



CITY OF NEWPORT BEACH BALBOA VILLAGE ADVISORY COMMITTEE AGENDA

ExplorOcean
600 East Bay Avenue
Thursday, December 13, 2012 - 3:30 p.m. to 5:00 p.m.

Committee Members:

Michael Henn, Council Member (Chair)
Keith Curry, Mayor Pro-Tem
Gloria Oakes – Balboa Peninsula Point HOA
Ralph Rodheim – Balboa Village BID Board Member
Laura Keane – Central Newport Beach Community Association
Tom Pollack – ExplorOcean Representative
Jim Stratton – At-Large Representative

Staff Members:

Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Tony Brine, City Traffic Engineer
Jim Campbell, Principal Planner
Fern Nueno, Associate Planner

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- I. **Welcome and Introductions**
 - II. **Overview of Balboa Village Master Plan**
<http://www.newportbeachca.gov/Modules/ShowDocument.aspx?documentid=14799>
Exhibit 1: Overview of Brand Development Process
Exhibit 2: Market Opportunities Analysis & Implementation Strategies
Exhibit 3: Parking Management Plan
Exhibit 4: Implementation Plan Matrix
Recommended Action: None Required
 - III. **Residential Permit Parking Program (RPPP)**
 1. Introduction (Attachment 1)
 2. Survey Results (Attachment 2)
 3. Review Proposed Work Program (Attachment 3)*Recommended Action: Forward Work Program to City Council Authorizing Implementation*
 - IV. **Master Plan Priorities - Year-One** (Attachment 4)
Recommended Action: Review & Establish Priorities for 2013
 - V. **Proposed Meeting Schedule**
Recommended Action: Approve Schedule
 - VI. **Public Comment**
 - VII. **Adjournment** *Next Meeting Date Thursday, January 10, 2013 at 3:30 p.m. to 5:00 p.m.*

Please refer to the City Website, <http://www.newportbeachca.gov/index.aspx?page=2196>, for additional information regarding the Balboa Village Advisory Committee.

AN AGENDA FOR THIS MEETING HAS BEEN POSTED AT LEAST 72 HOURS IN ADVANCE OF THE MEETING AND THE PUBLIC IS ALLOWED TO COMMENT ON AGENDA ITEMS.

IT IS THE INTENTION OF THE CITY OF NEWPORT BEACH TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) IN ALL RESPECTS. IF, AS AN ATTENDEE OR A PARTICIPANT AT THIS MEETING, YOU WILL NEED SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED, THE CITY OF NEWPORT BEACH WILL ATTEMPT TO ACCOMMODATE YOU IN EVERY REASONABLE MANNER. PLEASE CONTACT LEILANI BROWN, CITY CLERK, AT LEAST 72 HOURS PRIOR TO THE MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE (949-644-3005 OR CITYCLERK@NEWPORTBEACHCA.GOV).

Attachment 1

Residential Permit Parking Program (RPPP)
Introduction

RECOMMENDATION #3: ESTABLISH A RESIDENTIAL PARKING PERMIT PROGRAM.

Description

A residential permit program (RPP) operates by exempting permitted vehicles from the parking restrictions and time limits for non-metered, on-street parking spaces within a geographic area.

A conventional RPP is one that allows those without a permit to park for generally two to four hours during a specified time frame, such as 8 AM to 6 PM, Monday to Friday. Permit holders are exempt from these regulations and able to essentially store their vehicle on-street. Ownership of a permit, however, does not guarantee the availability of a parking space.

The proposed parameters for a RPP in Balboa Village have been informed by feedback from key stakeholders, particularly the Balboa Village CAP.

Why Implement It?

The primary goal of an RPP is to manage parking “spillover” into residential neighborhoods. RPPs work best in neighborhoods that are impacted by high parking demand from other uses, such as:

- Large employers
- Universities, colleges, neighborhood schools, or hospitals
- Transit stations
- Popular commercial, retail, entertainment, tourist, or recreational destinations

By managing spillover, RPPs can ensure that residential neighborhoods are not overwhelmed by commuters, employees, or visitors, thereby enabling local residents to park their vehicles on-street. RPPs are especially important in neighborhoods where residents have limited off-street parking.

Tradeoffs to Consider

- Potential additional administrative, management, and enforcement costs for the City if the program is not priced appropriately
- Permits do not guarantee parking availability for residents, which may become a problem if too many permits are made available and sold
- Negotiation process with the Coastal Commission over the program parameters and guidelines may be time consuming and resource intensive

How Will It Work?

Outlined below are the recommended program parameters for a potential RPP specific to the Balboa area.

RPP District Boundaries

Parking restrictions would apply to all residential streets between 7th Street and Adams Street. The metered spaces in the median on West Balboa Boulevard would remain metered and RPP permits would not be valid at these spaces.

There is potential that the RPP could create additional spillover into areas just outside of the boundaries of the proposed district. Boundaries may need to be adjusted in the future to respond

to changes in demand. In general, however, it is believed that the proposed district will largely capture the parking demand for the area and spillover will be limited.

Program Eligibility

All residences within the proposed zone and Bay Island are eligible to purchase permits. Rental home owners may purchase permits for use by tenants.

To purchase a permit the following is required:

- Completed application form and payment
- Proof of residence is required (no P.O. boxes), which can include one of the following: Pre-printed check; Driver's license; Current utility bill; Vehicle registration; or Current rental/lease agreement
- Permits can be purchased online, by mail, or in-person at City Hall

Hours of Operation

No Parking: 4 PM – 9 AM, 7 days, excluding holidays. Permit holders exempt. In addition, RPP permits would not be allowed for use in existing “green” short-term parking spaces during the hours of operation of abutting land uses.

Number of Permits

A maximum of four permits per household. The issue of guest permits is still being studied. Moving forward, any guest permit option should limit the number of guest permits per household, price the permits accordingly, limit the permit's time length (i.e. applies during the same overnight period as the standard RPP permit) and clearly distinguish the guest permit to ensure that they are not utilized as standard permits. Guest permits should also be eligible for purchase on-line.

Permit Type

Permits shall be a “hangtag” designed to be hung from a vehicle's rearview mirror. Permits will be a solid color (to change annually) and clearly indicate the year of permit issued.

If included as part of the RPP, it is recommended that guest permits also be a hangtag with the date of use and license plate of guest vehicle clearly indicated and visible.

