

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Appeal Filed: 12/7/04
Substantial Issue Found: 1/12/05
Staff: S. Hudson
Staff Report: 3/30/05
Hearing Date: 4/13/05



STAFF REPORT: APPEAL **DE NOVO REVIEW**

LOCAL GOVERNMENT: County of Santa Barbara

LOCAL DECISION: Approval with Conditions

APPEAL NO.: A-4-STB-04-124

APPLICANT: Santa Barbara County Public Works Department

APPELLANTS: Commissioners Caldwell and Wan; Bruce Murdock; and Surfrider Foundation

PROJECT LOCATION: Public Rights-of-Way, Isla Vista; Santa Barbara County

PROJECT DESCRIPTION: Implementation of a Managed Parking Program in the community of Isla Vista. The boundaries of the program are depicted in Exhibit 2 and generally include all streets/public road rights-of-way in the community of Isla Vista in Santa Barbara County. The parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) 106 designated coastal access parking spaces; and (3) residential preferential permit parking encompassing all remaining areas. In addition, the program will include the installation of approximately 400-500 new parking restriction street signs to be located in the public right-of-way of the residential and commercial districts and 10-12 new pay stations within the public right-of-way in the commercial district. The purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community.

SUBSTANTIVE FILE DOCUMENTS: County of Santa Barbara Coastal Development Permit and Revised Staff Report (04CDH-00000-00001, approved 11/9/04); Santa Barbara County Board Agenda Letter regarding Appeals of 04CDH-00000-00001 dated October 28, 2004; Final Revised Negative Declaration for Isla Vista Parking Program by Santa Barbara County Staff dated June 15, 2004); and Resolution 04-247 by Santa Barbara County Board of Supervisors to Establish a Preferential Residential Parking Program, approved September 7, 2004 and Ordinance Nos. 4542 and 4543 to Amend Chapter 23B of the Santa Barbara County Code adding Provisions Relating to Parking Program Requirements, including Isla Vista. Coastal Development Permits (CDPs): A-5-90-LOB-97-259 (City of Long Beach), 5-96-059 (City of Santa Monica), 5-90-989 (City of Los Angeles), A-5-VEN-97-183 (City of Los Angeles), 5-02-380 (City of Santa Monica), 5-96-221 (City of Santa Monica), 5-99-45 through 51 (Santa Monica), 3-87-42 (City of Capitola), 5-82-251 (City of Hermosa Beach) and P-79-295 (City of Santa Cruz).

SUMMARY OF STAFF RECOMMENDATION:

The Commission found, at its January 12, 2005 hearing, that that the approval of a coastal development permit by Santa Barbara County for the proposed project raised substantial issue with the public access and recreation policies of the certified Local Coastal Program (LCP) and the Coastal Act. **Staff recommends that the Commission approve this de novo permit application for the proposed project with three (3) special conditions including a Revised Managed Parking Program, Future Changes to the Program, and Consistency of the Related County Resolution/Ordinances.**

As stated in the project description of the coastal permit approved by the County of Santa Barbara, the purpose of the preferential residential parking program, as proposed, is to prioritize on-street parking for residents and business patrons by reducing the number of non-resident drivers in the seaside community of Isla Vista. The parking program would accomplish this by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents in the entire community. The County has estimated that there are approximately 3,000 existing on-street parking spaces in the community, all of which are currently available for public use on a "first-come, first-serve" basis. There are five existing vertical access ways that provide public access from Del Playa Drive (the first public road paralleling the sea) to the sandy beach. As proposed, parking for non-residents would be restricted to 45-minute maximum metered pay-parking in the commercial district, 60-minute maximum time-limited parking in one of the two proposed residential zones, and 106 designated "coastal access" parking spaces that would be time-restricted to four-hours per user. Public parking would be completely eliminated in the second proposed residential zone. Further, 93 of the 106 designated time-limited public access spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 5:00 am effectively eliminating the potential for night-time public coastal access at all but 13 of the spaces. If the program were implemented, the 106 designated public "coastal access" spaces would not be distributed evenly within the community but would be almost exclusively located on the far west end of the community (as shown on Exhibit 2). Parking for 4 of the 5 existing public access ways that provide access to the beach would be limited to no more than 4 on-street spaces per access way.

The proposed public parking restrictions would reduce the amount of existing parking spaces available for public use in the community and (with the exception of the proposed 45-minute maximum time-limited parking commercial zone and the 60-minute maximum time-limited parking allowed in one of the two proposed residential zones) effectively eliminate the public's ability to use approximately 2,900 of the approximately 3,000 total on-street parking spaces during day-time hours (the peak beach-use period) and would almost entirely eliminate the public's ability to access the beach during night-time hours. The exclusion of so many of the currently available parking spaces in the community from public use would result in a significant loss in the amount of the existing parking facilities available for public coastal access and would not provide for maximum

public access as required by Section 30210 and 30211 of the Coastal Act as incorporated by Policy 1-1 of the LCP, and with Policy 7-1 of the LCP which requires that the County “take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline.”

Therefore, in order to ensure that adverse impacts to public access and recreation are avoided and that existing public access resources are protected, Special Condition One (1) requires the applicant to submit, for the review and approval of the Executive Director, a revised Parking Management Program that would allow for the community-wide restriction of on-street parking to a 4-hour time-limit per user only between the night-time hours of 6:00 p.m. and 8:00 a.m. Residents participating in the program would be exempt from the 4-hour time limit. Public parking in the designated “Coastal Access Parking” zones may also be restricted to a 4-hour time limit per user between the night-time hours of 6:00 p.m. and 8:00 a.m. only. Residents participating in the program will be prohibited from parking in the designated “Coastal Access Parking” zones at all times on a 24 hour/day basis. The 4-hour time limits on public parking within the “Parking Management Area” and “Coastal Access Parking” zones will not apply during the day between the hours of 8:00 a.m. and 6:00 p.m.

In addition, to ensure that adverse impacts to public access do not result from any future revisions to this program, Special Condition Two (2) requires that any future changes to the Managed Parking Program (including, but not limited to, any change to amount, location, duration, rates and fees, and time of day that parking spaces would be available) will require either an amendment to this permit from the California Coastal Commission or an amendment to the County’s certified Local Coastal Program (LCP) and a new coastal development permit issued by Santa Barbara County.

Further, the institution of a community-wide preferential parking program, as proposed by this permit application, would directly affect existing public access and recreation resources in the community in a programmatic manner and should, therefore, be appropriately addressed as an amendment to the LCP. However, although the County did adopt a resolution and two ordinances to amend the County Code in order to establish the proposed preferential residential parking program in the community of Isla Vista (a beachside community located entirely within the Coastal Zone) no amendment to the LCP to address this program was ever proposed or approved by the Commission. As proposed, the preferential parking program (as well as the previously approved County resolution and ordinances to implement the program) is not consistent with the public access and recreation policies of the LCP. Therefore, in order to ensure consistency between the approved coastal permit, the LCP, and the other ordinances of the County Code, Special Condition Three (3) requires that, prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that the Santa Barbara County Board of Supervisors’ Resolution No. 04-247, Ordinance No. 4542, and Ordinance No. 4543 have been amended consistent with all provisions and conditions of this coastal development permit.

