

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4421

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RECORD PACKET COPY

**Wed 9d**

Staff: EL-SD
Staff Report: September 23, 2005
Hearing Date: October 12-14, 2005

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-DMR-04-024-A1

Applicant: City of Del Mar

Agent: Adam Birnbaum

Original Description: Installation of two "pay and display" parking machines and associated signage at an informal, approximately 50 space, public parking area and ongoing regulation of parking through the use of such machines.

Proposed Amendment: To remove Special Condition #3 in its entirety, to allow the pay and display meters to remain permanently.

Site: West side of Camino del Mar, just north of the Camino del Mar/Carmel Valley Road intersection, Del Mar, San Diego County

Substantive File Documents: Certified City of Del Mar LCP

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the amendment request to delete Special Condition #3, but only as modified by the attached special conditions which impose a new condition similar to the old Special Condition #3. Information submitted by project opponents suggests installation of the meters last year has resulted in a significant diminished use of this area by the public. It is because it was not known what impacts installation and implementation of the pay meters would have on public use of this area, that the Commission only granted approval for the meters to remain for a one year period initially. Even though the Commission did not specifically require the City to monitor use of the meters during the one year period, the fact that the City did not do any such monitoring means that it has no empirical data to refute the opponents claims that public use of this area has greatly diminished since installation of the pay meters. Rather than deny the permit amendment altogether, staff recommends approving the paid parking program for an additional year and requiring a comprehensive monitoring study to identify any ongoing impacts and suggest solutions.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-DMR-04-024-A1 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified City of Del Mar LCP and the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. **Special Conditions.**

The permit amendment is subject to the following special conditions:

The following special condition shall be added as a new special condition.

1. **Parking Monitoring Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit for review and written approval of the Executive Director, a parking monitoring program which shall, at a minimum, incorporate the following:

- a. Monitoring shall be conducted throughout the one-year term that the permit amendment authorizes the operation of the meters.
- b. Monitoring shall occur along:
 - the west side of Camino del Mar in the area regulated by the Pay and Display machines;
 - Carmel Valley Road from Camino del Mar to the Del Mar/San Diego boundary;
 - Stratford Court, south of Spinnaker Court;
 - Ocean View Avenue west of Nob Avenue; and
 - Nob Avenue south of Cordero Road..

c. Monitoring shall occur on:

- one Saturday and one Sunday each month from October, 2005 until Memorial Day weekend, 2006; and
- every Saturday, Sunday and holiday between Memorial Day weekend and Labor Day.

d. Monitoring shall consist of:

- parking counts taken at the approximate hours of 10:00 a.m., 1:00 p.m. and 4:00 p.m. on every monitored day;
- recordation of temperature, weather and surf conditions during each count;
- documentation of both actual car counts and percentage of occupancy, assuming 50 available parking spaces; and
- documentation of turnover rates.

Documentation of all monitoring through August 15, 2006 shall be submitted with any application to extend the authorization beyond one year. Documentation of monitoring conducted between August 15 and Labor Day shall be submitted no later than September 12, 2006.

The permittee shall undertake monitoring in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this amended coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Limited Term Authorization. **This condition replaces Special Condition #3 of the original permit.** The amended permit shall authorize the operation of the meters for one year from the date of Commission action unless modified by the Coastal Commission. No additional time shall be permitted without an analysis of the required monitoring data and a status report on the re-opening of the northern access way to Torrey Pines State Beach.

3. Prior Conditions of Approval. All prior conditions of approval of the original permit not specifically revised herein shall remain in full force and effect of this amendment.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The City of Del Mar is requesting an amendment to an approved coastal development permit (CDP) that authorized installation of two "pay and display" machines. The original approval included conditions establishing parameters for the operation of the machines, requiring mitigation through installation of free public access and recreation amenities, and limiting the meters to a

trial period of one year. The conditions also allowed submittal of a future amendment request to continue operation of the meters beyond that time. The machines serve an approximately 1,700 foot-long area where free informal parking previously occurred. The area is on the west side of Camino del Mar (within the public right-of-way), just north of the intersection with Carmel Valley Road, and consists of an open, unvegetated strip separated from the paved road by a curb. Vehicles have historically parked within this strip between the intermittent roadside trees to access an unimproved dirt trail leading down the bluff to the beach, or to enjoy the panoramic views available in this location along the bluff top. The "pay and display" machines are similar to parking meters in appearance, although significantly larger. Each machine serves 25-30 cars; when fed with money, they produce a ticket to be displayed on the vehicle's dashboard.

