places and one whose visitors are rarely able to find parking when they come to visit on weekends and on summer days. Until now, I always believed no permit parking plans would pass the scrutiny of the California Coastal Commission, because they would not solve the problems they have always been meant to solve. Permit parking for on-street spaces simply does not work in a fair manner when there isn't a sufficient supply of such spaces to accommodate all residents who would want to buy permits, whether or not there are any beach (or, in this case, overnight) visitors competing for those spaces.

- 1) A survey to determine the current actual need in terms of numbers of spaces needs to be taken to fairly determine whether requiring permits for overnight street parking will actually alleviate a problem or simply create a situation **whereby large numbers of residents have to pay for parking permits that do not guarantee them a parking space within the specified district.** Those of us who live in the affected area know from experience that there are not enough parking spaces to accommodate either all of the residents who need on-street parking or beach visitors. Every night there is a run on parking and some people park many blocks east of their residences by default. Overnight parking restrictions will not change that, but it **will impede coastal access for surfers and fishermen/women who often arrive before or near dawn and would be victimized by parking districts 522 and 523.** A better solution would be to increase the supply of parking rather than irrationally restrict the use of the current inadequate supply.

In 1988, the City Planning Department created the "Beach Impact Zone" program for this purpose, but it's unclear whether the City has properly enforced the program or made use of either the parking spaces or funding it is intended to generate. **The CD 11 parking meter fund could also be tapped for this purpose, along with the Venice Surplus Property Fund.** No serious attempt to significantly increase either the on- or off-street parking supply in the Venice Coastal Zone has occurred in more than 15 years. Solutions do exist: Open the beach parking lots at night to residents; use the MTA bus lot as a parking lot.

2. People living (in the "border areas" where two districts abut will, in fact, have their and their visitors' parking

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options reduced, not enhanced, by this proposal. This is a variation on the "spillover" effect the Commission has dealt with in past permit parking applications and is simply intolerable. **There are times when finding a street space requires looking beyond the boundary of the proposed parking district one resides in.** Thus, **unless this permit plan explicitly allows someone residing in one district to use their permit in the adjacent district when that's the only place there might be an available space at the time it's needed, this program will actually decrease, rather than increase, the parking supply for residents and their visitors to the Coastal Zone. That is an explicit violation of the Coastal Act.**

If there are no available spaces in their own parking district, they cannot use their permit in an adjacent district, and if the entirety of Venice west of Lincoln is covered by this program, there will be no place they can safely and legally park overnight, especially if they have to do that parking prior to 8 p.m. and cannot move their vehicle by 8 a.m. At the very least, the City should permit people in these "border areas" to park in either their own district or the one adjacent to it. Of course this would create an administrative and regulatory issue that may well be unworkable, further underscoring the futility of proposing permit parking in the Venice beach walk-street area.

3. Requiring permits for the use of the Pacific Avenue 8 p.m.-8 a.m. parking spaces from 2-6 a.m. will undermine the considerable value of those spaces to the community as a "pressure release valve" that would free up other 24-hour-a-day legal parking spaces for use by permit holders and Coastal visitors. The Pacific Avenue overnight parking should be excluded from these OPDs should the City go forward with these proposals or they should become 24-hour-per-day parking spaces. The latter could reasonably be expected to cause severe traffic congestion with its concurrent Coastal access and air quality implications, however.

4. If this program is intended to indirectly reduce the impact of overnight parking by transients, it is the equivalent of trying to kill a fly with a cannon. There are laws against living in one's vehicle parked on a public street, or there should be, and those can be enforced without inconveniencing the entire Coastal community and its visitors.

5. Generally I believe the City's permit parking program does not charge participants a fee adequate to cover the costs of administering the program. The current low fees for primary permits and guest permits also undervalue the premium value of the spaces they're meant to protect. However, in an area such as the Venice beach area, where purchasing a permit simply doesn't ensure the purchaser of safe, legal and/or convenient parking, charging anything at all for a permit that is, at best, a speculative document is, to use the "term of art," a rip-off and beneath the dignity and integrity of the City of Los Angeles and the California Coastal Commission. That the City of Los Angeles approved it anyway without addressing the practical realities is, frankly, appalling. As with any project or proposal within the Coastal Zone, the Commission has both the right and obligation to ensure that the end result functions effectively for residents and coastal visitors alike. It is abundantly clear that these parking districts – specifically numbers 522 and 523 – are dysfunctional in the area most crucial to coastal access – the neighborhoods closest to the beach.

6. The procedure established for residential blocks within the permit district to vote on whether it will participate in the parking district effectively disenfranchises the vast majority of the many walk-street residents living within the proposed district. **If the only residents permitted to vote are those with addresses on affected streets with on-street parking, thousands of residents and their visitors could be subjected to the prerogatives of the very few who have such addresses and are thus eligible to vote.** This not only could lead to many residents who have no choice as to whether they want to be a part of the parking district either being prevented from using on-street parking within the district or being forced to purchase permits of (as noted above) speculative value depending on the availability of scarce curbside parking at any given moment.

Further, it is by no means clear whether the hundreds of residents living on or near the boundary between districts 522 and 523 will be allowed to purchase permits for the district in which they are NOT a resident but in which they historically have found overnight parking spaces for their own or Coastal visitors' use.

