

F17a

MEMORANDUM

TO: Commissioners and
Interested Parties

July 6, 2010

FROM: Sherilyn Sarb, Deputy Director
San Diego District

SUBJECT: **Addendum to Commission Meeting for Friday, July 9, 2010
San Diego District**

<u>AGENDA ITEM</u>	<u>APPLICANT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>LCP Matters</u> F17a DMR-MAJ-1-09	City of Del Mar	Letter of Comment	1 - 2
<u>PERMIT AMENDMENTS</u> F19b 6-85-283-A	Andrews	Revised & Add'l Exhibits Ex Parte Communications Response from applicant Letter in Support of Staff Recommendation	3 - 6 7 - 10 11 - 16 17 - 18

F17a

TO COASTAL COMMISSION, VIA FAX - 6/30/10

RE 7/9/10 AGENDA ITEM 17a - City of Del Mar LCP Amendment No. DMR-MAJ-1-09 (Modifications to Parking Requirements).

In addition to my comments on this application hearing on 4/14, I have the following comments why the In-Lieu Parking Fee Program should not be approved, but delayed for further review -

1. Page 7, item 1A3 states the City Council shall set the In-lieu Fee, without stating the fee shall be based on providing for the full, projected cost of both the public parking facility and shuttle system as determined by a study of actual cost. This makes sure the first in-lieu fees paid are as much as the last ones paid.
2. Page 7, item 1B1 requires fees in the fund shall be used exclusively for acquisition, development as well as operation or maintenance. It seems like the in-lieu fees should only be used for acquisition and development, while the cost of operation and maintenance would be paid for through a parking district operation or other fees by users.
3. Page 8, item F allows payment of In-lieu Fees when either off-street spaces are identified and secured OR a year-round shuttle system has been implemented or authorized. Unless the option begins with only new public spaces completed AND a shuttle implemented, we could end up with a loss of 50 existing off-street spaces and no new public parking facility and, or, a shuttle for who knows how long. This would totally exacerbate the required parking and circulation of people.
4. Page 8, item G permits collection of up to 50 parking spaces prior to completion of parking facility AND shuttle. As discussed in my item 3, above, we might actually, in the 7 block commercial area of Del Mar, only provide the shuttle and 10 new public parking spaces while we have collected fees for 50. The problem is, there has been NO study to show HOW MANY in-lieu parking spaces will be required, as described in Coastal Access Policy IV-29 on Page 13. Isn't that important. If so, this application is premature.
5. The proposed plan seems to be based on the presumption that in-lieu fees will be the only financing method to pay for public parking spaces. Obviously, there are many other methods that don't depend on collection of in-lieu fees. In fact, this whole plan, if intended to actually provide a shuttle and new public parking facilities, but rather

LETTER OF COMMENT

KEVIN

JUN 30 2010

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

just provide fees and a way out of providing on-site parking, therefore increasing the allowable building size of new development, the result could be a real decrease in parking in the commercial area of Del Mar, which really wouldn't help revitalize the town! As I said previously, it appears this plan has not been fully vented to provide a viable result, and is therefore premature.

6. Finally, according to the law of Calif. Government Code Title 7 (Planning and Land Use), the threshold of allowing no more than 50 total parking spaces prior to completion of the parking facilities AND shuttle could result in possibly giving the earliest applicants an unequal advantage over other properties in the same zone, which is prohibited by Section 65852. - "All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones." Section 65906 also talks to equal treatment - "Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated."

I recommend you continue or reject the proposed In-lieu Parking Fee Program so that it can be further reviewed, and cleaned-up to close any loop-holes or problems as indicated herein. Also, there has been no Financial Study of this proposal.

Thank you

Signature on file _____

Ralph Peck
333 - 11th St
Del Mar, CA 92014
858-755-9696

2

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



June 16, 2010

F17a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH N. LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR LCP
AMENDMENT DMR-MAJ-1-09 (Parking Modifications) for Commission Meeting of
July 7-9, 2010**

SYNOPSIS

The subject LCP land use plan and implementation plan amendment was submitted and subsequently filed as complete on May 13, 2009. A one-year time extension was granted by the Commission on July 9, 2009. Therefore, the date by which the Commission must take action on this LCP amendment is the August 2010 hearing.

This item was originally scheduled for the April 2010 Commission hearing. At that time, the City requested a postponement to consider the proposed modification and work with staff; the Commission granted the continuance. Since then, City and Commission staffs have met and conferred. As a result, the City has requested only one change and that is to raise the threshold as to when the City must have the public parking facility and shuttle system in operation from 25 to 50 spaces or else no further in-lieu fees can be collected and a developer would have to provide the full complement of required on-site parking. As discussed in the findings, the potential loss of 50 spaces is not expected to result in any significant public access impediment at this downtown business district and staff recommends the Commission concur. With this change, the City has indicated that it is in agreement with the staff recommendation.

SUMMARY OF AMENDMENT REQUEST

The City of Del Mar is proceeding with efforts to encourage the revitalization of its downtown business district. The downtown core, called the Village Center, extends along Camino del Mar for about six to seven blocks from 9th Street on the south to 15th Street at the north. Most of the area is comprised in the Central Commercial zone, along with the Hotel and Plaza Specific Plan areas. As part of the revitalization work, the City is considering a number of revisions to its parking regulations, most of which would also be applicable to other commercial areas in the City. However, the largest impact of these proposed changes would be evident in the Village Center.

Specifically, the City is proposing one change to its certified land use plan; the proposed revision would clarify the definition of shared use parking arrangements and increase the allowable reduction in shared parking from 15% to 66% of the total required off-street parking spaces for a project. For its certified implementation plan, the City is proposing revisions to three existing code sections that address its Common, Shared and Off-site Parking standards. The proposed changes to the Common Parking regulations provide a better definition of “Common Parking”, delete an existing requirement for Planning Commission review and clarify that the number of required parking spaces remains the sum of those otherwise required by the code unless a Shared Parking permit is approved. The key proposed change to the Shared-Use Parking regulations would increase the possible use of shared parking from 15% to 66% of the otherwise required off-street parking for a project. The proposed changes to the Off-site Parking regulations provide for a new definition of “Off-site Parking”, the exclusion of residential uses, an increase from 300 ft. to 500 ft. for the specified walking distance between the development and the provided parking, the exclusion of the Hotel and Plaza Specific Plan areas from the Off-site Parking program, increased signage and noticing provisions on both the project and off-site parking sites and adds a six month reassessment period prior to the expiration of the lease for the off-site parking lot. The City then also proposes the adoption of two new code sections; one which allows the possible reduction of off-street parking in order to comply with accessible parking provisions and the other which establishes a new in-lieu parking fee program for the Central Commercial zone. Monies generated from in-lieu fees would be used to create a municipal parking lot and operate a shuttle service in the Village Center.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending first that the Commission approve the land use plan amendment as submitted. This amendment would simply allow for the increased use of shared parking arrangements and be managed and enforced through a permitting process. For the proposed implementation plan amendment, staff recommends that the Commission first reject the proposed amendment and then approve it, with suggested modifications, to address issues with the In-Lieu Parking Fee Program. The primary concerns raised by the In-Lieu Parking Fee Program are the absence of a direct mandate for the operation of a shuttle system for the consolidated, off-site public parking facilities, the lack of any threshold for when the parking facilities and shuttle must be established, the inclusion of future, yet unspecified, off-street parking programs that could be implemented and the lack of any specification for the proposed shuttle to serve the central beach area, as well as the Village Center. Staff has proposed to address these deficiencies in the suggested modification.

The appropriate resolutions and motions begin on Page 5. The suggested modification begins on Page 7. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 8. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 11. The findings for approval of the Implementation Plan Amendment, if modified, begin on Page 16.

ADDITIONAL INFORMATION

Further information on the City of Del Mar Major LCP amendment No. 1-09 may be obtained from Deborah Lee, District Manager, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

In May 1991, the City of Del Mar submitted its Land Use Plan (LUP) for Commission action. The Commission denied the LUP as submitted, but approved it with suggested modifications in September, 1991. The City did not accept the suggested modifications within six months, so the City resubmitted the same documents and the Commission again approved the LUP with suggested modifications in June, 1992. This time, the City Council did adopt the modifications within the prescribed time and the Commission effectively certified the LUP in March, 1993. The Implementation Plan was approved with suggested modifications on March 13, 2001. On September 11, 2001, the Commission concurred with the Executive Director's determination to effectively certify the City of Del Mar Local Coastal Program.