Legal Standing for RPPs

The California Vehicle Code (CVC) authorizes local jurisdictions to limit or prohibit parking on local streets and roads. The CVC also allows the creation of a preferential parking program for residents and merchants to exempt them from such regulations (CVC Section 22507).¹⁰ Section 22507 states:

(a) The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or resolution. With the exception of alleys, the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program.

Section 22507.2 also states that “The local authority may charge a nonrefundable fee to defray the costs of issuing and administering the permits.”

¹⁰ For more information, see the CVC at <http://www.dmv.ca.gov/pubs/vctop/vc/tocd11c9.htm> or Appendix B.

Permit Costs

Per the California Vehicle Code, jurisdictions are allowed to price permits to cover their administrative costs. Given the high demand for parking and limited supply of on-street spaces in Balboa Village, it is recommended that permits be priced at an escalating rate to encourage residents to make full use of their garages and purchase only the number of permits they actually need. Initial prices for the RPP are proposed below, which are comparative to RPPs in similar jurisdictions. The City may need to adjust (up or down) the pricing structure in future years to respond to evolving demand for permits.

- Permits are valid from January 1st to December 31st
- 1st permit: \$20 per year
- 2nd permit: \$20 per year
- 3rd permit: \$60 per year
- 4th permit: \$100 per year
- Lost or replacement permit: \$100 without proration
- Guest permits: To be determined

Revenue projection

Figure 5-1 below provides the projected revenue for the proposed residential permit program at a given number of permits purchased. The revenue projections were determined using U.S. Census data for the number of households within the proposed permit zone (890 households) and the average number of vehicles per household in Newport Beach (1.9 vehicles per household).¹¹ The projections also include an estimate of revenue from replacement permits¹² and citation revenue¹³.

Given the average number of vehicles per household in Newport Beach it is reasonable to assume that the average household will purchase between two and three permits, likely closer to two permits. As a result, a rough estimate is that the permit program would generate slightly more than \$106,000 in revenue per year. This revenue would be utilized to pay for administrative, management, and enforcement of the program.

¹¹ The projections assume that 5% of the 890 households within the study area will not purchase any permits, resulting in 846 households purchasing at least one permit.

¹² Assumes the following: 2% of permits issued each year will be lost and repurchased at \$100 each.

¹³ Assumes the following: 1) Approximately 664 non-metered, on-street spaces in proposed district; 2) .05% of parking spaces will be issued a citation per day (about 3 citations per day in the district); 3) Regulations are enforced 350 days per year; and 4) All citations are paid on time at \$58 per citation.

Figure 5-1 Projected Range of Revenue for Permit Program

Permit #	Max # of permits	Permit Price	Revenue	0.05% Citations Annually	Revenue	2% Lost Permits Annually	Revenue	Total Annual Revenue
1	846	\$20	\$17,800	1162	\$67,423	17	\$1,691	\$86,914
2	1691	\$20	\$35,600	1162	\$67,423	34	\$3,382	\$106,405
3	2537	\$60	\$89,000	1162	\$67,423	51	\$5,073	\$161,496
4	3382	\$100	\$178,000	1162	\$67,423	68	\$6,764	\$252,187

It is important to note that the revenue projections provided here are initial estimates. The City is still evaluating its potential administrative costs for the RPP program. Once implemented, the finances of the RPP could be substantially different. Once again, per what the law allows, and reflective of RPP best practices, the City may wish to price permits to cover the full costs of program administration.

Enforcement

RPP restrictions would be primarily enforced by the City of Newport Beach Police Department, with parking control officers supporting enforcement activities.

Compliance with California Coastal Commission

As discussed in Chapter 4, the Coastal Commission will need to approve any RPP proposed by the City of Newport Beach for the 7th to Adams District. The Commission has reviewed a number of RPP applications from other coastal jurisdictions in recent years and has consistently identified a number of key issues which must be addressed by the RPP in order to secure final approval. With those issues in mind, it is recommended that the City of Newport Beach permit application for the RPP emphasize the following program elements.

- **The permit program is just one piece of a larger “package” of parking reforms designed to strike a regulatory balance that makes it easier for both residents and visitors to park in the 7th to Adams District.** The Coastal Commission is primarily concerned with ensuring public access to coastal resources and preventing “exclusive” access by permit holders. To address this concern, the City should emphasize that the proposed RPP will complement the other recommendations included in this study, all of which are designed to improve overall parking management. These include:
 - a. Demand-based pricing to improve availability of both on- and off-street parking facilities.
 - b. The creation of a formal shared parking district, in which as many private off-street spaces as possible would be made public, thereby creating additional supply.
 - c. A real-time wayfinding program directing visitors to immediately available public parking.
 - d. Potential implementation of a valet parking program and/or shuttle services to remote lots during peak periods as a means to increase parking supply and efficiency.

- e. The establishment of a PBD and the use of parking revenue to fund transit, bicycle, and pedestrian infrastructure.
- **The hours of operation for the RPP are designed to conflict as little as possible with beach visitors.** The proposed 4 PM – 9 AM hours of operation are designed to allow residents easy access to parking when they return home from work, while giving visitors the opportunity to park on-street for the period of the day associated with peak visitor demand. In addition, the proposed RPP would not be in effect on holidays, typically the busiest periods of demand.
- **There is a large amount of available public parking nearby.** The Walker study demonstrates that there are close to 1,200 off-street parking spaces from Coronado Street to B Street, all of which are within a 5-10 minute walk from the primary beach and commercial area in Balboa Village. Furthermore, the occupancy data from the Walker study shows that during the hours of operation of the proposed RPP these off-street spaces are 51% occupied on Thursday (7 PM) and 82% occupied on Saturday (7 PM). As a result, there should still be ample available off-street parking for visitors.

It is also important to note that the Walker parking study took place at one of the busiest times of the year, and it is likely that parking occupancies in the various parking lots will be far lower for the vast majority of the year.
- **Residents within the proposed RPP district rely on on-street parking for their vehicles.** Many of the residences within the district do not have off-street parking or represent non-conforming uses (i.e. single car garages or garages too small), which forces residents to primarily use on-street parking for storage of their vehicles.
- **The City will monitor the program and make program revisions as needed.** As described in Recommendation #9, the City should establish an ongoing monitoring and evaluation program for parking in Balboa Village. This effort would be used to revise the RPP to ensure that it effectively serves both residents and visitors.