#### Conclusion

If these parking districts are implemented as proposed, they will violate the Public Resources Code by impeding visitor access to the Coastal Zone. Additionally, as described above, if the districts are implemented from Hampton Drive westward, unworkable and intolerable conditions will be created for residents and visitors alike. At the very least, these areas should be removed from both districts 522 and 523 as a matter of fairness and justice.

More appropriately the applications for districts 522 and 523 should be rejected out of hand.

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Susan Millman

1. The project will have a negative effect on public access to and along the shoreline, either directly or indirectly, and will remove and restrict parking used for access to the beach. The purpose of the OPD as set out in the application is without merit. The lack of parking is NOT because of abandoned vehicles or parked commercial vehicles. The City has provided no parking study or other evidence supporting such assertion. Rather, as interdepartmental communication reveal (all provided pursuant to a Public Records Request), the current effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from our community - not by providing alternative places for them to park their vehicles, or housing that they so desperately need, but by denying them any public space to park overnight. The a lack of parking is because residents have converted garages to other uses, and as a result park on the streets and because Venice Beach is a world reknown tourist destination. However, as the City has failed to provide parking facilities sufficient to accommodate the public need.
2. The California Coastal Act provides that "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in the density or intensity of use of land". The beach parking lots in Venice (at the end of Washington Blvd., Venice Blvd. and Rose Ave.) are all closed between the hours of 1:00 AM - 6:00 AM. Other public lots in Venice close earlier and open later. Street parking is about the only late night/over night parking now available to the public in Venice. The 5 OPD's proposed for Venice cover virtually all streets in the Coastal Zone and if OPD's were implemented on those streets, the public would be almost totally denied access to the beach, to early morning surfing, to late night fishing on Venice Pier, to late night grunion observation (they appeared most recently June 20-23), to the simple pleasure of walking along the Ocean Front Walk and the Venice Canals and watching the boat action at the Marina del Rey Yacht Harbor. The beach belongs to all of the people of this State and reasonable access to it should be permitted at all times.
3. BOE's token effort that conditioned approval of OPDs 522 and 523 on extending beach lot parking is inadequate. 55 spaces is not sufficient parking to accommodate 13 million people in the LA Metropolitan area, and tourists. In addition, how they would ever locate these lots is a puzzle. Instead, they would find empty streets with restricted parking, keeping the public from the beach.
4. There is a vocal minority in Venice who desire to institute OPDs. At the BOE public hearing, the community overwhelmingly voiced opposition.

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Eden Andes

I WAS BORN HERE AND HAVE LIVED MOST OF MY LIFE WEST OF LINCOLN BLVD. IN THE COSTAL-ZONE. I AND MANY OTHERS HAVE USED THE BEACH BETWEEN THE HOURS OF 2 AM - 6 AM FOR GRUINION HOTTING SURFING (BOARD & BODY) SWIMMING, FISHING, LONG WALKS BY MOON LIGHT, EARLY MORNING RUNS, PHOTOS BOOTH NIGHT (TIME SHOOTER) AND MORNING, FOR RITUALS (BIRTH, DEATH) MOON ECT.

THEY HAVE NEVER DONE A REAL STUDY OF PARKING PROBLEMS IN THE COSTAL ZONE AT NIGHT. THERE ARE PARKING PROBLEMS IN THE DAY NEAR THE BEACH ZONE ON SUNNY DAYS ESPECIALLY AS WAS SHOWN AT THE BOE MEETING HELD IN VENICE A SMALL ANTI HOMELESS GROUP WITH POLITICAL SAVVY IS USING THIS TO RUN THE HOMELESS OUT.

I AM HOMELESS. MY VOTING ADDRESS IS 3<sup>rd</sup> ST. ROSE AVE TO SUNSET (CROSS STREETS) AND HAS BEEN FOR 6 YEARS. I AM A VENDOR IN THE FREE SPEECH ZONE. LIKE MANY OTHERS I WOULD HAVE NO ADDRESS AND BE UNABLE TO PAY FOR TRAVEL AND BEACH PARKING. THIS WOULD TAKE AWAY MY LIVING AND MY RIGHT TO VOTE.

IT ANGERS ME THAT MOST OF THE PARKING INFORMATION INCLUDED IN THE "OFFICIAL SURVEY" WAS GIVEN TO THEM BY A "RESIDENT" AND WAS NEVER AUTHENTICATED BY THE PEOPLE WHO WERE GETTING PAID TO DO THE SURVEY.



THERE ARE BISSNESSES (BARS, RESTAURANTS  
SMALL MOM & POP STORES) THAT HAVE EARLY MORNING  
DELIVERYS, NO PARKING (MANY VARIANCE'S FOR PARKING  
HAVE BEEN GIVEN) AND THE BARS CLOSE AT  
2 AM (ALL THE LOTS CLOSE BY 1.) AND MANY PEOPLE  
GO TO THE BEACH, TO DINNER, TO A BAR, AND THEN  
WALK TO THEIR CAR'S. PARKED OFTEN FAR AWAY  
AT THE OTHER END OF THE BEACH WHERE THEY  
STARTED.