The certified LCP was first amended in 2002 to incorporate the city's MSCP Subarea Plan. A second LCP amendment, referenced as Garden del Mar, was approved with suggested modifications in March 2009 for the redesignation and rezoning of the property at the southeast corner of Camino del Mar and 10th Street. The amendment (DMR-MAJ-1-08) allowed for a mix of commercial uses at the site and the Commission wanted to ensure that a ground-floor restaurant use would be included along the Camino del Mar frontage.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the

Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission certify the Land Use Plan Amendment for the City of Del Mar as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the City of Del Mar as submitted and adopts the findings set forth below on grounds that the land use plan amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment.

II. MOTION II: *I move that the Commission reject the Implementation Program Amendment for the City of Del Mar LCP as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program amendment submitted for the City of Del Mar LCP and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

III. MOTION III: *I move that the Commission certify the Implementation Program for the City of Del Mar LCP if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Del Mar if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program on the environment, or 2) there are no further

feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

IMPLEMENTATION PLAN AMENDMENT

1. Section 30.80.170, In-lieu Parking Fee Program, shall be modified as follows:
 - A. For projects located within the Central Commercial Zone, the provision of the off-street parking spaces otherwise required pursuant to this Chapter may instead be [partially] satisfied through the payment of an In-Lieu Parking Fee in accordance with the following:
 1. Authorization for use of an In-lieu Parking Fee(s) to satisfy off-street parking requirements shall be subject to the review and approval of the Director of Planning and Community Development, with such approval based on compliance with the provisions of this Chapter.
 2. The payment of In-lieu fee shall be made on a one-for-one basis with a fee paid for each required parking space to be satisfied through the In-lieu Fee program.
 3. The amount of the In-lieu Parking Program Fee shall be set by resolution of the City Council and may be amended from time to time by resolution of the City Council.
 4. No more than 50% of the off-street parking spaces otherwise required for a project may be satisfied through use of the In-lieu Parking Fee Program and an applicant may not utilize Shared Parking in addition to this program.
 - B. The In-lieu Parking fee funds collected by the City shall be deposited in a designated fund and shall be expended by the City exclusively for:
 1. The acquisition, development, operation or maintenance of off-street parking spaces available for use by the general public; and
 2. The development and operation of a year-round shuttle system to transport the public to and from off-street parking spaces available for use by the general public along Camino del Mar through the Village Center and to Powerhouse/ Seagrove Parks at the foot of 15th Street; ~~or~~
 3. ~~The implementation of one or more programs identified by the separate resolution of the City Council, as being appropriate and effective for reducing the demand for off-street parking in the Village Center District.~~

- C. The payment of In-lieu Parking Fees to satisfy the provisions of this Chapter shall occur prior to the issuance of any required Building Permits for the development for which the fees are required or prior to issuance of a Certificate of Occupancy for any activity for which the fees are required, whichever comes first.
- D. In-lieu Parking Fees paid to satisfy the provision of this Chapter shall not be refundable.
- E. The option for payment of In-lieu Parking Fees to satisfy the off-street parking requirements of this Chapter shall not be allowed to satisfy the off-street parking requirements for residential units or for hotel or motel uses.
- F. The option, as provided in this Section, for payment of In-lieu Parking Fees to satisfy the off-street parking requirements of a development shall not be applicable until one or more of the following has occurred:
 - 1. The City has identified and secured a location for providing off-street parking spaces available for use by the general public; or
 - 2. The City has implemented, or authorized, a year-round shuttle system to transport the public to and from off-street parking available for use by the general public.
- G. In-Lieu Parking Fees cannot be collected for more than 50 total parking spaces before both the public parking facility and shuttle system are fully operational. Once the In-Lieu Parking Fee Program becomes fully operational, the City shall utilize its best efforts to continue the program. Should the Program ever be discontinued or substantially modified, the City shall seek reauthorization of the Program with the Coastal Commission through a separate local coastal program amendment.
- H. At such time as a Village Center District Specific Plan is prepared and enacted in accordance with applicable law(s), the provisions of this section shall no longer be effective. For purposes of this Section, a Del Mar Village Center District Specific Plan shall mean a Specific Plan for the geographic area identified in the Del Mar Community Plan as the Village Center District.

PART IV. FINDINGS FOR APPROVAL OF THE DEL MAR LCP LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

As noted earlier, the City is proposing the subject LCP amendment, in part, to support revitalization of its downtown core. While the proposed land use plan amendment would be applicable through the City, the bulk of the City's commercial activities occur in the Village Center and adjoining central beach area to the northwest. The Village Center extends approximately seven blocks from 9th to 15th Streets and is mainly comprised by

the first row of lots along Camino del Mar. This business district is known for its small-scale, historical and pedestrian-oriented character; the City is very popular as a visitor-destination point throughout the region and many visitors come to enjoy the beaches, the Del Mar Fairgrounds and the Village Center shopping/dining district. Camino del Mar (Highway 101) is the primary north/south corridor through the community. This primary corridor and major coastal access route runs about two to three blocks east of the coastline. However, in this area south of 15th Street, the railroad tracks and steep bluffs inhibit direct beach access in the area.

The subject LCP amendment modifies only one land use plan policy. The shared use parking provision of Coastal Access Policy IV-30 is being revised to incorporate a standard for when such arrangements may be utilized and increase the potential reduction in off-street parking spaces from 15% to 66% of the otherwise total required parking spaces. The new standard provides that shared use reductions can be allowed if it is demonstrated that there will be no overlap in the principal operating hours of the buildings or uses for which the shared use parking is proposed.

B. CONFORMITY WITH CHAPTER 3

The standard of review for any proposed land use plan or an amendment to a certified land use plan is whether or not the proposed land use policy is consistent with the applicable policies of Chapter 3. For this proposed amendment to expand the allowance for shared parking arrangements, the key policy issues relate to protecting public access, encouraging alternate transit opportunities and maintaining the adequacy of general parking standards. The applicable Chapter 3 policies to consider are as follows:

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30252 Maintenance and enhancement of public access

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, [...]

Section 30253 Minimization of adverse impacts

New development shall do all of the following: [...]

(d) Minimize energy consumption and vehicle miles traveled.

(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Given that the proposed land use plan amendment would allow for increased use of shared parking arrangements, the principal Coastal Act issues would relate to the possible resulting lack of off-street parking for private development that could then adversely impact coastal access opportunities. This could occur when employees and/or patrons begin utilizing on-street public spaces or other public parking lots because they cannot find available off-street parking spaces at a business or increased congestion results from drivers circulating around an area/site trying again to find an available parking space. Such impacts could be alleviated through the implementation of alternate transit and the City is working on the development of a shuttle system in the Village Center. The shuttle system is part of the related package of implementation plan amendments in this submittal and will be discussed later in this report.

The proposed revisions to the land use plan policy contain two main elements. First, the revised language clarifies when shared use parking reductions are appropriate and can be supported. The new language specifies that reductions can be allowed if it is demonstrated that “there will be no overlap in the principal operating hours of the buildings or uses for which the shared use parking spaces are proposed”. The modified policy continues on and specifies the term “no substantial overlap” means that, “on a daily basis, there will be at least one hour between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed.” The second element is the increased percentage (from 15% to 66%) of allowable share use reduction in the otherwise required off-street parking.

Given the strict definition of when shared parking arrangements could be utilized, the possibility of resulting parking deficiencies is very limited. In addition, the City requires that applicants obtain a Shared-Use Parking Permit from the Planning Commission and, as part of the permitting process, they record a deed restriction on the affected property to memorialize the terms and conditions of the permit. These provisions are expected to ensure that coastal access opportunities will be protected because adequate off-street parking will be maintained for private non-residential development.

Increasing the allowable percentage of possible parking reductions through shared use is also not expected, in and of itself, to adversely impact coastal access. The City’s standards establish tight parameters and sound enforcement for shared parking arrangements. Direct beach access is also limited to the west of the Village Center due to the presence of steep bluffs and the railroad corridor. In its revitalization efforts, the City is trying to both diminish the number of parking lots situated throughout the Village Center and also decrease the amount of paved parking facilities that remain unused for portions of each day. Through these means, the small-scale and pedestrian-oriented character of this special community and important visitor destination can be enhanced while public access remains protected. The proposed land use plan amendment can therefore be found consistent with the cited Chapter 3 policies.

**PART V. FINDINGS FOR REJECTION OF THE DEL MAR LCP
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The proposed implementation plan amendment includes five different code revisions and they all affect the City's off-street parking regulations. Three represent modifications to existing code sections and two represent new code provisions to be added to the City's parking regulations. The three existing code sections that are being revised are Common Parking; Shared-Use Parking Permit(s) and Off-site Parking Permit(s). The two new sections to be added to the City's code are Accessible Parking Regulations and an In-lieu Parking Fee Program. With the exception of the proposed In-lieu Parking Fee Program, the code amendments can be accepted as submitted and the supporting findings will be presented below. The findings to reject the In-lieu Parking Fee Program, as submitted, will also be presented and direction offered on how the Commission's concerns can be resolved.