MEMORANDUM

To: Newport Beach Team
From: Brian Canepa
Date: January 3, 2012
Subject: Coastal Commission Briefing

OVERVIEW OF THE CALIFORNIA COASTAL COMMISSION

The California Coastal Commission (Commission) was established by voter initiative in 1972. The mission of the Coastal Commission is to: “Protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations.”¹ The statutory authority of the Commission comes from the California Coastal Act, which details the specific policies that govern numerous issues related to management of California’s coastal resources. In practice, the Coastal Act is implemented by the Commission in partnership with all of the cities and counties (via local coastal programs, LCPs) that are located within the Coastal Zone.

COASTAL COMMISSION AND PARKING MANAGEMENT

One of the most common issues related to parking management is “spillover” parking – when non-residents use on-street parking in residential areas to park their vehicles. Local residents often argue that this practice limits their ability to park near their homes. Spillover parking is a common challenge in residential areas that are located in close proximity to a major trip generator, such as a major employer or popular tourist attraction. As a response, many local jurisdictions have utilized residential permit programs (RPPs), which restrict the time and/or duration a non-resident can park in an on-street space.

Over the years, numerous coastal jurisdictions have submitted permit applications to the Commission asking for approval of an RPP as a means to manage parking spillover issues in residential areas near popular beach or coastal areas. Because each RPP has the potential to reduce public access opportunities to coastal resources, the Commission evaluates each application on an individual basis, ultimately seeking to meet its mission of providing, maintaining, and ensuring public access to coastal resources while taking into account the needs of local residents. Some of the most relevant Coastal Act provisions that give the Commission purview over coastal access and parking policies within the coastal zone are outlined below:²

- **Section 30600:** Requires local governments to obtain permits to undertake “development” in the coastal zone.

¹ <http://www.coastal.ca.gov/whoweare.html>

² California Coastal Act: <http://www.coastal.ca.gov/coastact.pdf>

- **Section 30106:** Development is defined as: “...change in the density or intensity of use of land...change in the intensity of use of water, or of access thereto...” Therefore, by converting on-street public parking spaces to private residential uses, a city wishing to implement an RPP is undertaking “development,” and must apply for the required permit.
- **Section 30210:** “Maximum access...and recreational opportunities...shall be provided for all the people...”
- **Section 30211:** “Development shall not interfere with the public’s right of access to the sea...”
- **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 or 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.”
- **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:
 - (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...
- **(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...
- **Section 30252:** “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 non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...”

SUMMARY OF SELECTED RPP APPLICATIONS TO COASTAL COMMISSION

Outlined below are brief summaries of selected Commission rulings on previous RPP permit applications.

City of Santa Cruz (1979)

- Live Oak residential area
- Hours: Summer weekends, 11 AM – 5 PM
- Commission approved the program with the following mitigation measures:
 - Availability of day use permits to general public
 - Provision of remote lots
 - Free shuttle system

City of Hermosa Beach (1982)

- Downtown commercial district and residential district 1,000 feet inland
- Original application included restricted parking near the beach and a free remote parking system to replace restricted on-street parking.
- Commission approved a revised program that included availability of day use permits for the general public and a shuttle system to remote lots.
- Commission later approved City request to eliminate the shuttle system based on evidence that it was lightly used, the remote parking areas were within walking distance, beach access would not be limited with loss of the shuttle, and the City could no longer afford to operate the shuttle.

City of Santa Cruz (1983)

- Beach Flats area
- Commission approved RPP based on findings that the original residential area did not provide enough off-street parking for residents (based on conversion of rental cottages to permanent residential units), that residents were competing with visitors for on-street parking, and that adequate public parking was available in nearby public lots and non-metered on-street spaces.
- 150 permits were issued to residents.

City of Capitola (1987)

- 2 RPP areas: “Village” and “Neighborhood” areas
- Original application – Village RPP: Resident permits that were exempted from 2-hour restriction and meters; Neighborhood RPP: Resident only parking
- Commission: “Village RPP did not exclude public parking, but Neighborhood RPP did.”
- Commission approved revised application, which included special conditions:
 - Limited number of permits in Village RPP
 - Limited areas of parking restrictions
 - Required access signage program
 - Operation of public shuttle system
 - Required ongoing monitoring program, with 1-year time limit requiring reauthorization

- Current restriction is primarily 11 AM – 5 PM in residential areas

City of Los Angeles (1990)

- Pacific Palisades area
- City requested RPP as parking relief for residents from beach visitors
- Available on-street parking nearby and public lots along Highway 1, but public lots closed at 5:30 PM.
- Commission rejected permit because loss of on-street spaces “would significantly reduce public beach parking in the evening...”

City of Santa Monica (1996)

- Adelaide Drive and 4th Street
- Commission rejected 24-hour restriction on grounds that it was too restrictive and would significantly impact access and coastal recreation.
- Commission approved a revised permit that restricted parking between 6 PM and 8 AM, with special conditions:
 - 2-year program limit requiring reauthorization pending program evaluation

City of Los Angeles (1997)

- Venice beach area
- Overnight RPP
- CC rejected the RPP because the off-street supply alone was not enough to accommodate visitors to the area and loss of on-street supply would “adversely impact beach access.”

City of Santa Monica (2002)

- Area bounded by Montana Avenue, 4th Street, Wilshire Boulevard, and Ocean Avenue
- Proposed RPP Parameters
 - Hours: 6 PM – 8 AM
 - Resident permit cost: \$15
 - No parking or stopping for those without permits
 - Number of permits limited to number of vehicles registered at residence – more than 3 permits requires demonstration that there is not sufficient off-street parking
- City studies showed that: 1) people parking were predominantly residents and visitors to Third Street; 2) there was ample supply in off-street lots and numerous other parking options exist; and 3) proposed restrictions are at a time when beach and recreational use is low, demand is minimized and can be met by nearby parking options.
- Commission concurred that “Because of the location of the proposed zone, hours of the parking restriction, and the availability of additional parking in the surrounding area, the impact to public access for the beach and recreational use will not be significant...”
- The RPP was approved pending the following revisions to the permit application:

- The permit zone shall exclude all portions of Ocean Avenue because of its proximity and visibility for beach users.
- The permit program expires after 5 years, at which time the City may apply for a reauthorization. Reauthorization shall include a new parking study (conducted on at least 3 non-consecutive summer weekends between Memorial Day and Labor Day) documenting utilization rates. Study must also include survey of trip purpose, length of stay, destination, and frequency of visit.
- Any changes to program will require an amendment to the Commission permit.