ONE OF THE REASONS STATED TO DO O.P.D.?  
WAS ABANDONED VEHICLES. HOW MANY VEHICLES  
WERE ABANDONED? PLEASE DO NOT QUOTE HOW  
MANY 72 HR NOTICES WERE GIVEN AS I HAVE  
RECEIVED 5 IN 24 HRS (ANOTHER ANTI HOMELESS  
TACKLE BY THE L.A.P.D.) ON THE SAME VEHICLE  
IN DIFFERENT PARTS OF THE CITY.  
THE VENICE NEIGHBORHOOD COUNSEL DOES  
NOT NECESSARILY SPEAK FOR VENICE. AND  
SELDOM SPEAKS FOR THE MAJORITY OF VENICE  
RENTERS, VISITORS, BEACH BAR, BISSNESS PATRONS.  
MUCH LESS THOSE WHO CATCH AND EAT THE  
GRUNOLIN AND RUN LEAVING PHOSPHORESENT  
FOOT PRINTS IN THE MOONLIGHT AT RED TIDE.

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** Jim Bickhart

**I. Grounds for Appeal**

The project impedes early morning Coastal recreational access to Venice beach (article 2, chapter 3, Public Resources Code sections 30210-30214) and creates unintended practical hardships for all residents and their visitors in walk street neighborhoods within the proposed district.

**II/III. Statements of Fact and Issues**

I am a resident at 31-1/2 Breeze Avenue, Venice 90291, in the walk street neighborhood approximately one block south of the boundary between the proposed West Venice and East Venice overnight parking districts (OPDs). This proposal will create new, unintended hardships for residents and their overnight visitors for properties without sufficient onsite parking in the areas within three blocks of Ocean Front Walk in both district 522 and adjacent district 523, and for any resident without sufficient onsite parking who lives near a boundary between the parking districts.

I have lived in various locations within OPDs 522 and 523 since 1969 and am acutely familiar with every aspect of the parking issues in the Venice beach area, both from the perspective of a resident who has at times not enjoyed the benefits of onsite parking and one whose visitors struggle to find parking when they come to visit on weekends. As various permit parking schemes have been floated over many years, I have analyzed them and concluded that they not only would not pass muster with the California Coastal Commission, but they would not solve the problems they have always been meant to solve. Permit parking for on-street spaces simply does not work in a fair manner when there isn't a sufficient supply of such spaces to accommodate all residents who would want to buy permits, whether or not there are any beach (or, in this case, overnight) visitors competing for those spaces. My arguments can be summarized as follows:

1. Without a systematic survey to determine the current actual need in terms of numbers of spaces, there's no way to determine whether requiring permits for overnight street parking will actually alleviate a problem or simply create a situation whereby large numbers of residents have to pay for parking permits that do not guarantee them a parking space within the specified district. Those of us who live in the affected area know from direct experience that there are not enough parking spaces to accommodate either all of the residents who need on-street parking or beach visitors. Overnight parking restrictions will not change that, but it will impede coastal access for surfers and fishermen/women who often arrive before or near dawn and would be victimized by parking districts 522 and 523. A better solution would be to increase the supply of parking rather than irrationally restrict the use of the current inadequate supply.

In 1988, the City Planning Department created the "Beach Impact Zone" program for this purpose, but it's unclear whether the City has properly enforced the program or made use of either the parking spaces or funding it is intended to generate. The CD 11 parking meter fund could also be tapped for this purpose, along with the Venice Surplus Property Fund. Simple observation suggests that no serious attempt to increase either the on- or off-street parking supply in the Venice Coastal Zone has occurred in more than 15 years.

2. People living (as I do) in the "border areas" where two districts abut will, in fact, have their and their visitors' parking options reduced, not enhanced, by this proposal. This is a variation on the "spillover" effect the

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Commission has dealt with in past permit parking applications and is simply intolerable. There are times when finding a street space requires looking beyond the boundary of the proposed parking district one resides in. (In my case, that means on the northerly curb of Brooks Avenue or on other streets northerly of Brooks and easterly of Pacific Avenue. All of these locations are proposed to be in district 523 while I reside in district 522).

Thus, unless this permit scheme explicitly allows someone residing in one district to use their permit in the adjacent district when that's the only place there might be an available space at the time it's needed, this program will actually decrease, rather than increase, the parking supply for residents and their visitors to the Coastal Zone. That is an explicit violation of the Coastal Act.

If there are no available spaces in their own parking district, they cannot use their permit in an adjacent district, and the entirety of Venice west of Lincoln is covered by this program, there will be no place they can safely and legally park overnight, especially if they have to do that parking prior to 8 p.m. and cannot move their vehicle by 8 a.m. At the very least, the City should permit people in these "border areas" to park in either their own district or the one adjacent to it. Of course this would create an administrative and regulatory issue that may well be unworkable, further underscoring the futility of proposing permit parking in the Venice beach walk-street area.

3. Requiring permits for the use of the Pacific Avenue 8 p.m.-8 a.m. parking spaces from 2-6 a.m. will undermine the considerable value of those spaces to the community as a "pressure release valve" that would free up other 24-hour-a-day legal parking spaces for use by permit holders and Coastal visitors. The Pacific Avenue overnight parking should be excluded from these OPDs should the City go forward with these proposals or they should become 24-hour-per-day parking spaces. The latter could reasonably be expected to cause severe traffic congestion with its concurrent Coastal access and air quality implications, however.

4. If this program is intended to indirectly reduce the impact of overnight parking by transients, it is the equivalent of trying to kill a fly with a cannon. There are laws against living in one's vehicle parked on a public street, or there should be, and those can be enforced without inconveniencing the entire Coastal community and its visitors.