1. Common Parking. The purpose of Common Parking is to allow parking spaces for different uses on a single property to be located together on a site, rather than being segregated into distinct parking areas for each respective use on a property. The intent of this existing code provision (Section 30.80.130) is to consolidate parking areas on a site; this is expected to allow both better parking layouts and landscape screening of parking areas. The proposed revisions to this code section added language which clarifies that the use of common parking areas shall not modify the applicable parking standards required for the proposed development(s) and a requirement for Planning Commission review was deleted.

2. Shared-Use Parking Permit(s). The purpose of the Shared-Use Parking Permit provisions is to allow some of the parking spaces required and provided for two or more different uses to be shared when the uses operate at different hours of the day. The intent of this existing code provision (Section 30.80.140) is to allow a parking space to serve multiple uses at different times and thus maximize use of parking facilities. The proposed revision to this code section would increase the allowable shared use reduction from 15% to 66% of the otherwise on-site required parking spaces for a proposed development.

3. Off-site Parking Permit(s). The purpose of the Off-site Parking Permit provisions is to allow some of the required parking spaces for a proposed development to be provided in a parking lot on a separate property that has unencumbered parking spaces available. The intent of this existing code provision (Section 30.80.150) is to allow greater flexibility in locating otherwise required off-street parking; the code provision does not allow any reduction in the parking standard but would allow such parking to be located on another site. The proposed revisions to this code section added greater definition to the code; clarified that off-site parking arrangements could not be utilized for residential uses or development in either the Hotel or Plaza Specific Plan areas; increased the permissible distance for the off-site parking lot from 300 feet to 500 feet

walking distance; increased signage and noticing provisions on both the project and off-site parking locations and incorporated a six month reassessment period prior to the expiration of the lease for the off-site parking lot. The reassessment period would allow a review of how the off-site parking arrangement has been working for a particular development and such information would be utilized in the reauthorization of an Off-site Parking Permit, including possible changes in conditions and/or denial of a permit's renewal.

4. Accessible Parking Regulations. The purpose of the Accessible Parking Regulations is to provide an additional means to achieve compliance with public health and safety laws associated with accessible parking requirements. The intent of this new code provision (Section 30.80.085) is to clarify how the off-street parking of an existing establishment can be modified to achieve compliance with the Americans with Disabilities Act (ADA). The new code provisions would only allow an existing development to reduce the total number of parking spaces present on a property in order to accommodate either ADA access or the provision of new accessible and/or handicapped parking spaces. This option is specifically precluded for new development.

5. In-lieu Parking Fee Program. The purpose of the In-lieu Parking Fee Program is to allow the provision of off-street parking spaces otherwise required to instead be partially satisfied through the payment of an in-lieu parking fee. The intent of this new code section (Section 30.80.170) is to collect funds that will be utilized to create and operate consolidated public parking facilities and operate a shuttle system in the Village Center. This approach is being sought to reduce the commitment of downtown business lots to paved parking while providing an alternate means for employees, commercial patrons and visitors to move along Camino del Mar. As drafted, the Program also includes a third, but as yet unspecified, option for the City to utilize the collected monies for other parking demand reduction efforts. The major provisions of the ordinance include that this program would only be applicable to non-residential projects within the Central Commercial zone, that no more than 50% of the off-street parking spaces otherwise required could be satisfied by the payment of a fee and the program cannot be utilized for hotel or motel uses. The fees are required to be paid prior to the issuance of any required building permits or the certificate of occupancy, whichever comes first. As drafted, the option to pay an in-lieu fee is not available until the City either identifies and secures a location for the public parking facility or the City has implemented a shuttle system. Unlike the other proposed code changes, this Program is only applicable to the Central Commercial zone which comprises most of the Village Center.

B. SPECIFIC FINDINGS FOR REJECTION/ADEQUACY OF THE ORDINANCES TO IMPLEMENT THE CERTIFIED LUP

The standard of review for any proposed implementation plan or an amendment to a certified implementation plan is whether or not the proposed implementation plan provision conforms with, and is adequate to carry out the provisions of the certified land use plan or the land use plan, as amended herein. The applicable land use plan policies to consider are as follows:

COASTAL ACCESS GOAL IV-B:

Give priority to pedestrian and bicycle traffic as opposed to automobile traffic through application of the following policies and pursue the increased use of alternate transportation modes to regionally significant areas within Del Mar. Examples of “alternate transportation” modes include: bicycle, pedestrian, bus, shuttle service, and railroad.

COASTAL ACCESS Policy IV-19 The improvement or establishment of alternative transportation modes shall be designed to assure protection of sensitive resources and the retention of the small-town scenic qualities of Del Mar.

COASTAL ACCESS GOAL IV-D:

Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces.

COASTAL ACCESS Policy IV-29 Complete and update an established inventory of existing parking areas in order to develop and implement an overall parking management and improvement plan for the City. [...] This inventory and parking management plan shall be revised periodically to reflect current conditions. In the development of any new parking areas, preference should be given to small, dispersed parking areas rather than large concentrated parking lots, except in the cases of parking associated with commercial activities and park-and-ride lots. [...]

COASTAL ACCESS Policy IV-30 {*As amended herein} The City shall apply the following Off-street Parking Regulations to new projects and redevelopment projects to assure that the parking needs generated by new development are provided on site. [...]

A shared use reduction in the number of required off-street parking spaces shall be allowed if it is demonstrated that there will be no overlap in the principal operating hours of the buildings or uses for which the Shared Use Parking spaces are proposed. For purposes of this Section, the term “no substantial overlap” shall mean that, on a daily basis, there will be at least one hour between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed. The requirement for this separation of an hour of use enumerated herein shall not apply to normal support services such as cleaning and maintenance operations.

Said reduction shall be allowed for a maximum of 66% of the total required off-street parking spaces for a project.

Where a shared use parking reduction is allowed pursuant to this section, the hours of operation that are proposed, and on which the shared use reduction is allowed, shall be enforced through the recordation of a deed restriction for all properties comprising the project site.

LAND USE DEVELOPMENT Policy II-7 Locate visitor-serving facilities, including public and private developments that provide food, services, shopping and amusement, within easy walking distance of visitor lodging. Focus beach oriented commercial/

recreational activities within easy walking distance of the beach, other park areas and public transportation facilities.

LAND USE DEVELOPMENT Policy II-10 Encourage the development of a precise plan for the publicly owned spaces within the downtown area that includes: a comprehensive circulation and parking element for the Camino del Mar area; and landscape and architectural design guidelines.

RECREATIONAL OPPORTUNITIES Policy V-4 Bicycle and pedestrian access to recreation facilities, as opposed to automobile use, shall be encouraged, and priority shall be given to greenery and open space, as opposed to structures and paved areas. [...]

1. Common Parking; Shared-Use Parking; Off-Site Parking and Accessible Parking Regulations. Each of these code amendments can be found consistent with and adequate to carry out the noted land use plan provisions. The Common Parking regulation simply allows the parking spaces provided for multiple uses on a property to be concentrated on the site and it thus encourages better site planning. This is consistent with the cited land use plan provisions to encourage improved landscaping and enhancement of the small-scale character of the Village Center.

The Shared Use Parking provisions do allow some reduction in the otherwise required off-street parking standards when it can be demonstrated that the on-site uses operate at different hours of the day. With the strict definition of “shared use” and the City’s enforcement measures on its operation, these arrangements are not anticipated to result in any parking deficiencies that could adversely impact coastal access. The City’s cited land use plan policies include direction to encourage smaller, dispersed parking facilities and shared parking arrangements accomplish this goal by maximizing the utilization of off-street parking areas and protecting public access. In addition, the only substantive change to this regulation (the increase from 15% to 66% in the allowable shared use reduction) specifically conforms with the amended land use plan policy.

The Off-site Parking provisions allow some of the required off-street parking for a particular development to be provided on another site within 500 feet; however, there is no reduction in the required off-street parking complement. The City’s administration of the off-site parking arrangements includes adequate definitions, enforcement measures, signage and noticing provisions to ensure that adequate off-street parking will, in fact, be provided and maintained. This provision can also be found consistent with the cited land use plan goals and policies in that it encourages better site planning and offers greater flexibility for the revitalization of the Village Center.

The Accessible Parking Regulations will allow the City to encourage improved compliance with ADA requirements by allowing limited reductions in existing, on-site parking facilities in order to provide ADA access or accessible/handicapped parking. This option is limited to existing development and would again serve to support the City’s revitalization efforts while protecting public access. In summary, these four code amendments can be found consistent with the cited land use plan provisions in that they

protect coastal access opportunities, encourage better site planning and landscaping and promote the small-town, scenic character of the City's Village Center.