Table of Contents

I. STANDARD OF REVIEW	5
II. STAFF RECOMMENDATION	5
III. STANDARD CONDITIONS.....	6
IV. SPECIAL CONDITIONS.....	6
1. <i>Revised Parking Management Program</i>	6
2. <i>Future Changes to Parking Management Program.....</i>	7
3. <i>Consistency of Related County Resolution/Ordinances.....</i>	7
V. FINDINGS AND DECLARATIONS	7
A. PROJECT DESCRIPTION AND BACKGROUND	7
B. LOCAL PERMIT HISTORY	9
C. PREVIOUS COMMISSION ACTION ON PARKING PROGRAMS	10
D. PUBLIC ACCESS AND RECREATION	14
E. CEQA.....	26

Exhibits

Exhibit 1.	<i>Vicinity Map</i>
Exhibit 2.	<i>Parking Program Map</i>
Exhibit 3.	<i>Notice of Final Action, Findings, and Conditions of Approval from County</i>
Exhibit 4.	<i>County Staff Report – Board of Supervisor’s Hearing 11/9/04</i>
Exhibit 5.	<i>County Staff Report – Zoning Administrator Hearing 9/13/04</i>
Exhibit 6.	<i>Amendment to County Code</i>
Exhibit 7.	<i>Commissioner Appeal</i>
Exhibit 8.	<i>Murdock Appeal</i>
Exhibit 9.	<i>Surfrider Foundation Appeal</i>
Exhibit 10.	<i>Letter from UCSB dated 1/7/05</i>
Exhibit 11.	<i>Letter from Isla Vista Recreation and Park District dated 1/10/05</i>
Exhibit 12.	<i>Letter from Surfrider Foundation dated 3/7/05</i>
Exhibit 13	<i>County Parking Count Survey of Camino Majorca Street</i>
Exhibit 14	<i>County Parking Count Survey of Isla Vista</i>

I. STANDARD OF REVIEW

After certification of a Local Coastal Program (LCP), Section 30603 of the Coastal Act provides for appeals to the Coastal Commission of a local government's actions on certain types of coastal development permits (including any new development which occurs between the first public road and the sea, such as the proposed project sites). In this case, the proposed development was appealed to the Commission, which found during a public hearing on January 12, 2005, that a substantial issue was raised.

As a "de novo" application, the standard of review for the proposed development is, in part, the policies and provisions of the County of Santa Barbara Local Coastal Program. In addition, pursuant to Section 30604(c) of the Coastal Act, all proposed development located between the first public road and the sea, including those areas where a certified LCP has been prepared, (such as the project sites), must also be reviewed for consistency with the Chapter 3 policies of the Coastal Act with respect to public access and public recreation. In addition, all Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified LCP as guiding policies pursuant to Policy 1-1 of the LUP.

II. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit No. A-4-STB-04-124 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMITS:

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 the certified Local Coastal Program for the County of Santa Barbara and the public access and public recreation policies 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.

III. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** These permits are not valid and development shall not commence until copies of the permits, signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, are returned to the Commission office.
2. **Expiration.** If development has not commenced, the permits will expire two years from the date on which the Commission voted on the de novo appeal of the permits. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application(s) for extension of the permit(s) must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permits may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permits.
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 properties to the terms and conditions.

IV. SPECIAL CONDITIONS

1. **Revised Parking Management Program**

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a revised Parking Management Program that shall include the following:

- A. **Restrictions.** The “Residential” and “Residential Timed 1 HR Parking” zones shall be deleted and replaced with a single new zone designated “Parking Management Area” that would allow for the restriction of on-street parking in that zone to a 4-hour time-limit per user only between the night-time hours of 6:00 p.m. and 8:00 a.m. Residents participating in the program shall be exempt from the 4-hour time limit. The 4-hour time limits on public parking within the “Parking Management Area” and “Coastal Access Parking” zones shall not apply between the hours of 8:00 a.m. and 6:00 p.m. Public parking in the designated “Coastal Access Parking” zones may also be restricted to a 4-hour time limit per user only between the night-time hours of 6:00 p.m. and 8:00 a.m. Residents participating in the program shall be prohibited from parking in the designated “Coastal Access Parking” zones at all times.

- B. Plan/Program Map. Revise the Isla Vista Parking Program Plan/Map dated 6/28/04 (included as Exhibit 2 of this staff report) consistent with the provisions of Part A of this condition.
- C. Signage Plan. Submit a signage plan indicating the location, size, design, and content of all signs to be installed. The Plan shall also provide for the installation of signage indicating the availability of the designated "Coastal Access Parking" zones for public parking and the applicable time and use restrictions, including prohibiting parking in those zones by Isla Vista residents participating in the program.

2. Future Changes to Parking Management Program

With the acceptance of this permit the applicant agrees that any change to the Managed Parking Program (including, but not limited to, any change to amount, location, duration, rates and fees, and time of day that parking spaces would be available) will require either: (1) an amendment to this permit from the California Coastal Commission or (2) an amendment to the County's certified Local Coastal Program and a new coastal development permit issued by Santa Barbara County.

3. Consistency of Related County Resolution/Ordinances

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that Santa Barbara County Board of Supervisors' Resolution No. 04-247, Ordinance No. 4542, and Ordinance No. 4543 have been amended consistent with all provisions and conditions of Coastal Development Permit A-4-STB-04-124.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

On November 9, 2004, the Santa Barbara County Board of Supervisors approved Coastal Development Permit 04CDH-00000-00001 to authorize the County's Department of Public Works to implement a Managed Parking Program in the community of Isla Vista. The boundaries of the program are depicted in Exhibit 2 and generally include all streets/public road rights-of-way in the community of Isla Vista in Santa Barbara County. The parking program has three components: (1) a metered parking zone encompassing the downtown commercial area; (2) 106 designated coastal access parking spaces; and (3) residential preferential permit parking encompassing all

remaining areas. In addition, the program will include the installation of approximately 400-500 new parking restriction street signs to be located in the public right-of-way of the residential and commercial districts and 10-12 new pay stations within the public right-of-way in the commercial district. The proposed project description, the County's previous findings for approval, and Condition One (1) of the County-issued coastal permit specifically state that the "purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community."

The proposed program would regulate all on-street parking in the community of Isla Vista. Isla Vista is a seaside residential community, approximately ½ square mile in area, located in an unincorporated area of Santa Barbara County immediately west of the University of California, Santa Barbara and immediately east of the Coal Oil Point Natural Reserve. The County has estimated that the population of Isla Vista is approximately 18,500 (approximately 13,000 of which are students). Development in the community is generally characterized as high-density residential within the majority of the program area with some single-family residential neighborhoods and a small commercial "downtown" district. Current residential densities range from 7 units per acre in the west end to 39 units per acre along Picasso Road. County staff have estimated that there are approximately 3,000 existing on-street parking spaces in the community. Currently, all on-street parking spaces in the community are available for both public and residential use on a "first-come, first-serve" basis. The proposed preferential parking program will serve to restrict the public's use of all 3,000 existing on-street parking spaces in the community. There are five existing and popularly used vertical access ways that provide public access from Del Playa Drive (the first public road paralleling the sea) to the sandy beach. There are no public parking lots that serve the beach access ways; therefore, all parking for public beach access is from on-street parking.

The stated purpose of the proposed Preferential Parking Program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community. This would be accomplished by restricting the amount, location, duration, and time of day that parking spaces would be available for non-residents. Non-residents would no longer be able to use the majority of the 3,000 existing public on-street parking spaces but would instead be restricted to using either the 45-minute maximum metered pay-parking in the commercial district, 60-minute maximum time-limited parking in one of the two proposed residential zones, and the 106 parking spaces that would be designated for coastal access users on a 4-hour maximum time limited basis. Public parking would be completely eliminated in the second proposed residential zone. In addition, parking for 93 of the 106 "coastal access" spaces would be completely prohibited at night between the hours of 10:00 p.m. and 5:00 a.m. The locations of the parking areas and their applicable restrictions are depicted on Exhibit 2 of this staff report.

