

CALIFORNIA COASTAL COMMISSION

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Staff: Charles Posner - LB
Staff Report: 6/3/2010
Hearing Date: 6/10/2010
Commission Action:



STAFF REPORT: REGULAR CALENDAR (DUAL PERMIT)
AND APPEAL - DE NOVO REVIEW

APPLICATION NUMBER: 5-08-313 (OPD 523 - Venice Area)

APPEAL NUMBER: A-5-VEN-08-343 (CDP 08-10, OPD 523 - Venice Area)

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

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

PROJECT DESCRIPTION: Establish Overnight Parking District (OPD) No. 523 (in the Venice area) with early morning parking restrictions, exempting vehicles with District No. 523 permits, City of Los Angeles.

SUMMARY OF STAFF RECOMMENDATION

On June 11, 2009, the Commission denied coastal development permit applications by the City of Los Angeles to establish overnight parking districts in the Venice neighborhood of the City of Los Angeles. The Venice Stakeholders Association filed suit challenging the Commission's denial of the permit applications. The City of Los Angeles also filed a cross-complaint challenging the Commission's action. The parties have reached a settlement agreement. On June 2, 2010, the City submitted a revised permit application to establish an overnight parking district for the Venice neighborhood consistent with the modified OPD proposal described in the settlement agreement. The proposal would create a process for prohibiting parking on public streets during early morning hours (2 a.m. to 5/6 a.m.) on individual blocks located within the boundaries of the district. Exhibit No. 1 depicts the boundaries of the proposed parking district. Residents' vehicles displaying parking district permits would be exempt from the parking prohibitions.

The primary Coastal Act issue is whether the proposed permit parking program conforms with the public access and recreation policies of the Coastal Act because the early morning parking restrictions could adversely affect the public's ability to utilize public street parking that supports access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours. The City's OPD proposal includes specific measures to mitigate the permit parking program's impact on the public parking supply. Specifically, the City will modify the operation (i.e., fees, hours of operation, and parking time limits) of three public parking lots near the beach to ensure that parking will be available for early morning beachgoers when non-residents will be prohibited from parking their vehicles at un-metered street spaces.

Staff is recommending that the Commission **APPROVE** the coastal development permits for the proposed permit parking program with special conditions to protect public access to shoreline recreation areas. **The recommended special conditions begin on Page Three. See Page Two for the motions to carry out the staff recommendation.**

APPELLANTS:

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.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Local Coastal Development Permit No. 08-09 (OPD 522).
3. City of Los Angeles Local Coastal Development Permit No. 08-10 (OPD 523).
4. Coastal Commission Staff Report for 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 (Substantial Issue), 1/15/2009.
5. Coastal Development Permit Applications A-5-VEN-08-340, A-5-VEN-08-341 and A-5-VEN-08-344.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** each coastal development permit application with special conditions:

MOTION I: *"I move that the Commission approve with special conditions Coastal Development Permit 5-08-313 per the staff recommendation."*

MOTION II: *"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-08-343 per the staff recommendation."*

The staff recommends a **YES** vote on each motion. Passage of the motions will result in **APPROVAL** of the coastal development permits with special conditions, and adoption of the following resolution and findings. The motions pass only by affirmative vote of a majority of the Commissioners present.

I. Resolution: Approve Coastal Development Permits 5-08-313 & A-5-VEN-08-343

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

II. Standard Conditions

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

III. Special Conditions

1. Approved Development

Coastal Development Permits 5-08-313 and A-5-VEN-08-343 approve the establishment of Overnight Parking District No. 523 with the following restrictions: Within the west (coastal) subzone - "No Parking 2 a.m. to 5 a.m. - Vehicles with District No. 523 Permits Exempt" and within the east (inland) subzone – "No Parking 2 a.m. to 6 a.m. – Vehicles with District No. 523 Permits Exempt". [Note: The east (inland) subzone, where the OPD parking prohibitions may extend until 6 a.m. instead of 5 a.m., is the OPD area inland of 4th Avenue in the northern part of the OPD, inland of Abbot Kinney Boulevard in the central part of the OPD, and inland of Ocean Avenue in the southern part of the OPD.]

Prior to the implementation of the OPD parking restrictions on any block, that block must first have had an oversize vehicle parking restriction in place (with signs posted) and enforced for at least six continuous months. All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved Overnight Permit Parking Program (e.g., change in hours or district boundaries, or deviation from the operation of Public Parking Lot Nos. 740, 761 or 731 as described in Special Condition Two shall be submitted for review by the Executive Director to determine whether another amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. Operation of Public Parking Lot Nos. 740, 761 and 731

Upon implementation of oversize vehicle parking restrictions in OPD No. 523, the City shall install and maintain automated kiosks that accept cash, coins, debit cards and credit cards to allow for pre-paid public parking in Public Parking Lot Nos. 740, 761 and 731. The City shall also post signs in each parking lot (at the entrance and exit of the parking lot and within each parking lot) which clearly announce the following:

- a) The existence of the parking stalls that are being provided in each lot to serve beachgoers during the early morning hours when on-street parking is unavailable, the parking fee rates, and the maximum parking time limits.
- b) In Lot No. 740: Parking Lot No. 740 shall remain open and available 24 hours a day for public parking. At least twenty stalls shall have four-hour time limits, and the remaining stalls shall have twelve-hour time limits. On weekends and holidays, all vehicles shall be required to vacate Lot No. 740 by 9 a.m.
- c) In Lot No. 761: Parking Lot No. 761 shall remain open and available 24 hours a day for public parking. All parking stalls shall have a four-hour time limit.
- d) In Lot No. 731: Parking Lot No. 731 will continue to close at 11 p.m., but shall re-open daily at 1 a.m. with at least twenty stalls made available for parking up to twelve-hours. The daily parking rate may be charged after 9 a.m., except for those in the twenty twelve-hour stalls that have already paid.

The automated kiosks shall be installed and the signs shall be posted in the parking lots prior to, or concurrent with implementation of oversize vehicle parking restrictions in OPD No. 523 pursuant to the implementation of the approved Overnight Permit Parking Program. The parking lots shall be operated and maintained consistent with this condition.

3. Commission Notification - Annual Reports

The City shall provide written notice to the Executive Director of the Commission of the date that overnight permit parking restrictions are implemented on any street within the approved Overnight Parking District. In addition, the City shall provide an annual report to the Commission at the end of each year which documents where and when signs for oversize vehicle restrictions and OPD parking restrictions were installed during the year. The City's annual report shall include a description of its enforcement of the oversize vehicle parking restrictions and shall document the results of its enforcement efforts.

4. Time Limit on Overnight Permit Parking Program

The Commission's approval for the Overnight Permit Parking Program shall expire five years after the date of the Commission's approval, unless the Commission approves a new coastal development permit or a permit amendment to extend the time limit. If the permittee submits a new permit application or a permit amendment request before expiration of the time limit, the Executive Director may authorize the program to continue as authorized by this coastal development permit until the Commission can act on the future permit application or amendment request. The City must provide evidence, as part

of any new permit or amendment request, which demonstrates whether or not the parking restrictions implemented in the approved OPD are negatively impacting coastal access. The application for a new permit or permit amendment shall include a parking study which documents the availability of public parking (i.e., vacant parking stalls), or lack thereof, between the hours of 4 a.m. and 7 a.m. within OPD No. 523. The parking study shall include Public Parking Lots Nos. 740, 761, and 731, and all on-street parking spaces (metered and unmetered) with 500 feet of Ocean Front Walk. The parking space counts shall include, at a minimum, three non-consecutive summer weekend days between, but not including, Memorial Day and Labor Day. If the Commission does not approve a new application or a permit amendment granting an extension of this time limit, the Overnight Permit Parking Program shall be discontinued, and all signs that prohibit parking without a permit shall be removed from the public streets.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Los Angeles proposes to establish Overnight Parking District (OPD) No. 523 in the Venice area in order to prohibit nighttime and early morning parking on the public streets by non-residents and vehicles without permits (Exhibit #1). Proposed OPD No. 523 encompasses the area west of Lincoln Boulevard that the City formerly proposed as four separate parking districts: OPD Nos. 520, 521, 522 and 523.

The City proposes to post signs on the public streets throughout the OPD with the following restriction: "No Parking 2 a.m. to 5 a.m. Nightly - Vehicles with District No. 523 Permits Exempted" within the western or coastal portion of the district, and "No Parking 2 a.m. to 6 a.m. - Vehicles with District No. 523 Permits Exempted" within the eastern or inland portion of the district. Under this proposal the parking prohibitions for the area nearest the beach would end at 5 a.m. instead of 6 a.m. The area where the streets would re-open to public parking at 5 a.m. is the area west of 4th Avenue in the northern part of the OPD, the area south of Abbot Kinney Boulevard in the central part of the OPD, and the area west of Ocean Avenue and south of Venice Boulevard in the southern part of the OPD.

The City states that the parking prohibitions would not be implemented throughout the entire district all at once. Instead, the City would post the permit parking signs on a block-by-block basis, upon written request from the 11th District City Council Office, and only after a six-month period during which the block was posted with over-sized vehicle parking restrictions (e.g., vehicles in excess of 22 feet in length or over 84 inches in height). The City has also indicated that the parking prohibitions would be implemented only on blocks where at least two-thirds of the residents who reside on that block sign a petition requesting the implementation of the permit parking system. Parking permits will not be required to park a vehicle in any off-street public parking lots or in any on-street metered stalls, as these types of public parking spaces will not be subject to the proposed overnight parking prohibition. Only persons who reside in a residential building within OPD No. 523 will be able to purchase a district parking permit which will exempt their vehicle from the proposed overnight parking prohibition in OPD No. 523.

In order to address the proposed permit parking program's impact on the public parking supply on which early morning beachgoers depend, the City's proposal includes specific mitigation measures. Specifically, the City will modify the operation (i.e., fees, hours of operation, and parking time limits) of three public parking lots near the beach to ensure that parking will be available for early morning beachgoers when non-residents will be prohibited from parking their vehicles at un-metered street spaces.

The City's three public parking lots where parking will be available for early morning beachgoers are situated one block inland of the beach at Rose Avenue (Parking Lot No. 740 - 41 stalls), Windward Avenue (Parking Lot No. 761 - 14 stalls), and at North Venice Boulevard (Parking Lot No. 731 - 177 stalls). See the map attached as Exhibit #2. The City is proposing to modify the operation of the three public parking lots as follows:

Lot No. 740: Change to a 24/7 (all day/everyday) pay lot with an automated kiosk and attendant (now the lot is free from 8 p.m. to 7 a.m.). Twenty stalls will have four-hour limits, and the remaining stalls would have a twelve-hour limit in order to allow residents to continue to park overnight in the lot. There will be no free parking. Change the time requirement to vacate Parking Lot No. 740 from 7 a.m. to 9 a.m., which effectively makes the parking lot more usable for anyone who wants to stay at the beach past 7 a.m.

Lot No. 761: Change to a 24/7 pay lot with an automated kiosk (now it is free from 6 p.m. to 8 a.m.). All fourteen parking stalls will have a four-hour limit.

Lot No. 731: This lot currently has automated kiosk and attendant. It will continue to close at 11 p.m., but will re-open at 1 a.m. with twenty twelve-hour stalls for early morning beachgoers. The remaining 157 stalls will be four-hour stalls. The daily rate charged after 9 a.m., except for those in the twenty twelve-hour stalls which have already pre-paid the parking fee at the kiosk.

B. Public Access and Recreation

The primary Coastal Act issue is whether the proposed permit parking program conforms with the public access and recreation policies of the Coastal Act because the early morning parking restrictions could adversely affect the public's ability to utilize public street parking that supports access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours.

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 certified City of Los Angeles Land Use Plan (LUP) for Venice also contains policies that protect access to the coast and public parking facilities. Those policies are listed in Section C (Local Coastal Program) of this staff report (See Page Ten). The standard of review for the coastal development permits is the Chapter 3 policies of the Coastal Act.

The City is proposing to prohibit non-residents from parking their vehicles at un-metered street spaces, but only during the early morning hours between 2 a.m. and either 5 a.m. or 6 a.m. The public streets will re-open for use by the general public, on a first-come, first-served basis, daily at 6 a.m. (and 5 a.m. in the area closest to the beach). The visiting public depends on the use of the un-metered street spaces for access to coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.) in the early morning hours before the public beach parking lots open at 6 a.m. The on-street parking is also free all day, as opposed to the \$4-\$12 daily flat fee charged for parking in the public beach parking lots. The proposed parking restrictions will adversely impact the public's ability to access the shoreline in the early morning hours unless adequate mitigation is provided.

The City's OPD proposal includes specific measures to mitigate the permit parking program's impact on the public parking supply. First, the parking prohibitions for the streets nearest the beach would end one hour earlier at 5 a.m., instead of 6 a.m. Second, the City will modify the operation (i.e., fees, hours of operation, and parking time limits) of three public parking lots near the beach to ensure that parking will be available for early morning beachgoers when non-residents will be prohibited from parking their vehicles at un-metered street spaces. The City manages three public parking lots, each situated one block inland of the beach at Rose Avenue, Windward Avenue, and at North Venice Boulevard (Exhibit #2: Parking Lot Nos. 740, 761 & 731). There are also three paved parking lots on the beach that are managed by the County of Los Angeles Department of Beaches and Harbors, located on the beach at Rose Avenue, North Venice Boulevard and at Washington Boulevard/Venice Pier. The three County beach parking lots, however, do not open until 6 a.m., so beachgoers arriving before 6 a.m. are not able to use them.