2. In-lieu Parking Fee Program. The City's plan to create centrally-located, municipal parking lot(s) and operate a shuttle system is laudable and the effort is consistent with many of the cited land use plan policies. The effort would minimize vehicle miles traveled, diminish the consumption of land for paved parking areas, lessen the intrusion of automobiles along this visitor center while still accommodating public mobility and protecting coastal access. However, as submitted, the Program has five areas of concern. First, while the Program limits its application to no more than 50% of the otherwise required on-site parking requirement, it doesn't preclude an applicant from also further reducing its on-site parking complement by seeking a shared parking arrangement. Although the Commission finds that both arrangements have merit, the utilization of both measures for a given development would be excessive, as the available parking for such a development using both programs could be inadequate, thereby adversely impacting public access.

Second, given that the on-site parking is being permanently removed, the operation of the municipal parking lot and shuttle should be clearly specified as a year-round operation. Third, while there is limited beach access adjoining most of the Village Center, easy access to the central beach area and both Powerhouse and Seagrove Parks is available at the foot of 15th Street and it would be an important public access feature to extend the shuttle route there. As drafted, there is no definition of the shuttle route and the Commission finds it is important to specify the alignment and incorporate a beach access connection. A fourth concern is that the drafted Program incorporates an option for the City to enact future, but at this juncture, unspecified parking programs to reduce parking demand. This measure is simply too open-ended and the City should alternatively bring any future programs back to the Commission as a separate LCP amendment.

Finally, as drafted, the Program specifies that the option to utilize the in-lieu fees cannot begin until either the City has identified and secured a consolidated parking site or the City is operating a shuttle. Therefore, the Program does not specify that a shuttle must be operated at some point in time. While the Commission understands that the City needs to initiate the program in order to generate funds to develop both the municipal parking facilities and shuttle, there must be some threshold when both elements will be provided. Given that the on-site parking spaces will be permanently removed while development has proceeded and will remain, off-site parking deficiencies could result and grow, leading to adverse impacts on coastal access. In addition, since the municipal parking facility might be situated a significant distance from the actual development (further away than even the City's off-site parking provisions would allow at 500 feet), it will also be critical to require operation of a shuttle system at some point. For these reasons, while the concept of establishing a municipal parking facility and public shuttle are admirable and supported by many of the City's land use plan provisions, the present drafting of the Program could result in unintended off-street parking deficiencies that could impede coastal access and conflict with other land use plan directives. Therefore, this new code amendment must be rejected as submitted.

PART VI. FINDINGS FOR APPROVAL OF THE DEL MAR LCP IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

As noted above, the code amendments for Common Parking, Shared-Use Parking, Off-site Parking and Accessible Parking Regulations were found to conform with, and adequate to carry out, the certified land use plan policies as submitted. Those findings to approve them as submitted are incorporated herein.

The City's proposal to adopt an In-lieu Parking Fee Program, however, could not be approved as submitted. As noted in the findings for rejection above, there were several elements of the drafted program that needed clarification. First, the option to offset the provision of on-site parking through the payment of an in-lieu fee should not be combined with any shared parking arrangement that could further reduce the off-street parking. Second, the program failed to specify that any municipal parking lot and shuttle must be a year-round operation. Third, there was no specified beach access link in the proposed shuttle route alignment. Fourth, the program included an open-ended provision for the City to enact additional parking demand reduction programs in the future. Finally, there was no established commitment or threshold to actually operate a shuttle system at some point. Suggested modification #1 has been proposed to address each of these potential issues and with its adoption, the proposed In-lieu Parking Fee Program could be found consistent with the cited land use plan policies, as modified.

The most significant change in the suggested modification is the establishment of a threshold by when the City must be operating both the municipal parking facility and a companion shuttle or the Program must be discontinued or at least suspended. The identified threshold is the issuance of in-lieu fees for no more than 50 parking spaces. While the Commission understands there is a need to initiate the program and generate funds to develop both the municipal parking facility and shuttle service, there must be some point when these components are both instituted. Based on its analysis of other municipal parking programs, the City found in-lieu parking fees ranged from as low as \$1,000/space to \$50,000/space. The range in fees likely relates to the kind of proposed parking facility being contemplated for construction. Surface parking spaces currently cost about \$10/space while parking spaces in structures cost around \$20/space and subterranean parking stalls rise to \$45,000/space. Therefore, it is understandable that the City will need to initiate the program for some period to generate needed monies to develop the municipal lot and shuttle service. The City is considering use of the City Hall site, a school site and the Post Office property as possible locations for the consolidated parking lot.

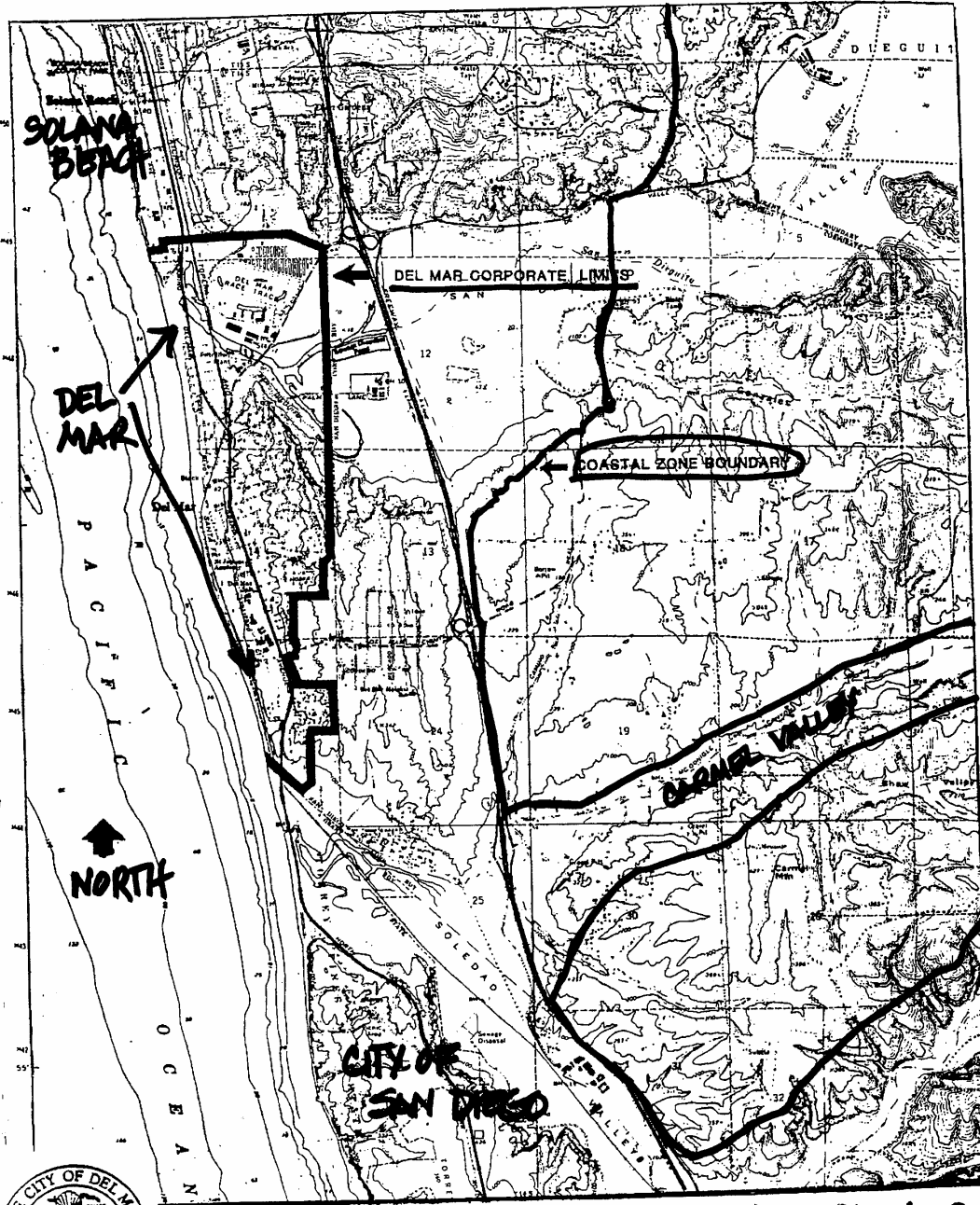
The loss of 50 parking spaces, on a permanent basis, is the threshold at which such lost parking is expected to begin to materially deter coastal access opportunities. While there is limited beach access along much of the Village Center due to the bluffs and railroad corridor, visitors and residents alike do still enjoy the scenic vistas available from the blufftops and increased parking deficiencies along Camino del Mar would lead to congestion and diminished coastal access. Thus, as modified to require implementation of both the shuttle and off-site parking program at this point, the Commission can find

the proposed use of in-lieu parking fees to support alternate transit opportunities and consolidated public parking facilities consistent with the certified land use plan.