The coastal permit issued by the County and the related staff reports do not indicate the number of existing on-street parking spaces in the commercial district but staff notes that commercial district is relatively small in comparison to the community as whole as shown on Exhibit 2. As proposed, parking in the commercial district would be metered (\$0.40 per

15 minutes) and time-restricted to no more than 45 minutes maximum parking time. Notably, five of the 106 designated “coastal access” spaces would actually be metered parking spaces located in the “commercial district.” Unlike other parking spaces in the “commercial district,” the five “coastal access” spaces in the “commercial district” would be restricted to 4-hour maximum time-limited parking rather than 45-minute maximum time-limited parking. In addition, the applicant proposes to allow parking by non-residents in the “Residential Timed 1 HR Parking” zone; on a time-limited basis of no more than 60 minutes maximum parking time per user. Parking by non-residents would be completely prohibited in the remaining residential areas identified as the “Residential” zone on Exhibit 2 with the exception of Saturday and Sunday mornings between the hours of 5:00 a.m. to 12-noon when non-residents would also be allowed to park in the otherwise restricted residential areas.

Residents would be eligible to purchase parking permits at a rate of \$150/\$95 per year that would exempt them from the proposed parking restrictions with the exception of metered rates in the “commercial” district. In addition, residents could purchase guest passes for \$3/day. Residents participating in the program would be excluded from using the 106 “coastal access” spaces.

On January 12, 2005, the Commission found that the appellants’ contentions raised substantial issue with regard to the consistency of the Preferential Parking Program with the public access and recreation policies of both the certified Local Coastal Program and the Coastal Act.

B. LOCAL PERMIT HISTORY

Project Approved by Zoning Administrator and Board of Supervisor

On September 13, 2004, the Santa Barbara County Zoning Administrator approved the appealable coastal development permit for the proposed parking program. This decision was appealed to the Board of Supervisors by Bruce Murdock and Surfrider Foundation. On November 9, 2004, the Board of Supervisors approved the coastal development permit upholding the Zoning Administrator’s approval of the project and denying the appeals.

Related Approval of Amendment to County Code

The County’s certified Local Coastal Program (LCP) does not contain any provisions that specifically address implementation of preferential parking programs within the Coastal Zone. On September 7, 2004, the Board of Supervisors approved and adopted a resolution to establish a preferential residential parking program in the community of Isla Vista. In addition, Ordinance Nos. 4542 and 4543 were approved and adopted by the Board of Supervisors on July 27, 2004 to amend the County’s Code (Chapter 23B and 23D) adding Chapter 23B to the County Code authorizing new County wide residential parking programs (including areas within the Coastal Zone) and Chapter 23D which would specifically address the preferential parking program in the community of

Isla Vista, which is located entirely within the Coastal Zone. Regardless of the fact that this amendment to the County Code would directly affect public access and recreation within the County's Coastal Zone, no change or amendment to the LCP was proposed by the County or approved by the Commission to incorporate the new ordinance into the County's certified LCP. The Commission notes that institution of a community-wide preferential parking program, as authorized by the above referenced amendment to the County Code and proposed by this permit application, would directly affect existing public access and recreation resources in the community and; therefore, in order to ensure consistency and prevent conflict between the provisions of the certified LCP and the County Code, could appropriately be addressed as an amendment to the LCP. Although staff believes it would have been preferable if the County addressed this preferential parking program through an LCP amendment, from a procedural standpoint, processing the parking program through a coastal development permit is not prohibited.

C. PREVIOUS COMMISSION ACTION ON PARKING PROGRAMS

Since the passage of the Coastal Act the Commission has acted on a number of permit applications throughout the State's Coastal Zone with regards to preferential parking programs along public streets. In 1997, the Commission denied, on appeal, a City of Los Angeles' Coastal Development Permit (CDP A-5-VEN-97-183) for a preferential residential parking program to establish 4-hour time-limited parking between the daylight hours of 8:00 a.m. and 6:00 p.m. in the Venice area. Residents who purchased parking permits would have been exempt from the 4-hour time limited parking restrictions. The Commission found that because of the popularity of Venice Beach and Ocean Front Walk (boardwalk), the limited amount of off-street beach parking within the beach parking lots was not adequate to support the amount of visitors that came to the area and that the surrounding neighborhoods served as a parking alternative to the beach parking lots. The Commission also found that restricting the public to 4-hour time limited parking would reduce the public's ability to access the beach. Therefore, the Commission found that restricting public parking to 4-hour maximum time limits along these streets during the peak beach use period (daytime) would not serve to maximize public access as required by Section 30210 of the Coastal Act.

In 1990, the City of Los Angeles submitted an application (CDP 5-90-989) for preferential parking along portions of Mabery Road, Ocean Way Entrada Drive, West Channel Road and East Rustic Road in the Pacific Palisades area, within Santa Monica Canyon. The proposed streets were located inland of and adjacent to Pacific Coast Highway. The preferential parking zone extended a maximum of approximately 2,500 feet inland along East Rustic Road. According to the City's application, the purpose of the proposal was for parking relief from non-residents. Despite available parking along surrounding streets and in nearby State beach parking lots along Pacific Coast Highway that closed at 5:30 p.m., the Commission denied the application because (even though much of the proposed parking restriction areas would be located relatively far from the beach) the areas were used for parking by beach goers and because elimination of public on-street

parking along these streets would significantly reduce public beach parking in the evening and also reduce visitor serving commercial parking.

In 1982 the City of Hermosa Beach submitted an application (CDP 5-82-251) for a preferential parking program for the area located immediately adjacent to the coastline and extending approximately 1,000 feet inland. The proposed restricted area included the downtown commercial district and a residential district that extended up a hill 1,000 feet inland. The purpose of the preferential parking zone was to alleviate parking congestion near the beach. The program included two major features: a disincentive system to park near the beach and a free remote parking system to replace the on-street spaces that were to be restricted. The Commission found that the project, as originally proposed by the City, would serve to reduce public access to the beach and was, therefore, not consistent with the access policies of the Coastal Act. Thus, the Commission approved the preferential program with conditions to ensure consistency with the Coastal Act. The conditions included the availability of day-use parking permits to the general public (not just residents and business owners/employees) and a shuttle system in addition to the provision of remote parking spaces. The Commission subsequently approved an amendment to that permit in July of 1986 to remove the shuttle system since the City provided evidence that the shuttle was lightly used, the remote parking areas were within walking distance, and beach access would not be reduced by the elimination of the shuttle program. The City explained to the Commission that due to a loss of funds for the operation of the shuttle system it was necessary to discontinue the shuttle and request an amendment to the Coastal permit. The Commission's approval of the City's amendment request to discontinue the shuttle system was based on findings that, given that the general public would not be restricted from parking in the program area, the shuttle system was not necessary to ensure maximum public access.