The City also asserts that there will be parking available for early-morning beachgoers in the on-street metered stalls (or in a loading zone or taxi zone), as these types of public parking spaces will not be subject to the proposed overnight parking prohibition. Parking stall counts showed that most of the metered spaces were not occupied during the early morning hours (the parking meters do not have to be paid until 8 a.m.). Along Main Street, at Rose Avenue two blocks inland of the beach, there are 47 metered parking spaces (near Parking Lot No. 740). Along Windward Avenue and in the vicinity of Windward Circle, the City counts 97 metered parking spaces within three blocks of the beach. There are seven metered spaces situated on the first block of North Venice Boulevard, and 190 metered spaces lining Washington Boulevard for several blocks inland of the Venice Pier.

When it approved the local coastal development permits for the Overnight Parking Districts in November 2008, the City was counting on the hundreds of metered parking spaces and the public parking lots to provide an adequate parking supply for early morning beachgoers, since the number of early morning beachgoers driving to the beach is estimated to be no more than a few dozen (before 6 a.m.). The problem, however, is that there is no way to know how many of the metered parking spaces will be available for early morning beachgoers when the proposed permit parking program is in effect. Once the City starts to require parking permits for parking on the streets at night, the metered parking spaces may become more heavily used and occupied each night by those residents and non-residents who do not have or cannot obtain a parking permit. The metered parking spaces may be the only place to park their vehicle at night in Venice if they don't have a parking permit. If the metered parking spaces become the new overnight parking areas for many of the vehicles that used to park elsewhere (before permits were required), then the metered parking spaces will not be available in the early morning hours for beachgoers.

The City has acknowledged the concern about the ability of the public to access the beach in the early morning when the general public will be prohibited from parking on the public streets. Therefore, the City is proposing to modify the operation of three public parking lots so that beachgoers who arrive before 5 a.m. will have a place to leave their vehicles for several hours while they recreate at the shoreline. The three parking lots will be modified and operated as follows:

Lot No. 740: Change to a 24/7 (all day/everyday) pay lot with an automated kiosk and attendant (now the lot is free from 8 p.m. to 7 a.m.). Twenty stalls will have four-hour limits, and the remaining stalls would have a twelve-hour limit in order to allow residents to continue to park overnight in the lot. There will be no free parking. Change the time requirement to vacate Parking Lot No. 740 from 7 a.m. to 9 a.m., which effectively makes the parking lot more usable for anyone who wants to stay at the beach past 7 a.m.

Lot No. 761: Change to a 24/7 pay lot with an automated kiosk (now it is free from 6 p.m. to 8 a.m.). All fourteen parking stalls will have a four-hour limit.

Lot No. 731: This lot currently has automated kiosk and attendant. It will continue to close at 11 p.m., but will re-open at 1a.m. with twenty twelve-hour stalls for early morning beach goers. The remaining 157 stalls will be four-hour stalls, and then daily rate charged after 9 a.m., except for those in the twenty twelve-hour stalls that have already paid.

Since the time limit for parking in some of the stalls in the three City parking lots at night and early morning will be four hours, there will be parking that is not be able to be used for all-night parking by residents who don't have another place to park at night. These four-hour parking stalls will remain open and available in the early morning hours by beachgoers. The City is eliminating the requirement to vacate Parking Lot No. 740 at 7 a.m., which effectively made the parking lot unusable for anyone who wants to stay at the beach past 7 a.m. Parking fees (\$1 or \$2/hour at automated pay station, or daily seasonal flat rate of \$4 to \$12 paid to an attendant) will be required for using the three City lots, and the vehicles in Parking Lot Nos. 740 and 731 will have to vacate the lots by 9 a.m. or pay the parking attendant the daily flat rate fee.

Special Condition Two requires that the City manage Public Parking Lot Nos. 740, 761 and 731 as proposed, and post signs to inform the public of the availability of the public parking. Therefore, with the earlier 5 a.m. opening of the streets near the shoreline (for public parking with no permit required), and with the City's revised proposal to provide the limited-term public parking supply in Parking Lot Nos. 740, 761 and 731 for early morning beachgoers, the public's ability to access the coast is being protected as required by the above-stated sections of the Coastal Act. Special Condition Three requires the City to notify the Commission when it installs permit parking signs on each street, and the submittal of annual reports concerning the implementation of the oversized vehicle ordinance and overnight parking restrictions (consistent with the terms of the settlement agreement). Special Condition Four limits the term of the Commission's approval to five years so that the approved permit parking program can be reviewed in order to determine if there have been any changed circumstances or unforeseen adverse impacts to coastal resources after five years. As conditioned, the proposed project is consistent with the Public Access and Recreation policies of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) that conforms with Chapter 3 policies of the Coastal Act:

(a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The certified Venice LUP sets forth the following policies that are relevant to the proposed project:

Policy II. A. 1. General. It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control. A comprehensive package of parking measures and strategies that addresses the needs and balances the competing demands of residents and beach visitors is proposed. Parking facilities shall be increased, subject to the availability of funding, to meet existing unmet needs for residents and beach visitors in order to improve public access opportunities and reduce conflicts between residential and beach visitor parking. Parking facilities for beach overload parking shall be located outside of the Beach Impact Zone. To

facilitate ingress and egress to the beach area, a shuttle system that serves outlying parking areas, lots or structures should be developed and maintained. The development of parking facilities shall be consistent with Coastal Act policies.

The City's policy is to provide sufficient parking for beach goers outside of local streets, and encourage the use of this parking (simply restricting use of on-street parking without providing an alternative would diminish public access to the beach). An integrated plan should contain the following types of measures:

- Provision of new parking supply for beach goers;
- Measures to encourage beach goers to use the new supply;
- Measures to reduce parking demand; and
- Management and coordination of the parking and traffic system.

Policy II. A. 6. Preferential Parking. Establishment of residential preferential parking districts shall be contingent upon replacing displaced public parking spaces with new public parking at a minimum one-to-one ratio.

Implementation strategies

To provide adequate visitor parking, the preferential parking district(s) should be operated as follows:

- Parking restriction shall not be less than 4-hour within designated residential district(s); meters, if provided, shall be priced and enforced to encourage use of off-street lots and shall accept payment for time increments up to 4 hours.
- Require that the general public maintain the right to buy a day-permit allowing parking on all streets within the zone.

Policy II. A. 9. Protection of Public Parking. The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:

- Beach Parking Lots.** The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4 (*Parking for Residential, Commercial and Industrial Uses, etc.*). The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beachgoers.
- Street Ends.** It is the policy of the City to not permit privatization of street ends. Public parking opportunities shall be protected and encouraged at improved and unimproved street-ends that abut Ocean Front Walk and/or the beach.

- c. **Rights-of-way.** In order to maintain and increase the public parking supply, the City shall maximize and protect the availability of public parking opportunities on City streets that currently accommodate vehicular traffic.
- d. **Curb cuts.** In order to protect on-street parking opportunities, curb cuts shall not be permitted where vehicular access can be provided from an alley. When vehicular access cannot be safely provided from an alley, curb cuts shall be limited to the minimum amount necessary to provide safe vehicular access to a site. Old curb cuts shall be restored to curbside public parking when feasible.
- e. **Private parking.** Existing ordinances shall be enforced to ensure that parking areas situated on street-ends and on public rights-of-way are protected for public use and shall not be privatized or posted for private use.

The proposed project, only as conditioned to protect the public's ability to access the coast, conforms to the policies of the certified Venice LUP. Therefore, approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

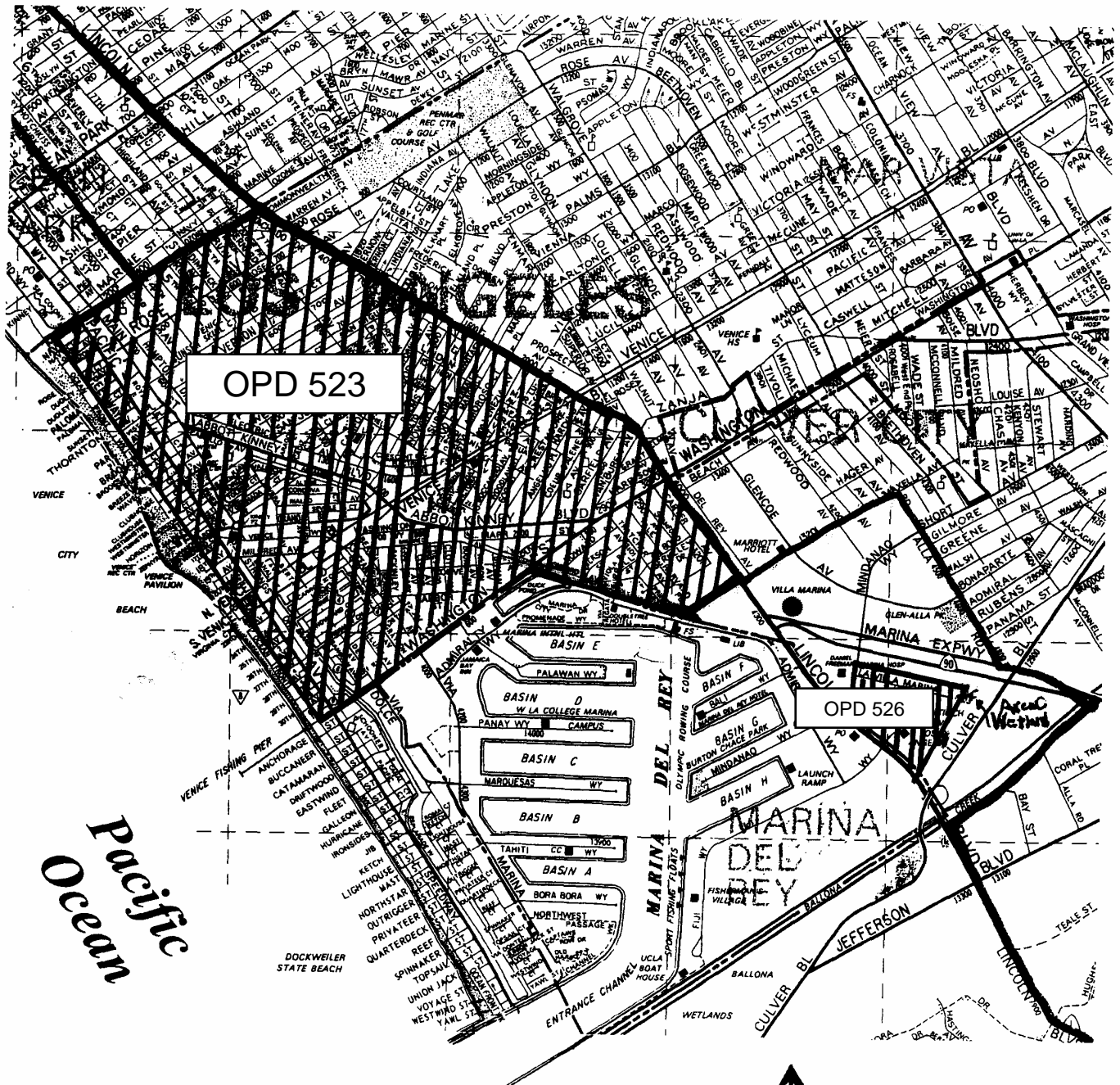
D. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

In this case, the City of Los Angeles is the lead agency and the Commission is the responsible agency for the purposes of CEQA. The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA

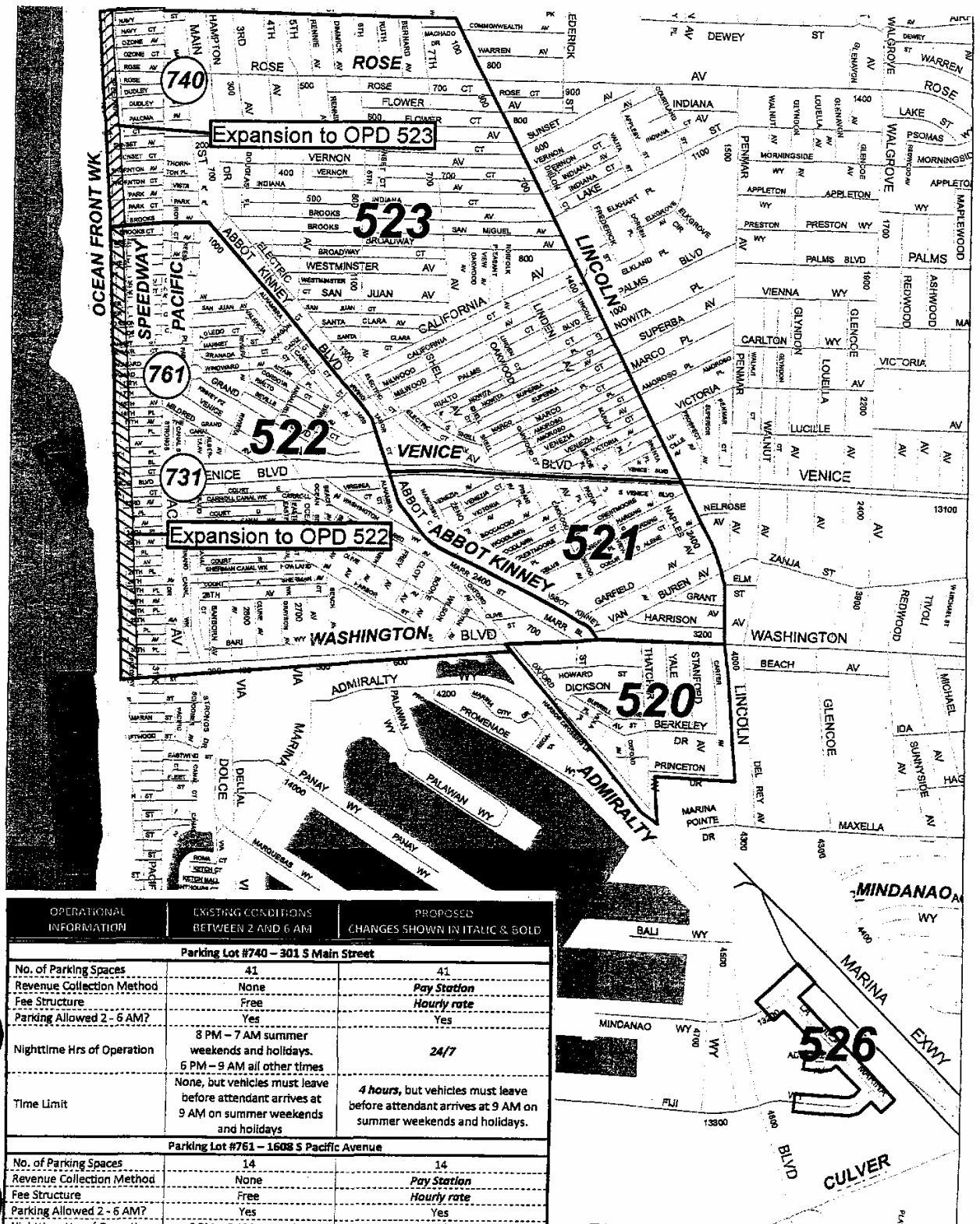
Venice Overnight Parking Districts



OPD 523
5-08-313 &
A-5-VEN-08-343

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1



740

761

731

OPERATIONAL INFORMATION	EXISTING CONDITIONS BETWEEN 2 AND 6 AM	PROPOSED CHANGES SHOWN IN ITALIC & BOLD
Parking Lot #740 - 301 S Main Street		
No. of Parking Spaces	41	41
Revenue Collection Method	None	<i>Pay Station</i>
Fee Structure	Free	<i>Hourly rate</i>
Parking Allowed 2 - 6 AM?	Yes	Yes
Nighttime Hrs of Operation	8 PM - 7 AM summer weekends and holidays. 6 PM - 9 AM all other times	<i>24/7</i>
Time Limit	None, but vehicles must leave before attendant arrives at 9 AM on summer weekends and holidays	<i>4 hours, but vehicles must leave before attendant arrives at 9 AM on summer weekends and holidays.</i>
Parking Lot #761 - 1608 S Pacific Avenue		
No. of Parking Spaces	14	14
Revenue Collection Method	None	<i>Pay Station</i>
Fee Structure	Free	<i>Hourly rate</i>
Parking Allowed 2 - 6 AM?	Yes	Yes
Nighttime Hrs of Operation	6 PM - 8 AM every day	<i>24/7</i>
Time Limit	None	<i>4 hours (14 spaces)</i>
Parking Lot #731 - 200 N Venice Boulevard		
No. of Parking Spaces	None	177
Revenue Collection Method	Contractor permit sales	<i>Pay Station</i>
Fee Structure	Monthly rate	<i>Monthly & hourly rates</i>
Parking Allowed 2 - 6 AM?	Only by monthly permit valid 5 PM - 9 AM	<i>Yes, both monthly permits & hourly parkers</i>
Nighttime Hrs of Operation	Parking prohibited 11PM-5AM, except by permit	<i>24/7</i>
Time Limit	None, monthly permittees leaving after 9AM must pay daily rate	<i>4 hours until 5 AM next morning. Nighttime vehicles leaving after 9 AM must pay daily rate</i>

Public Parking Exhibit # 2

LEGEND	
	OPD Boundary
	Expansion to OPD 523
	Expansion to OPD 522
	City Parking Lot

EXHIBIT #
PAGE 1 OF 1



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South Coast Region

June 2, 2010

JUN 2 2010

California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

RE: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4
(Venice Stakeholders Association lawsuit settlement and City of Los Angeles re-applications)

I am writing to ask you to oppose the proposed settlement of Venice Stakeholders Association v. California Coastal Commission and City of Los Angeles, and City of Los Angeles v. California Coastal Commission. It is a bad settlement that takes authority over the Coastal Zone away from the City and the Coastal Commission, where it properly and legally belongs, and places it in the hands of a minority of Venice residents who have decided to run roughshod over the larger community in an effort to drive the homeless out of Venice and into other Los Angeles neighborhoods.

This proposed settlement deals with a lawsuit that claims the Coastal Commission does not properly have jurisdiction over permit parking in the Coastal Zone. I am confident that you know that this is simply not true and that this lawsuit would lose in court if it ever got that far. That is preferable because it would force the City to start fresh on dealing with the problems caused by irresponsible residents living in vehicles in Venice (and elsewhere in the L.A.). Going along with an effort to harass the homeless in Venice without closely linking it to real solutions is irresponsible and unworkable.

Please vote against this settlement and send it back to the drawing board, or send this case to court where it belongs.

Very Truly Yours,

Linda Lucks
30 Wave Crest Avenue
Venice, CA 90291

June 2, 2010

California Coastal Commission
200 OceanGate, 10th floor
Long Beach, CA 90802-4416

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

Dear Commissioners:

RE: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4
(Venice Stakeholders Association lawsuit settlement and City of Los Angeles re-applications)

I'm writing to urge the Coastal Commission to reject this proposed lawsuit settlement in its current form and instruct your attorneys to either renegotiate it on more reasonable terms or else to protect the Commission's – and the public's – interest in court.

I live in a coastal neighborhood in Santa Monica, just north of the Venice community that would be affected by the proposed Overnight Parking Districts. My neighborhood has permit parking restrictions imposed on it and I can attest that, despite Santa Monica's effort to provide a considerable amount of public parking, these restrictions are enormously disruptive to both coastal access and to neighborhood access as well. The notion that permit parking, day or night, can be mitigated sufficiently to avoid the reduction of public access is a fiction.

I understand that the City of Los Angeles proposal memorialized in the proposed settlement does not immediately impose Overnight Parking Districts, but neither does it require the City of Los Angeles to ever demonstrate that such districts are necessary to solve problems associated with homeless individuals living in vehicles. It also doesn't provide constructive alternatives for those people should the permits be required. This is neither good public policy nor a fair and sensitive approach to dealing with a major social problem.

I hope you will reject this settlement and require the City of Los Angeles to start over again from scratch.

Yours Truly,

Janet L. Wagner

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
FAX (562) 590-5084
CC: Peter Douglas, Executive Dir, CCC
FAX (415) 904-5400

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Dear California Coastal Commissioners,

Why are we back at the table again over the OPDs? We are back because Mark Ryavec says you did not make the correct decision. For years there has been a campaign led by Mark Ryavec to remove a culture and a religious community living in vehicles that access the beach daily. This community was labeled "homeless" and added to the homeless population to be removed from Venice. Living in their RVs allows them to access the beach daily for surfing, swimming, fishing, building sand castles, eating, working, and other beach activities.

When you see RVs parked on Rose Ave, 3rd Ave, Hampton and other nearby streets – you will find the owners at the beach. They may be parked on the street because they do not have the entrance fee for the beach parking lot or the beach lot is closed due the city renting it to a film crew or closed for other reasons.

Living in the RV has given my children the opportunity to learn surfing, scuba diving, swimming, fishing; which we do not do anymore because one child is going to school to become a marine biologist and she does not allow us to fish now. Both children get up in the morning and do yoga on the beach and have worked on the beach doing beach clean up many summers. On some days one child works as a performer on the Venice Boardwalk, because he wants to become an actor. He is in the IMDB.

When we leave the beach at night, because they close the beach lot at night, we already cannot find a place to park due to the signs the city has posted, such as "No Parking From 10pm to 5am" on Venice Blvd. If all the RVs are exiled from Venice they will not be able to access the beach partly because of the cost and inability to travel long distances to return every day at 6am. If they do return and the lot is closed when they get there, the residents will already have filled the street parking and there will be no place to park and walk to the beach.

In the City's greed to sell permits or restrict parking to only certain people they are blinded to the public's need to access the beach and my family is part of the public. We are also Venice residents. I am registered to vote here, we go to the Venice clinic, we go to church here, and I belong to multiple senior organizations.

So I am asking you, don't let Mark Ryavec make you choose what he calls the correct decision – but instead protect everyone's right to beach access, not just Mark Ryavec's access and his group. Say no to OPDs and Oversized vehicle signs.

Sincerely,

Terry Hendrickson
2210 Lincoln Blvd
Venice, CA 90291

JUN 2 2010

Chuck Posner

From: Barbara Peck [bmpeck@yahoo.com]

Sent: Tuesday, June 01, 2010 9:34 PM

CALIFORNIA
COASTAL COMMISSION

To: Bill Rosendahl; Bernard Parks; Dennis Zine; Ed Reyes; Eric Garcetti; Greig Smith; Herb Wesson; Jan Perry; Janice Hahn; Labonge; Paul Krekorian; Paul Koretz; Richard Alarcon; Tony Cardenas

Cc: Chuck Posner

Subject: RE: OPD LAWSUIT SETTLEMENT

Dear Councilmember,

Why is the City even thinking about supporting this bogus VSA lawsuit settlement?

Did anyone ask the citizens of Venice what they want? No. Instead, you're letting a group of aggressive **special interest** malcontents dictate your agenda.

This settlement ignores the fact that the large majority of Venetians don't want Overnight Parking Districts and don't support the VSA lawsuit. Ask most Venice dwellers, and we'll tell you:

- NO, we don't want OPDs.
- NO, we don't want to criminalize homelessness, whether or not they live in vehicles.
- NO, we don't want to pay for parking permits, or deal with the hassles involved.
- NO, we don't want block-by-block petitions for OPDs that will pit neighbor against neighbor.
- NO, we don't want to push our problems from block to block without addressing them.
- NO, we don't want to undermine the Coastal Act, which has protected Venice for nearly three decades.
- NO, we don't want to see Los Angeles in the news again from coast to coast as "The Meanest City in America."

- YES, we want to protect our neighborhoods from criminal behavior and blight.
- YES, we want to address problems caused by the bad behavior of a few RV dwellers.
- YES, we want to find solutions for homelessness and for the needs of the homeless.
- YES, we want to deal with the homeless humanely.
- YES, we want a "safe parking" program focused on getting people into permanent housing.
- YES, we want to protect the character of Venice.
- YES, we want Venice to remain the great tourist attraction that draws people to our City.
- YES, we want the City and County to address our serious homelessness problems in Venice, both vehicular and non-vehicular, instead of turning a blind eye.

NO, WE DO NOT WANT THE CITY TO BE PARTY TO A COERCIVE SETTLEMENT TO A CYNICAL LAWSUIT AGAINST THE CALIFORNIA COASTAL COMMISSION.

Yours Truly,

Barbara Peck, 514 Westminster Avenue, Venice, CA 90291

The Benefit Network
A 501(c) 3 Public Benefit Corporation
<http://www.benefitnetwork.org>

6/2/2010

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
FAX (562) 590-5084
CC: Peter Douglas, Executive Dir, CCC
FAX (415) 904-5400

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Dear California Coastal Commissioners,

On June 11, 2009, you denied the City's Coastal Development Permit application for OPDs in the Venice Coastal Zone. I ask you now to stand by this decision for the same reasons. No real significant allowances have been made by the city of Los Angeles that compensate for the removal of street parking caused by Overnight Permit Parking and no alternative place in the vicinity has been allocated for those people that will be displaced by the OPDs or displaced by the proposed alternative oversized parking restrictions.

These are your reasons from the Revised Finding of Nov 5, 2009 that still are true:

- The definition of "development" as set forth in Section 30106 of the Coastal Act includes: "change in the intensity of use of water, or access thereto..." The proposed development (overnight parking districts) would adversely affect access to the water because the primary parking supply that supports coastal access (the public streets) would be unavailable for use by the general public when it is being reserved exclusively for local residents.
- The (OPD) permit-parking program would in an inadequate parking supply for the beachgoers who drive to the shoreline area before 6 a.m. Even after 6 a.m. when the streets open for public parking (i.e., no permit required) under the City's proposed permit parking program, it may take another hour or more for some of the residents to vacate some of the parking spaces on the street that support coastal access.
- The proposed overnight permit parking program would adversely impact coastal access by eliminating, or significantly reducing, the primary parking supply for early-morning beachgoers and by giving (some) residents of the parking districts preferential access.
- The proposed overnight parking districts would adversely affect coastal access and are not in conformity with the public access policies of the Coastal Act.

Also, on June 11, 2009 I submitted a list of miles of street parking signs in the Venice Coastal Zone installed with no coastal permit where free parking and coastal access for

In an effort to avoid going to court, the California Coastal Commission should not join with the city of Los Angeles and Mark Ryavek's Venice Stakeholders Association who are working to create parking restrictions in the Venice Coastal Zone that will evict and eliminate the poorest people from this area.

I do not think this is the roll of the California Coastal Commission, but if the Commission wants to get involved in this very important and critical social issue, it should consider a more humanitarian gesture that would help protect coastal access for the population that will be displaced by these laws.