PART VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the LCP amendment, with incorporation of the one suggested modification, will not have any significant adverse effects on the environment and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. The suggested modification will ensure that there will be no significant off-street parking deficiencies that could adversely impact coastal access or contribute to increased traffic congestion in this visitor destination area. In addition, by encouraging alternate transit opportunities, the City works to improve public mobility, reduce vehicle miles traveled and thus, in part, address climate change concerns. Therefore, the Commission finds the subject LCP land use and implementation plans, as amended, conform with CEQA provisions.



7
Del Mar LCPA #1-09
Figure I-A Regional Location Map/Coastal Zone Boundary

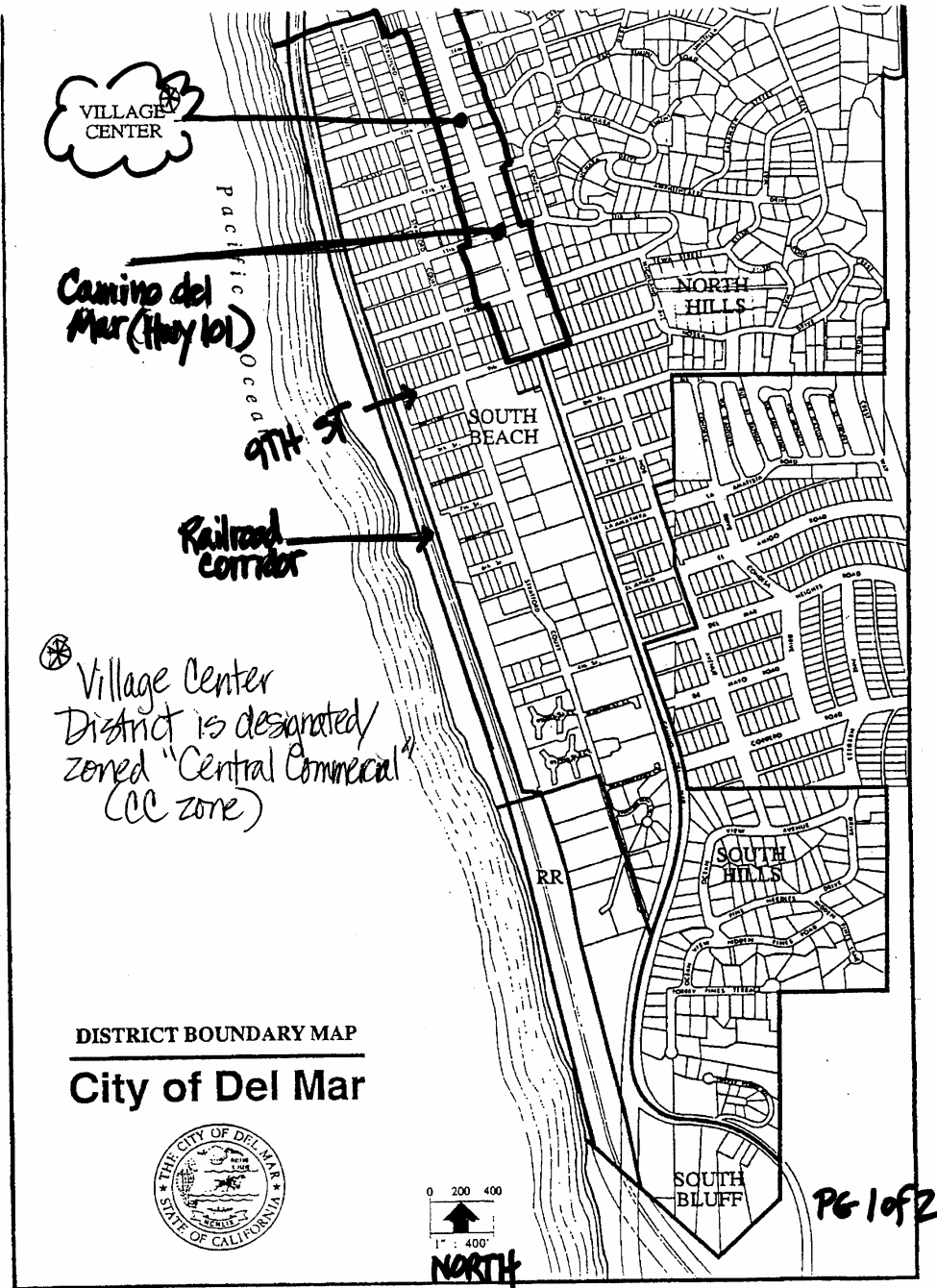


Figure II-B District Boundaries
Del Mar LCPA #1-09

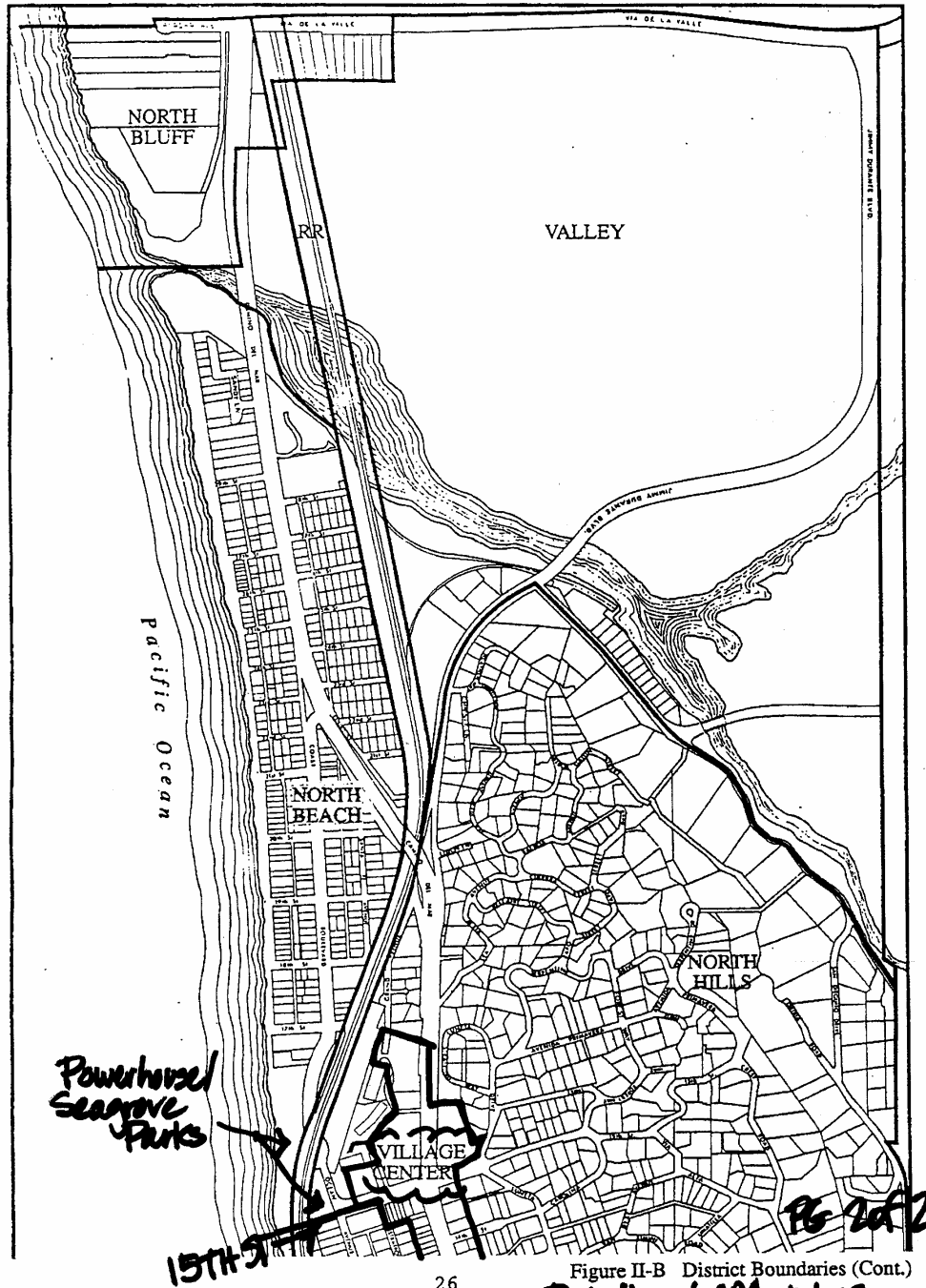


Figure II-B District Boundaries (Cont.)
Del Mar LCPA #1-09

RESOLUTION NO. 2008-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY'S LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCE SEGMENTS REGARDING PARKING REGULATIONS, SPECIFICALLY AMENDING SECTIONS 30.80.130, 30.80.140 AND 30.80.150 OF DEL MAR MUNICIPAL CODE AND LCP IMPLEMENTING ORDINANCE CHAPTER 30.80 (PARKING) AND AMENDING THE CORRESPONDING SECTION IV-30 OF THE LCP LAND USE PLAN REGARDING THE PROCESS AND STANDARDS OF REVIEW FOR PROPOSALS FOR COMMON, SHARED AND OFF-SITE PARKING [LCPA-07-01]