In 1987, the Commission approved, with conditions, a permit for a preferential parking program by the City of Capitola (CDP 3-87-42). The program contained two parts: the Village parking permit program and the Neighborhood parking permit program. The Village consisted of a mixture of residential, commercial and visitor-serving uses. The Neighborhood district consisted of residential development located in the hills above the Village area. The Village, which has frontage along the beach, is surrounded on three sides by three separate neighborhoods. Two neighborhoods are located above along the coastal bluffs with little or no direct beach access. The third neighborhood is located inland, north of the Village. The proposed Village area changed from summer beach cottages to permanent residential units, with insufficient off-street parking. With insufficient off-street parking and an increase in beach visitation, on-street parking became a problem for residents and businesses within the Village and within the Neighborhood. The proposed preferential parking programs were proposed to minimize traffic and other conflicts associated with the use of residential streets by the visiting public. The Village program allowed residents to obtain permits to exempt them from the two-hour on-street parking limit that was in place, and the requirement of paying the meter fee. The Neighborhood program would have restricted parking to residents only.

The Village program did not exclude the general public from parking anywhere within the Village. The Neighborhood program as proposed, however, would have excluded non-residents from parking in the Neighborhood streets. The Commission found that public access includes not only pedestrian access, but also the ability to drive into the Coastal Zone and park, to bicycle, and to view the shoreline. Therefore, as proposed the Commission found that the proposal would adversely affect public access opportunities. Without adequate provisions for public use of these public streets that include ocean vista points, residential permit parking programs present conflicts with Coastal Act access policies. Therefore, the Commission approved the permit with special conditions to assure public access. These conditions limited the number of permits within the Village area, restricted public parking limitations to vista point areas in the Neighborhood district, required an access signage program, operation of a public shuttle system, and monitoring program and imposed a one-year time limit on the development that was authorized (requiring a new permit or amendment to continue the program).

In 1979, the City of Santa Cruz submitted an application for a preferential parking program in the Live Oak residential area (CDP P-79-295). The program restricted public parking during the summer weekends between 11 a.m. to 5 p.m. The City proposed to mitigate the loss of available parking along the public streets by the availability of day use permits to the general public, the provision of remote lots and a free shuttle system. As conditioned to allow the availability of day-use permits to the general public, the program did not exclude the public from parking within the program area. As such, the Commission approved the program only with the identified mitigation measures to ensure that existing levels of public access to the beach in the community were maintained.

The Commission has also approved a residential preferential parking zone permit application within the City of Santa Monica. In 1996, the City proposed 24-hour preferential residential parking along Adelaide Drive and Fourth Street, between Adelaide Drive and San Vicente Boulevard, in the north part of the City (CDP application No. 5-96-059). The Commission found that due to the zone's distance from the beach and absence of direct access to the beach from the street the area did not provide significant beach access parking. However, because the public used the area for scenic viewing and other recreational activities the Commission found that the City's proposed 24-hour parking restriction was too restrictive and would significantly impact access and coastal recreation in the area. The Commission denied the permit and directed staff to work with the City to develop hours that the City could properly implement and would also protect public access and coastal recreation. The City subsequently submitted a new permit application with hours that restricted public parking during night-time only between the hours of 6:00 p.m. and 8:00 a.m. The Commission approved the permit with the proposed evening hour restrictions with special conditions (CDP No. 5-96-221). One of the special conditions limited the authorization to two years and required the City to submit a new permit application if the City wanted to continue the parking restrictions beyond that time, so that the program and possible impacts could be re-evaluated. In June 2000, the City submitted a new application and based on documentation that showed that the night-time-only parking restrictions created no significant impact to

public access to the area or impacts to surrounding streets, the Commission approved the permit (CDP No. 5-00-219).

In 1999, the Commission approved seven additional preferential parking zones within the City of Santa Monica (CDPs 5-99-45 through 51). The seven separate parking zones were generally located in the Ocean Park area (area south of Pico Boulevard) and varied from adjacent to the beach to seven blocks from the beach. The restrictions also varied from no public parking 24 hours per day to limited public parking. However, the Commission found that the creation of the preferential parking zones that excluded the general public from parking on the street during the beach use period adversely impacted public access and were inconsistent with the access policies of the Coastal Act. To mitigate the impacts, the Commission required that those zones that excluded public parking during the beach use period, provide one-hundred percent replacement parking.

In addition, the Commission also approved a coastal permit application by the City of Santa Monica in 2002 (CDP 5-02-380) to restrict public parking on several inland residential streets (3 or more blocks from the ocean) with the specific provision that such restrictions would only be effective during night-time hours (6:00 p.m. – 8:00 a.m.) and that public parking would be allowed unrestricted during all day-time hours. In addition, the Commission found that the night-time restrictions would not result in significant adverse impacts to public access because additional public parking would be available during night-time hours at formal public parking structures, public parking lots, and streets located closer to the beach. Regardless of these other public parking resources, the Commission found that the implementation of parking restrictions of the subject area during peak beach use periods during the day would not be consistent with the provision of maximum public access to the shoreline, therefore, only night-time restrictions were approved.

In addition to preferential parking programs, the Commission has also reviewed proposals to prohibit general parking by such measures as posting "No parking" signs and "red curbing" public streets. In 1993, the City of Malibu submitted an application (CDP 4-93-135) for prohibiting parking along the inland side of a 1.9 mile stretch of Pacific Coast Highway. The project would have eliminated 300 to 350 parking spaces. The City's reason for the request was to minimize the number of beach goers crossing Pacific Coast Highway for public safety concerns. The Commission denied the request because the City failed to show that public safety was a problem and because no alternative parking sites were provided to mitigate the loss of available public parking. Although there were public parking lots located seaward of Pacific Coast Highway and in the upland areas, the City's proposal would have resulted in a significant loss of public parking. The Commission, therefore, found that the proposal would adversely impact public access and was inconsistent with the access policies of the Coastal Act. In denying the proposal, the Commission recognized the City's desire to maximize public safety and found that there were alternatives to the project, which would have increased public safety without decreasing public access.

As shown above, the Commission has had before them a number of preferential parking programs statewide. The Commission has previously denied those programs proposed by local cities and counties when the programs were intended to provide preferential parking for residents at the expense of public parking for coastal access. The Commission has also approved some parking management programs with required conditions of approval to ensure that such programs did not function in a manner that would adversely impact public parking in favor of private residential parking. Because the programs were conditioned by the Commission to preserve public parking and access to the beach, the Commission found the programs consistent with the access policies of the Coastal Act. When it could not be found that approval of such programs would serve to maximize public access opportunities, the Commission has denied the preferential parking programs.

D. PUBLIC ACCESS AND RECREATION

One of the strongest goals of the Coastal Act is to protect, provide and enhance public access to and along the coast. In previous permit actions, the Commission has found that the establishment of preferential residential parking zones within walking distance of a public beach or other recreational areas may result in significant potential adverse impacts to existing public access and recreational opportunities if such programs are not properly designed or conditioned. Several policies of both the Coastal Act and the certified Local Coastal Program for Santa Barbara County require the Commission to protect public beach and recreation access. All Chapter 3 policies of the Coastal Act have been incorporated in their entirety in the certified County Local Coastal Program as guiding policies pursuant to Policy 1-1 of the Local Coastal Program.

Section 30210 Coastal Act, as incorporated in the LCP by Policy 1-1, states:

In carrying out the requirements 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.

Policy 7-1 of the LCP states, in relevant part, that:

The County shall take all necessary steps to protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline.