5. Generally I believe the City's permit parking program does not charge participants a fee adequate to cover the costs of administering the program. The current low fees for primary permits and guest permits also undervalue the premium value of the spaces they're meant to protect. However, in an area such as the Venice beach area, where purchasing a permit simply doesn't ensure the purchaser of safe, legal and/or convenient parking, charging anything at all for a permit that is, at best, a speculative document is, to use the "term of art," a rip-off and beneath the dignity and integrity of the City of Los Angeles and the California Coastal Commission. That the City of Los Angeles approved it anyway without addressing the practical realities is, frankly, appalling. As with any project or proposal within the Coastal Zone, the Commission has both the right and obligation to ensure that the end result functions effectively for residents and coastal visitors alike. It is abundantly clear that these parking districts – specifically numbers 522 and 523 – are dysfunctional in the area most crucial to coastal access – the neighborhoods closest to the beach.

6. The procedure established for residential blocks within the permit district to vote on whether it will participate in the parking district effectively disenfranchises the vast majority of the many walk-street residents living within the proposed district. If the only residents permitted to vote are those with addresses on affected streets with on-street parking, thousands of residents and their visitors could be subjected to the prerogatives of the very few who have such addresses and are thus eligible to vote. This not only could lead to many residents who have no choice as to whether they want to be a part of the parking district either being prevented from using on-street parking within the district or being forced to purchase permits of (as noted above) speculative value depending on the availability of scarce curbside parking at any given moment.

Further, it is by no means clear whether the hundreds of residents living on or near the boundary between districts 522 and 523 will be allowed to purchase permits for the district in which they are NOT a resident but in which they historically have found overnight parking spaces for their own or Coastal visitors' use.

#### Conclusion

If these parking districts are implemented as proposed, they will violate the Public Resources Code by impeding visitor access to the Coastal Zone. Additionally, as described above, if the districts are implemented from Hampton Drive westward, unworkable and intolerable conditions will be created for residents and visitors alike. At the very least, these areas should be removed from both districts 522 and 523 as a matter of fairness and justice.

More appropriately the applications for districts 522 and 523 should be rejected out of hand.

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: **LAW OFFICES OF SABRINA VENSUS**

**RE: APPEAL of Local Coastal Development Permits for Venice Overnight  
Parking Districts**

To Whom It May Concern:

The undersigned hereby appeals Coastal Development Permit Numbers: 08-07 (OPD 520 Oxford Triangle), 08-08 (OPD 521 Presidents Row), 08-09 (OPD 522-West Venice), 08-10 (OPD 523-East Venice), 08-11 (OPD 526 Villa Marina), as well as the City of Los Angeles' final Notice of Decision ("NOD"). The undersigned administratively appealed to the City of Los Angeles on September 5, 2008 and was denied relief.

The NOD has failed to address the following issues raised in my initial comments on the Venice OPD proposals. These issues should be addressed by the Coastal Commission.

**1) The proposed OPD application unreasonably and impermissibly impacts coastal access, in violation of the California Coastal Act**

The City's staff report on the final NOD did not adequately explain how coastal access related recreational, industrial, and other activities that occur in or near the areas proposed for permit parking that may require parking between the hours of 2 a.m. and 6 a.m. will not be unreasonably and impermissibly impacted despite the conditions of approval placed upon CDP No. 08-09; OPD and CDP No. 08-10; OPD 523.

These activities include but are not limited to: fishing, surfing, kayaking, paddle boarding, skateboarding, rollerblading, swimming, snorkeling, scuba diving, walking running, bicycle riding, star gazing, boating, bird watching, meditation, friendship, yoga, romance, deliveries to businesses, etc.

For example, there is no evidence that these activities do not take place between the hours of 2 a.m. and 6 a.m. with respect to the other areas of Venice and the Marina covered by OPD 520, 521, and 526, which do not have the same condition of approval.

The California Coast Act prohibits unreasonable restrictions on coastal access. The OPDs will result in unreasonable restriction on coastal access, because there are other, less

**COASTAL COMMISSION**

EXHIBIT # 37  
PAGE 1 OF 2

coastal-access restrictive means to addressing any purported (yet not substantiated) problems with abandoned vehicles and commercial vehicle parking.

It also bears noting that the Venice area is arguably the most popular and most visited beach community in all of Los Angeles. This is in large part due to the unique culture, diversity and location of Venice. Establishing OPDs in the Venice area will negatively impact this unique culture and therefore remove the specialness of Venice. The Coastal Commission should consider the negative impacts the Venice OPDs will have on tourism and public attraction, and therefore the economy.

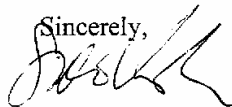
**2) There is no basis for the City of Los Angeles' conclusion that there are public safety and public welfare issues related to abandoned vehicles and overnight parking of commercial vehicles within each district**

Although the City claimed in its June 4, 2008 Notice of Public Hearing letter that the OPDs were established to address public safety and welfare associated with "overnight parking of commercial vehicles and abandonment of vehicles within each district *by non-residents*." (Emphasis added.) The City failed to address how engagement in such activities by only "non-residents" as opposed to "residents" and "business owners" an issue of public safety and welfare.