The paid parking machines are within the City of Del Mar's CDP jurisdiction, and the City, after a local appeal, issued itself a coastal development permit in March, 2004. The project site is at the southern end of Del Mar, and is located between the first public road (Camino del Mar) and the sea, within the area appealable to the Commission. Appeals were filed in the San Diego Coastal Commission office, both by outside interested parties and by the Commission. The Commission first found the appeals to raise a substantial issue, then granted the permit as described above. The legal standard of review for that permit, and the subject amendment request, is consistency with both the City of Del Mar certified LCP and the Chapter 3 access and recreation policies of the Coastal Act.

The subject amendment proposes to remove Special Condition #3, which imposed a one-year term for the parking machines. The time limitation was intended to allow the City an opportunity to install required mitigation measures and to assess the impact of the parking fees on beach usage in this area. The required bicycle rack and two viewing benches have been installed, but the City has not conducted any formal assessment of impacts. While there was no specific requirement imposed by the original permit, it was suggested that the City do some formal monitoring of the meter operation during the one-year trial period so that the City could present the results to the Commission with any request to extend or make permanent use of the meters in this area. The former appellants did do some monitoring during the period when the meters were in operation; that information is provided as Exhibit #3. Other submitted complaints that were received are attached as Exhibit #4.

2. Public Access and Recreation. Because this site is between the first public road (Camino del Mar) and the sea, both the certified LCP and the public access and recreation policies of the Coastal Act are standards of review. The original permit report included portions of four LCP policies and four Coastal Act policies addressing access; the same policies also apply to the subject amendment request and are re-stated below:

Goal IV-A

Provide physical and visual access to coastal recreation areas for all segments of the population

Goal IV-A, IV-9

Improved vertical access ways to the beach and trailhead areas shall include appropriate support facilities such as trash receptacles and bicycle racks as determined necessary.

Goal IV-B, Policy IV-17

The City shall continue to encourage the use of bicycles for transportation to coastal recreation areas. The City shall also promote the installation of bicycle racks at intermittent locations along the beach and lagoon areas as well as the following locations: ... along Camino del Mar in the vicinity of Carmel Valley Road.

Goal IV-C, Policy IV-22

Enhance public improvements along appropriate bluff top areas which provide significant scenic vistas when such improvements are not in conflict with bluff preservation policies. Improvements shall include the installation of benches for scenic viewing ... along the upper bluff area south of Del Mar Canyon,

Section 30210

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

Section 30211

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

Section 30212.5

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

Section 30213

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

The subject site is a popular parking spot for surfers, joggers, and general beach users, as it provides access to the northern portion of Torrey Pines State Beach. Beach access from the bluff top parking area is gained via an informal and unimproved, rocky, narrow, dirt trail, but the condition of the trail limits use to the healthy and sure-footed. The area is isolated from both the main part of Del Mar to the north (Village and municipal beaches) and the Torrey Pines State Beach facilities located south of the Los Penasquitos Lagoon mouth. Prior to approval of the original permit, it provided the only free means to access this section of Torrey Pines State Beach, which extends north to 8th Street and there becomes City of Del Mar beach. Implementation of parking fees raises a concern as to public access in that such a fee may affect use of this area by the general public.

The primary reason the original permit was limited to one year, was to provide an opportunity to assess any such impacts. The Commission has typically required access modifications such as imposition of fees and changes to the hours of operation to undergo a "trial period" to assure that overall impacts on the beach-going public, and surrounding public streets, are minimized to the extent possible or otherwise mitigated. Special Condition #3 of the original permit limited the meters to a term of one year only to provide the Commission an opportunity to review the paid parking program once again and assess any unforeseen impacts. A trial period allows the operation to proceed for a long enough period that any unexpected yet significant problems should surface and may be addressed in future Commission actions.

