

CALIFORNIA COASTAL COMMISSION

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Staff: Charles Posner - LB
 Denied: 6/10/2010
 Staff Report: 8/25/2010
 Hearing Date: 9/15/2010
 Commission Action:

**STAFF REPORT: REVISED FINDINGS**

- APPEAL NUMBER:** A-5-VEN-08-344 (CDP 08-11, OPD 526 – Villa Marina Area)
- APPLICANT:** City of Los Angeles Department of Transportation
- PROJECT DESCRIPTION:** Establish Overnight Parking District (OPD) No. 526 (in the Villa Marina area) with early morning parking restrictions, exempting vehicles with District No. 526 permits, City of Los Angeles.
- PROJECT LOCATION:** Public streets in the Villa Marina area, City of Los Angeles.
- 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.
- COMMISSIONERS ON PREVAILING SIDE:** Mirkarimi, Sanchez, Shallenberger, Stone, Wan and Chair Neely

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's June 10, 2010 denial of the coastal development permit application submitted by the City of Los Angeles to establish Overnight Parking District (OPD) No. 526 (in the Villa Marina area). The Commission, after a public hearing on June 10, 2010, determined that the proposed overnight parking district would adversely affect coastal access and is not in conformity with the public access policies of the Coastal Act because it would exclude the general public from parking on public streets during early morning hours and would effectively provide people with parking permits preferential access during the hours when the parking restrictions are not in effect. The Commission found that there are alternatives that would accomplish the goals in the project area without adversely impacting coastal access. A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Three for the motion to adopt the revised findings.**

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. 08-07 (OPD 520).
3. City of Los Angeles Local Coastal Development Permit No. 08-08 (OPD 521).
4. City of Los Angeles Local Coastal Development Permit No. 08-09 (OPD 522).
5. City of Los Angeles Local Coastal Development Permit No. 08-10 (OPD 523).
6. City of Los Angeles Local Coastal Development Permit No. 08-11 (OPD 526).
7. 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.
8. Coastal Development Permit Application File Nos. 5-08-313 and 5-08-314.
9. Coastal Commission Appeal File Nos. A-5-VEN-08-340, A-5-VEN-08-341, A-5-VEN-08-342, A-5-VEN-08-343 and A-5-VEN-08-344.

STAFF NOTE - SINGLE PERMIT JURISDICTION:

Pursuant to Coastal Act Section 30600(b), any development that receives a local coastal development permit from the City must also obtain a second (or “dual”) coastal development permit from the Coastal Commission if the development is within the areas specified in Section 30601 (e.g., within three hundred feet of the beach or sea). The areas specified in Section 30601 are known in the City of Los Angeles permit program as the *Dual Permit Jurisdiction* area. For projects located inland of the areas identified in Section 30601 (i.e., projects in the *Single Permit Jurisdiction*), the City of Los Angeles local coastal development permit is the only coastal development permit required. The local coastal development permits in both the single and dual jurisdiction areas are appealable to the Commission.

Overnight Parking District No. 526 is located more than three hundred feet inland of the sea and beach, within the City and Commission’s “Single Permit Jurisdiction”. On appeal, the Commission overturned the local coastal development permit approved for the proposed project. Therefore, the Commission held a de novo hearing on the matter.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **adopt the revised findings** in support of the Commission's June 10, 2010 action to deny Coastal Development Permit Application A-5-VEN-08-344.

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on June 10, 2010 denying Coastal Development Permit Application A-5-VEN-08-344."*

The staff recommends a **YES** vote. Passage of the motion will result in the adoption of revised findings as set forth in this staff report or as modified by staff prior to the hearing. The motion requires a majority vote of the members from the prevailing side present at the September 15, 2010 hearing, with at least three of the prevailing members voting.

The six Commissioners on the prevailing side are:

Commissioners Mirkarimi, Sanchez, Shallenberger, Stone, Wan and Chair Neely.

Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

I. Resolution to Adopt Revised Findings

The Commission hereby adopts the findings set forth below for the denial of Coastal Development Permit Application A-5-VEN-08-344 on the ground that the findings support the Commission's decision made on June 10, 2010 and accurately reflect the reasons for it.

II. Special Conditions (from the rejected staff recommendation)

1. Approved Development

~~Coastal Development Permit A-5-VEN-08-344 approves the establishment of Overnight Parking District No. 526 with the following restriction: "No Parking 2 a.m. to 6 a.m. - Vehicles with District Permits Exempted". 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. 526, 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. 526 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. 526. 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.~~

III. Revised Findings and Declarations

Staff Note: The following revised findings include all of the staff's recommended findings that were set forth in the June 4, 2010 staff report for the Commission's June 10, 2010 hearing. The portions of those findings that are being deleted are crossed-out in the following *revised findings*: ~~deleted findings~~. The supplemental findings being added in support of the Commission's June 10, 2010 action are identified with underlined text.

The Commission hereby finds and declares:

A. Project Description

The City of Los Angeles proposes to establish Overnight Parking District (OPD) No. 526 in the Villa Marina area in order to prohibit nighttime and early morning parking on the public streets by non-residents and vehicles without parking permits (Exhibit #1). The City proposes to post signs on the public streets throughout the OPD with the following restriction: "No Parking 2 a.m. to 6 a.m. Nightly - Vehicles with District No. 526 Permits Exempted."

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. 526 will be able to purchase a district parking permit which will exempt their vehicle from the proposed overnight parking prohibition in OPD No. 526.

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. Definition of Development

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 Commission has a long history of requiring coastal development permits for proposals to restrict the availability of parking to the general public in areas where such restrictions would affect the public's ability to gain access to the shoreline.

C. 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 D G (Local Coastal Program) of this staff report (See Page ~~Twelve~~ 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 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 un-metered 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 Commission finds that proposed parking restrictions in the early morning hours would adversely affect the public's ability to utilize public street parking that supports access to the beach and other coastal recreation areas (for surfing, swimming, walking, exercising, fishing, etc.). The proposed overnight parking districts are exclusionary because non-residents would be excluded from utilizing on-street public parking for coastal access between the hours of 2 a.m. to 6 a.m. Beachgoers who arrive before 6 a.m. would not have permits to park and therefore would have difficulty finding a place to leave their vehicles for while they recreate along the shoreline. The limited number of on-street spaces where a parking permit would not be required would be subject to intense competition among all the people who do not have parking permits; whether they be residents unable to afford a parking permit, residents living in recreational vehicles, or visitors. Even after 6 a.m., the proposed parking restrictions would continue to restrict coastal access by giving residents preferential access to the public street parking by allowing only residential permit-holders to occupy the on-street parking spaces before they become available to the general public after 6 a.m., and continue to occupy the spaces throughout the day. The on-street public parking is currently available for use by the general public on a first-come, first-served basis. The proposed parking restrictions do not contain adequate safeguards for visitor parking to offset these adverse effects.

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.

The City did not submit a report that evaluated the adequacy of the mitigation for the loss of public parking in the proposed preferential parking scheme. Absent such a report, the Commission cannot find that these measures will adequately mitigate loss of public parking in the proposed OPD. In addition, the proposed mitigation is not equivalent to the parking that will be lost because there would be a charge for using the parking lots whereas currently there is no charge for un-metered on-street parking.

The Commission is being asked to balance the needs of the local residents and the homeless problem, but the Commission's responsibility under the Coastal Act is to protect the public's ability to access the coast. There are alternatives that would accomplish some of the goals in the project area without adversely impacting coastal access. For example, many of the complaints by proponents of the OPD relate to the parking of oversize vehicles. The Commission has not historically required coastal development permits for oversize vehicle parking restrictions. If the City implemented oversize vehicle parking restrictions, the City and the Commission would be able to evaluate whether those restrictions are sufficient to alleviate the concerns of OPD proponents. Similarly, the City has police power authority to regulate sleeping in vehicles, littering, public intoxication and dumping. In addition, many of the problems cited as a basis for the OPD relate to the important social problem of homelessness. Programs targeted at providing adequate housing and other services for the homeless could help alleviate problems associated with the use of vehicles as housing. None of these measures would exclude the general public from parking on the streets that support coastal access.