The City relied on no evidence for its conclusion that there is an existing problem with abandoned vehicles and commercial parking in residential neighborhoods that is not or cannot be addressed via currently existing laws, regulations, or procedures which would avoid negatively impacting coastal access. On the contrary, the Los Angeles Department of Transportation and the Police Department regularly enforce the California Vehicle Code, and/or the Los Angeles Municipal Code provisions that only allow a vehicle to be parked for up to 72 consecutive hours. Therefore, there is no need to further limit parking and thereby coastal access.

Insofar as commercial parking is concerned, (assuming there is a problem, although the City provided no objective evidence), a simple solution would have been to establish one or more OPDs that restrict commercial parking (ie, non-commercial parking districts). This way would avoid impacting coastal access while still reducing commercial parking.

In conclusion, I respectfully request the Commission reverse the City of Los Angeles and not approve the CDPs for Venice Overnight Parking Districts, named above.

Sincerely,  
  
Sabrina D. Venskus

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: James R Smith

**Summary:** The grounds for this appeal of the entire decision of the Los Angeles Department of Public Works are that the Overnight Parking Districts (OPDs), CDP 08-07, 08-08, 08-09, 08-10, would restrict coastal access, violations of due process and law, misrepresentation of the facts, removal of very low income residents (Recreational Vehicle dwellers) from the coastal zone and a conflict of interest by the city of Los Angeles, which is both applicant and financial beneficiary of the implementation of the OPDs.

**Overnight permit parking districts (OPDs) restrict coastal access.** OPDs in Venice would leave those seeking to visit the coast with few, if any, parking places. Public policy should not dictate when the public can visit the coastal zone. Many thousands of people work a "swing" shift in Los Angeles-area hospitals, factories and retail establishments. They generally finish work from 11 p.m. to 1 a.m. If any of them wanted to be able to enjoy the water, sand and coastal environment, particularly on a hot night, they would be unable to do so if they intended to park in Venice. Those not living in Venice are among the most adversely affected by OPDs. Yet, they have been disenfranchised from participating in the public process which the Bureau of Engineering has conducted. Only those living in Venice have been notified of the hearing, or even that the city of Los Angeles was considering imposing permit parking in Venice. The implementation of OPDs would create a virtual gated community in Venice, in which visitors to the coast could drive through, but not park.

**The Coastal Act provides for access to the coastal zone, not just the beach.** Section 30001 (a) states: "That the California coastal zone is a distinct and valuable natural resource of vital and endorsing interest to all the people and exists as a delicately balanced ecosystem." Many of those who currently reside in recreational vehicles in the Venice coastal zone were forced out of their apartments in Venice by landlords anxious to take advance of skyrocketing rents. They are now threatened by losing access to the coastal zone where many have lived for years (RV dwellers are ineligible to buy parking permits). They include workers with jobs in Venice who will find it difficult to travel to their jobs if they are forced to park many miles away. In addition, many of the RV dwellers are artists and poets who gain inspiration and productivity from their round-the-clock exposure to the enriched cultural milieu of the Venice coastal zone.

**Other groups will be deprived of coastal access.** Surfers and anglers who now frequent the Venice area would be deprived of coastal and ocean access if they were unable to park during the night and early morning.

Thousands more low income residents of Southern California are in increasing need of coastal access due to worsening economic conditions which prevent them from seeking other forms of (paying) recreation. They may also not be able to run their air conditioners on hot summer nights due to an inability to pay utility bills. This combined with global warming, particularly hotter summer nights, will impel a certain percentage to seek the cooler temperatures found near the ocean.

Continued on ATTACHMENT 1

**COASTAL COMMISSION**

EXHIBIT # 38  
PAGE 1 OF 3

## **ATTACHMENT 1 – James Smith Appeal of CDP 08-07, CDP 08-08, CDP 08-09, CDP 08-10**

**Special conditions attached to two OPD districts are not sufficient to maintain coastal access.** The special condition attached to the West Venice district 522 (08-09) is to keep a small parking lot (Lot 800 at Windward Ave. and Venice Way) open until 6 a.m. The special condition attached to the East Venice district 523 (08-10) is to keep a small parking lot (Lot 740 at Main St. and Rose Ave.) open until 6 a.m.

These lots are supposed to accommodate the parking needs of those coming to the coastal zone from outside the area. However, there are no plans proposed to inform them of the existence of these two small lots. Even if visitors were able to find the lots they would discover them full. They will be overwhelmed by cars owned by residents who live in the area between Speedway and Ocean Front Walk. Residents in this area are ineligible to buy OPD permits since the parking districts go no further west than Speedway. This strip is more than a mile long and a block wide. It is the most densely population section of Venice, consisting of multi-story hotels built in the first decades of the 20th century when parking was not included. In addition, there are a number of large apartment complexes built in the 1960s that have inadequate parking. The solution of these residents has been to park on surrounding streets, sometimes many blocks east of Speedway. Since these streets would require OPD permits, which these residents are ineligible to obtain, they will seek out any possible parking spots including those two provided for in the special conditions.

**The creation of OPD districts is opposed by residents of Venice.** At the only hearing on OPDs, held on June 26, observers estimated that 80 percent of those expressing an opinion on OPDs were opposed. The hearing was one of the largest meetings to be held in Venice in recent years with about 300 residents in attendance. Approximately 700 Venice residents have signed petitions opposing OPDs. Several community organizations including the Venice Town Council, the Venice Community Housing Corporation, and the local newspaper, have gone on record opposing OPDs. The only organization to support OPDs is the Venice Neighborhood Council which did so without consulting with its membership. A petition bearing the signatures of 200 of its 'stakeholders' was submitted on Dec. 16. The petition seeks to reverse the Neighborhood Council's pro-OPD position by holding a stakeholder vote.