Opponents, including the former appellants and others, have submitted both general complaints about the concept of paid parking in this area, and specific narrative and photographic evidence of low usage during the time the meters were in operation. The opponents recorded dates, times, temperatures, and surf conditions for the Saturdays and Sundays from early March through mid-May, 2005, and calculated the number and percentage of vehicles using the parking area, based on the assumption that the area will hold approximately 50 vehicles. This evidence, however, was all gathered outside the summer months and no "before meter" baseline information was offered for purposes of comparison. Moreover, the evidence presented by the opponents shows that only three days of their study had temperatures into the 70's. The City's response is that low beach usage is the norm at that time of year, but has provided no empirical data to support that position. No documentation has been presented by either the City or the opponents addressing public usage during the summer months.

The former appellants also maintain that people are parking in other nearby areas to avoid the fees, and that "surrounding neighborhoods are suffering the consequence" (letter from Rick Beatty and Chris Miller, dated June 8, 2005, attached as Exhibit #3). No specific streets were identified in the letter, nor was any other information provided. The City has responded (Exhibit #2) that this is not likely the case, since access to the nearest surrounding streets requires driving nearly a mile away, and then also walking a considerable distance back to the beach. However, no specific data has been presented by the City to counter this charge.

It is possible that some people who previously parked at the subject site have relocated to the North Torrey Pines State Beach parking lot. This is also a paid facility, but applies a daily rate instead of an hourly one. People planning long stays at the beach would probably find this parking lot more economical. Generally speaking, there is more than enough availability in this parking lot to accommodate anyone who is displaced from the subject Camino del Mar location. However, on holidays and holiday weekends, the state beach parking lot fills up and overflows, so conflicts could occur in trying to add even one more car to the lot. Moreover, this parking lot provides access to a different segment of Torrey Pines State Beach, that already experiences greater attendance than the beach below the subject site.

In any event, the Commission has, on several past occasions, supported the right of a local government to collect fees for services rendered. There are few areas of the urbanized California coastline that do not have some form of parking fee or program, and these fees are generally driven by the public safety and upkeep costs of maintaining public beaches. The Commission's main concern in regard to such programs is that the operating parameters be reasonable and in the best interest of the public at large. A secondary concern is the "spillover" affect that may occur as people move to other areas that do not have a fee or charge less. The original permit was conditioned to include such operational parameters as set fees and hours of operation, and these cannot be modified without Commission approval. The City's applied fees are comparable to those charged at similar facilities, such as state beaches, and the time limits consider the longer stays of recreational users.