WHEREAS, the entirety of the corporate boundaries of the City of Del Mar are within the Coastal Zone, as determined under the California Coastal Act, California Public Resources Code, Division 20; and

WHEREAS, pursuant to Section 30500 et. seq. of Chapter 6 of Division 20 of the Public Resources Code, local jurisdictions are encouraged to prepare and submit Local Coastal Programs (LCPs) for the purpose of local implementation of the California Coastal Act; and

WHEREAS, pursuant to Chapter 6, Division 20 of the Public Resources Code and Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations, the City of Del Mar prepared a Del Mar Local Coastal Program, consisting of a Land Use Plan and Implementing Ordinances, with the Land Use Plan integrated within the Del Mar Community (General) Plan;

WHEREAS, the Land Use Plan and Implementing Ordinance segments of the LCP have each been certified by the California Coastal Commission;

WHEREAS, the Local Coastal Program Land Use Plan and Implementing Ordinance segments each include regulations for the provision of off-street parking for new and redevelopment projects;

WHEREAS, pursuant to Chapter 6, Division 20 of the Public Resources Code and Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations, the City of Del Mar has prepared amendments to Section IV-30 of the Land Use Plan segment and Chapter 30.80 of the Implementing Ordinance segment of the LCP to modify portions of the off-street parking regulations;

WHEREAS, public notice and distribution of the draft amendments to the Local Coastal Program Implementing Ordinances and Land Use Plan were provided with a

Resolution 2008-86
Page 3

PASSED AND ADOPTED this 17th day of November 2008.



DAVID DRUKER, Mayor,

ATTEST AND CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Mercedes Martin, City Clerk of the City of Del Mar, California DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution 2008-86, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 17th day of November 2008, by the following vote:

AYES: Councilmembers Abarbanel, Earnest, Hilliard, Deputy Mayor
Crawford; Mayor Druker

NOES: None

ABSENT: None

ABSTAIN: None


Mercedes Martin, City Clerk

Exhibit "A" to City Council Resolution 2008- 86

***Amendment to the City of Del Mar Local Coastal Program Land Use Plan
Application LCPA-07-01, Common, Shared and Off-site Parking***

MODIFIED POLICY SEGMENT, Policy IV-30, page #84, last three paragraphs to read:

A shared use reduction in the number of required off-street parking spaces shall be allowed if it is demonstrated that there will be no overlap in the principal operating hours of the buildings or uses for which the Shared Use Parking spaces are proposed. For purposes of this Section, the term "no substantial overlap" shall mean that, on a daily basis, there will be at least one hour between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed. The requirement for this separation of an hour of use enumerated herein shall not apply to normal support services such as cleaning and maintenance operations.

Said reduction shall be allowed for a maximum of 66% of the total required off-street parking spaces for a project.

Where a shared use parking reduction is allowed pursuant to this section, the hours of operation that are proposed, and on which the shared use reduction is allowed, shall be enforced through the recordation of a deed restriction for all properties comprising the project site

***Amendments to the City of Del Mar Local Coastal Program Implementing Ordinances
Application LCPA-07-01***

MODIFIED SECTION:

30.80.130 Common Parking. The off-street parking spaces required for two (2) or more uses located on the same site may be provided in common or combined parking space areas in-lieu of providing separate parking space areas for the parking spaces corresponding to each use. The use of common parking space areas shall not modify the parking requirements applicable to the uses on the property, which shall remain the sum of the required spaces of all uses computed separately, unless otherwise authorized pursuant to a Shared Parking Permit, as regulated by this Chapter.

MODIFIED CODE SECTION:

30.80.140 Shared-Use Parking Permit. Where two (2) or more non-residential uses will be operated in a manner where there will be no substantial overlap in the hours of operation of the uses, a portion of the off-street parking spaces required and provided for one or more of the uses(s) may be provided as Shared Use Parking spaces.

A. Shared Use Parking shall be subject to the receipt of a Shared Use Parking Permit from the Planning Commission. In reviewing an application for a Shared Use Parking Permit, the Planning Commission shall apply the following standards and requirements:

1. The applicants shall demonstrate that there will be no substantial overlap in the principal operating hours of the buildings or uses for which the Shared Use Parking spaces are proposed. For purposes of this Section, the term "no substantial overlap" shall mean that, on a daily basis, there will be at least one hour between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed. The requirement for this separation of an hour of use enumerated herein shall not apply to normal support services such as cleaning and maintenance operations.

2. Not more than 66% of the off-street parking spaces required by this Chapter for a use or activity may be satisfied through the use of a Shared Use Parking Permit.

3. Parking spaces to be used for Shared Use Parking shall be unencumbered for any uses or activities other than those for which the Shared Use Parking Permit is proposed.

4. All Shared Use Parking spaces shall meet the location, design and layout requirements for off-street parking spaces specified in this Chapter.

B. Any proposal for Shared Use Parking which is to be located off-site, shall be also subject to the receipt of an Off-site Parking Permit, as regulated by this Chapter.

C. A Shared Use Parking Permit, approved pursuant to the provisions of this Chapter, shall be subject to the recordation

of a covenant against the deed for the property on which the Shared Use Parking spaces are located. The purpose of the covenant shall be to memorialize the terms and conditions of the Shared Use Parking Permit and to inform subsequent property owners and business operators of the restrictions on use and parking which apply to the site. The recorded covenant shall specify the operating hours, as conditioned, of the businesses for which a Shared Use Parking Permit has been approved.

MODIFIED CODE SECTION:

30.80.150 Off-site Parking Permit. Off-site Parking, wherein the required parking for a use or activity is provided on a separate site than the location of the use or activity itself, shall be allowed, as provided in this section. An application for an Off-site Parking Permit may be submitted for any use allowed within a zone, except that Off-site Parking may not be used to satisfy the parking requirements of residential, uses. Such Off-site Parking Permit is subject to approval by the City Council and shall be subject to the following requirements:

A. The proposed location of all required parking is within a 500-foot walking distance measured from the nearest point of the parking facility to the nearest point of the building that such parking is required to serve.

B. The proposed location of Off-site Parking is in the Central Commercial, Professional Commercial, North Commercial Visitor Commercial or Beach Commercial Zones. [RC-Zone not allowed]

C. The property on which the Off-site Parking is to be located and the property containing the use for which Off-site Parking is to be provided satisfies one of the following requirements:

1. The property shall be owned by the same owner(s) of the lot or parcels containing the building or uses to be served by the Off-site Parking spaces or an agreement shall be recorded with the County of San Diego Recorder's office to create an inseparable part of the lot or parcels containing such buildings or uses; or

2. The property shall be held in a minimum 15-year lease by the same owner(s) of the lot or parcels containing the building to be served by the off-street parking or uses or by the owner of the business to be served by the off-street parking. Said minimum 15-year lease shall remain in effect as long as the parking facilities are required and the owner or owners of the lot or parcels containing said parking records an agreement with the County Recorder's office as a covenant running with the land for the benefit of the City, guaranteeing that such owner(s) and their heirs, assigns, or successors in interest, will continue to maintain said parking facilities for the use necessitating the Off-site Parking Permit for as long as the building or use that the Off-site Parking spaces are intended to serve is retained.

D. The property containing the building for which the Off-site Parking is to be provided shall be subject to the recordation of a covenant identifying the location of the Off-site Parking and the associated lease agreements which facilitate the continued use of the Off-site Parking.

E. The property for which Off-site Parking is provided and the property on which the Off-site Parking is located shall each include signage notifying the public of the location of the use and of the Off-site Parking respectively.

F. The Notice required in this section shall be provided as follows:

1. A sign one square foot in size shall be conspicuously posted at the site of the use for which Off-site Parking stating that Off-site parking spaces area available for use by patrons and employees of the use and identifying the location of the Off-site parking spaces; and

2. A sign one square foot in area shall be posted at each of the Off-site parking spaces stating that they are

available for use for patrons and employees of the use for which the Off-site parking has been authorized.

Notwithstanding the provision of the DMMC, the signs required in this section shall not be included in the calculation of the maximum amount of signage allowed for a property or use, as regulated in the DMMC.