Consider only allowing the oversized vehicle law and OPD law to go into effect in the Venice Coastal Zone until after 150 vehicle spaces (this is a conservative and well accepted estimate) in the Venice and Venice adjacent area are secured and verified actually being used for the people housed in vehicles – due to the very special nature of the population in the Venice Coastal Zone and the services that exist in the Venice Coastal Zone.

Respectfully,

Peggy Lee Kennedy

2210 Lincoln Blvd
Venice CA 90291

Chuck Posner

From: Kim Thompson [kimthompson@socal.rr.com]
Sent: Wednesday, June 02, 2010 1:21 PM
To: Chuck Posner
Cc: Peter Douglas; Gary Timm; John Ainsworth
Subject: Venice Parking

June 2, 2010

California Coastal Commission
200 Oceangate, 10th floor
Long Beach, CA 90802-4416

Dear Commissioners:

RE: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4
(Venice Stakeholders Association lawsuit settlement and City of Los Angeles re-applications)

I'm writing to urge the Coastal Commission to reject this proposed lawsuit settlement in its current form and instruct your attorneys to either renegotiate it on more reasonable terms or else to protect the Commission's – and the public's – interest in court.

I live in LA's San Fernando Valley and am a regular visitor to Venice Beach in the coastal zone. This community would be affected by the proposed Overnight Parking Districts. Based on my experience-visiting friends in the beach-adjacent walk street neighborhoods, it is abundantly clear that overnight permit parking will not work for either residents or coastal visitors like me. There aren't enough spaces in the walk street neighborhoods to provide spaces for everyone who would need a permit to park there.

Such restrictions can only be enormously disruptive to both coastal access and to neighborhood access as well. The notion that permit parking, day or night, can be mitigated sufficiently to avoid the reduction of public access is erroneous.

The City of Los Angeles cannot possibly justify this proposal as a means to address homelessness in the beach area. The Coastal Commission should reject the idea out of hand, as it rightly did a year ago.

I hope you will reject this settlement and require the City of Los Angeles to go back to the drawing board, as it should have last year.

Yours Truly,

Kim Thompson

6/2/2010

Chuck Posner

From: Becky Dennison [BeckyD@cangress.org]
Sent: Wednesday, June 02, 2010 2:00 PM
To: Chuck Posner
Cc: John Ainsworth; Peter Douglas
Subject: Venice OPD input - June 9 and 10 agenda items
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
CC: Peter Douglas, Executive Dir, CCC

Sent via email

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Dear California Coastal Commissioners,

On June 11, 2009, you denied the City's Coastal Development Permit application for OPDs in the Venice Coastal Zone. We ask you now to stand by this decision for the same reasons. No real significant allowances have been made by the city of Los Angeles that compensate for the removal of street parking caused by Overnight Permit Parking and no alternative place in the vicinity has been allocated for those people that will be displaced by the OPDs or displaced by the proposed alternative oversized parking restrictions.

These are your reasons from the Revised Finding of Nov 5, 2009 that still are true:

- The definition of "development" as set forth in Section 30106 of the Coastal Act includes: "change in the intensity of use of water, or access thereto..." The proposed development (overnight parking districts) would adversely affect access to the water because the primary parking supply that supports coastal access (the public streets) would be unavailable for use by the general public when it is being reserved exclusively for local residents.
- The (OPD) permit-parking program would in an inadequate parking supply for the beachgoers who drive to the shoreline area before 6 a.m. Even after 6 a.m. when the streets open for public parking (i.e., no permit required) under the City's proposed permit parking program, it may take another hour or more for some of the residents to vacate some of the parking spaces on the street that support coastal access.
- The proposed overnight permit parking program would adversely impact coastal access by eliminating, or significantly reducing, the primary parking supply for early-morning beachgoers and by giving (some) residents of the parking districts preferential access.
- The proposed overnight parking districts would adversely affect coastal access and are not in conformity with the public access policies of the Coastal Act.

The oversized vehicle law, LAMC 80.69, is now being amended by the city so that it can be used in Venice to remove people living in vehicles as part of the legal settlement reached between the

6/2/2010

Venice Stakeholders Association and the California Coastal Commission. The assumption made in these public and legal documents (the Coastal Commission's Revised Findings of Nov 5, 2009 and the lawsuit settlement documents) is that someone living in a vehicle is not part of the general public or even considered a resident of Venice. Nothing is further from the truth.

People using a vehicle for shelter or a home are residents of their communities. It is a longstanding myth that homeless people are not actively involved in their communities and decision-making processes, and must be treated as such in public policies. People are allowed to register to vote using their nearest cross street and are therefore residents and constituents in their neighborhoods. As an organization comprised of homeless and other extremely low-income residents of Los Angeles, we strongly urge you to act on behalf of preserving access for and the rights of very poor people in the coastal zone.

Venice is a very special and diverse place that has a long history of serving and housing poor people. As with many other communities across Los Angeles, the property values in Venice have changed, but the extremely poor and homeless population still remains in Venice. The housing crisis must be resolved – not pushed to other neighborhoods or dealt with through inappropriate and inhumane policies.

In an effort to avoid going to court, the California Coastal Commission should not join with the city of Los Angeles and Mark Ryavek's Venice Stakeholders Association who are working to create parking restrictions in the Venice Coastal Zone that will evict and eliminate the poorest people from this area.

If the Commission wants to get involved in this very important and critical social issue, it should consider a more humanitarian gesture that would help protect coastal access for the population that will be displaced by these laws.

Consider only allowing the oversized vehicle law and OPD law to go into effect in the Venice Coastal Zone until after 150 vehicle spaces (this is a conservative and well accepted estimate) in the Venice and Venice adjacent area are secured and verified actually being used for the people housed in vehicles – due to the very special nature of the population in the Venice Coastal Zone and the services that exist in the Venice Coastal Zone.

Respectfully,

Becky Dennison and Pete White
Co-Directors
Los Angeles Community Action Network
530 S. Main Street
Los Angeles, CA 90013

6/2/2010

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South Coast Region

Susan G. Millmann

JUN 2 - 2010

743 Palms Boulevard
Venice, California 90291

June 2, 2010

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, California 90802

BY EMAIL: cposner@coastal.ca.gov
Jainsworth@coastal.ca.gov
pdouglas@coastal.ca.gov

RE: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC;
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4.
In opposition to the City of Los Angeles' (the City) application to establish OPDs in the Venice Coastal Zone and in support of your denial of its previous application on June 11, 2009.

Dear California Coastal Commissioners:

On June 11, 2009, the Commission denied the City of Los Angeles' (the City) Coastal Development Permit application for Overnight Parking Districts (OPDs) in the Venice Coastal Zone. Thereafter the Venice Stakeholder's Association filed a lawsuit challenging that decision joined by the City of Los Angeles. On June 10, 2010, you will consider the same issues based on a new City application, with negligible allocation of additional parking for displaced vehicles. I urge you to deny the City's application and affirm your decision of June 11, 2009. Alternatively, I urge you to deny the City's application until it establishes and implements a safe parking program to accommodate no fewer than 150 vehicles that house people.

The Commission's revised findings of November 5, 2009 in support of the June 11, 2009 decision state, in pertinent part, as follows:

- The definition of "development" as set forth in Section 30106 of the Coastal Act includes: "change in the intensity of use of water, or access thereto..." The proposed development (overnight parking districts) would adversely affect access to the water because the primary parking supply that supports coastal access (the public streets) would be unavailable for use by the general public when it is being reserved exclusively for local residents.
- The (OPD) permit-parking program would in an inadequate parking supply for the beachgoers who drive to the shoreline area before 6 a.m. Even after 6 a.m. when the streets open for public parking (i.e., no permit required) under the City's proposed permit parking program, it may take another hour or more for some of the residents to vacate some of the parking spaces on the street that support coastal access.
- The proposed overnight permit parking program would adversely impact coastal access by eliminating, or significantly reducing, the primary parking supply for early-morning beachgoers and by giving (some) residents of the parking districts preferential access.
- The proposed overnight parking districts would adversely affect coastal access and are not in conformity with the public access policies of the Coastal Act.

The Commission should deny the City's application based on their own findings above as well as the plethora of reasons that have been previously raised, including but not limited to, the following:

1. OPDs will interfere with the public's right of access to the sea. The early morning restrictions will prevent people from enjoying walking, fishing, surfing and simply star gazing and solitude. People who live on walk streets are not entitled to permits and may take the few free spaces that the City claims will be available for the public. (Govt. Code 30211). OPDs will make the already difficult parking for beachgoers more difficult, not only those who enjoy late night and early morning activities, but daily. Particularly on weekends, residents will park their cars and will not move them, restricting access to visitors even more and making a miserable parking situation worse.

2. The City's application to establish OPDs is based on the removal of "abandoned vehicles or parked commercial." This is a rouse. There is a dearth of parking, but not because of abandoned or parked commercial vehicles. There has been NO parking study to support this meritless allegation. There has been no critical analysis of whether this basis for the application is even true. In my experience, a 35-year Venice resident, it is not true.

3. OPDs are expensive in many ways. They will cost a huge amount to establish, and against so many of the residents' desire, to maintain, and to enforce. They will impose a new tax on Venice residents, and an expanding source of income for the City. The fees will inevitably be raised. It is unspeakable that California is spending is shrinking tax dollar this project in these economic times.

4. OPDs will change the very socio-economic structure of Venice. Ironically, the diversity that is Venice is what draws so many people to it. Yet, the OPDs will cleanse Venice of low income residents who now reside in motor homes in Venice, and have for years. It will also place a tax on low income residents who can hardly afford the rapidly escalating rents. The Coastal Commission has an obligation to maintain the diversity and integrity of our coastal cities, and this includes sending this idea back to the City for its detrimental impact on this diverse community.

There are many people in the community who are working diligently, including our Councilman, to establish a safe parking program in the Venice Coastal Zone. However, it may take another year or more before any such program can be established and implemented. Minimally, the Coastal Commission should deny the application of the City of Los Angeles until it has established and implemented a program that will accommodate 150 vehicles that now house so many.

Very truly yours,

Susan G. Millmann, Venice homeowner and resident for 35 years.

Carol Katona
416 Pacific Avenue
Venice, CA 90291
(310) 392-7821

CALIFORNIA COASTAL COMMISSION

Via FAX
(562) 590-5084
1.

May 26, 2010

To Whom It May Concern:

I am a land-locked homeowner near Rose/Pacific Ave. in Venice and am outraged that you may be considering making us pay for parking 24/7 in the lot on Main St. Hundreds of people like me who call this area home, circle 'round and round each day trying to find parking.

Do you expect us to go to that lot at 2 a.m. to put more money in the meter, confronting gangs writing graffiti? All the city streets I see that have meters do not have to pay after 6:00 p.m. Why us?

If you approve this, you will make our life hell. As a retired school teacher I cannot afford to pay during the day and night as well. I would be paying at least \$240 a month. (And even more as time goes by and rates go up). On weekends and holidays we are now required to pay \$10 to the attendant from May-Sept. If we leave to do an errand, we have to pay another \$10 when we come back (that's if there's a spot left). Could you live like this?

Surely there is a better way for the city to make money. If you think the RV's will be discouraged from parking there, you're wrong. It's cheaper then paying rent.

Please consider us when you are making decisions about this lot and how you would feel if you lived in this area.

Respectfully,
Carol Katona

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South Coast Region
JUN 2 2010
CALIFORNIA
COASTAL COMMISSION

GALANTER AND COMPANY
P.O. BOX 6494
LOS ANGELES, CA 90066
(310) 985-3598
ruth.galanter@verizon.net

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

June 2, 2010

To: California Coastal Commissioners and Staff
From: Ruth Galanter, South Coast Regional Commission 1977-81, Los Angeles City Council 1987-2003
Re: Permit Parking in Venice, proposed settlement agreement

I urge you to reject this proposed settlement and reject permit parking in Venice. As you know, almost the entire Venice community is included in the Coastal Zone specifically because this is a major visitor-serving area.

Visitors to the coast, whether from across the country or across the street, are supposed to have access to the "unique and valuable resources belonging to all the people of California."

Permit parking unfairly restricts access to the public streets;

the City of Los Angeles building code already requires homes and apartments to provide off-street parking for the residents;

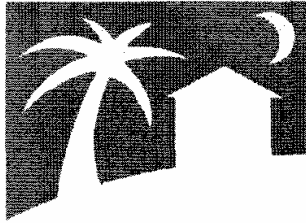
off-street public parking in the coastal zone (particularly in Venice) is extremely limited,

and therefore visitors need access to the streets.

Since the City has already agreed to this encroachment on coastal visitors rights, the Coastal Commission is (as is alas so often the case) our last hope for protecting the open-ness of this stretch of coastline—an area that draws visitors in numbers that rival Disneyland's attendance.

I hope you will take this responsibility seriously and reject the proposed settlement.

Thank you for your attention.



Venice Community Housing Corporation

720 Rose Avenue, Venice, California 90291-2710

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

Web: www.VCHCorp.org

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

June 2, 2010

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

Via facsimile to: 619-767-2384

RE: Venice Overnight Parking Districts (OPD's)
CPD 8-10: OPD 523
CDP 8-11: OPD 526

To the California Coastal Commission:

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

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 of the City of Los Angeles to approve OPD's for Venice and later testified in opposition to those applications at the Coastal Commission meeting of June 11, 2009. Along with hundreds of other Venice residents, we were gratified and relieved to witness the Commission's deliberations and its eventual denial of the City's applications.