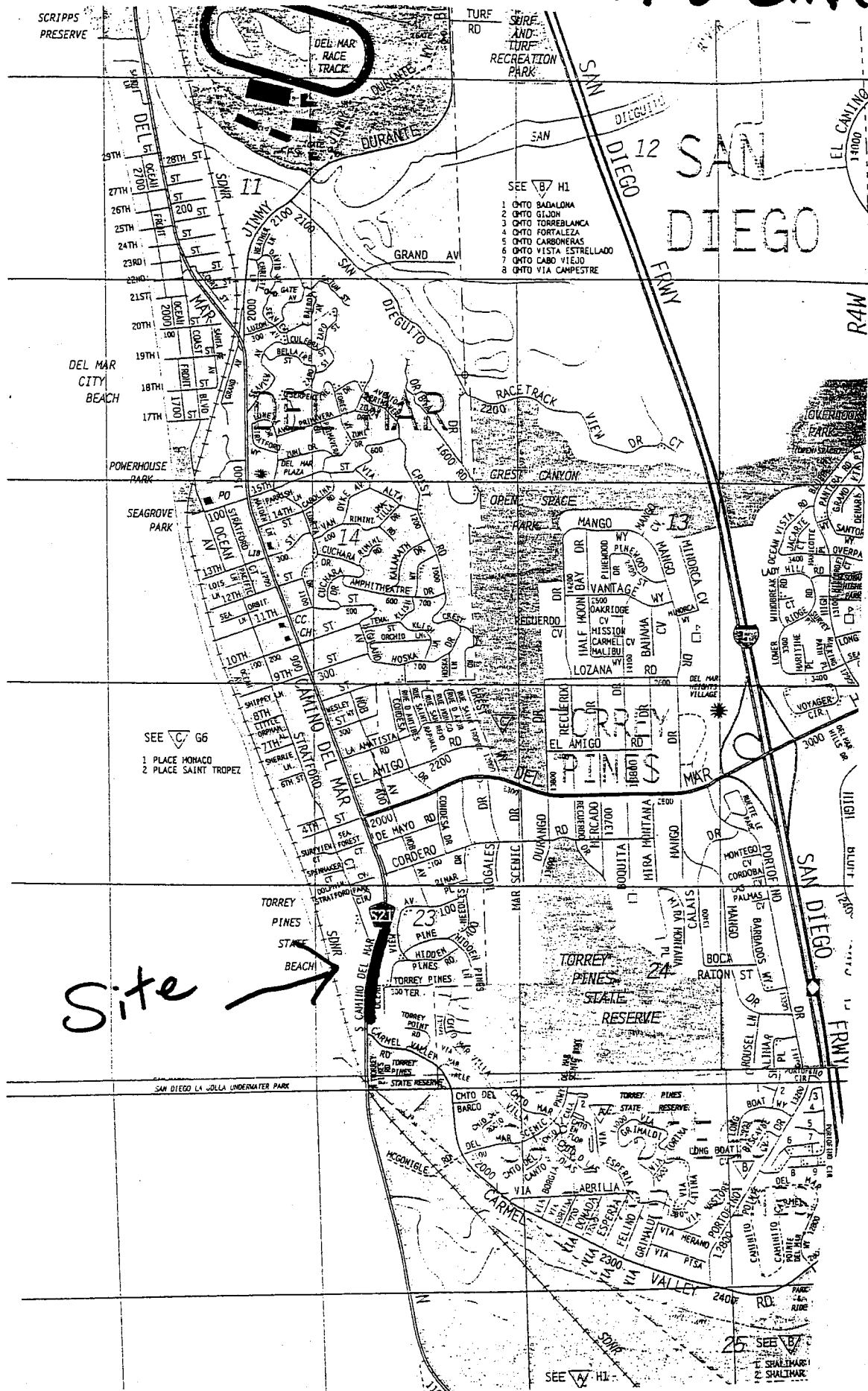
Nonetheless the opponents make a case that people are not using the area and the City has not performed monitoring to refute this issue. Because the opponents' data provides no baseline, and neither the opponents nor the applicant monitored during the critical summer season, the Commission finds it cannot approve the City's request to allow the meters to remain on a permanent basis as submitted. Therefore, Special Condition #1 of this amendment requires the City to develop a formal monitoring program to assess the impacts identified by project opponents. The City's program must document the same types of conditions the opponent's study reported, but the most intense monitoring must occur during the summer season. It is then that beach access is in greatest demand, and impediments to access, such as parking fees, are most significant. The condition establishes only minimal standards for the monitoring, and the City may add any other components that would provide accurate information for future Commission review and that do not conflict with the framework required in the condition.

A secondary reason for the one-year time limit was to give the City time to install mitigation amenities in the form of a bicycle rack and viewing benches. The Commission found provision of these new amenities necessary to offset imposition of the proposed parking fees, but it was clear at the time of Commission action that the viewing benches would be cost-prohibitive to the City if disabled access were required. The one-year period allowed the City to investigate this issue, complete what mitigation it could, and propose some alternative access or recreational amenity if the benches could not be installed.