G. At least 180 days prior to the expiration of a minimum 15-year lease required pursuant to the provisions of this Section to utilize an Off-site Parking location, the benefitted property owner shall provide evidence to City staff that one of the following actions has occurred:

1. Receipt of a renewed, minimum 15-year lease for the property on which the Off-site Parking is located;
2. Receipt of City authorization for provision of Off-site Parking on another site, issued in accordance with requirements of this Section; or
3. Reduction of the intensity of use(s) on the benefitted property, with such reduction commensurate with level of Off-site Parking that had previously been authorized through an Off-site Parking Permit and through which a use on the benefitted property had satisfied the parking requirements of this chapter.

RESOLUTION NO. 2008-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY'S LOCAL COASTAL PROGRAM IMPLEMENTING ORDINANCE SEGMENTS REGARDING PARKING REGULATIONS, SPECIFICALLY MODIFYING CHAPTER 30.80 OF THE IMPLEMENTING ORDINANCES TO CREATE A NEW SECTION, 30.80.085, REGARDING ACCESSIBLE PARKING SPACES, AND MODIFYING CHAPTER 30.80 OF THE IMPLEMENTING ORDINANCES TO CREATE A NEW SECTION, 30.80.170, ESTABLISHING AN IN-LIEU PARKING PROGRAM; AND AUTHORIZING SUBMITTAL OF THE PROPOSED LCP AMENDMENTS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION.

WHEREAS, the entirety of the corporate boundaries of the City of Del Mar are within the Coastal Zone, as determined under the California Coastal Act, California Public Resources Code, Division 20; and

WHEREAS, pursuant to Section 30500 et. seq. of Chapter 6 of Division 20 of the Public Resources Code, local jurisdictions are encouraged to prepare and submit Local Coastal Programs (LCPs) for the purpose of local implementation of the California Coastal Act; and

WHEREAS, pursuant to Chapter 6, Division 20 of the Public Resources Code and Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations, the City of Del Mar prepared a Del Mar Local Coastal Program, consisting of a Land Use Plan and Implementing Ordinances, with the Land Use Plan integrated within the Del Mar Community (General) Plan;

WHEREAS, the Land Use Plan and Implementing Ordinance segments of the LCP have each been certified by the California Coastal Commission;

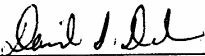
WHEREAS, the Local Coastal Program Land Use Plan and Implementing Ordinance segments each include regulations for the provision of off-street parking for new and redevelopment projects;

WHEREAS, pursuant to Chapter 6, Division 20 of the Public Resources Code and Chapter 8, Division 5.5 of Title 14 of the California Code of Regulations, the City of Del Mar has prepared amendments to Section IV-30 of the Land Use Plan segment and Chapter 30.80 of the Implementing Ordinance segment of the LCP to modify portions of the off-street parking regulations;

WHEREAS, public notice and distribution of the draft amendments to the Local Coastal Program Implementing Ordinances and Land Use Plan were provided with a

Resolution 2008-77
Page 3

PASSED AND ADOPTED this 6th day of October 2008.



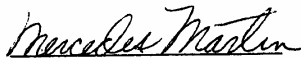
DAVID DRUKER, Mayor,
City of Del Mar, California

ATTEST AND CERTIFICATION

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Mercedes Martin, City Clerk of the City of Del Mar, California DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution 2008-77, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 6th day of October 2008, by the following vote:

AYES: Councilmembers Abarbanel, Earnest, Hilliard, Deputy Mayor
Crawford; Mayor Druker
NOES: None
ABSENT: None
ABSTAIN: None



Mercedes Martin, City Clerk
City of Del Mar, California

Exhibit "A" to City Council Resolution 2008- 71

*Amendments to the City of Del Mar Local Coastal Program Implementing Ordinances
Application LCPA-07-01*

NEW CODE SECTION:

30.80.085 Reduction of Off-Street Parking Requirement to Comply with Accessible Parking Regulations.

A. When required to meet the requirements of California Title 24 or the Americans with Disabilities Act (ADA) requirements for provision of accessible off-street parking spaces and paths of travel thereto, the total number of parking spaces in place and provided for an existing use may be reduced upon a showing that the reduction in the number of spaces will be the minimum necessary to achieve compliance with the accessible parking regulations referenced in this section.

B. This section shall not be construed or applied so as to authorize a reduction of the off-street parking requirements to be provided in proposals for new development(s).

C. The reduction in the number of required parking spaces shall be subject to the receipt of all required permits.

NEW CODE SECTION:

30.80.170 In-lieu Parking Fee Program

A. For projects located within the Central Commercial Zone, the provision of the off-street parking spaces otherwise required pursuant to this Chapter may instead be [partially] satisfied through the payment of an In-lieu Parking Fee in accordance with the following:

1. Authorization for use of an In-lieu Parking Fee(s) to satisfy off-street parking requirements shall be subject to the review and approval of the Director of Planning and Community Development, with such approval based on compliance with the provisions of this Chapter.

2. The payment of an In-lieu fee shall be made on a one-for-one basis with a fee paid for each required parking space to be satisfied through the In-lieu Fee program.

3. The amount of the In-lieu Parking Program Fee shall be set by resolution of the City Council and may be amended from time to time by resolution of the City Council.

4. No more than 50% of the off-street parking spaces otherwise required for a project may be satisfied through use of the In-lieu Parking Fee Program.

B. The In-lieu Parking fee funds collected by the City shall be deposited in a designated fund and shall be expended by the City exclusively for:

1. The acquisition, development, operation or maintenance of off-street parking spaces available for use by the general public;

2. The development and operation of a shuttle system to transport the public to and from off-street parking spaces available for use by the general public; or

3. The implementation of one or more programs identified, by the separate resolution of the City Council, as being appropriate and effective for reducing the demand for off-street parking in the Village Center District.

C. The payment of In-lieu Parking Fees to satisfy the provisions of this Chapter shall occur prior to the issuance of any required Building Permits for the development for which the fees are required or prior to issuance of a Certificate of Occupancy for any activity for which the fees are required, whichever comes first.

D. In-lieu Parking Fees paid to satisfy the provision of this Chapter shall not be refundable.

E. The option for payment of In-lieu Parking Fees to satisfy the off-street parking requirements of this Chapter shall not be allowed to satisfy the off-street parking requirements for residential units or for hotel or motel uses.

F. The option, as provided in this Section, for payment of In-lieu Parking Fees to satisfy the off-street parking

requirements of a development shall not be applicable until one or more of the following has occurred:

1. The City has identified and secured a location for providing off-street parking spaces available for use by the general public; or

2. The City has implemented, or authorized, a shuttle system to transport the public to and from off-street parking spaces available for use by the general public

G. At such time as a Village Center District Specific Plan is prepared and enacted in accordance with applicable law(s), the provisions of this section shall no longer be effective. For purposes of this Section, a Del Mar Village Center District Specific Plan shall mean a Specific Plan for the geographic area identified in the Del Mar Community Plan as the Village Center District.

ORDINANCE NO. 821

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING SECTIONS 30.80.130, 30.80.140 AND 30.80.150 OF DEL MAR MUNICIPAL CODE CHAPTER 30.80 (PARKING) REGARDING THE PROCESS AND STANDARDS OF REVIEW FOR PROPOSALS FOR COMMON, SHARED AND OFF-SITE PARKING [ZA-08-03].

The City Council of the City of Del Mar, California, does ordain as follows:

SECTION ONE:

Sections 30.80.130, 30.80.140 and 30.80.150 of Chapter 30.80 of the Municipal Code are amended to read as follows:

See Exhibit "A" (attached).

SECTION TWO:

This Ordinance is adopted based on the following findings:

1. There have been changed conditions since the previous zoning ordinance language became effective. These include a desire to optimize the use of parking spaces on properties in the City's downtown area to help foster the City's revitalization efforts.
2. The proposed Zone Code amendment would serve to foster efforts for a vibrant downtown area by modifying three existing parking programs in DMMC Chapter 30.80 (parking) so as to optimize the use of parking spaces. Specifically, the proposed Zone Code amendment would clarify the manner in which the off-street parking requirements of the Zoning Code may be satisfied through Common, Shared or Off-site Parking Programs.
3. The Del Mar Community Plan calls for a vibrant downtown area with commercial establishments to serve, among others, the residents of the community. The amendment to the Zoning Code would foster revitalization efforts, thereby helping to achieve this goal of the Community Plan. The proposed Zone Code amendment would clarify the manner in which the off-street parking requirements of the Zoning Code may be satisfied through Common, Shared or Off-site Parking Programs.

ORDINANCE NO. 821

Page 2 of 6

SECTION THREE:

This Ordinance was introduced on November 17, 2008.