City of Los Angeles (2009)

- Venice Beach area
- Proposed RPP from 2 AM to 6 PM, No Parking
- Implemented subject to 2/3 resident approval
- The Commission denied the permit application on the following grounds:
 - The proposed permit parking program would give the residents with permits preferential access to public parking spaces on public streets in comparison to non-residents without establishing adequate safeguards for visitor parking.
 - The City cannot guarantee that the proposed supply of metered on-street spaces will be available to beachgoers because these spaces may become parking areas for existing residents who do not purchase a permit once the RPP goes into effect.
 - The City's proposal to allow for 4-hour parking in off-street lots was deemed to be inadequate because these lots are currently used by residents to store vehicles. Furthermore, many residents objected to the 4-hour restriction.
 - The local residents complaints about nuisance problems are a local law enforcement issue and should not be resolved by parking policy.

City of Los Angeles (2010)

- Playa del Rey area
- Proposed RPP from 10 PM – 5 AM, No Parking
- Implemented subject to 2/3 resident approval
- The Commission denied the permit application on the following grounds:
 - The proposed overnight restriction is exclusionary and would not allow non-residents access to on-street spaces.
 - The limited access points to the area meant that a loss of parking in the proposed RPP zone would severely restrict access and force people to park much farther south.
 - The proposed parking restrictions do not contain adequate safeguards for visitor parking.
 - The City's proposal to preserve 20 parking spaces for public parking by metering them was deemed inadequate – these spaces are too far south to serve the public.
 - City parking lots are only open from dawn to dusk. As a result, the only available parking supply during those hours is on-street parking.

- The local residents complaints about nuisance problems are a local law enforcement issue and should not be resolved by parking policy.

SUMMARY OF KEY RPP ISSUES

Based on a review of previous staff reports, it was evident that a number of key issues and concerns were consistently identified by the Commission. In other words, if a City could not demonstrate that its RPP would address these issues and concerns, then it was likely the RPP permit would be denied. The following table provides an overview of the key issues and concerns that the Commission repeatedly emphasized while evaluating previous RPP permit applications. The following table also highlights how the proposed RPP for Balboa Village could address these concerns.

Figure 1. Summary of Key RPP Issues

Coastal Commission RPP Issues	How does the proposed Balboa Village RPP address these issues?
<p>Preservation of public access is the Commission’s primary concern. Commission staff have repeatedly emphasized that one of the primary intents of the Coastal Act is to ensure equal access to the coast and that no policy should provide preference to one user group over the other. Sections 30210 and 30211 of the Coastal Act underscore this policy objective. In practice, this means that RPPs should not provide “exclusive” rights to on-street spaces to residents.</p>	<p>The proposed seven day a week, night-time RPP for Balboa Village would restrict parking on certain residential streets in order to mitigate parking impacts on residents from non-residents parking their vehicles during night hours. The proposed RPP recognizes the key issues identified by the Coastal Commission and strives to maintain a “balance” between coastal access for the general public and parking needs for residents, as detailed in Section 30214 and previous Commission rulings.</p>
<p>Public access is a “24-hour” objective. In other words, the Commission does not take into account what time of day or night the restriction is for because the public should always have equal access to the coast. For example, even if it is 3 AM, and it is unlikely that many people will be seeking to access the beach or coast, public access should still be preserved.</p>	<p>More specifically, the RPP seeks to meet the intent of Section 30212.5 and more evenly distribute parking demand throughout the Balboa Village area by encouraging non-residents to park in one of the other public parking facilities. For example, recent parking studies indicate that the 700+ space Balboa Pier parking lot near the beach and the public lot at East Balboa Blvd. and Palm St. are underutilized during the evening and overnight hours when the RPP is proposed to be in effect. These parking facilities are the most convenient for those wishing to access the beach. In addition, these lots are a short, five-minute walk to the Newport Landing area where most recreational tours and boats depart from. By improving access and ease of use of these facilities, the City can improve parking conditions for both visitors and non-residents.</p>
<p>The Commission strives to achieve regulatory “balance,” but errs on the side of public access. Section 30214 articulates that Coastal Act policy should support the rights of property owners, and in many Commission rulings, staff recognize the need to strike a balance between public access and the ability of the public to park near their residence. For example, “...if proposed parking prohibition measures can be balanced with coastal access opportunities, where impacts to public access is minimized, the Commission may find such proposals</p>	<p>In addition, many of the residences in Balboa Village do not have their own garages and must rely</p>

Coastal Commission RPP Issues	How does the proposed Balboa Village RPP address these issues?
<p>consistent with the public access policies of the Coastal Act.”³ In practice, however, it appears that Commission is very conservative in its rulings and will most likely rule against an RPP if it believes that the impacts to public access have not been minimized to the greatest degree possible.</p>	<p>on on-street spaces to meet their needs. Per the 1983 Santa Cruz ruling, insufficient off-street residential parking represents a compelling need for an RPP.</p>
<p>Local jurisdictions can use policy to regulate parking, but cannot give <i>exclusive</i> access to residents. The Commission understands the value of RPPs, and has approved numerous such programs. However, it has consistently denied applications that provide “exclusive” access to residents.</p>	<p>The proposed RPP and parking management plan for Balboa Village also includes a number of policies and programs that will improve access, availability, and ease of use to other Balboa Village parking facilities, thereby addressing the issue of “replacing” RPP restricted on-street supply with nearby parking options. These include:</p>
<p>In order to prevent <i>exclusive</i> residential access, local jurisdictions must replace all public on-street parking that is “lost” to an RPP. The Commission has approved many RPPs over the years, but it has often stipulated that “replacement” parking must be provided if certain on-street spaces are restricted via an RPP. In short, local jurisdictions must provide additional accessible parking options to the public. This replacement parking has taken many forms, such as:</p> <ul style="list-style-type: none"> • Proximate and easily accessible on- or off-street parking facilities • Remote parking facilities served by public shuttles • Enhanced access to existing parking facilities through improved wayfinding • The option to purchase permits for non-residents 	<ul style="list-style-type: none"> • Revisions to Balboa Village pricing structures to better manage supply and demand in both on- and off-street facilities, such as the 700+ space Balboa Pier beach lot and the public lot at East Balboa Blvd. and Palm St. Better utilization of these public parking assets is a primary goal of the RPP. • Shared parking policies to increase the amount of publicly available parking supply • A Balboa Village Wayfinding Program to provide consistent directional and real-time parking signage to visitors, thereby enabling better utilization of existing off-street parking supply at all times of the day and night • Implementation of a Commercial Parking Benefit District (PBD), with parking revenues dedicated to improving access to and availability of parking supply. Potential expenditures include: <ul style="list-style-type: none"> ○ Leasing of private spaces ○ Shuttle services to remote parking facilities ○ Valet parking during peak periods ○ Construction of new parking, if necessary ○ Transit, bicycle, and pedestrian infrastructure ○ Additional parking enforcement
<p>The Commission typically views RPPs as “pilot” efforts to be reevaluated in the future. In recent years, the Commission has set an expiration date on RPP permits and requires an evaluation of the RPP’s effectiveness to date. For example, an RPP in the City of Santa Monica was approved for a period of 5 years, at which time the permit required the City to conduct a parking utilization study and motorist survey to evaluate the RPP and parking behavior in the zone.</p>	