Unless the City first pursues strategies such as these, the Commission will not be in a position to evaluate whether measures such as OPDs that specifically target the ability of beachgoers to park on public streets close to the shore are actually necessary to address the problems that OPD proponents cite as the reason for establishing OPDs. If experience shows that these problems persist despite the City's implementation of strategies such as those discussed in the previous paragraph, the Commission could then evaluate the appropriateness of restrictions that target public parking.

Currently, however, the City has not established that the OPDs are necessary. Given the adverse effects of the proposed OPDs on public access, the proposal to reserve on-street parking only for residents with parking permits is not consistent with the coastal access policies of the Coastal Act and is denied. Therefore, the Commission finds that the proposed resident-only permit parking program would adversely affect coastal access and is not in conformity with the public access policies of the Coastal Act.

~~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.~~

D. 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-beach goers.
- 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 proposal to reserve on-street parking only for residents with parking permits is not consistent with the Venice LUP policies. Certified LUP Policy II.A.1 calls for the City to provide increased parking opportunities for both visitors and residents of Venice. The proposed project would reduce parking for visitors. Certified LUP Policy II.A.6 states that public parking spaces displaced by any preferential parking scheme be replaced with new public parking at a minimum one-to-one ratio. The proposed project does not conform with LUP Policy II.A.6. Certified LUP Policy II.A.9.c states that the City shall maximize and protect the availability of public parking opportunities on City streets. The proposed project does not conform with LUP Policy II.A.9.c because it does not protect the public parking opportunities on the City streets; it restricts them. Furthermore, in its mitigation proposal, the City did not submit a report that evaluated the adequacy of the mitigation for the loss of public parking in the proposed preferential parking scheme. Absent such a report, the Commission cannot find that the loss of public parking in the proposed preferential parking scheme will be adequately mitigated at a minimum of a one-to-one ratio. Thus, without proper public parking mitigation, the City's proposal is contrary to the Coastal Act policies concerning protection of public access. Therefore, approval of the project would 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.