Section 30211, as incorporated in the LCP by Policy 1-1, states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a), as incorporated in the LCP by Policy 1-1, states:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Coastal Act Section 30212.5, as incorporated in the LCP by Policy 1-1, states:

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

Coastal Act Section 30213, as incorporated in the LCP by Policy 1-1, states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Coastal Act Section 30214, as incorporated in the LCP by Policy 1-1, states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30223 of the Coastal Act, as incorporated in the LCP by Policy 1-1, states:

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

Section 30252 of the Coastal Act, as incorporated in the LCP by Policy 1-1, states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

LCP Policy 1-2 states:

Where policies within the land use plan overlap, the policy which is most protective of coastal resources shall take precedence.

LCP Policy 1-3 states:

Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's Comprehensive Plan or existing ordinances, the policies of the coastal land use plan shall take precedence.

LCP Policy 2-23 states:

The County shall work with property owners in Isla Vista to identify vacant sites for the potential development of parking to serve existing residential units. The County may also explore the possibility of acquiring or developing public parking.

The public possesses ownership interests in tidelands or those lands below the mean high tide line. These lands are held in the State's sovereign capacity and are subject to the common law public trust. The protection of these public areas and the assurance of access to them lies at the heart of Coastal Act policies requiring both the implementation of a public access program and the provision of maximum public access, where applicable, through the regulation of development. To carry out the requirement of Section 4 of Article X of the California Constitution, Section 30210 of the Coastal Act, as incorporated into the certified LCP, requires that maximum public access and recreational opportunities be provided in coastal areas. In addition, Section 30211 of the Coastal Act, also incorporated into the certified LCP, requires that development not interfere with public access to the sea where acquired through use or legislative authorization. Furthermore, Section 30212 of the Coastal Act, as incorporated in the LCP, requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects with certain exceptions such as public safety, military security, resource protection, and where

adequate access exists nearby. Finally, LCP Policy 7-1 further highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline."

Coastal access is generally viewed as an issue of supply and demand, and is dependent not only on the provision of lateral access (access along a beach) and vertical access (access from an upland street, bluff or public park to the beach), but also the availability of public parking (including on-street parking). In past Commission actions, the Commission has found that the availability or supply of public parking (including on-street parking) constitutes a significant public access and recreational resource and is as important to coastal access as shoreline accessways.

The proposed project is for the establishment of a preferential parking program for private residents in the community of Isla Vista that would restrict the general public's ability to park along the existing public street rights-of-way. The locations of proposed designated parking areas and their applicable restrictions are depicted on Exhibit 2. Development in the community is generally characterized as high-density residential for the majority of the program area with some single-family residential neighborhoods and a small commercial "downtown" district. There are five existing vertical access ways that provide public access from Del Playa Drive (the first public road paralleling the sea) to the sandy beach. The beach is backed by high bluffs and runs along the entire southern length of the community and is heavily used for a variety of recreational activities, including strolling, surfing, running, sunbathing, and fishing. In addition, the beach is also used as an access point to reach adjoining beaches up and down-coast of this community. Due to the continuing and historic public use of the beach in this area, the Commission finds that a parking restriction program should only be allowed if such program is consistent with the continued provision of maximum public access to the beach as required by the public access and recreation policies of the certified LCP and the Coastal Act.

The County has estimated that there are approximately 3,000 existing on-street parking spaces in the community. Currently, all of these spaces are available for use by both the public and residents on a first-come first-serve basis. In general, users of on-street parking in the community include: residents; visitors to the area; customers to stores, shops, and restaurants; employees of businesses; students of the adjacent University; and beachgoers. A parking count survey was conducted by the Santa Barbara County Public Works Department on six separate weekdays over a two-week period in the months of September and October. According to the County's survey, an average of 86–96 percent of on-street parking spaces were occupied at a given time within the study area. The survey was intended to determine a count of parked vehicles only and did not distinguish between different users. The highest percentage rates of occupancy were found to exist on the western end of Isla Vista adjacent to the University and commercial district while significantly lower rates of occupancy occurred on the eastern end of Isla Vista adjacent to Coal Oil Point Natural Reserve/Devereaux Slough.

Section 30210 of the Coastal Act, as incorporated in the certified LCP, requires that new development be implemented in a manner consistent with the provision of maximum public access and recreational opportunities. In addition, Policy 7-1 of the LCP specifically requires that the County “take all necessary steps to protect and defend the public’s constitutionally guaranteed rights of access to and along the shoreline” In this case, the preferential parking program, as proposed, would serve to reduce the amount, location, duration, and time of day that parking spaces would be available for use by non-residents. Parking by non-residents would be limited to no more than one hour in one of the proposed residential zones and prohibited entirely in second residential zone. Residents would be eligible to purchase parking permits that would exempt them from these parking restrictions. Further, parking for non-residents would be restricted to 45-minute maximum metered pay-parking in the commercial district, 60-minute maximum time-limited parking in one of the two proposed residential zones, and 106 designated “coastal access” parking spaces that would be time-restricted to four-hours per user. Further, 93 of the 106 designated time-limited “coastal access” spaces would be further restricted by prohibiting all parking between the hours of 10:00 pm and 6:00 am effectively eliminating the potential for night-time public coastal access at all but a few of the spaces. The proposed program would also allow the public (non-residents) to park in the otherwise restricted residential areas on weekend mornings (Saturday and Sunday) between the hours of 5:00 am to 12-noon.

The applicant has asserted that the preferential parking program would not result in any adverse impacts to public coastal access because they believe adequate public access would be provided by the designation of 106 of the approximately 3,000 existing on-street parking spaces that are currently available for general public use specifically for coastal access.¹ However, the applicant has not submitted any information regarding the actual number of beach-users who currently use the existing parking facilities or any evidence that no more than 106 parking spaces would be needed to adequately serve beach users. The County has submitted a vehicle-count survey of the entire community taken during a two-week period and a separate vehicle-count survey of Camino Majorca (the street on the west end of the community where the majority of the coastal access parking would be designated) during 20 separate days over a seven month period (which are both included as Exhibits 13 and 14 for reference). However, the Commission notes that these surveys were limited in scope to counting parked vehicles and that neither of these surveys distinguish between vehicles that were parked for beach users vs. non-beach users. As such, neither of the two parking surveys are adequate to determine the number of beach-users who visit the community on a daily basis (much less to determine the change in the number of beach-users that would be expected to vary by season). Without this data, it is not possible to determine whether the provision of 106 parking spaces is adequate to maintain the currently existing levels of parking supply for public beach access users or to substantiate the County’s findings that the proposed parking program will serve to maximize public coastal access and recreational opportunities.

¹ The 101 spaces would be located along Del Playa Drive, Camino Majorca, and Camino Linda on a time limited basis during the day. The five remaining spaces would be metered spaces located in the commercial district available at a rate of \$0.40 per 15 minutes.

The Commission notes that although the designation of 106 of the 3,000 on-street parking spaces is consistent with the provision of public access, the other components of the proposed program to restrict the amount, location, time of day, and duration that non-residents would be allowed to park in the community would not be consistent with the provision of maximum public access. In a previous permit action, the Commission denied a coastal permit application (CDP 5-90-989) by the City of Los Angeles for a proposed preferential parking program along portions of Mabery Road, Ocean Way Entrada Drive, West Channel Road and East Rustic Road in the Pacific Palisades area, within Santa Monica Canyon. The proposed streets were located inland of and adjacent to Pacific Coast Highway. The preferential parking zone extended a maximum of approximately 2,500 feet inland along East Rustic Road. According to the City's application, the purpose of the proposal was for parking relief from non-residents. Despite available existing public parking along surrounding streets and in nearby State beach parking lots along Pacific Coast Highway that closed at 5:30 p.m., the Commission denied the application because the areas were used for parking by beach goers and because elimination of public on-street parking along these streets would significantly reduce public beach parking in the evening and also reduce visitor serving commercial parking.