³ California Coastal Commission, Application No. 5-02-380, 2002.

Coastal Commission RPP Issues	How does the proposed Balboa Village RPP address these issues?
<p>Nuisance issues fall under the purview of local law enforcement and are not to be regulated by parking policy. The Commission has repeatedly rejected any arguments that RPPs should be used to regulate local nuisance issues. The Commission has emphatically stated that these issues should be addressed through local law enforcement.</p>	<p>As the City moves forward with a potential RPP and permit application to the Commission, it is important to highlight a number of other keys issues. These include:</p> <ul style="list-style-type: none"> • Potential pilot program: The Commission may require Newport City’s RPP to be limited to an initial “pilot” period. At the end of the period, the City would need to conduct a parking utilization study and survey of motorists to evaluate the RPP and parking behavior in the zone. The City could then apply for renewal of its permit, pending the results of the parking study and any needed program adjustments. • Nuisance issues: Based on previous Commission rulings, it is recommended that as part of its permit application to the Commission the City not include “nuisance” issues, such as bar or restaurant patron parking, as a rationale for the RPP. <p>The rationale for the RPP should emphasize the need for improved parking management in heavily impacted residential neighborhoods, while highlighting how the proposed RPP would not exclusively restrict public access, but strike a proper balance between visitor and resident parking needs.</p>

Attachment 2

Residential Permit Parking Program (RPPP)
Survey Results

Balboa Overnight Residential Permit Parking Program Survey Results

Total Surveys Mailed	1194
Surveys undeliverable	94
Total Surveys	1100
Total Surveys Received	394
Overall Response Rate	35.8%

All Respondents	Responses	Percent	Yes no change	Yes with change
Total Yes	269	68.3%	64.7%	35.3%
Total No	125	31.7%		
Total Respondents	394			
Owners				
Yes	165	67.3%	64.8%	35.2%
No	80	32.7%		
Total Owners	245			
Resident Owners				
Yes	67	63.8%	65.7%	34.3%
No	38	36.2%		
Total Resident Owners	105			
Absentee Owners				
Yes	98	70.0%	64.3%	35.7%
No	42	30.0%		
Total Absentee Owners	140			
Residents				
Yes	171	67.3%	64.9%	35.1%
No	83	32.7%		
Total Residents	254			
Resident Non-Owners				
Yes	104	69.8%	64.4%	35.6%
No	45	30.2%		
Total Resident Non-Owners	149			

Balboa Overnight Residential Permit Parking Program Survey Results

Statements	Response Average
a) Overnight commercial parking from Balboa Village impacts my block.	2.5
b) The proposed area to be included is too large.	3.4
c) The proposed pricing schedule is appropriate.	3.0
d) The proposed hours are appropriate.	2.8
e) The program should only be effective during the summer months.	3.2
A score of 1 indicates Strong Agreement with statement A score of 3 indicates No Opinion A score of 5 indicates Strong Disagreement	

Attachment 3

Residential Permit Parking Program (RPPP)
Proposed Work Program

Balboa Overnight Residential Parking Permit Program *Work Program*

Background

- Parking shortfalls in summer season from Memorial Day to Labor Day in the residential area to the west between 7th Street and Adams Street.
- Many homes built at a time when garages/ carports were not required.
- Late night or overnight parking from commercial and boating uses reduce parking availability.
- Some residents from this area have proposed the creation of an overnight Residential Parking Permit Program (“RPPP”) to eliminate "spillover" commercial parking onto the adjacent residential streets. The permit concept was supported by the Balboa Village Citizen Advisory Committee and is a recommendation contained within the Balboa Village Master Plan.
- Implementation of a RPPP would require the review and approval by the City Council and California Coastal Commission.

Concept

Proposed preferential parking zone: All residential streets between 7th Street and Adams Street, except for on-street metered stalls on Balboa Boulevard. See the map below.

Eligibility: All residences located within the proposed Residential Parking Permit Program (“RPPP”) would be eligible to purchase permits.

Parking Availability: A permit holder would not be given a specific parking space but would be allowed to park anywhere in the preferential parking zone during the posted hours when parking is available.

Hours: No parking on streets between 4:00 p.m. – 9:00 a.m. 7 days per week, excluding federal holidays, without a valid permit. Parking on the streets within the preferential parking zone would be restricted to valid permit holders.

Number of permits: Four (4) permits per household maximum with the possibility to purchase a number of daily guest permits. The number of daily guest permits per residence has not been determined.