Thereafter, some Venice residents identifying themselves as the Venice Stakeholders Association (VSA) filed a lawsuit challenging the decision of the Coastal Commission and joined the City of Los Angeles and the Coastal Commission as defendants. It is our understanding that the parties to that litigation have reached a settlement of that litigation which includes a remand of the lawsuit and consideration by the Coastal Commission of the above-referenced revised applications.

The Venice Community Housing Corporation remains opposed to the revised application for the following reasons:

1. Denial of VCHC's Right to Due Process. VCHC is an interested party in this matter. A representative of VCHC spoke in opposition to the original application at the public hearing the City conducted before it decided to impose OPD's. VCHC appealed that decision to the Coastal Commission. VCHC has received no notice from the City concerning any revised application and no opportunity to be heard on that application. The Coastal Commission has not provided

notice or opportunity to review the revised application. Rather, as of June 1, 2010, the Coastal Commission Staff Report indicated that the settlement agreement had not been approved by the City and no Staff Report or recommendations would be forthcoming until the settlement is approved by the City. Presumably then no revised application has yet been submitted to the Coastal Commission, in which case, it is difficult to understand what exactly is being calendared on the Coastal Commission agenda for June 10, 2010. Nevertheless, Coastal Commission staff has informed the public that letters regarding this agenda item must be received by June 2, 2010 to be included in the file. Is this any way to conduct the public's business?

VCHC understands that the terms of the settlement include a requirement that the Coastal Commission approve the City's revised application no later than its July, 2010 meeting. This litigation deadline appears to be what is driving both the City and the Coastal Commission to violate the public's right to reasonable notice and opportunity to comment. This matter, however, is too important to be rushed to conclusion and too important to the people of Los Angeles to have the matter heard and decided in some other part of the State.

In the interest of fairness and pursuant to Section 30320 of the California Coastal Act, the Venice Community Housing Corporation requests that this matter be continued until October, 2010, the next time the Coastal Commission is scheduled to meet in Los Angeles. Perhaps by then, the City will have submitted its revised application and the staff will have written its recommendations. And VCHC will have had a fair opportunity to review and comment on the City's application and the Coastal Commission staff report.

2. The revised application, like the original, adversely affects the public's right of access to the beach.

As best as VCHC can determine, the revised application, when submitted, will again request approval of OPD's in Venice, conditioned only on the City's prior posting for a period of six months of signs prohibiting parking of oversized vehicles. The City appears to be following the Coastal Commission's suggestion that there are other ways than OPD's to address homeless problems. But whatever merit posting parking restrictions for oversized vehicles may have, such action would in no way reduce the impact that OPD's would have on public access if/when the City chose to employ them.

The revised application appears to include two substantive changes intended to mitigate the impact that OPD's would have on the public's right of access to Venice Beach. The revised application proposes to create two OPD's, OPD 526 now called the Villa Marina OPD and combine the four other OPD's (520, 521, 522 and 523) into the Venice OPD. The Venice OPD would be divided into two sub zones, the east sub zone which along with OPD 526 would have resident parking only from 2-6am and the west sub zone which would have resident parking from 2-5am. This minimal time restriction adjustment would not reduce the substantial impact that OPD's would have on coastal access.

In denying the City's original application, the Coastal Commission determined that the time restriction would reduce public parking not only during the restricted hours, but also after that time because residents would continue to have preference so long as they continued to park in the spaces they occupied at night. Therefore, unless sufficient public parking were available to satisfy those wanting to come to the beach and/or stay at the beach until morning when the public parking lots would again be open, OPD's, even those with only 3 hour restrictions, would impact that public's access rights.

The other substantive change in the revised application would make public access even *more* restrictive and burdensome than was proposed in the original application. The original application set aside 55 free spaces in two parking lots near the beach to accommodate all those who would like to stay in Venice after 2 am or come to the beach before 6 am. While the

number of spaces proposed to be set aside for public use in the revised application has increased from 55 in two lots to 191 in three lots, the revised application proposes to charge parking fees at all times in all three lots in 4 hour increments making it not only more expensive than street parking which is now free but also less convenient.

More important, how can the City credibly maintain that making 191 spaces, with or without parking fees, available to the public from 2 am until the public lots are again open in the morning, would be sufficient to accommodate the millions of City and County residents, vacationers and tourists who may wish to visit and stay in Venice after 2 am? Compare such a set aside with the amount of public parking that Santa Monica, a city of 80,000, had available - **over 5,500 spaces** - to justify a restrictive parking program in a much smaller section of the Coastal Zone of that city (see SM Application for PPZ, September 2007). Also instructive is the fact that in support of that application, the City of Santa Monica had petitions signed by 2/3 of the residents in the affected area and an extensive parking study, done by the City which demonstrated that the proposed district would not negatively impact the public's right of access. The City of Los Angeles has offered no evidence of significant local support and certainly no parking study to buttress its application.

To make matters still worse, as the Coastal Commission staff acknowledged in the hearing on the original application, the City of Los Angeles has already closed the beach and the beach parking lots to the public at night (LAMC Article 3, Section 6344B14 (b)) without obtaining coastal development permits in clear violation of the provisions of the Coastal Act. Until the City reopens the beach for public use, or in the alternative obtains a coastal development permit to close the beach, it is impossible to accurately gauge the full impact that OPD's would have on the public's access rights.

3. The proposed revised application violates the City's Land Use Plan for Venice, certified by the Coastal Commission on June 14, 2001.

The Coastal Commission's decision on the original application determined that the City's original application violated the LUP for Venice in several important regards. First, it violated adopted Policy IIA 1 of the City to *increase* parking opportunities for visitors and Venice residents. Second, it violated Policy IIA6 that provides "Establishment of residential preferential parking districts shall be contingent upon replacing displaced public parking spaces with new public parking at a minimum one-to-one ratio." And finally it violated Policy IIA9 that requires that the City protect and enhance public parking opportunities provided *on public rights-of-way* and in off-street parking areas."

The City has not proposed or sought approval from the Coastal Commission for any modifications of its certified LUP. Those policies approved by the Coastal Commission must continue to guide coastal development policy and the City's revised application continues to violate its dictates.

4. Venice is a Sensitive Coastal Resource Area within the meaning of Section 30116 of the Coastal Act and deserved special consideration.

Section 300116(b) defines a sensitive coastal resource area to include "Areas possessing significant recreational value. And Section (d) specifically includes "special communities or neighborhoods which are significant visitor destination areas." While VCHC understands that the Coastal Commission did not act timely to formally identify Venice as one such resource pursuant to Section 30502 of the Act, the manifest intent of the Act is to give special protection to coastal communities such as Venice that provide significant recreational benefits to the public at large. According to the Venice Chamber of Commerce Venice Beach is the number one tourist attraction in Los Angeles County, visited by more than 5 million people every year. (Los Angeles Travel places the number at 16 million annually.) Venice has a rich social history and a

welcoming tradition that embraces its visitors. Some of those visitors come in motor homes, vans and RV's. The City's revised application seeks authorization from the Coastal Commission to exclude all visitors traveling in oversized vehicles from the Venice Coastal zone, and at its discretion and without any further review by the Commission impose a resident only parking scheme throughout the Venice Beach area.

The Resolutions justifying the City's original application for OPD's reference only 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) and the testimony of those who supported creating OPD's at the hearing on the original application, amply demonstrate, the effort to institute OPD's is a not very thinly veiled scheme to eliminate homeless people with vehicles from Venice beach - 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. 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.

But leaving aside the concern that homeless people who live in their vehicles are members of the public, entitled to the same access as other members of the public, it remains the case that the City in its effort to deal with this social problem has asked the Coastal Commission to approve a plan that will significantly impact beach access for millions of other people who come to relax and recreate at Venice beach every year. OPD's will drive away people. OPD's are not welcoming, and they does not reflect the spirit of this very special Los Angeles neighborhood.

For all of these reasons the Venice Community Housing Corporation urges that the Coastal Commission deny the revised application of the City to institute the proposed parking restrictions on Venice Beach.

Respectfully submitted

Venice Community Housing Corporation

By _____
Steve Clare, Executive Director

RECEIVED
South Coast Region

Chuck Posner

JUN 2 2010

From: jd@johnanthonydavis.com
Sent: Wednesday, June 02, 2010 4:55 PM
To: Chuck Posner
Cc: John Ainsworth; Peter Douglas
Subject: COMMENT AGENDA ITEMS - THURSDAY JUNE 10 AGENDA ITEMS 14 A,B,C
Attachments: JP AND VENICE BCH CLOSURE LAW.pdf; CEQA functional equivalency - CDPs.pdf
To: All Coastal Commissioners
Att: Chuck Posner
Re: THURSDAY JUNE 10 AGENDA ITEMS 14 A,B,C

CALIFORNIA
COASTAL COMMISSION

Honorable Commissioners,

I have requested that Staff provide you with my letter.

14. (a) APPEAL NO. A-V-VEN-08-343

I FULLY SUPPORT THE APPEAL and request all Commissioners support it.

14. (b) Application No. 5-08-313

DENIAL of this application is **REQUESTED** for the following reasons;

The applicant is currently VIOLATION of the California Coastal Act and is CURRENTLY DENYING ACCESS TO THE COAST contrary to the Act and the State Constitution. See Attachment 1, Last Page.

Given that the Applicant is currently denying access to the Coastal Zone at certain times, granting the application will still NOT ACCOMPLISH the ACCESS PROVISIONS OF THE COASTAL ACT.

The applicant proposes to utilize the Coastal Process to DISCRIMINATE against a sector of the population, (non-residents) by denying access to the Coastal Zone while attempting to SEGREGATE members of society by labeling them and assigning parking for them. The same type of segregation occurred in Nazi Germany and in the United States.

US.SUPREME COURT DECISION BROWN V. BOARD OF EDUCATION prevents this Commission from approving the application.

The Coastal Commission implements CEQA in the Coastal Zone.

There is no Substantial Evidence representing the CUMULATIVE EFFECTS of the project.

The City Fails to consider FEASIBLE ALTERNATIVE SUCH AS UTILIZING PARKING LOTS UNDER ITS CONTROL. (Attachment One Indicates the City is allowing the County to Operate its Parking Lot at Washington Street with an EXPIRED JOINT POWERS AGREEMENT.

The applicant presents NO SUBSTANTIAL EVIDENCE to support its case. CEQA PROHIBITS NARRATIVE which the applicant relies on.

6/2/2010

RESPONSIBLE and TRUSTEE AGENCIES such as Fish and Game and State Parks have NOT BEEN NOTIFIED as CEQA requires. Both Ageinces have DIRECT JURISDICTION and have been frozen out of CEQA by the applicants failure to file Notice of Intent with the California Office Of Planning and Research.

A Coastal Development Permit Application is equivalent to an Environmental Impact Report in accordance with CEQA as Certified by the SECRETARY OF NATURAL RESOURCES. See Attachment 2.

The application for CDP does not provide the information required to proceed with an ENVIRONMENTAL IMPACT REPORT FOR THE ABOVE STATED REASONS.

For these reasons I request DENIAL.

14.c APPEAL NO. A-5-VEN-08-344

I fully SUPPORT THE APPEAL.

Sincerley,
John Davis
PO 10152 Marina del Rey Ca. 90045

6/2/2010

Christopher Plourde
118 Wavecrest Avenue
Venice, CA 90291

June 1, 2010

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South Coast Region

JUN 2 - 2010

CALIFORNIA
COASTAL COMMISSION

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

via fax: 415/904-5400

ATTN: Peter Douglas, Executive Director

RE: Venice Stakeholders Association proposed lawsuit settlement

Dear Members of the Commission,

I have lived in Venice for 24 years, and oppose the proposed settlement of Venice Stakeholders Association vs. California Coastal Commission and the City of LA cross-complaint.

Most of the residents of our neighborhood (west of Main Street, between the City of Santa Monica and Westminster Ave.) live on "historic" walk streets featuring vintage residences that were constructed prior to the mass-production of the automobile and therefore have either insufficient or no on-site parking, and much of our on-street parking is a tow-away zone from 8am until 8pm every day.

The Venice Stakeholders Association settlement would remove from residential use vital off-street parking in the lot at Main and Rose in order to allow what VSA claims is a very small number of inland residential streets to limit overnight parking. As such the settlement immediately takes parking from our neighborhood in order to give an option for parking restrictions to other neighborhoods.

I urge you to vote against this proposed settlement, and to prevent the historic walk streets of Venice from being sacrificed to solve block-by-block problems further inland.

Sincerely,



Christopher Plourde
310/701-0652
cplourde@verizon.net

SUE KAPLAN 763 NOWITA PLACE VENICE, CA 90291

1 June, 2010

RE: Venice Stakeholders Association v. Coastal Commission Settlement: Oppose
June 9, 2010. Agenda no. June 10 n. 14a-c; AppcalA-5-VEN-08-343; A-5-VEN-08-344

Dear Commissioners,

I am writing to urge you to not accept the proposed settlement for Venice Stakeholders Association v. California Coastal Commission, etc. It is one-sided and based on unproven assumptions. The Overnight Parking Districts (OPDs) and the program procedures as stated in this document would be a procedural nightmare to implement and a burden to all who live in Los Angeles.

I urge you to consider:

1. A six-month review is far too short to adequately evaluate a program; a year seems more reasonable and would allow a better chance to assess the success of enforcing the current ordinances.
2. Councilman Rosendahl assured us that the Safe Parking Program would be part of this review process. This Safe Parking program, a pilot program for the rest of Los Angeles, should be part of the solution. It offers the vehicular homeless a safe place to sleep while offering them a chance to transition to housing. The program is not only behavioral, asking participants to obey rules of living, but also social, offering a chance at transitional housing and necessary social services to achieve that.