~~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.~~

E. 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.

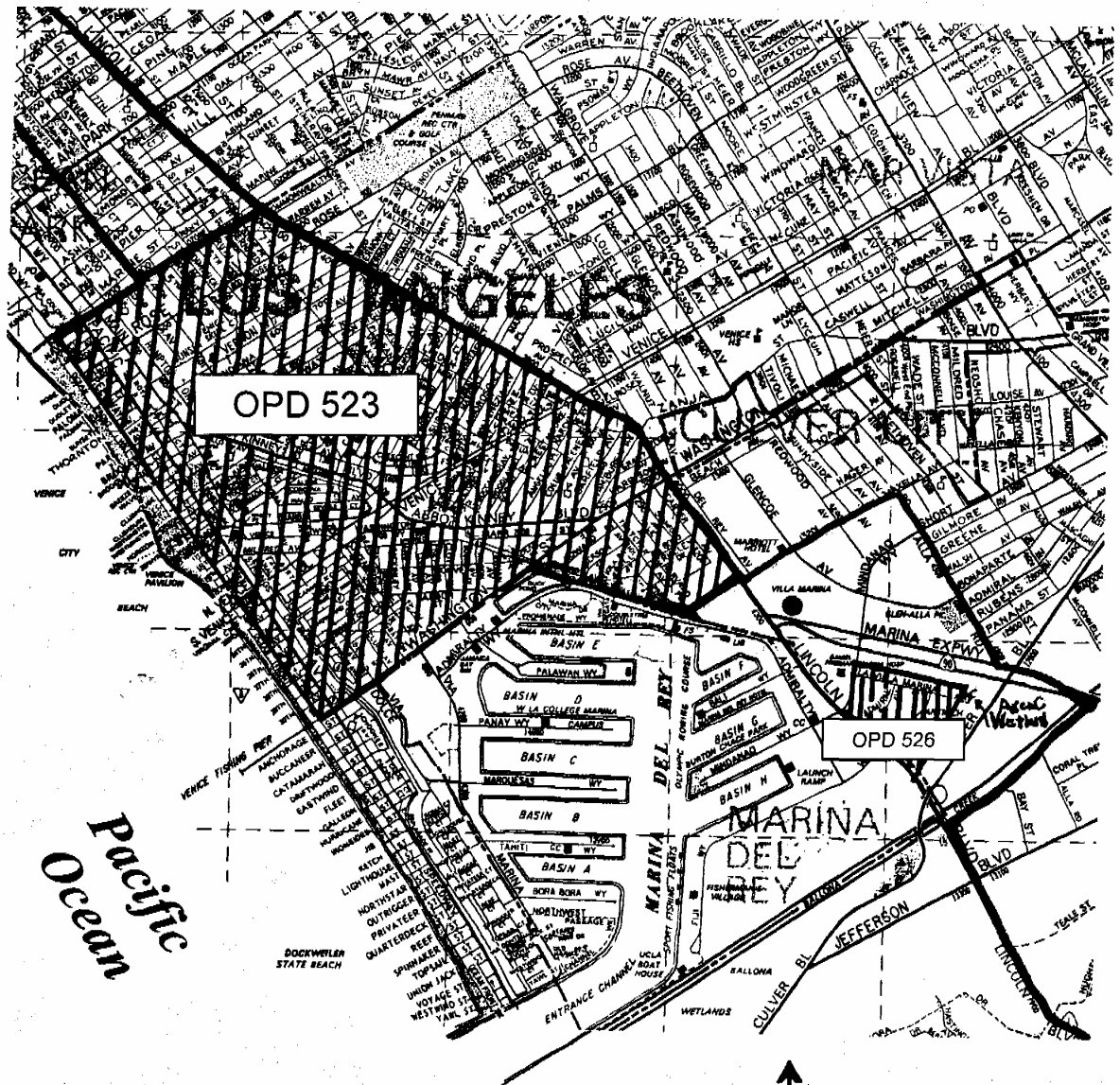
The proposed project has been found to be inconsistent with the Chapter 3 policies of the Coastal Act because the proposed overnight parking districts would adversely affect coastal access. The adverse impacts have not been avoided or minimized. There are alternative

measures available to address parking concerns that would avoid substantial adverse effects on coastal access. The City can pass an ordinance that bans vehicles that exceed a certain size, as other cities have done. The City can address problems such as sleeping in vehicles, littering, public intoxication and dumping through enforcement of the City's existing police authority. None of these measures would exclude the general public from parking on the streets that support coastal access. Therefore, the Commission denies the proposed project because of the availability of environmentally preferable alternatives.