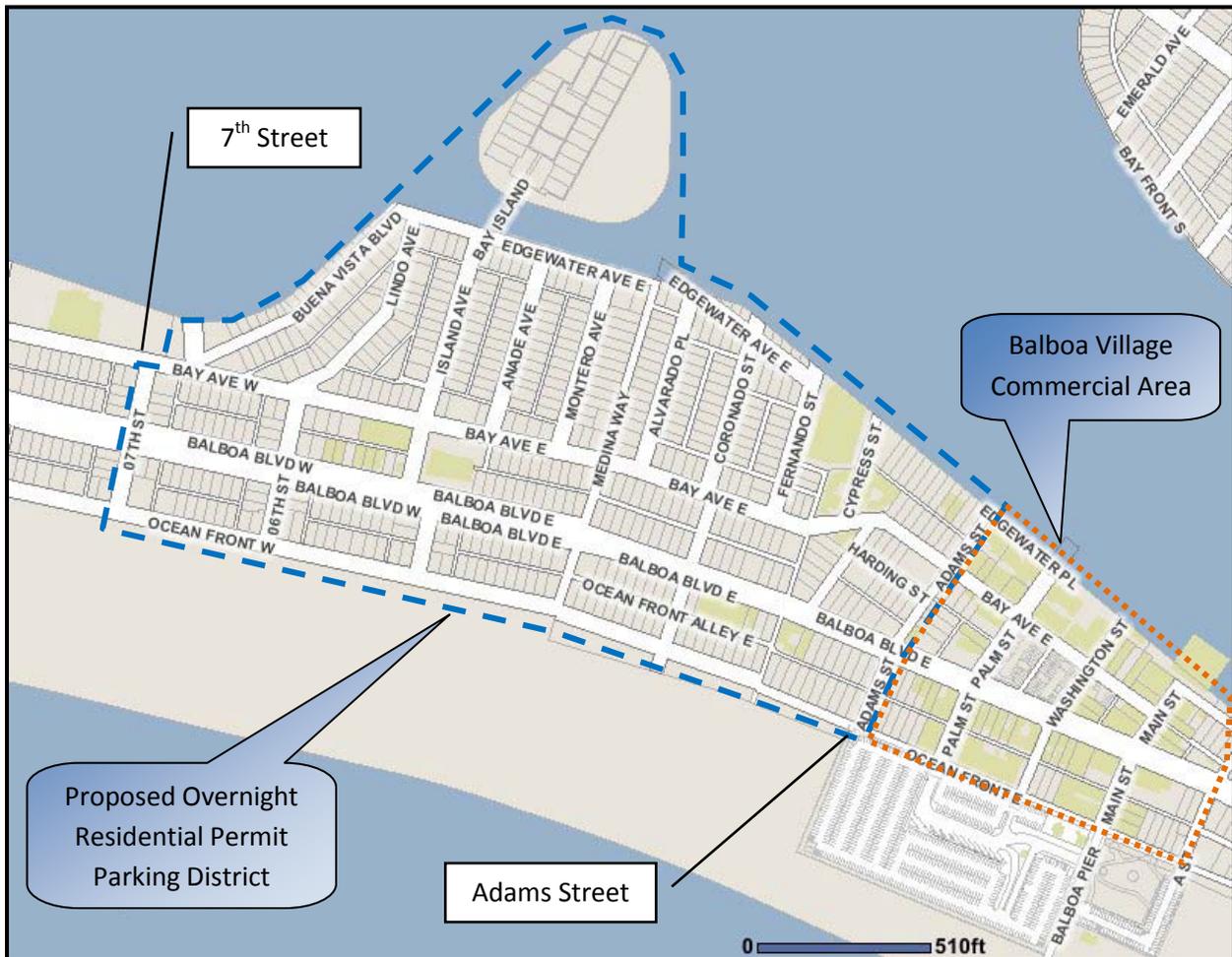
Permit Type: Permits would be issued annually and would likely hang from the rearview mirror.

Permit Cost:

- 1st Permit: \$20 per year
- 2nd Permit: \$20 per year
- 3rd Permit: \$60 per year
- 4th Permit: \$100 per year
- Daily Guest passes: number and cost TBD

Survey Results

The City conducted a survey to help document the extent of the parking problem and understand the extent of resident support for an RPPP. The survey was mailed to residents and property owners within the proposed permit parking district asking if they supported, supported with changes or, did not support the parking permit proposal. With a response rate of close to 36% (or 394 responses), 68% of respondents indicated they supported the proposal, as presented. Thirty-five percent supported a permit program with changes. The results were consistent across respondent type (resident/owner, nonresident/owner, or resident/non-owner).



Work Program

Municipal Code Chapter 12.68, Residents' Preferential Parking, governs the process of establishing a resident's permit parking program. The ordinance was originally adopted in 1981 and currently applies to Newport Island, Newport Heights, and Cliff Haven.

Each preferential parking zone shall be designated only upon the City Council finding that, "such zone is required to enhance or protect the quality of life in the area of the proposed zone threatened by noise, traffic hazards, environmental pollution or devaluation of real property resulting from long-term nonresidents parking, that such zone is necessary to provide reasonably available and convenient parking for the benefit of the adjacent residents, and that the proposed zone is desirable to alleviate traffic congestion, illegal parking and related health and safety problems." More specifically, the following criteria shall be met to satisfy the findings for establishing a residential parking permit program:

- A. The parking in the area by nonresidents does substantially and regularly interfere with the use of the majority of the available public street or alley parking spaces by adjacent residents;
- B. That the interference by the nonresidents parking referred to in subsection (A) of this section, occurs at regular and significant daily or weekly intervals;
- C. That nonresidents parking is a source of unreasonable noise, traffic hazards, environmental pollution or devaluation of real property in the area of the proposed zone;
- D. That the majority of the residents adjacent to the proposed zone desire, agree to or request preferential parking privileges;
- E. That no unreasonable displacement of nonresident vehicles will occur in surrounding residential areas;
- F. That a shortage of reasonably available and convenient residentially related parking spaces exists in the area of the proposed zone; and
- G. That no alternative solution is feasible or practical.

Chapter 12.68 also limits the number of permits (3 per unit) and establishes the cost (\$10 per permit).

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

Balboa Overnight Residential Parking Permit Program Work Program

The Coastal Commission has approved residential parking programs in the past, but they did so without excluding public parking in favor of exclusive residential use. The programs were designed to preserve public parking and access to the beach, therefore the Commission found the programs consistent with the access policies of the Coastal Act. This must also be demonstrated with the program being considered for Balboa.

Conversations with the Coastal Commission staff indicate the need to: 1) clearly define and prove there is a problem, 2) demonstrate the solution addresses the problem, 3) show that the solution does not affect public access, and 4) discuss what alternative actions were considered and why those could not resolve the problem.