We can surmise why this program was not included. The Venice Stakeholders, the plaintiffs in the case, have repeatedly expressed their desire to rid Venice of the recreational vehicle (RV) populations altogether and push them into adjacent communities both within and outside of the Los Angeles city limits.

Mr., Ryavec, head of the Venice Stakeholders, wrote in June 2009: "Over-night restrictions - if adopted by residents - will keep many vehicles off our residential streets: tourists' rental cars, abandoned and commercial vehicles, and other nonresident vehicles of all kinds, including RVs and vans."

It is important for you and every Councilmember to understand that he's talking about YOUR constituents.

3. Where is the accountability in this review? The settlement:

"The City shall document its enforcement of oversize vehicle restrictions within the proposed OPD zone during this six month period. Documentation will include evidence of enforcement routes and schedules, and citations issued.

The City shall submit a report to the Commission documenting the results of the enforcement efforts prior to implementing an OPD." Draft Settlement, p.2 (2).

Where are the standards by which to evaluate the six-month review period as a failure and so OPDs would be deemed necessary? For that matter, by what standards can we expect to evaluate that it has accomplished Mr. Ryavec's goals? What if parking relief was accomplished and OPDs would not be appropriate nor necessary? Who determines this and on what basis?

This settlement can only be resolved by failure – the failure of all measures to bring Venice residents any kind of relief to the problems for which Mr Ryavec brought his lawsuit. **On what conditions would Mr Ryavec withdraw his lawsuit? Only one – that he gets the OPDs installed in Venice.**

"Dismissal of the Action. Should the Commission act on or before July 9, 2010, to approve a CDP containing the Modified CDP Terms appended hereto as Appendix "B," and no other terms limiting the City's implementation of OPDs in the area described in the Modified CDP Terms, the City and VSA shall promptly dismiss their respective actions against the Commission." Agreement to Remand Order, p. 2 no. 4

Where is the standard of proof? What does Mr. Ryavec say if the oversized vehicle parking restriction signage (and, at some point, a Safe Parking program) brings the desired results (or for Mr. Ryavec, the unwanted results)? And what do the City and the Coastal Commission do if the programs are successful and they see no need to invoke OPDs? Further, just what are those results? Nothing has been defined in this settlement that allows anything but an unacceptable result (failure) to achieve the City Attorney's wish that the lawsuit be dismissed. OPDs are the only acceptable outcome according to this settlement agreement and the only one Mr. Ryavec will consider.

4. Lastly, Venice Beach is not the sole provenance of its residents. This solution impacts everyone in Los Angeles who uses the beach. Preservation of public access is a key reason why the Coastal Commission was established by the voters in 1972. Venice and, indeed, ALL of Los Angeles depends on the Commission to protect us from over-development and keeping the beaches accessible to all. Please don't undermine its work.

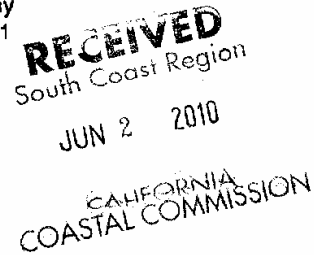
I urge you to not accept this settlement. It is not a settlement but a sell-out of the true stakeholders of Venice and the residents of Los Angeles.

Sincerely,


Sue Kaplan

cc: Los Angeles Council members

David Ewing
1234 Preston Way
Venice, CA 90291



June 2, 2010

California Coastal Commission
200 OceanGate, 10th floor
Long Beach, CA 90802-4416

RE: VSA LAWSUIT SETTLEMENT & AMENDED CDP

Dear Commissioners:

Los Angeles City Council passed the VSA lawsuit settlement agreement with minimal discussion this afternoon. There are a number of things I find troubling about this agreement besides the ultimate outcome.

First of all, I fear that the Commission is abdicating its responsibility to protect the coast and coastal access for the public beyond coastal residents.

Nuisance

The proposed amended CDP application time and again cites "nuisance" as a basis for the proposed actions. I do not remember nuisance being raised as an issue in either the application process or in the appeal process. I am surprised to see it surfacing here, and to see the Commission granting it legitimacy.

Nuisance has been raised a number of times recently as justification for parking restriction schemes in other cities. It is apparent that this is becoming a method of choice for undermining the Coastal Act's jurisdiction and the Commission's authority. The more settlements you allow to erode your authority, the more legitimacy you —this argument, and the more such lawsuits you invite. The more lawsuits you invite, the greater your legal burden becomes, and so on. In other words, this can easily become a downward spiral.

Novel Legal Theory

At the City Council hearing this afternoon, Valerie Flores, representing the City Attorney, made an interesting comment to the Council. She said the City's legal position was based on "a novel theory," that the state statute granting municipalities jurisdiction over parking within their borders trumps the California Coastal Act. One of the Councilmen asked why the city did not pursue this to its conclusion to clarify the jurisdictional issues. Ms. Flores said the proposed settlement agreement left the door open for the City to sue the Commission on this basis on other matters in the future.

It seems to me that the Commission has put itself in the worst possible position in regard to this novel legal theory. You are backing down from a fight that you need to win if the right to public access has any real meaning. The Pacific Legal Foundation, an amicus to the VSA in this case, and other like-minded ideological groups, as well as coastal

municipalities and well-heeled coastal residents, will surely continue to push this novel theory for all its worth until the Commission is willing to defend the integrity of the Coastal Act. There is no time like the present.

Parking restrictions as weapon of choice

We all know that parking restrictions are one of the foremost methods the affluent and the local coastal municipalities use to exclude the general public. This, after all, was a prime reason the state's voters, and then the legislature, passed the California Coastal act in the first place. If you give up on this one, you make stewardship of public access to the coast an empty slogan.

Abdication of oversight

Then there is the amended application itself. It creates Overnight Parking Districts immediately. The posting of signage is conditioned on six months' implementation of the City's Oversize Vehicle Ordinance (OVO) before each block is allowed to petition for an OPD. However, the OPD will legally be already in place. Furthermore, there are no criteria for whether the OVO has succeeded, and the responsibility for all the attendant procedures and decisions are handed over lock, stock, and barrel to the City. The City has to file a report with you once a year, but in the settlement you give away any power to act on these reports for at least five years. That strikes me as knowingly putting the proverbial fox in charge of the hen house.

Secondary impact on local residents

One other thing the amended application would do immediately if passed is remove a number of public parking spaces from overnight use. Parking spaces in three public lots have been removed from overnight use as a mitigation for removal of late night street parking by the OPDs. However, this creates a secondary impact on the parking stock for the many local residents whose homes pre-date modern onsite parking requirements. This area along the coast, and especially in the northern part, is the most troubled parking area in Venice. If you pass this amended application, local residents will lose these public lot spaces before the City goes ahead with OPO signs or with OPDs at some point in the future.

Conclusion

Acceptance of this proposed settlement and the attendant amended CDP application is not in the best interest of the Coastal Commission, the Citizens of California, nor the residents of Venice. It would represent a subversion of democratic process and an erosion of coastal protection. Please do not allow this to happen.

Thank you



David Ewing
Venice Action Alliance

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PO Box 681, Venice, CA 90291
www.veniceaction.org

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South Coast Region

JUN 2 2010

CALIFORNIA
COASTAL COMMISSION

June 2, 2010

California Coastal Commission
200 OceanGate, 10th floor
Long Beach, CA 90802-4416

Dear Commissioners:

RE: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4
(Venice Stakeholders Association lawsuit settlement and City of Los Angeles re-applications)

We are writing to urge the California Coastal Commission to disapprove the proposed settlement of Venice Stakeholders Association v. California Coastal Commission and City of Los Angeles, and City of Los Angeles v. California Coastal Commission.

This settlement attempts to impose the desire of certain Venice residents to tie the hands of the California Coastal Commission in its decision making. It also aims to erode the ability of the Commission to meet its statutory obligation to preserve public access to the coast under the guise of abating a public nuisance the nature of which is not the subject of a consensus of the residents who would be impacted by the actions the settlement would permit.

Misreading Community Sentiment

Those certain residents, along with Los Angeles City Councilmember Bill Rosendahl, repeatedly point to a 2008 community referendum sponsored by the Venice Neighborhood Council wherein a modest majority of participants supported the imposition of permit parking in Venice. There is plenty of circumstantial evidence that many of those participating in that vote thought they were supporting full-time permit parking, not limited overnight restrictions.

However, the most recent Venice Neighborhood Council officer elections, held in April 2010, which were pitched by those same residents as yet another opportunity to support permit parking in Venice, found all key offices and a majority of at-large seats won by opponents of permit parking restrictions, or at least by those who advocate a more balanced, reasonable approach.

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Thus, you are being asked to approve a settlement that, even apart from its egregious deficiencies documented below, fails to represent the interests of the entire community or even a consensus as to how best to address some very difficult issues.

Intention to Subvert State Law

In rejecting the City's application for Overnight Parking Districts (OPDs) in June 2010, the Commission instructed the City to seek solutions for issues relating to the vehicular homeless that did not risk abrogating the protections afforded to the public in the Coastal Act. Instead, the City has consistently acted in bad faith, holding closed meetings and strategy sessions with proponents of OPDs to the exclusion of those who might advocate other approaches to address alleged problems, seeking legislation to specifically exempt Venice from Coastal Commission jurisdiction over overnight parking and, now, agreeing to a settlement that effectively accomplishes the same goal as that now-defunct legislation.

What some may see as a "victory for the community," we see as an insult to earnest and painful attempts at community problem-solving and consensus-building. We also see it as a threat to the future ability of the Commission to carry out its voter mandate to protect the state's coastal resources and public access over a broad range of issues over the entire length of the state. And finally, we see it as a violation of society and the government's moral imperative to help solve the problems associated with homelessness and economic displacement, instead of further institutionalizing their victimization.

We hereby offer the following reasons why we take this position:

1. Inadequate Public Notice

Pursuant to Sec. 12.20.2 of the Los Angeles Municipal Code, the property owners and residents in the affected area have not been legally noticed in a timely manner either by mail or posting notice of this hearing, which is, in both effect and reality, the ONLY City hearing a substantively amended version of previously approved Coastal Development Permits will receive.

Additionally, the appellants to the original City Coastal Development Permits have not been notified of either the City hearing on the proposed settlement

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agreement or the hearings on the settlement agreement and the attendant modified Overnight Parking District proposals slated for the June 9-10, 2010 California Coastal Commission agendas.

Further, those who appealed the City Coastal Development Permits to the California Coastal Commission have likewise not been notified of the matters pending before the Commission on June 10, 2010.

The City and state statutes with regard to notice do not permit either jurisdiction to settle for inference or osmosis as a means of adequate legal notice. These matters are not properly before either the City Council or the California Coastal Commission at this time.

Should either or both bodies agree, it is only fair to the tens of thousands of affected constituents to delay hearing on these matters until proper legal notice has been provided but also, in the case of the California Coastal Commission, until the matter can be heard in a reasonably convenient Southern California venue once again. Taking advantage of a narrow window of opportunity to achieve the latter goal in June is not justification for violating the law.

2. Circumventing Coastal Jurisdiction

The circumstances (or "facts on the ground") that motivated you to reject the City's earlier application have not changed: this remains a proposal to regulate certain impacts of homelessness by placing public access to the coast in jeopardy in the name of nuisance abatement. This is the fourth recent instance of which we are aware that involves a city's claim of nuisance abatement. Section 30005 of the Coastal Act provides that no provision of the Coastal Act is a limitation "on the power of any city . . . to declare, prohibit, and abate nuisances." The other three are:

- > - Laguna Beach (ordinance adopted to establish beach closure hours to deal with overnight beach camping and vagrants after hours). The City agreed to apply for a CDP, while reserving its rights under 30005.
- > - Dana Point (nuisance abatement order establishing access path closure hours and a gate to deal with crime at the Headlands project). The CCC last month ruled that the City exceeded the scope of nuisance abatement authority under Section 30005. Today's paper reflects that the City has sued the Commission.
- > - Eureka (citizens group represented by PLF sued to block the CCC from acting on a CDP on the grounds of nuisance abatement).

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This proliferation of attempts by local jurisdictions to use nuisance abatement as a justification for impeding access is clearly a ruse to avoid the Coastal Permit requirements. However, the City of Los Angeles did not originally declare there to be a nuisance justifying the imposition of Overnight Parking Districts. Instead it applied for Coastal Development Permits for OPDs, implicitly acknowledging that the California Coastal Commission indeed DOES have jurisdiction, and that the issue was an interest in restricting public access to parking, not in abating a public nuisance. Then, named as a defendant in a weak lawsuit, it belatedly concocted the claim of nuisance as a justification to win forgiveness from the plaintiffs and attempt to settle the lawsuit.

As we and others successfully argued one year ago before the Commission, the City could have just have imposed parking restrictions based on an existing City ordinance that allowed it to regulate the height limit or length of parked vehicles and that would substantially have addressed the stated nuisance posed by certain irresponsible dwellers in Recreational Vehicles (RVs). The Commission, in its wisdom, recognized the correctness of this contention. And, once again, the facts on the ground have not changed one bit in the ensuing year except that the City has proposed to modify those regulations to make them even easier to enforce. That being the case, why the rush to permit OPDs?