### **DUE PROCESS MUST BE STRICTLY ADHERED TO DURING THE COASTAL DEVELOPMENT PERMIT PROCESS**

**Decisions by public entities must be based on the record of the hearing.** The Bureau of Engineering's Public Hearing on June 26 lasted three-and-a-half hours during which time 80 percent of the speakers opposed OPDs and cited a variety of coastal-related issues. Those opposing the OPDs were a cross-section of Venice economic groups - homeowners, renters and RV dwellers. In addition to the large numbers who turned out in opposition at the hearing, petitions were presented signed by approximately 700 Venice residents who opposed the OPDs. None of this is reflected in the August 26 Decision. Indeed, no reasons at all are given for the decision. I was told in writing by Julie Van Wagner of the Bureau of Engineering, Aug. 29, that "We do not have a transcript of the public hearing." (see Attachment 3)

At the Dept. of Public Works hearing, Nov. 17, Ms. Van Wagner stated that there was an audio recording of the hearing. However, there was no indication that this recording was available to the Public Works Commissioners nor that any of them had listened to it. I was not informed of the existence of the audio recording when I requested a copy of the hearing transcript. (see Attachment 3)

**The hearing was not conducted by authorized city officials.** The hearing was conducted, not by Bureau of Engineering or Public Works staff, but by staff of a Boston-based corporation, Camp, Dresser and McKee Inc. This violates the Brown Act and the Bagley-Keene Open Meeting Act which applies when city agencies are delegated to rule on coastal development permits by the California Coastal Commission. The lack of a transcript makes it impossible for city officials to determine what took place at the hearing, let alone, render a decision based upon it.

**COASTAL COMMISSION**

**Continued on ATTACHMENT 2**

EXHIBIT # 38  
PAGE 2 OF 3

**ATTACHMENT 2 – James Smith Appeal of CDP 08-07, CDP 08-08, CDP 08-09, CDP 08-10**

**The procedure for designating which streets in the districts would require permits is flawed and biased.** If OPDs are implemented, petitions would be circulated by proponents to determine if residents on a particular street wanted to require OPD permits. There is no way under this process that one can vote no. An affirmative vote is registered by signing the petition. In addition, there is no way to check to determine if signatures are valid. A petition gatherer could fill out the entire form by forging signatures without ever visiting a resident on the street. This process may work well where there is no opposition to OPDs, but in the community of Venice it is subject to fraud, coercion, and deception. Those who live in more than 30 walk streets in Venice will no even be consulted on whether the adjoining streets should require permits. With little off-street parking, this process amounts to a perversion of the democratic process.

**The stated conditions for the application do not exist.** The applicant states (for instance): *"The West Venice area is primarily a residential area with inadequate off-street parking - a problem that is exacerbated by overnight parking of commercial vehicles and abandonment of vehicles on the streets of this area by non-residents, resulting in the inability of the residents to find parking on their blocks, noise, litter, and visual blight; which are adversely impacting the residents' quality of life. The vehicles that would be displaced as a result of establishment of the OPD are either illegally abandoned in the area or are privately owned and could be either parked overnight at the owner's residence or properly stored in off-street parking facilities."* As a resident of the district for the past 40 years, I can attest that abandoned vehicles are extremely rare, as are commercial vehicles. The applicant presents no evidence of this condition which, he says, requires OPDs.

**A purpose of the decision is to force homeless people out of the coastal zone.** OPDs would force a class of people - those with very low incomes - out of Venice and the coastal zone - and back into the inner city. Many of those so affected are long-time Venice residents who have been forced from their apartments by eviction or economic reverses. The OPDs would reduce coastal access for the poor.

**Another purpose of the decision is to raise more revenue for the city of L.A. by selling permits and issuing citations.** The city of Los Angeles, which initiated the application for the OPDs (through Alan Willis, its Principal Transportation Engineer, has a vested interest in their implementation. Annual permits are now at \$35 per vehicle. According to the Dept. of Motor Vehicles, there are 21,422 vehicles in zipcode 90291 alone (Zip 90292 is divided between Venice and Marina del Rey, which is in the County). Annual revenue for the cash-strapped city of Los Angeles from Zip 90291 would be \$749,770. if the owners of all vehicles bought a permit. If some vehicle owners did not buy a permit, they would be subject to an even greater financial penalty for parking overnight without a permit.

ATTACHMENT 3 – James Smith Appeal of CDP 08-07, CDP 08-08, CDP 08-09, CDP 08-10

From: "Julie Van Wagner" <Julie.VanWagner@lacity.org>  
Subject: **Re: Request for transcript of June 26 BOE hearing on Venice Overnight Parking Districts**  
Date: August 28, 2008 9:34:03 AM PDT  
To: "Jim Smith" <jsmith@lcc.org>

Dear Mr. Smith -

We do not have a transcript of the public hearing.

Best regards,

Julie Van Wagner  
Environmental Specialist II  
City of Los Angeles  
Department of Public Works  
Bureau of Engineering  
Environmental Management Division  
1149 S. Broadway, 6th floor  
Mail Stop 939  
Los Angeles, CA 90015  
213/485-5754 voice  
213/847-0656 fax  
Julie.VanWagner@lacity.org

||| Jim Smith <jsmith@lcc.org> 8/26/2008 3:33 PM >>>  
Dear Ms. VanWagner,

I would like to obtain a transcript of the June 26 BOE hearing on Venice Overnight Parking Districts held at Westminster Elementary School.