In this case, even with the provision of the 106 "coastal access" designated parking spaces, the proposed parking restrictions would serve to reduce the amount of existing parking spaces available for public use in the community and (with the exception of the proposed 45-minute maximum time-limited parking commercial zone and the 60-minute maximum time-limited parking allowed in one of the two proposed residential zones) effectively eliminate the public's ability to use approximately 2,900 of the approximately 3,000 total on-street parking spaces for the purpose of coastal access. The exclusion of so many of the currently available parking spaces in the community from public use would result in a significant loss in the amount of the existing parking facilities available for public coastal access. In response to this concern, County staff have asserted that the loss of the public's ability to use approximately 2,900 of the approximately 3,000 total existing public parking spaces in the community will not result in any adverse impacts to public coastal access because the majority of parked vehicles in the community are not beach users. However, as discussed above, no studies or information have been submitted as part of this application that identify the actual number of beach access users who are currently parking in the community. As such, no evidence has been submitted to support the assertion that the provision of 106 parking spaces is adequate to maintain either current levels of existing beach use by visitors to the community or to adequately provide for potential future increases in the level of beach use by visitors. As such, the Commission notes that although the program, as proposed, would retain a limited number parking spaces for public access and recreation, the program, as a whole, would not provide for maximum public access and would not serve to protect existing public access resources as required by Section 30210 and 30211 of the Coastal Act or, as incorporated by Policy 1-1 of the LCP, and with Policy 7-1 of the LCP.

In addition, the program would not only result in adverse impacts to public access due to the significant reduction in the number of parking spaces available for public use but the proposed new restrictions limiting both the duration and the time of day that members of the public would be allowed to park in the program area would also result in adverse impacts to public coastal access as well. In a previous permit action, the Commission denied a preferential residential parking program proposed by the City of Long Beach pursuant to CDP Application A-5-LOB-97-259 finding that, in addition to procedural grounds, the implementation of one-hour parking limits would adversely impact the public's ability to access the beach. In another previous permit action, the Commission approved CDP 5-96-059 for a parking program proposed by the City of Santa Monica with the specific provision that the parking restrictions would be limited to evening and night hours only (6 p.m. – 8 a.m.) in order to ensure that the area would be available for public coastal access parking during the daylight hours.

In this case, public parking is currently available in the community on a 24-hour basis. The program would create new restrictions that would limit public parking in the majority of the community to no more than one-hour and even eliminate public parking in other areas. The program would limit parking for public access to the beach to 106 designated parking spaces that would allow for no more than 4-hour time-limited parking. In addition, 93 of the 106 "coastal access" spaces would be further restricted by prohibiting all parking between the hours of 10:00 p.m. and 5:00 a.m. effectively eliminating the potential for night-time public coastal access at all but 13 of the spaces. In previous permit actions, the Commission has found that the implementation of time-restrictions on public parking can result in adverse impacts to public access. The significant reduction in both the duration and time of day that parking would be available for coastal access will not provide for maximum public access to the sea or the protection of existing public access resources as required by the public access policies of the LCP and Coastal Act.

In addition, as proposed, the 106 public "coastal access" spaces would not be distributed evenly within the community but (as shown on Exhibit 2) would be almost exclusively located on the far west end of the community. Parking for 4 of the 5 existing public access ways that provide access from Del Playa Drive to the beach would be limited to only 4 on-street spaces per access way. The majority of existing available parking spaces on Del Playa Drive would be effectively restricted to use by residents only. The elimination of the public's ability to park at all but 4 spaces at four of the existing public accessways would result in a significant reduction in the public's ability to park and use these public access ways to reach the beach. In addition, the reduction and relocation of the majority of parking spaces that would remain available for coastal access by non-residents to the western end of the community will not serve to provide maximum public access to the sea or to protect existing public access resources as required by the public access policies of the LCP and Coastal Act.

Further, the Commission notes that the reduction in the overall number of parking spaces available for public parking in the community will result in increased demand and competition for the remaining 106 spaces where the public would be allowed to

park (including demand and competition by non-coastal access parking users). The community of Isla Vista is unique, from a geographic perspective, in that it is relatively isolated from other urban areas by large open tracts of land to the east and north, the ocean to the south, and the University to the west. County staff have asserted that the proposed loss of the public's ability to use the majority of the approximately 3,000 existing parking spaces will not result in any adverse impacts to public coastal access because the majority of the streets where public parking will no longer be allowed are located far enough inland that coastal access users would not be expected to use those spaces.

However, the Commission also notes that implementation of the proposed parking restrictions in any one portion of this relatively small $\frac{1}{2}$ square mile community would result in the potential redirection of parking demand to other areas of the community. In this case, the proposed preferential parking program would eliminate the ability of all non-residents/daily visitors to the community to park on approximately 96.5% (2,894 of the approximately 3,000 spaces) of the public streets in the community for any period of time longer than one hour. As a result of such significant restrictions, it is anticipated that the demand (and competition) for the remaining 3.5% available public parking supply (106 of the approximately 3,000 spaces) would be significantly increased. In addition, beach-users would likely be competing with University daily-commuter students for the remaining 106 public spaces. As such, the Commission finds, that even though many of the streets in the community where the proposed restrictions would be imposed are actually located several blocks inland from the beach, elimination of the public's ability to park on those streets (even for non-coastal access users) would result in the potential displacement of many of the non-coastal access users to the remaining free public parking spaces, which would, for the most part, be limited to the proposed 106 designated "coastal access" spaces.

As such, it is anticipated that the 106 spaces would not be used only by actual beach-users but by other non-beach-user visitors to the community as well. As discussed above, even assuming that all 106 coastal access parking spaces could actually be successfully reserved for public coastal access users, the proposed program would still result in a significant loss of existing public parking resources. However, the Commission notes that in the likely event that the relatively few remaining parking spaces where the public would be allowed to park are occupied by non-beach goers, as opposed to actual coastal access users, then the public may actually be effectively precluded from any use of the public beaches in this community as a result of the implementation of the proposed preferential parking program. The County has asserted that the 106 "coastal access" spaces would be reserved for such use through periodic monitoring of the 106 "coastal access" spaces by County staff to prevent residents participating in the parking program from using these spaces. However, the Commission notes that it is not reasonable to assume that non-resident/non-beach user visitors to the community could be effectively precluded from using the 106 "coastal access" spaces. The County has indicated that use of the 106 spaces by non-beach goers would be minimized by monitoring by County staff. The County's report and staff recommendation to the County's Board of Supervisors dated October 28, 2004, asserts:

Under the program, all designated coastal access spaces are legally reserved only for coastal access users. It is the responsibility of the Sheriff and parking enforcement officers to patrol and enforce coastal access parking restrictions...As discussed in the MND, the mitigation would require the mandatory addition of more spaces and/or implementation of a permit or meter system if the results of monitoring show consistent occupancy rates of 90% or more of the coastal access spaces.