~~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

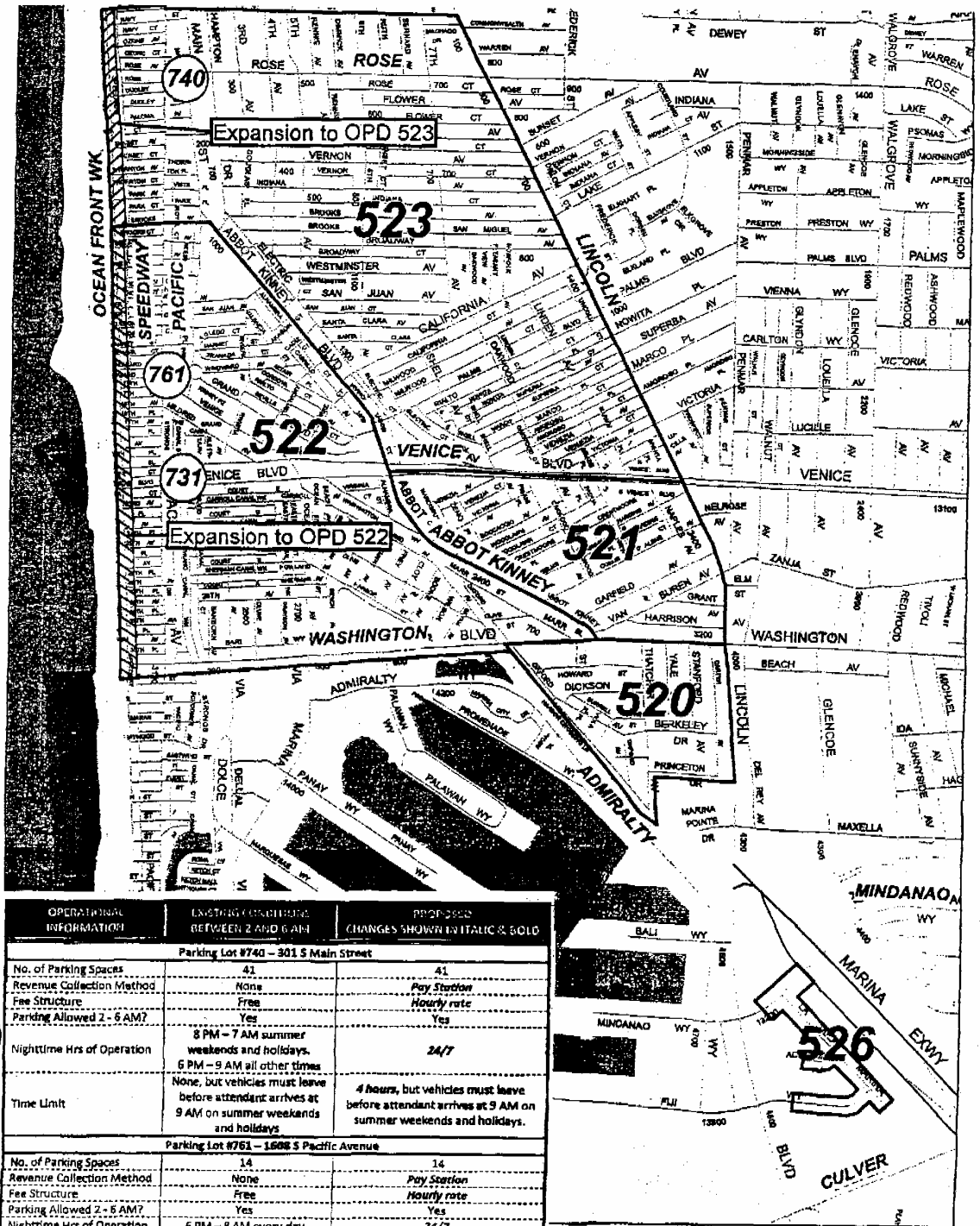


Pacific Ocean

A-5-VEN-08-344
OPD 526

COASTAL COMMISSION

EXHIBIT # 1
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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	<i>Yes</i>
Nighttime Hrs of Operation	8 PM - 7 AM summer weekends and holidays. 6 PM - 9 AM all other times None, but vehicles must leave before attendant arrives at 9 AM on summer weekends and holidays	<i>24/7</i>
Time Limit		<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	<i>Yes</i>
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 6 PM - 9 AM	<i>Yes, both monthly permits & hourly parkers</i>
Nighttime Hrs of Operation	<i>Parking prohibited</i> 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

- OPO Boundary
- Expansion to OPD 523
- Expansion to OPD 522
- City Parking Lot

EXHIBIT # 2
PAGE 1 OF 1