SECTION FOUR:

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

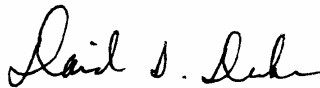
PASSED AND ADOPTED this 1st day of December 2008 by the following vote:

AYES: Councilmembers Abarbanel, Earnest, Hilliard, Deputy Mayor Crawford; Mayor Druker

NOES: None

ABSENT: None


ABSTAIN: None



DAVID DRUKER, Mayor
City of Del Mar
Del Mar, California

ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 821, which has been published pursuant to law.



Mercedes Martin, City Clerk
City of Del Mar
Del Mar, California

ORDINANCE NO. 821

Page 3 of 6

Exhibit "A" to City Council Ordinance No. 821

30.80.130 Common Parking. The off-street parking spaces required for two (2) or more uses located on the same site may be provided in common or combined parking space areas in-lieu of providing separate parking space areas for the parking spaces corresponding to each use. The use of common parking space areas shall not modify the parking requirements applicable to the uses on the property, which shall remain the sum of the required spaces of all uses computed separately, unless otherwise authorized pursuant to a Shared Parking Permit, as regulated by this Chapter.

30.80.140 Shared-Use Parking Permit. Where two (2) or more non-residential uses will be operated in a manner where there will be no substantial overlap in the hours of operation of the uses, a portion of the off-street parking spaces required and provided for one or more of the uses(s) may be provided as Shared Use Parking spaces.

A. Shared Use Parking shall be subject to the receipt of a Shared Use Parking Permit from the Planning Commission. In reviewing an application for a Shared Use Parking Permit, the Planning Commission shall apply the following standards and requirements:

1. The applicant shall demonstrate that there will be no substantial overlap in the principal operating hours of the buildings or uses for which the Shared Use Parking spaces are proposed. For purposes of this Section, the term "no substantial overlap" shall mean that, on a daily basis, there will be at least one hour between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed. The requirement for this separation of an hour of use enumerated herein shall not apply to normal support services such as cleaning and maintenance operations.
2. Not more than 66% of the off-street parking spaces required by this Chapter for a use or activity may be satisfied through the use of a Shared Use Parking Permit.
3. Parking spaces to be used for Shared Use Parking shall be unencumbered for any uses or activities other than those for which the Shared Use Parking Permit is proposed.

ORDINANCE NO. 821

Page 4 of 6

4. All Shared Use Parking spaces shall meet the location, design and layout requirements for off-street parking spaces specified in this Chapter.

B. Any proposal for Shared Use Parking which is to be located off-site, shall be also subject to the receipt of an Off-site Parking Permit, as regulated by this Chapter.

C. A Shared Use Parking Permit, approved pursuant to the provisions of this Chapter, shall be subject to the recordation of a covenant against the deed for the property on which the Shared Use Parking spaces are located. The purpose of the covenant shall be to memorialize the terms and conditions of the Shared Use Parking Permit and to inform subsequent property owners and business operators of the restrictions on use and parking which apply to the site. The recorded covenant shall specify the operating hours, as conditioned, of the businesses for which a Shared Use Parking Permit has been approved.

30.80.150 Off-site Parking Permit. Off-site Parking, wherein the required parking for a use or activity is provided on a separate site than the location of the use or activity itself, shall be allowed, as provided in this section. An application for an Off-site Parking Permit may be submitted for any use allowed within a zone, except that Off-site Parking may not be used to satisfy the parking requirements of residential, uses. Such Off-site Parking Permit is subject to approval by the City Council and shall be subject to the following requirements:

A. The proposed location of all required parking is within a 500-foot walking distance measured from the nearest point of the parking facility to the nearest point of the building that such parking is required to serve.

B. The proposed location of Off-site Parking is in the Central Commercial, Professional Commercial, North Commercial Visitor Commercial or Beach Commercial Zones. [RC-Zone not allowed]

C. The property on which the Off-site Parking is to be located and the property containing the use for which Off-site Parking is to be provided satisfies one of the following requirements:

ORDINANCE NO. 821

Page 5 of 6

1. The property shall be owned by the same owner(s) of the lot or parcels containing the building or uses to be served by the Off-site Parking spaces or an agreement shall be recorded with the County of San Diego Recorder's office to create an inseparable part of the lot or parcels containing such buildings or uses; or

2. The property shall be held in a minimum 15-year lease by the same owner(s) of the lot or parcels containing the building to be served by the off-street parking or uses or by the owner of the business to be served by the off-street parking. Said minimum 15-year lease shall remain in effect as long as the parking facilities are required and the owner or owners of the lot or parcels containing said parking records an agreement with the County Recorder's office as a covenant running with the land for the benefit of the City, guaranteeing that such owner(s) and their heirs, assigns, or successors in interest, will continue to maintain said parking facilities for the use necessitating the Off-site Parking Permit for as long as the building or use that the Off-site Parking spaces are intended to serve is retained.

D. The property containing the building for which the Off-site Parking is to be provided shall be subject to the recordation of a covenant identifying the location of the Off-site Parking and the associated lease agreements which facilitate the continued use of the Off-site Parking.

E. The property for which Off-site Parking is provided and the property on which the Off-site Parking is located shall each include signage notifying the public of the location of the use and of the Off-site Parking respectively.

F. The Notice required in this section shall be provided as follows:

1. A sign one square foot in size shall be conspicuously posted at the site of the use for which Off-site Parking stating that Off-site parking spaces area available for use by patrons and employees of the use and identifying the location of the Off-site parking spaces; and

2. A sign one square foot in area shall be posted at each of the Off-site parking spaces stating that they are

ORDINANCE NO. 821

Page 6 of 6

available for use for patrons and employees of the use for which the Off-site parking has been authorized.

Notwithstanding the provision of the DMMC, the signs required in this section shall not be included in the calculation of the maximum amount of signage allowed for a property or use, as regulated in the DMMC.

G. At least 180 days prior to the expiration of a minimum 15-year lease required pursuant to the provisions of this Section to utilize an Off-site Parking location, the benefitted property owner shall provide evidence to City staff that one of the following actions has occurred:

1. Receipt of a renewed, minimum 15-year lease for the property on which the Off-site Parking is located;
2. Receipt of City authorization for provision of Off-site Parking on another site, issued in accordance with requirements of this Section; or
3. Reduction of the intensity of use(s) on the benefitted property, with such reduction commensurate with level of Off-site Parking that had previously been authorized through an Off-site Parking Permit and through which a use on the benefitted property had satisfied the parking requirements of this chapter.

TO COASTAL COMMISSION, VIA FAX

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

4/14 AGENDA ITEM 14.5(a), Del Mar LCP Amendment No. DMR-MAJ-1-09
(Modifications to Parking Requirements).

I have the following comments (prepared in $\frac{1}{2}$ hour before due) -

1. I have been in business in Del Mar since 1955, and PARKING has always been a #1 problem in Del Mar. Beginning with the General Plan, all subsequent studies have said so. But the City, nor anyone else, has done anything to alleviate the problem - to come close to fully satisfying the need for a parking lot, or structure.
2. The City zoning requires a certain ratio of parking spaces, but they are not sufficient meet the need, and are not enforced.
3. The City recently approved an addition to the library, which is woefully under-parked, by allocating a certain number of ON-STREET spaces to meet the OFF-STREET parking spaces to satisfy the off-street requirements per the zoning ordinance. This did NOTHING to help the parking situation.
4. I agree with the Staff proposal that a time certain is required to provide a public parking lot/structure prior to collection of in-lieu parking fees. The fees would only provide a slush fund - not solve the problem. Being able to collect up to 25 parking spaces (approx. \$750,000) is too much to collect for something that hasn't been provided.
5. The city currently owns City Hall property, which the City would like to redevelop and provide the public parking. But they don't have the money, and how could enough parking be provided on that space that would satisfy the needs of the re-developed property, PLUS THE ADDITIONAL SPACES TO SATISFY THE PUBLIC NEEDS OF THE IN-LIEU FEES.

*City of Del Mar LCPA #1-09
Letter of Concern /*

Thursday, April 08, 2010 11:12 AM

RALPH PECK 8587932534

p.03

6. I fail to see how a shuttle system can solve the parking problem for the area between 8th st and the Powerhouse Park (beach) area - where will the people park in order to use the shuttle. The shuttle provides no help for lack of parking.
7. Personally, I think this application is pre-mature. The City is in the process of developing an area Specific Plan and Form-Based Code, which supposedly will negate all of the existing and amended parking requirements.

I recommend you make the in-lieu fees/shuttle amendment much more restrictive, so that IT WILL BE EFFECTIVE - OR ELIMINATE IT.

Thank you 
Signature on file

Ralph Peck
333 - 11th St
Del Mar, CA 92014
858-755-9696

2