As originally approved by the County, a special condition of the County's permit would require limited monitoring of the coastal access spaces by either the County Public Works Department or the Sheriff's Department four days per month for the first six months and then every two years during the life of the program. However, although such monitoring may be adequate to ensure that use of the "coastal access" parking spaces by vehicles displaying residential parking permits would be minimized, it is not clear how such monitoring would, in any way, preclude use of the designated "coastal access" spaces by other non-beach user visitors to the community (such as short-term parking by non-resident visitors to the adjacent residences or the University). Further, the applicant proposes that in the event that occupancy rate of the coastal access spaces "exceeds 90% on 3 or more days per month, the County would implement either a metered and/or permit system and/or designate additional coastal access parking..." However, the Commission finds that, with the exception of the provision of additional spaces for public coastal access, the implementation of such "mitigation measures" would actually serve to further reduce the public's ability to park and access the coast and would serve to make the preferential parking program even more inconsistent with the public access and recreation policies of both the Coastal Act and the LCP.

As stated in the proposed project description of the coastal permit approved by the County, the findings for its approval, and Condition One (1) of the County-issued coastal permit, the "purpose of the parking permit and meter program is to prioritize on street parking for residents and business patrons by reducing the number of non-resident drivers in the community." The Commission finds that a parking program designed, on balance, to be unduly weighted to the protection of private parking for residential development to the detriment of public parking resources and the provision of maximum public access and recreational opportunities in coastal areas is inconsistent with the public access and recreation policies of both the certified LCP and the Coastal Act. However, in this case, County staff have also indicated that the program is also intended to reduce parking congestion in the community by reducing the number of vehicles parked on the streets by residents of the dormitories of the adjacent University. The County has stated that it believes dormitory residents of the adjacent University are using on-street parking in Isla Vista, rather than using the on-campus parking facilities specifically designated for use by these students, in order to avoid parking fees associated with on-campus parking. In addition, County staff have also indicated that the imposition of the proposed program fees would be expected to act as a deterrent to on-street parking to some student residents of the community who maintain permanent residences outside the community and might otherwise choose to leave their automobiles at their permanent residences rather than bring them to the Isla Vista during the school year.

The Commission recognizes that the supply of parking resources in Isla Vista is limited and the demand for parking is relatively high. However, the Commission also finds that although the proposed parking program would include some provisions for public access, on the whole, it would significantly reduce the amount of existing parking available for public access to the coast in non-compliance with the policies of the LCP and Coastal Act. However, the Commission notes that some regulation of parking would be consistent with the provision of maximum public access if implemented in a manner that reduced overall parking congestion in the community while not resulting in the reduction or elimination of any currently existing public access and recreational resources.

The Commission further notes that feasible alternatives exist to the proposed preferential parking program that would allow the County to meet the above referenced goals to reduce parking congestion in the community including the development of cooperative measures between the County and the University to control off-campus parking by dormitory students and day-use commuter students as well. In this case, no information was submitted by the County as part of this application and no findings were included for the County's approval of its coastal permit for the proposed program regarding what cooperative measures have been previously implemented by the University and County or could be feasibly implemented in the future. In addition, Policy 2-23 of the LCP specifically addresses the problem of parking congestion in the community of Isla Vista and provides that the County shall work with property owners in Isla Vista to identify vacant sites for the potential development of parking to serve existing residential units. Policy 2-23 also states that the County should explore the possibility of acquiring or developing formal public parking facilities in Isla Vista which could include parking lots and structures. The provision of adequate public parking facilities would serve as a long-term solution to reduce on-street parking congestion in Isla Vista. In this case, no information was submitted by the County as part of this application and no findings were included in the County's approval of its coastal permit for the proposed program that this alternative had been analyzed. In addition, the majority of parked vehicles on the street appear to be a result of inadequate on-site parking facilities for existing residential development in the community. The Final Revised Negative Declaration dated June 15, 2004, and prepared by County staff, indicates that less than ½ of Isla Vista residents have adequate off-street parking for their vehicles. As such, the long-term solution to on-street parking congestion would be to require that as redevelopment of existing residential properties occur, that the provision of adequate parking facilities for the actual number of expected residents be required. Further, as an immediate and feasible alternative, the implementation of parking restrictions only during night-time hours would also allow the County to meet some of the above referenced goals in order to reduce parking congestion in the community.

In this case, the applicant has stated that they wish to reduce parking by non-residents in the community, including parking by dormitory residents and day-use commuter students from the adjacent university who choose not to utilize available on-campus parking facilities due to the cost associated with such parking. Commission staff has met with both County staff and with one of the appellants, Surfrider Association, to discuss

feasible alternatives to reduce impacts to public access but that would still allow the County to achieve some of its stated goals for the program. In addition to the alternatives discussed above, one of these alternatives includes the implementation of time-limited parking restrictions in all zones during night-time hours only. Although this alternative would not restrict potential parking by University students during the day, implementation of time-limited parking only during night-time hours would allow the County to meet one of its stated goals to reduce parking congestion in the community by eliminating overnight on-street parking by non-residents (including University students/dormitory residents) while also avoiding any impacts to public access and recreation users during the peak beach-user period during the day. Commission staff also explored other alternatives including the implementation of 4-hour time-limited parking during daytime hours in the "Residential 1 HR Timed Parking" zone while still prohibiting public parking in the "Residential" zone. However, staff notes that implementation of even 4-hour time-limited parking during daylight hours instead of the proposed 1-hour time-limited parking in the majority of the program area would still result in a significant reduction in the public's ability to access the coast during peak beach-use periods during the day and would, therefore, still not serve to maximize public access in the Coastal Zone as required by the policies of the certified LCP.

Therefore, the Commission finds that the preferential parking program, as proposed, would result in the significant loss of existing parking facilities that are currently available for public access and recreation inconsistent with the provisions of the above cited sections of the Coastal Act regarding public access and recreation, which have been included in the County's LCP pursuant to LUP Policy 1-1 and which require the provision of maximum public access and recreational resources. Of particular note, Policy 7-1 of the LUP highlights the County's duty to "protect and defend the public's constitutionally guaranteed rights of access to and along the shoreline." However, in contradiction to these policies, the stated primary purpose of the parking program is to prioritize parking for the private residents of Isla Vista.

Therefore, in order to ensure that adverse impacts to public access and recreation are avoided and that existing public access resources continue to be protected, Special Condition One (1) requires the applicant to submit, for the review and approval of the Executive Director, a revised Parking Management Program that would allow for the community-wide restriction of on-street parking to a 4-hour time-limit per user only between the night-time hours of 6:00 p.m. and 8:00 a.m. Residents participating in the program shall be exempt from the 4-hour time limit. Public parking in the designated "Coastal Access Parking" zones may also be restricted to a 4-hour time limit per user between the hours of 6:00 p.m. and 8:00 a.m. only. Residents participating in the program shall be prohibited from parking in the designated "Coastal Access Parking" zones at all times on a 24 hour/day basis. The 4-hour time limits on public parking within the "Parking Management Area" and "Coastal Access Parking" zones shall not apply between the hours of 8:00 a.m. and 6:00 p.m. The proposed metered/pay-parking restrictions would also be allowed in the proposed "Commercial District" zone. Special Condition One (1) would also require the applicant to submit, for the review and

approval of the Executive Director, a revised parking plan/map and signage plan adequate to implement the above referenced changes to the approved program.