3. Public Policy Overkill

Even assuming a nuisance exists in this situation, the City continues to apply the legal equivalent of a sledge hammer to chase a housefly, and it runs the risk of inflicting a predictable level of collateral damage both to the sensibilities of the community and to the authority of the California Coastal Commission and the integrity of the Coastal Act. We are prepared to argue that it can only be said that some, but not all, vehicle dwellers are behaving in a manner that sometimes constitutes a nuisance, and that the problem does NOT exist on a community-wide basis. Thus, OPDs remain unjustified as a response.

In fact, the proposed "solution" will enlarge the problem rather than reduce it, by sequentially shunting it from one block to another as additional residents are motivated to ask for OPD status after their neighbors do so until large swaths of the Venice coastal zone are covered by unnecessary parking restrictions that adversely impact residents and visitors alike in a confusing patchwork quilt of parking restrictions that will confuse even the most diligent, but understaffed and overworked, enforcement corps in the dead of night.

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At present there are a handful of streets frequented by RVs, yet the proposal is to permit OPDs throughout Venice's coastal zone, including in sub-neighborhoods dominated by walk streets with minimal on-street parking where it is implicitly obvious that such OPDs will be dysfunctional. There they will block RV parkers while forcing residents to pay for permits they wouldn't be able to use anywhere near their homes on most nights.

The City and the Commission should not use or allow this parking equivalent of "urban renewal" to address a problem for which more surgical remedies have already been identified and are in the works. They include a modified oversize vehicle parking restriction (currently pending before the City Council) combined with a Safe Parking program for responsible vehicle dwellers modeled on the successful Santa Barbara program. The proposed settlement alludes to these measures but contains no incentive to make them work before permitting the "nuclear option" after six months.

4. Tying the Commission's Hands

The proposed settlement is fatally flawed and should not be approved as proposed. It has largely been crafted in a manner to put the equivalent of a gun to the head of the City and the California Coastal Commission by insisting that both pre-approve the imposition of OPDs as a function of approving the settlement without the City having to prove that those OPDs are any more necessary for any reason than they were one year ago. Likewise, the settlement pre-approves OPDs without providing any demonstrable proof that its proposed disruption of existing public parking options will not be harmful to coastal access.

While we can understand the City's motives in agreeing to such a settlement, the provisions of which appear to have largely been dictated by the original plaintiffs, that does not make it a desirable outcome for the City. But there is no discernible reason for the California Coastal Commission to agree to it.

The proposed settlement reinforces the contention once again that the plaintiffs' overriding interest is in pursuing parking restrictions that illegally favor the interest of residents over those of the public at large in the coastal zone, an issue over which the Commission has long since successfully asserted and defended its jurisdiction and reiterated it time and time again. The Los Angeles City Attorney and the plaintiffs want the suit settled on terms favorable to them because they know as well as we do that the state will win in court. The only reason the state appears to have any interest whatsoever in the settlement is to avoid the inconvenience of going to court.

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5. The City Should Have to Make the Case for OPDs

If the settlement is even going to be considered, it should be one that requires the City to meet an acceptable burden of proof that OPDs are necessary before it can begin entertaining petitions to impose them on a block-by-block basis. The proposed settlement offers only a token nod to the concept of linking the imposition of OPDs to the failure of enforcement of oversized vehicle parking restrictions over a six-month period prior to implementing OPDs. That is a requirement in "deal point" 2 that parrots a proposal from the plaintiffs that the City report to the Commission on its oversized vehicle parking enforcement effort before beginning to implement OPDs.

There is no requirement that the implementation of OPDs be predicated on the demonstrated failure of oversized vehicle parking restrictions to abate in any way the alleged nuisance that this settlement purports to address. The City should provide documentation not only of its parking enforcement effort but also the results of that enforcement relative to abating nuisances real or imagined.

A good faith settlement would find the City agreeing to be required to formally adopt legally defensible findings proving the failure of that effort and submit them to the Commission for review and formal ratification PRIOR to being allowed to invoke OPDs. The Commission would then be allowed to reasonably withhold such ratification if it finds that the City had not met a credible burden of proof that a nuisance continues to exist and that there has been no demonstrable harm done to public access.

Additionally there is no required linkage to a positive Safe Parking program that would provide responsible vehicular dwellers who have no economic alternative to their situation a legal alternative to being shunted from one location to another by the proposed OPDs where they would, in turn, continue to violate the City's existing under-enforced restriction on sleeping overnight in a vehicle.

The Safe Parking program should accompany the oversized vehicle restrictions and both should be required to be in force for at least 12 (not 6) months before OPDs can even be considered. Any and all reporting requirements, burdens of proof, adoptions of findings and Coastal Commission ratification thereof should be applied to these elements as well.

Conclusion

The California Coastal Commission should not approve the settlement absent these protections. The City of Los Angeles continues to invoke a parochial – but invalid – argument that coastal zone residents should have the right to permit

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parking the same as residents in other parts of Los Angeles. What it consistently ignores is that coastal zone residents enjoy a unique proximity to the beach that no other residents of the city or state enjoy. And non-coastal zone residents are not inhibiting access to a statutorily-defined statewide resource when they ask for and receive permit parking restrictions.

Frankly, because the effort to implement OPDs in the coastal zone is the latest episode of a multiple-decades-long effort on the part of certain Venice residents to obtain full, all-day permit parking from the City, it also is the first step in creating a serious impediment to beach access for Los Angelenos from all over the city, including your constituents. Calling it nuisance abatement is a misnomer. Calling it an exclusionary impulse would be more accurate.

For that reason, if for no other, you should reject it and seek a more rigorous and just resolution to both the lawsuit and the problems that brought it about.

Finally, the fundamental reason many of you gave for rejecting the City of Los Angeles' applications in June 2009 was that you were being asked to address a non-coastal matter (problems associated with homelessness) in a Coastal Development Permit context. Your overwhelming rejection of those applications last year was a statement that it was an inappropriate request, and it still is. The only reason you're faced with it yet again is because disgruntled proponents of permit parking filed suit and the Attorney General apparently does not see fit to defend legal prerogatives the Commission has held dear for its entire history. That is simply wrong, and you should reject that circumstance as you defend your jurisdiction.

Please reject this settlement and reject these new applications.

Thank you for your consideration.

David Ewing

Linda Lucks

Jim Bickhart

For the Venice Action Alliance

Chuck Posner

From: barbara eisenberg [barbeebarbvenice@yahoo.com]
Sent: Wednesday, June 02, 2010 8:32 PM
To: Chuck Posner
Cc: John Ainsworth; Peter Douglas
Subject: June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4
Commissioner Charles Posner

California Coastal Commission

200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Commissioner Posner:

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Please, do not approve having Overnight Parking Districts in Venice.

They would reduce access to the beach for tourism, thus reducing income to the City. They are not in conformity with public access policies of the Coastal Act. They do nothing to adequately protect the rights or serve the needs of those who, due to lack of large incomes, do not possess the where-with-all to have wooden roofs as compared to those made of metal. They do nothing to improve access to street parking for visitors and residents who rely on these areas for access to the water as well as the activities on the Boardwalk.

Please recommend a NO on the OPD's.

Thank you,

Barbara Eisenberg

6/3/2010

Chuck Posner

From: Fritz Hudnut [este.el.paz@gmail.com]
Sent: Wednesday, June 02, 2010 5:43 PM
To: Chuck Posner
Cc: John Ainsworth; Peter Douglas
Subject: Please, no OPDs in Venice!!!!!!!

Dear Coastal Commission:

I'm sending this email to ask for your support to block the implementation of OPDs in Venice. I am a long time resident and homeowner in Venice, 25+ years and I'd like to add my voice to the NO for OPDs column for Venice. OPDs is essentially an instrument for wealthy real estate brokers who want to increase property values of homes/properties they are trying to sell and using homeowner money to do it for them. The "flavor" of Venice is its diversity. Whereas I don't get all warm and fuzzy about "the RVers," on the whole they are just people trying to get by, so I have no need to increase my costs just to make them drive around from 2 -4 AM--thus increasing air pollution, noise, etc--to what end?

What I do find absolutely beyond irritating is the "First Friday of the month" festivities of businesses on Abbot Kinney that creates an endless parade of cars driven by valets or non-residents of Venice looking for ****free**** parking spaces in front of my home. If I try to go out for a brief food gathering mission my parking space is gone before I blink . . . and that continues until after midnite. OPDs would do NOTHING about that and I would be paying more for the privilege of having those businesses park their customers cars in front of my house. Instead of OPDs why not increase public parking lots or set up shuttle vans that will drive the Friday night partiers from the parking lot to the bar or wherever they go until midnite. Have a law that makes it mandatory for all valets to park cars in parking lots and not jam the streets just so that people who don't have time to park their own car can have a free drink at a gallery . . .

I've pasted a section of a sample letter from the NoPermitParkingIn Venice.com website below because I agree with what it says. Essentially permit parking is an effort from the wealthy, and the likely new to Venice people who want to block access to the beach by those who have struggled here for a long time and who wish to keep Venice open to a wide cultural/economic milieu. As stated below this OPD scheme does not actually address that problem at all, but it does make it more expensive for the struggling to be middle class homeowner, such as myself, to park in front of my own home The RVers will just migrate to where it is free to park while the rest of us will be paying for a bad idea, pushed through by a few people who are using the parking problem in Venice to push their commercial development projects . . .

Please, address the problem, don't add another one, let's table this silly OPD idea once and for all; thanks for listening.

Sincerely,

Fritz Hudnut, DAOM, L.Ac.
long time Venice resident

Sections of the sample letter:

The application to establish OPDs is based on the removal of

6/3/2010

James R Smith
533 Rialto Avenue
Venice, CA 90291
310-399-8685 • JSmith@igc.org

June 2, 2010

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802
Attn: Charles Posner
CC: Peter Douglas, Executive Director, CCC

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Dear Commissioners:

I am writing in opposition to the city of Los Angeles' application to impose permit parking (overnight parking districts - OPDs) on our community.

I am a 42-year resident of Venice and a homeowner. I originally moved to Venice and live here today because I enjoy the ethnic and economic diversity of the community. The mix of people who reside here are unique among beach communities. This accounts, in my opinion, for the famous artistic atmosphere of Venice.

Now, Mr. Mark Ryavec, who calls himself the Venice Stakeholders Association, would like to change that diversity. In his opinion, the poor are not people, but a nuisance. The truth is, both legally and morally, they are people with the same rights as you and I. One of those rights is access to the coastal zone and the beach. Mr. Ryavec's suit and the city of Los Angeles' application would prevent access to those so poor that they cannot afford the high rents in their hometown, and are forced to live on the streets or in vehicles. We might as well make Venice a gated community as have permit parking.

I applaud your voting to deny permit parking, and uphold access for all, in your decision last year. I hope you will find the strength and moral courage to again stand up for access for all.

Sincerely,



James R. Smith

Chuck Posner

From: Noël Johnston [noel.only@verizon.net]

Sent: Wednesday, June 02, 2010 9:25 PM

To: Chuck Posner

Subject: OPDs in Venice

Dear Mr. Posner:

I am a member of a Homeowners Association on the northern end of the Venice Boardwalk. We are suffering from a new wave of crime, graffiti, and vagrancy here at the beach which we feel is unprecedented in our 20 years here. We are community supporters and are in sympathy with homeless issues in the community but we strongly feel that an increase in RVs and overnight parking would strain the local beach community and services to the breaking point.

Please do not ignore us in your deliberations and decisions next week at the public hearing in Marina Del Rey. We pay taxes and try to be good citizens and neighbors. OPDs are one of the few measures that have proved effective locally and we hope you will continue to believe in their necessity, as we do.

Thank you in advance for your thoughts and actions in our behalf.

Cordially,

Noël Johnston
103 Ocean Front Walk
Venice, CA 90291

6/3/2010

Lisa Green
2554 Lincoln Blvd, PMB 189
Venice, CA 90291

June 3, 2010

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802
Attn: Charles Posner
CC: Peter Douglas, Executive Director, CCC

Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

Dear Commissioners:

As an artist and activist on Venice Boardwalk I am opposed to oversized vehicle parking restrictions and/or overnight parking restrictions in the Venice Coastal Zone.

My vehicle carries my inventory because my primary "storefront" is the Free Speech Zone on Ocean Front Walk. As an artist I offer paintings, wall hangings, and wearable art using organic and recycled materials. As an activist my display includes political information about the Green Party to which I am an active member, along with ballot initiatives, etc.

One reason I'm opposed to these parking restrictions is that I, and other Free Expressionists on Venice Boardwalk, will find parking on Venice streets even harder to access within the Venice Coastal Zone. The impact of implementing these parking restrictions will reserve Venice street parking for locals and access to public lots will be harder to obtain even if I could afford the cost to enter the lot each day ("starving" artists/activists here).

Another concern I have is that I'm a pagan. Do I now have to chose to either walk for extended distances to reach the beach or forgo access to the ocean during full moons, equinoxes, and other important celestial times each time I wish to spend sacred time with earth's oceanic energies?

It's already frustrating enough when considering if I want to participate in pagan events on Venice Beach at night. Are you aware that the City of LA has an Ordinance which states I will be in violation of a Municipal Code if I step on the sand after 10pm (west of Ocean Front Walk)? Yet when I read the Coastal Act I'm entitled to 24 hour access to the beach, and the ocean. I've made a few inquires and have yet to find any documentation that exempts the City of LA from the Coastal Act public access policies. Therefore, I want to point out that implementation of these parking restrictions will make it even more challenging for me to spend quality time under the stars, looking at the light of the moon reflected on the water, a peaceful, centered and healing time, that is my right as a member of this community.