It has only recently been determined that installation of the benches will not require full accessibility improvements. The site is a natural, unimproved bluff top with uneven terrain, and the existing parking area, that consists of a strip of land within the right-of-way of Camino del Mar, is also uneven and unpaved, as well as being separated from the vehicle lanes by a curb. The City plans to maintain the natural character of the area and has no desire to provide paving, restrooms, grassy areas or any other typical form of park improvements. A significant amount of landform alteration, as well as significant paving, would be required to improve the bluff top to the point where it would be safe for use by all segments of the population. We are informed that the Americans with Disabilities Act (ADA) and Title 24 of the California Code of Regulations recognize the value of leaving some areas in their natural state; thus these laws only require developed parks to provide fully accessible facilities. Now that this issue has been resolved, the benches have been installed. The bicycle rack raised no issues and was installed many months ago.

With the three conditions identified herein, adverse impacts on beach access at the subject site can be accurately monitored by the City and addressed by the Commission. Amendment Special Condition #2, replacing Special Condition #3 of the underlying permit, again limits the authorization to one year to provide an opportunity for that review. Amendment Special Condition #3 makes it clear that all conditions of the original permit not changed or replaced herein remain in full force and effect. With these conditions, the Commission finds the proposed program consistent with the cited access policies of the certified LCP and Coastal Act.

3. Local Coastal Planning. The proposed paid parking program does not change the location, or amount, of public parking in the vicinity, but may change the intensity of use of access to the beach in this location if people want to avoid paying parking fees. The site is designated as public parkland in the LUP and zoned the same in the City's implementation component. The ongoing use is fully consistent with a parkland designation, as the parking facilities support the adjacent bluff top open space and nearby beach. Previous findings have also demonstrated that the proposal, as conditioned, is consistent with the certified LCP and the access and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposal, as conditioned herein, will not prejudice the ability of the city to continue to implement its fully certified LCP.





City of Del Mar

1050 Camino Del Mar • Del Mar, California 92014-2698

Where the Turf meets the Surf

September 20, 2005

RECEIVED

SEP 22 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ms. Meg Caldwell, Chairperson
California Coastal Commission
7575 Metropolitan Dr., Ste. #103
San Diego, CA 92108-4402

Re: City of Del Mar Request for A-6-DMR-04-024-A1

Dear Ms. Caldwell,

The City of Del Mar is requesting that you and your fellow Commissioners grant the referenced Coastal Development Permit (CDP) Amendment to allow continued use of the Park, Pay and Display parking meters at the south end of our City. As your staff will advise you, the Commission granted a CDP in June of 2004 based on findings that the development, as conditioned, would be in conformity with the certified City of Del Mar LCP and that the development would also be consistent with the public access policies of the Coastal Act.

The conditions of that permit required that the City provide mitigation for what was seen as a potential impact on the public's opportunity for access to the shoreline. The City has satisfied those conditions of approval, having installed public bluff-top viewing benches and a bicycle rack to accommodate alternative means of access to the near-beach area. The City also operated the paid parking program in accordance with the parameters identified in the Permit. Additionally, the City is working with numerous agencies to implement restoration of the North Torrey Pines Bridge and, thereby, re-open an access area below the bridge that is now hampered by the presence of falling debris from the aged bridge.

Another condition of the CDP limited the length of the Permit to one year, at which point the City is given the opportunity of applying for an amendment to remove the sunset clause. The City has submitted this amendment request for just that purpose. It is the City's firm position that reauthorization of the Park, Pay and Display meters will not have an adverse impact on public access and will, in fact, increase opportunities for access and ensure a safe and enjoyable beach-going experience for the public.

Simply put, the use of the meters ensures a turnover in the use of the limited number of parking spaces in the area. The relationship between parking space turnover and increased access to that parking is a recognized tenet. This is demonstrated in the prevalent use of meters in areas where jurisdictions have identified a goal of a more frequent turnover of vehicle parking, such as in downtown shopping areas and at beaches and other popular recreation locales. This tenet has also been the basis of your Commission's numerous decisions granting permit authorization for metered/c parking, including the authorization for paid parking at the Torrey Pines State I

EXHIBIT NO. 2
APPLICATION NO.
A-6-DMR-04-024-A1
City's Statements

Ms. Meg Caldwell
Chairperson, California Coastal Commission
September 20, 2005
Re: City of Del Mar CDP-Amendment Request
Page #2

parking lot less than a third of a mile away from the area for which Del Mar is seeking a similar [continued] authorization.