Could you direct me to the person who handles these requests?

Thank you,

James Smith

**COASTAL COMMISSION**

EXHIBIT # 38  
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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Ross Wilson

GORT SECTION CODE 30211

I BELIEVE IN MAINTAINING PEOPLE'S RIGHTS  
TO STAY OVERNIGHT ON PUBLIC STREETS IN  
VENICE. HOMELESSNESS & LIVING IN AN RV  
SHOULD NOT BE CRIMINAL. MANY PEOPLE IN  
RV'S IN VENICE HAVE LIVED THERE FOR YEARS  
& YEARS OR MOST OF THEIR LIVES.

I UNDERSTAND THERE ARE PROBLEMS W/ SOME  
ISSUES RV PEOPLE FACE. I THINK WE SHOULD  
WORK ON SOLUTIONS & PROVIDING SERVICES FOR RV  
PROBLEMS, RATHER THAN KICKING THEM OUT TO  
ANOTHER TOWN.

REMEMBER, RV PEOPLE MAKE UP / ATTRACT A LOT OF  
THE TOURISM & SALES ON OCEAN FRONT WALK IN  
VENICE & THE OPD'S WILL FORCE THEM TO LEAVE.

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Pamela London

OPEN COASTAL ACCESS HAS ALWAYS BEEN A PUBLIC  
USE THAT IS AVAILABLE TO ALL IN CALIFORNIA.  
OVERNIGHT PARKING WOULD RESTRICT THE FREEDOM  
TO ENJOY OUR BEAUTIFUL COAST

**COASTAL COMMISSION**

EXHIBIT # 40  
PAGE 1 OF 1

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Ronald Charbonneau

The beach has always drawn people. Open access to our shoreline is part of California's independence and heritage. Venice is an international tourist destination bringing visitors from many places. They should have open access to visit without the unnecessary encumbrance of overnight parking restrictions. Keep the California shore open to all people, all of the time!

**COASTAL COMMISSION**

EXHIBIT # 41  
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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Brett Barth

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

The OPD proposal for Venice is shortsighted, exclusionary and unfairly prohibitive. I am a resident of a multi-unit dwelling West of Speedway, and the proposed parking restriction denies equal rights and fair access to me and hundreds of other Venice citizens lawfully living along the boardwalk. Many Venice residents who rely on local street parking day and night are without "a block" and thus under the current proposal without a vote--this is not fair. Worse, if OPDs go into effect, we face the indefensible result of no access to permits, no place to park in our own community.

The current proposal to fix pockets of problems by regulating all of Venice is undemocratic and fails to accommodate the rights of all who live here. Please consider my appeal to the proposed development.

**COASTAL COMMISSION**

EXHIBIT # 42  
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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

**APPELLANT:** David Gueriera

1. The project will have a negative effect on public access to and along the shoreline, either directly or indirectly, and will remove and restrict parking used for access to the beach. The purpose of the OPD as set out in the application is without merit. The lack of parking is NOT because of abandoned vehicles or parked commercial vehicles. The City has provided no parking study or other evidence supporting such assertion. Rather, as interdepartmental communication reveal (all provided pursuant to a Public Records Request) amply demonstrate, the current effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from our community - not by providing alternative places for them to park their vehicles, or housing that they so desperately need, but by denying them any public space to park overnight. The lack of parking is because residents have converted garages to other uses, and as a result park on the streets and because Venice is a world renowned tourist destination. However, as the City has failed to provide parking facilities sufficient to accommodate this extraordinary traffic.
2. The California Coastal Act provides that "development shall not interfere with the public's right of access to the sea" Government Code Section 30211. Development includes any "change in the density or intensity of use of land". The beach parking lots in Venice (at the end of Washington Blvd., Venice Blvd. and Rose Ave.) are all closed between the hours of 1:00 AM - 6:00 AM. Other public lots in Venice close earlier and open later. Street parking is about the only late night/over night parking now available to the public in Venice. The 5 OPD's proposed for Venice cover virtually all streets in the Coastal Zone and if OPD's were implemented on those streets, the public would be almost totally denied access to the beach, to early morning surfing, to late night fishing on Venice Pier, to late night grunion observation (they appeared most recently June 20-23), to the simple pleasure of walking along the Ocean Front Walk and the Venice Canals and watching the boat action at the Marina del Rey Yacht Harbor. The beach belongs to all of the people of this State and reasonable access to it should be permitted at all times.
3. BOE's token effort that conditioned approval of OPDs 522 and 523 on extending beach lot parking is inadequate. 55 spaces is not sufficient parking to accommodate 13 million people in the LA Metropolitan area, and tourists. In addition, how they would ever locate these lots is a puzzle. Instead, they would find empty streets with restricted parking, keeping the public from the beach.
4. There is a vocal minority in Venice who desire to institute OPDs. At the BOE public hearing, the community overwhelmingly voiced opposition.