Implementation of a residential permit parking program would require the following steps:

- 1. Field Survey** – Additional survey work is required to satisfy the criteria stated within the City's Municipal Code and the requirements of the Coastal Commission. Criteria A indicates that it be demonstrated that nonresidential parking "substantially and regularly interfere with the use of the majority" of the parking spaces. Similarly, the Coastal Commission will seek this information to justify the problem. In review of a preferential residential parking program approved in the City of Santa Monica, the Coastal Commission required a parking study be conducted on at least three non-consecutive, non-holiday summer weekends documenting the purpose of trip, length of stay, parking location, destination and frequency of visits. A similar approach was taken in a 2012 application by the City of Pacific Grove. Their application to the Coastal Commission included survey data for two weekday and two weekend days pertaining to the individual's purpose, destination, duration, and frequency of parking in the area. Socio-economic data was also collected.

City staff shall obtain the services of a qualified parking consultant to develop the scope of the survey, collect the data, and tabulate the results. The survey scope will be reviewed with the Coastal Commission staff to ensure we are collecting the data necessary for the processing of a Coastal Development Permit. To best understand seasonal parking demand, staff anticipates surveying in the evenings on at least one spring weekend and three non-consecutive summer weekends, as required by the Coastal Commission previously. Survey of public parking lots will be required at these same periods to demonstrate there are adequate spaces for the vehicles displaced by the permit program.

City staff requested preliminary cost estimates to conduct the survey from Nelson Nygaard, the consultant who developed the Balboa Village Parking Management Plan. These estimates will be provided at the December 13th BVAC meeting.

Timeframe: Spring/Summer 2013

- 2. Public Outreach** – The BVAC will be a forum for communication with the stakeholders affected by the proposed parking program. However, additional outreach methods and/or workshops may be warranted to ensure the public is

Balboa Overnight Residential Parking Permit Program Work Program

properly informed of the status of the program and they have an opportunity to provide input.

Timeframe: Ongoing

- 3. Reaffirm Program Components** – Based on the survey results, as well as other information that may have been collected, review parking program components and make adjustments, as necessary. Program components such as method for distributing guest passes, implementation and enforcement should also be addressed.

Timeframe: Late Summer 2013

- 4. Draft Ordinance** – Review for CEQA compliance. Present ordinance to City Council establishing the Balboa Overnight Residential Permit Parking Program.

Timeframe: Public Hearing Fall 2013

- 5. Submit Coastal Development Permit application** – Submit application to the California Coastal Commission.

Timeframe: Application submittal-Fall 2013; Commission Action- Spring 2014

- 6. Implementation/Enforcement** – Program implementation will be crafted to limit the burden to the City in administering and enforcing the program and make it easy for residents to participate. Preliminary discussions with the City's Finance Department indicate that the proposed program would require an amendment and increased cost to its current parking control contract. Additional staff time would also be required to create and administer the parking permits. The potential for utilizing an on-line permit system was also discussed. Enforcement would be the responsibility of the Newport Beach Police Department.

Timeframe: Summer 2014

Attachment 4

Master Plan Priorities

Year One

Balboa Village Master Plan

Proposed Priorities

Completed

1. Create a governance structure to ensure implementation plan recommendations are executed in a timely fashion.

Ongoing

1. Continue focused code enforcement efforts.
2. Support new cultural facilities (ExplorOcean/Balboa Theater).
3. Evaluate changes to determine impact on new investment in Balboa Village.

Year One Priorities (2013)

Parking

1. Establish a residential parking permit program. In process. Work Program to be considered by Council January 2013.
2. Establish a commercial parking benefits district to create permanent, ongoing revenue source.
3. Remove time limits for all metered spaces; implement demand based pricing for all public parking.
4. Establish employee parking permit program.
5. Eliminate parking requirements for new commercial development and intensification of use applications.
6. Eliminate in-lieu parking fee permanently, including current payees.

Economic Development

1. Allocate additional funding to Balboa Village BID.
2. Modify boundaries of Balboa Village BID to delete area from Adams to Coronado Streets.
3. Assume maintenance of boardwalk area.

Year Two Priorities (2014)

Economic Development

1. Develop and implement Commercial Facade Improvement Program.
2. Develop special events initiative.

Streetscape

1. Develop conceptual streetscape and public signage plan.
2. Develop coordinated wayfinding sign program.
3. Identify and implement targeted improvements to bicycle and pedestrian facilities.
4. Develop and implement Targeted Tenant Attraction Program.

Long Term

1. Consider development of Palm Street parking lot for mixed-used project.
2. Pursue adoption of Local Coastal Plan.

Balboa Village Master Plan - Implementation Matrix

Recommended Strategy	Year 1	Year 2	Year 3-5	Estimated Cost (1)	Ease of Implementation	Level of Effectiveness	Priority
Economic Development							
1. Develop and implement Commercial Facade Improvement Program. Develop program criteria and application; identify funding sources; obtain City Council approval; outreach to property owners; administer program	Define program parameters; obtain City Council approval & funding; begin Model Block marketing	Continue implementation	Continue Implementation	\$150,000/year 3 buildings; if limit to painting/signage/canopies costs would be significantly lower	Easy to develop and implement provided funding is identified	Highly effective in creating immediate aesthetic improvements to the area	High
2. Develop and implement Targeted Tenant Attraction Program. Identify key tenants; develop incentive program tailored for those tenants; obtain City Council approval of program and funding; outreach to owners and brokers to secure tenants.		Define program parameters; obtain City Council approval & funding; begin implementation	Continue Implementation	TBD	Moderate based on financial resources required to create incentives. Difficult to identify and outreach to potential tenants	Highly effective in encouraging new tenants to the area	Low
3. Support new cultural facilities (ExplorOcean/Balboa Theater). Ongoing, regular communication with entities to identify needs and opportunities; offer assistance in completing planning development application(s).	Prioritize project review; identify additional assistance as needed	Continue support	Continue support	TBD	Easy to continue communications and offer support	Low effectiveness related to specific action	High
4. Develop special events initiative. In conjunction with Parks and Recreation Department, refine project scope and select consultant/promoter to prepare program and identify funding opportunities.	Contract with promoter to develop program and identify funding sources	Implement recommendations	Continue implementation	\$15,000 for initial contract	Easy to explore special events for the area	Highly effective in bringing new visitors and residents to the area	High
5. Consider development of Palm Street parking lot for mixed-used project. As appropriate, obtain City Council approval to proceed with solicitation of a developer for the property.	Review ExplorOcean plans prior to determination to market site		Market site for development	None	Difficult due to entitlement process	Highly effective in creating a catalyst project for revitalization	Low
6. Allocate additional funding to Balboa Village BID. Develop marketing strategies with input from BID and visit Newport Beach; and monitor implementation.	Approve with annual renewal				Medium based on need to reallocate funding from other sources	Highly effective in bringing additional funding to the area which could be used for marketing and street	High
7. Modify boundaries of Balboa Village BID to delete area from Adams to Coronado Streets. Requires ordinance to be approved by City Council.	Approve with annual renewal			None	Easy to implement	Low effectiveness in creating revitalization of the area	Low