From a community perspective, and as a homeless rights advocate, I'm deeply concerned about the potential impact to the community of people living in moveable homes from oversized vehicle parking restrictions and overnight parking restrictions. The litigation from

the Venice Stakeholders Association, which does not represent the greater community of Venice, is regarding a social issue. Policing people is not the solution to end homelessness, anymore than policing people to end addiction is a solution.

I find it unacceptable to impose parking restrictions on people for being poor. These actions, if implemented, will impact a portion of our most at-risk and vulnerable community (those in moveable homes) with enforcement tactics. The City of LA has not provided any option that effectively, and safely, addresses the lack of affordable housing for those inquiring nor social services that this population has sought repeatedly.

To me, implementation of oversized vehicle parking restrictions and/or overnight parking restrictions will further traumatize, and harass the members of our Venice community that are living out of vehicles out of necessity. We can do better than that. We ask that you stand firm with your findings in June 2009 and revised findings, November 2009 opposing parking restrictions in the Venice Coastal Zone.

Let's work together to find effective, empowering solutions to end homelessness. Venice has always been an inclusive community, and one of the most sought out places on earth because there is no place like Venice. Let's keep Venice streets free for all.

Sincerely,

Lisa Green

Chuck Posner

From: C.V. BECK [rexbeck@netscape.com]
Sent: Wednesday, June 02, 2010 11:40 AM
To: Chuck Posner
Cc: John Ainsworth; Peter Douglas
Subject: JUST KEEP SAYING NO TO RESTRICTING BEACH ACCESS

PLEASE PUT IN FILE FOR JUNE 10 MEETING

I am opposed to OPD for Venice's beaches.

As we know, the beach is a place for everyone to go. Everyone means everyone and not just a select, monied, privileged few with antisocial axes to grind-- at the expense of the rest of the world.

Please do the right thing and do not restrict access to the beach for all.

Thank you.

Carol V. Beck
Lincoln Place
1053 Elkgrove Avenue
Venice, CA 90291-5721

Netscape. Just the Net You Need.

Chuck Posner

From: lyd [nulydia@earthlink.net]
Sent: Wednesday, June 02, 2010 11:26 AM
To: Chuck Posner; John Ainsworth; Peter Douglas
Subject: Venice OPD Settlement

Dear Commissioners,

Last year, the California Coastal Commission had voted and denied the Venice OPD request. I am simply asking that you vote no again on the Venice OPD Settlement- simply because the OPD as it was originally proposed and this settlement, both by fact:
"Limit public access to the public beach, in this case, Venice Beach."

Without this proposed settlement, currently parking limits for vehicular height causing a great deal of hardship to Venice residents on Santa Clara Ave., San Juan Ave., Westminster Ave., and California Ave. on the 7th St. side of Venice. The height limitation signs were posted over 2 weeks ago. Venice residents without a garage or driveway, who own SUVs, vans and or work trucks taller than the 6', have been issued tickets. Where are they supposed to park? These are public streets and no one owns them.

This OPD settlement is nothing more than an attempt to rid Venice of RV dwellers and homeless. It attempts to improve the quality of life for a select few at the expense of others. It is our RV dwellers and our homeless in our Venice community who continue to face hate and discrimination. They continue to face cultural and economical cleansing. Forcing people in masses to relocate as such is still unkind, cruel, and oppressive. And I am asking, where will they be relocated? People are not disposable. We, in Venice, need to learn how to take care of each other.

Please vote this OPD Settlement down because these parking limitations will limit our public access to our public beach. The public, the people who surf, fish, jog and swim at the beach will be limited to access Venice Beach.

Thank you for your time and consideration, Lydia Ponce

Chuck Posner

From: cwilli7269@aol.com
Sent: Wednesday, June 02, 2010 10:08 AM
To: Chuck Posner; John Ainsworth; Peter Douglas
Cc: nulydia@earthlink.net; escalatepeace@yahoo.com; bmpeck@yahoo.com; beachhead@venice.org; gary.williams@lls.edu; CWilli7269@aol.com
Subject: Venice OPD's

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416
FAX (562) 590-5084
CC: Peter Douglas, Executive Dir, CCC
FAX (415) 904-5400


Re: June 9, 2010 Closed Session Venice Stakeholders Association v. CCC
June 10, 2010 Items 14a-c Application 5-08-313 & Appeal A-5-Ven-08-343/4

I would like to know why we must re-live this vote with the Coastal Commission? I thought the people spoke loud and clear about their opposition to this illegal motion and the Coastal Commission did what was morally right as the CCC to keep the local beaches free to all who want to access it's shores without having to pay to park and for the community to pay to park their cars on local streets?

It is not right for one group Venice Stakeholders Association "Mark Ryavec " and company to decide for themselves what is right for all the citizens of Venice. Many of the residents came out and spoke very eloquently about their passion for the beach myself included and I thought we were very specific that we wanted all people the have access to the beach anytime day or night and not have to hang a placard in our windows to park our cars on the streets of Venice. The shores are for everyone's enjoyment not just the rich and wealthy who want this to control who comes to the beaches and who doesn't. There are private beaches all along the coast. Venice is a famous landmark all around the world and to make the streets private is unethical and wrong! Please don't let this group decide for Venice that restricted parking is the solution because the majority of Venice does not want privatization of our streets. Please stick with your original vote and show this group that this is America and the majority matters.

My family has lived in Venice since the 1950's and we have endured the good and the bad times in Venice, but one thing was always for sure you could enjoy the beach anytime and that wonderful ocean brings about great solitude for anyone and everyone who sits, swims, dives, fish, glides, cleans the shores, skates, rides a bike, flies a kite, just plain enjoys the Ocean. To restrict access or require the residents to pay to park is just wrong!

Please stick to your original thought which was the right decision and keep our streets free!

 Laddie Williams
310-401-0172 home
310-908-7174 cell

6/2/2010

Chuck Posner

From: Adolf Koralewski [adolfjosephkoralewski@gmail.com]
Sent: Wednesday, June 02, 2010 8:56 AM
To: Chuck Posner
Subject: NO OVERNIGHT PERMIT PARKING DISTRICTS IN VENICE

Charles Posner
California Coastal Commission

To Whom It May Concern:,

I urge the California Coastal Commission to stand up for free public access for ALL to our coastal areas and to continue to fight against restrictive overnight (permit) parking districts (OPDs) on the streets of Venice.

The City of Los Angeles seeks to establish OPDs throughout Venice in order to prevent poor people, who are living in their vehicles, from parking on Venice streets. The Commission, after a public hearing on June 11, 2009, determined that the proposed overnight parking districts would adversely affect public coastal access and would exclude the general public from parking on public streets. The Commission found that there are alternatives that would accomplish the necessary goals without adversely impacting coastal access.

According to Rosendahl: \u201cCriminalizing people who live in their cars and campers is wrong\u201d. \u201cWhat we need to do is to find places where people living in their cars and campers can go to get proper outreach support and wraparound services.\u201d

I support Councilman Rosendahl in taking this progressive stand, rather than pushing the homeless from \u201cneighborhood \u2013 to-neighborhood.\u201d However, I believe vehicle dwellers should not be forced into Rosendahl's proposed program of "wraparound services" and should have the right to choose whether to participate or not.

VSA were recently joined by the right wing, anti-environmental Pacific Legal Foundation, which has attempted for years to dilute the safeguards of the California Coastal Act and I believe this partnership demonstrates the real intentions of VSA, which have been obscured by confusing legal maneuvers and misleading public statements by their spokesperson, Mark Ryavec.

I urge you to preserve public access for ALL in California Coastal Zones, and to keep Venice streets free of restrictive paid permit parking.

Adolf Koralewski
48010 Walden
Macomb, MI 48044

**Commission staff has received at
least 52 emails in this format.**

CALIFORNIA COASTAL COMMISSION

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

Th14a-b

Staff: Charles Posner - LB
Staff Report: 5/27/2010
Hearing Date: 6/10/2010
Commission Action:



STAFF REPORT: REGULAR CALENDAR (DUAL PERMIT)
AND APPEAL - DE NOVO REVIEW

APPLICATION NUMBER: 5-08-313 (OPD 523 - Venice Area)

APPEAL NUMBER: A-5-VEN-08-343 (CDP 08-10, OPD 523 - Venice Area)

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

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

PROJECT DESCRIPTION: Establish Overnight Parking District (OPD) No. 523 (in the Venice area) with early morning parking restrictions, exempting vehicles with District No. 523 permits, City of Los Angeles, Los Angeles County.

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.

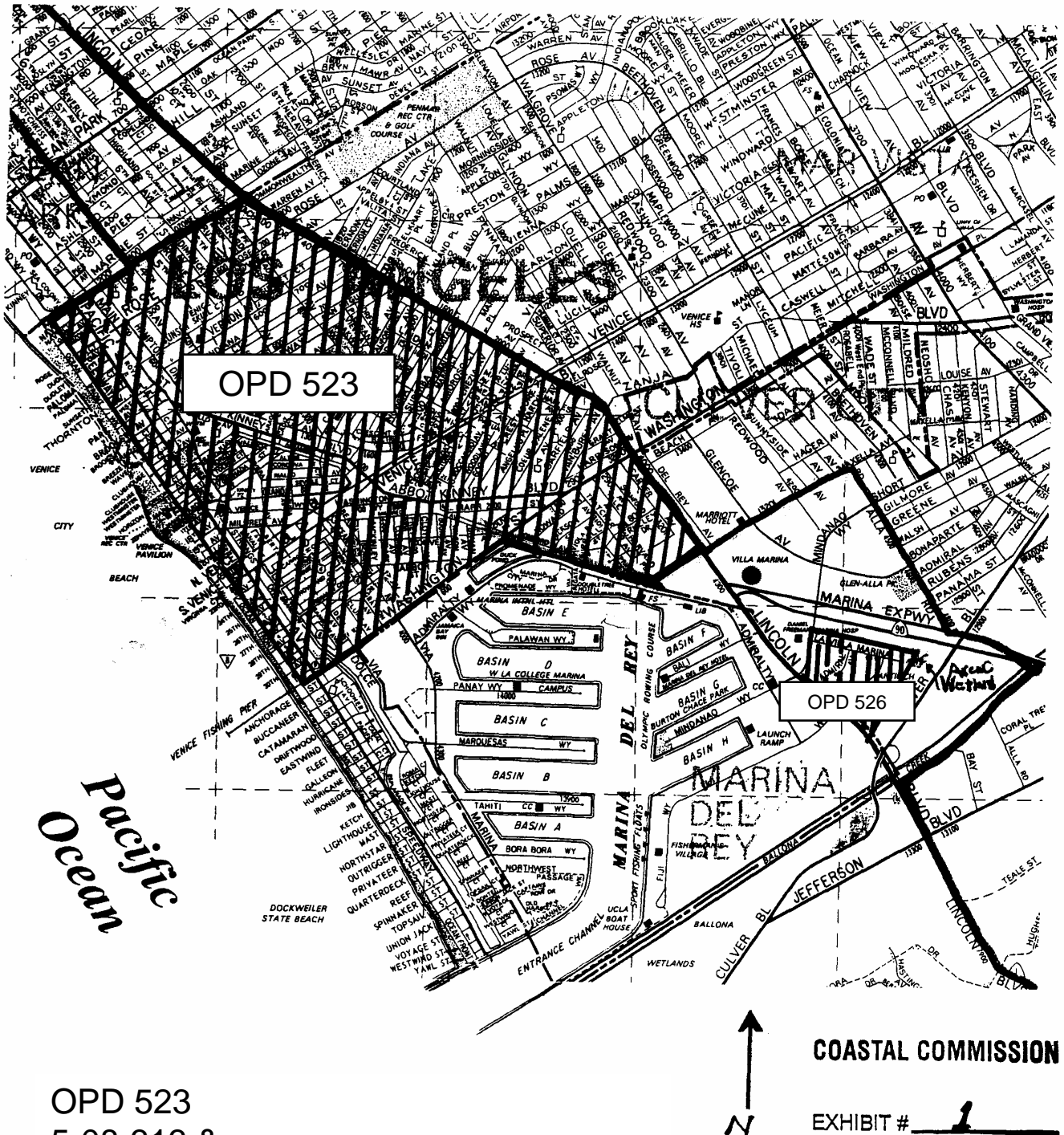
On June 11, 2009, the Commission denied coastal development permit applications by the City of Los Angeles to establish overnight parking districts in the Venice neighborhood of the City of Los Angeles. The Venice Stakeholders Association filed suit challenging the Commission's denial of the permit applications. The City of Los Angeles also filed a cross-complaint challenging the Commission's action.

The parties have reached a tentative settlement agreement under which the City would submit revised coastal development permit applications to establish an overnight parking district for the Venice neighborhood. Exhibit No. 1 depicts the boundaries of the proposed parking district. The proposal would create a process for establishing restrictions on parking during early morning hours on individual blocks located within the boundaries of the district. Vehicles displaying parking district permits would be exempt.

As of the date of this staff report, the City of Los Angeles has not yet approved the settlement agreement. If the City does approve the settlement agreement, the Commission will issue a staff report prior to the Commission's June meeting describing the proposed parking district, evaluating the conformity of the proposed district with Coastal Act requirements, and recommending conditions to ensure conformity with Coastal Act requirements. The hearing on this application will occur only if the court first issues an order remanding the matter to the Commission for action on the City's revised application.

VENICE, CA

Venice Overnight Parking Districts



OPD 523
5-08-313 &
A-5-VEN-08-343

COASTAL COMMISSION

EXHIBIT # 1
PAGE 1 OF 1