In addition, the Commission notes that the Managed Parking Program, as approved and conditioned by this permit, may be considered an incremental step in dealing with parking congestion in Isla Vista. If the revised parking program does not result in a reduction in the number of cars parked on the streets of Isla Vista, other measures as cited above, could be explored as part of a more comprehensive program to reduce parking congestion. Future population growth in the County should also be considered in relation to the expected demand and, therefore, the necessary supply for future beach parking in this area. The Commission also notes that any future application for such revisions should include additional studies, conducted on a seasonal basis by the County, to identify how many beach-users are parking in the area as compared to residents and guests. To ensure that adverse impacts to public access do not occur in the future, Special Condition Two (2) requires that any future changes or revisions to the Managed Parking Program (including, but not limited to, any change in the amount, location, duration, rates and fees, and time of day that parking spaces would be available) will require either an amendment to this permit from the California Coastal Commission or an amendment to the County's certified Local Coastal Program and a new coastal development permit issued by Santa Barbara County.

Although the County's certified Local Coastal Program (LCP) does include regulations regarding parking and specific requirements that new development provide adequate on-site parking, the LCP does not contain any provisions for the implementation of preferential parking programs within the Coastal Zone. On September 7, 2004, the Board of Supervisors approved and adopted Resolution No. 04-247 to establish a preferential residential parking program in the community of Isla Vista. In addition, the related Ordinance Nos. 4542 and 4543 were also approved and adopted by the Board of Supervisors on July 27, 2004 to amend the County's Code (Chapter 23B and 23D) adding Chapter 23B to the County Code authorizing new County wide residential parking programs (including areas within the Coastal Zone) and Chapter 23D which would specifically address the preferential parking program in the community of Isla Vista, which is located entirely within the Coastal Zone. Regardless of the fact that this amendment to the County Code would directly affect public access and recreation within the County's Coastal Zone, no change or amendment to the LCP was proposed by the County or approved by the Commission to incorporate the new ordinance into the County's certified LCP.

The Commission finds that that institution of a community-wide preferential parking program, as authorized by the above referenced amendment to the County Code and proposed by this permit application, would directly affect existing public access and recreation resources in the community and; therefore, in order to ensure consistency and prevent conflict between the provisions of the certified LCP and the County Code, could appropriately be addressed as an amendment to the LCP. Although staff believes it would have been preferable if the County addressed this preferential parking program through an LCP amendment, from a procedural standpoint, processing the parking

program through a coastal development permit is not prohibited. Commission staff have informed County staff that any future programmatic parking programs that would affect public access and recreational resources in the Coastal Zone should be processed as an amendment to the County's certified Local Coastal Program. In this case, the subject permit application was appealed to the Commission because, as previously approved by the County, the permit is inconsistent with the public access and recreation policies of the certified LCP and the Coastal Act. In addition, the resolutions and ordinances previously adopted by the County (but never included in the LCP) are inconsistent with the terms and conditions of this permit as approved by the Commission. As such, the Commission notes that the proposed preferential parking program (as well as the previously approved County resolution and ordinances to implement the program) is not consistent with the public access and recreation policies of the LCP. Therefore, in order to ensure consistency between the approved coastal permit, the LCP, and the other ordinances of the County Code, Special Condition Three (3) requires that, prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, evidence that the Santa Barbara County Board of Supervisors' Resolution No. 04-247, Ordinance No. 4542, and Ordinance No. 4543 have been amended consistent with all provisions and conditions of this coastal development permit.

Therefore, for the reasons discussed above, the Commission finds that the proposed preferential program will not provide for maximum public access or the protection of existing public access and recreation resources in coastal areas and that the program is inconsistent with the public access and recreation provisions of both the Coastal and the County's LCP. Thus, the Commission finds that, only as conditioned, will the proposed project be consistent with the above referenced public access and recreation policies of the County's LCP and the Coastal Act.

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of 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 Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

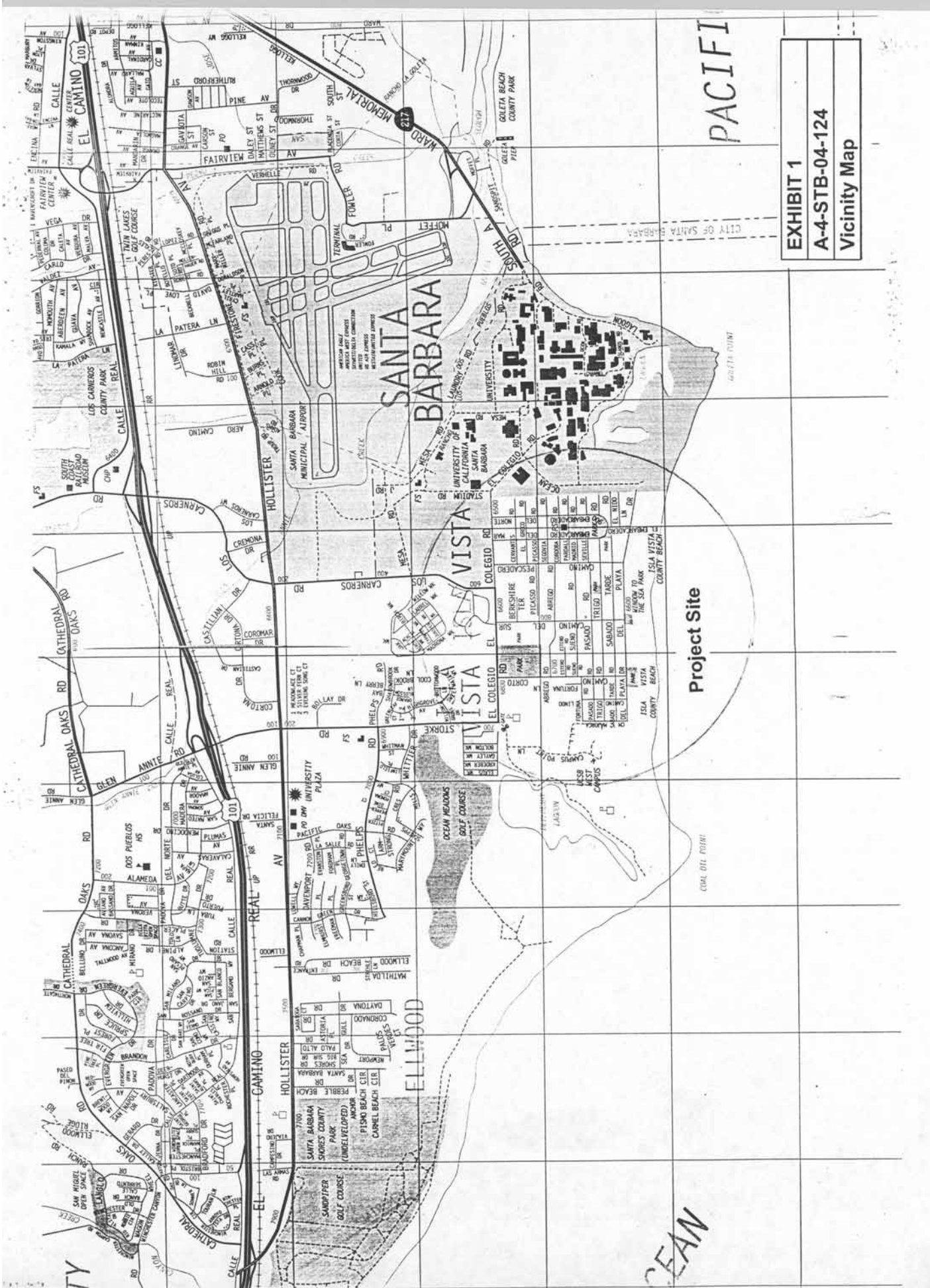


EXHIBIT 1
A-4-STB-04-124
Vicinity Map

Project Site