I AGREE WITH THE ABOVE - 1/16

**COASTAL COMMISSION**

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**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT: Cindy Chambers

As a long-standing resident of Venice (13+ years), I do not support OPDs. There are several issues surrounding the decision to institute OPDs; and, I take issue with all of them, including but not limited to the following:

- (1.) No comprehensive parking study has been attached to the CDP reports, nor has one been conducted demonstrating a need for the creation of OPDs in the Venice Coastal Zone.
- (2.) No evidence exists to support the claim by the backers of this decision that a parking problem exists in the residential areas of Venice. Further, if such problem did exist that it was a result of abandoned vehicles and parked commercial vehicles.
- (3.) The decision to implement OPDs has been pushed to passage by a vocal, often wealthy, but certainly not ~~representative~~ representative minority of Venice residents. The vast majority of Venice residents are NOT in favor of this decision. It is clear that this decision has more to do with money and wealthy land-owners than access to overnight parking, of which, by the way, there is plenty.

*Cindy Chambers*  
VENICE RESIDENT 12/17/08

**APPEAL NOS.**

A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 & A-5-VEN-08-344

APPELLANT:

John Davis

I hereby incorporate by reference the reasons contained in my appeal to the city of Los Angeles shown on Attachment 2, into the appeal made here to the California Coastal Commission. Furthermore I assert that the City Engineer suppressed relevant evidence established by a city hired consultant from the city decision makers and did not indicate that the public meeting held on the matter reflected no official record the meeting being a simple sham to mute the voice of those living in the affected area of the coastal zone in direct contradictions to the public participation and due process guaranteed to the public by the CA Coastal Act & U.S. Coastal Zone Management

Act of 1972 which is implemented by the California Coastal Act. I further allege that the City has not complied with CEQA because the project represents several known adverse effects such as temporal restriction to the Coastal Zone, privatization of the coastal zone, cumulative impacts of all projects combined and not discussed by city, prejudice to completion of a Local Coastal Program, high public controversy, discrimination, and by failing to consider the above City has not complied with CEQA because at minimum, the circumstances call for an INITIAL STUDY pursuant to CEQA, and the City has not yet met CEQA requirements, and the California Coastal Commission

COASTAL COMMISSION

EXHIBIT #

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implements CEQA in the coastal zone + is the final decision maker in the process.

Therefore, the Commission must consider the appeal for it is in no way ~~trivial~~ trivial.

Furthermore, the Commission must deny the permit unless it, as the final decision maker, now complies with CEQA itself

DENOVO by at minimum conducting an initial study commanded by CEQA.

COASTAL COMMISSION

EXHIBIT # 45  
PAGE 3 OF 5

City of Los Angeles Engineer  
Re: APPEAL OF Coastal Development Permits  
No. 08-07  
No. 08-08  
No. 08-11  
No. 08-09  
No. 08-10

Dear City Engineer Gary Moore,

I hereby appeal each of the aforementioned Coastal Development Permits individually for the following reasons.

All of the Coastal Development Permits issued by the City Engineer are unlawful because;

The California Coastal Act guarantees DUE PROCESS OF LAW.

Coastal Act Chapter 4 Article 2.5  
FAIRNESS AND DUE PROCESS §§30320-30329

The City is out of conformance with Due Process provisions guaranteed by the Coastal Act, even if the City approved a contradicting Ordinance. City Ordinance does not trump State Law.

VIOLATION OF DUE PROCESS RELATING TO THE BROWN ACT

The Brown Act, Government Code Sections 54950-54962, governs meeting access for local public bodies.

Only a "legislative body" may take "action" to approve or disapprove a Coastal Development Permit. Conversely, any entity that is NOT a "legislative body" may NOT take "action" to approve or disapprove Coastal Development Permit(s).

The City Engineer is NOT a "legislative body" of the State of California and could never therefore take "action" to approve said Coastal Development Permits.

The terms "legislative body" and "action" are defined in the Brown Act.

The City Engineer actions to approve Coastal Development Permits are violative of the California Coastal Act and the Brown Act.

VIOLATION OF DUE PROCESS RELATING TO CEQA

California Public Resources Code Division 13 Environmental Protection Sections 2100-21177

**COASTAL COMMISSION**

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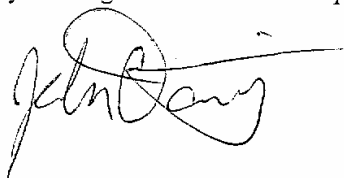
Removing Parking in the Coastal Zone constitutes an impact of Statewide, Regional, and Local importance requiring at minimum an Initial Study pursuant to the California Environmental Quality Act.

The City failure to conduct a Initial Study, in light of the facts that the project is of Statewide importance, that all Coastal Permits will have a cumulative effect on the environment, and that public controversy exists violates due process. The failure preempts affected State and Trustee Agencies from commenting on the potential negative effects of the project as the CEQA process commands.

#### **VIOLATION OF DUE PROCESS RELATING TO DISCRIMINATION**

The Constitution of the United States and its Bill of Rights prohibit discrimination. The City Engineer by its illegal issuance of Coastal Development Permits has attempted to DISCRIMINATE against people who wish to access the Coastal Zone that are not property owners. The City Engineer proposes only to allow access to public property by private property owners, excluding the majority of the population from utilizing public property they pay for and should rightfully have access to day and night. Many people access the Coastal Zone in the evening, night, and early morning. The City Engineer has DISCRIMINATED unlawfully by limiting access without complying with DUE PROCESS.

John Davis  
PO 10152  
Marina del Rey Ca. 90295



**COASTAL COMMISSION**

EXHIBIT # 45  
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