(1) Does not include staff costs

Balboa Village Master Plan - Implementation Matrix

Recommended Strategy	Year 1	Year 2	Year 3-5	Estimated Cost (1)	Ease of Implementation	Level of Effectiveness	Priority
Parking							
<p>1. Remove time limits for all metered spaces; implement demand based pricing for all public parking.</p> <p>Determine appropriate pricing limits for Ordinance adoption by City Council required. Amendment of existing contract with CPS (meter enforcement) required. Ongoing monitoring required to ensure rates are appropriate.</p>	CPS to implement once ordinance and contract amendment are completed			TBD if install wireless meters	Easy to implement once City Council direction provided	Highly effective in encouraging long term visitors to park in beach parking lot	High
<p>2. Establish a commercial parking benefits district to create permanent, ongoing revenue source.</p>	Establish legal means to create; determine Council policy on revenue source	Set aside revenues for eligible activities.		TBD	Moderate based on the need to reallocate funds	High - Additional funds could be used for revitalization projects	High
<p>3. Establish a residential parking permit program.</p> <p>Program development will require public participation and adoption of an ordinance by City Council. Additional surveys may be required by Coastal Commission to justify need and verify the program would not impact Coastal access. A Coastal Development Permit will also be required.</p>	Develop program, conduct public outreach, prepare Coastal Commission application, and conduct additional surveys if required by Coastal Commission	Implement program		TBD	Difficult based on potential concerns from affected residents and the need to obtain approval from the Coastal Commission	Highly effective in encouraging visitors to utilize available public parking lots, rather than impact residential streets	High
<p>4. Establish employee parking permit program.</p> <p>Survey all businesses, develop program, program approval requires City Council approval of a Resolution.</p>	Develop program	Implement upon City Council approval		None	Medium based on uncertainty of Coastal Commission	Moderately effective - Permits will encourage employees to park in	High
<p>5. Develop coordinated wayfinding sign program.</p> <p>Retain designer, prepare sign program, obtain City Council approval of conceptual plan.</p>	Incorporate with streetscape plan			\$15-20,000 initial contract	Medium based on need to coordinate existing signs	Medium effectiveness - Signage directing visitors to parking areas already exists	Medium
<p>6. Identify and implement targeted improvements to bicycle and pedestrian facilities.</p> <p>Retain designer, prepare plans for identified improvements, perform outreach to community, obtain City Council approval of plans, obtain CDP.</p>	Identify in streetscape plan	Process entitlements	Implement as funds permit	TBD	Difficult because of the type of improvements which would encourage additional walking and biking has not been	Low - The area already provides opportunities for biking and walking	Low
Planning/Zoning							
<p>1. Eliminate parking requirements for new commercial development and intensification of use applications.</p> <p>Incorporate within Local Coastal Plan.</p>					Medium based on uncertainty of acceptance by the Coastal Commission	Highly effective to encourage revitalization; provides flexibility for new uses	High

(1) Does not include staff costs

Balboa Village Master Plan - Implementation Matrix

Recommended Strategy	Year 1	Year 2	Year 3-5	Estimated Cost (1)	Ease of Implementation	Level of Effectiveness	Priority
2. Eliminate in-lieu parking fee permanently, including current payees. City Council adoption of ordinance is required. Should be implemented with other parking management strategies.	Action taken by City Council			Loss of \$13,500/year if only Balboa Village	Easy to implement on the basis that the program is outdated and does not generate significant funding	Low - As a stand alone program elimination of the fee would have no affect on managing parking	High
3. Evaluate changes to determine impact on new investment in Balboa Village. Determine and measure applicable benchmarks prior to actions. Measure and compare benchmarks on a periodic basis.	Identify and measure appropriate benchmarks	Measure and compare benchmarks	Review program changes	None	Easy to implement. Significant benchmarks will be obvious, new uses, redevelopment, façade improvements	Low - Monitoring alone will not directly result in revitalization of the area	Low
4. Pursue adoption of Local Coastal Plan. Prepare draft Implementation Plan (IP), public outreach, Planning Commission review, City Council adoption of IP by Ordinance, Certification by Coastal Commission required, City Council considers and potentially adopts Coastal Commission suggested modifications (if any).		Draft LCP for public review	Adopted LCP by Council/Coastal	\$150,000 for consultant services to prepare LCP	Difficult - Acquiring a certified LCP will be a challenging and lengthy process	Highly effective in shortening the entitlement process	High
5. Continue focused code enforcement efforts.	Ongoing	Ongoing	Ongoing		Medium	High	High
Public Streetscape							
1. Develop conceptual streetscape and public signage plan. Staff to evaluate areas for improvement prior to directing preparation of plans for signage or street scape improvements. Consider consistency with existing wayfinding program. Include Boardwalk in plan.	Hire architect to prepare plan	Implement plan as funds are available		\$15-20,000 initial contract	Medium based on need to create plan	Highly effective in creating new aesthetic improvements to the area	High
2. Assume maintenance of boardwalk area. Gain acceptance from property owners. Maintenance would include steamcleaning sidewalk installation of new furniture upon completion of streetscape plan.	Begin regular cleaning	Ongoing	Ongoing	\$15,000/year	Easy to implement	Highly effective in immediate improvement of the area	High
Administrative Recommendation							
1. Create a governance structure to ensure implementation plan recommendations are executed in a timely fashion	Determine governance structure and establish work plan.	Ongoing review	Ongoing review		Easy once policy direction provided	Highly effective to ensure progress	High

(1) Does not include staff costs