But, admittedly, the desire for a turnover in parking is not the sole reason for the City's proposal for use of the meters. The meters are, in fact, a source of revenue, revenue that is sorely needed to offset the tremendous cost to the City of providing all of the amenities and services that accommodate and enhance the public's use of the beach.

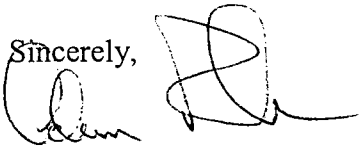
Del Mar is a small community, both geographically and demographically. The City is roughly two square miles in area with 4,400 residents. But this small community is blessed with a beautiful beach that is enjoyed by 2.5 million visitors each year.

We welcome those visitors and the City has a long history of working, often in concert with your agency, to improve access opportunities. The City's certified LCP reflects an intense commitment to maximizing public access opportunities to the shoreline. The City has expended enormous amounts of funding to acquire access to and along the beach and to legally regain that access where it had been usurped by property owners. And the City has accepted all of the access easement OTDs that had been conditions of earlier Coastal Permits.

Providing a safe, clean beach for visitors and protecting the water quality of the shoreline is expensive. The City spends roughly \$1.1 million of its budget each year to provide lifeguard services for the beaches, to clean them and to protect their water quality. While a portion of the closest beach in question is actually a State beach, the City provides daily patrol and emergency service to that area of beach. The City has and will continue to use the proceeds from the parking meters to (partially) offset the tremendous costs to the City for providing these services. But in an era of shrinking revenues and increased mandates, it would be impossible to provide those services without revenue from various sources, including that from parking meters.

Based on these factors, the City is requesting approval of the submitted amendment request.

Sincerely,



Adam Birnbaum
Principal Planner

AB/rk
cc: Lauraine Brekke Esparza, City Manager

RECEIVED

SEP 19 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

September 17, 2005

A RESPONSE TO THE JUNE 8, 2005 LETTER TO THE COASTAL COMMISSION
REGARDING THE City of Del Mar PERMIT FOR PARKING MACHINES ON CDM.

The basis of this protest rests on two conclusions neither of which is supported by the evidence provided in this document.

The first charge is that "far fewer cars are parking at the site than did prior to the installation of the meters". However, the car counts and photos only show the conditions for two months of 2005. Where is the data from "prior to the installation of the meters" that would support the contention that the area had been used more in the past. Even lacking hard data, our experienced officers unanimously agree that March through May is a "slow" period. There are fewer visitors, school is in session and the weather is often less inviting at this time of the year. Years of observation of the 100 block of Camino del Mar show that with or without parking machines, there would be very few cars parked there from March through May. Regardless, lacking any data as a point of comparison, these photos and charts do not support the conclusion.

The second conclusion is that due to the parking meters, "surrounding neighborhoods are experiencing heavier traffic and parking". This contention includes no evidence and is therefore easily rebutted by careful observation and sound reasoning. There are only two streets close enough to be considered "surrounding". Ocean View Ave. is the closest road to the east of Camino Del Mar and there is very little on-street parking available. And, to reach this street requires a circuitous drive of almost a mile to Del Mar Heights Road and along Nob Ave. Suggesting that beach visitors would park on Ocean View to avoid paying for parking is not reasonable. Stratford Court is the closest road to the North and also requires almost a mile of driving and then over a mile of walking to get to the beach north of Carmel Valley Road. Some beach visitors do use Stratford for parking but they reach the beach via other paths off Sixth Street. In fact, part of the reason the City of Del Mar chose to manage parking in the 100 block of CDM is that it would have no impact on residential parking.

The overall impact of the parking machines is very similar to almost all other parking management plans. Careful observation and good logic strongly supports the conclusion that if people are asked to pay for parking, they will not stay as long. Data from the northern section of Camino Del Mar showed that the turnover rate for paid parking was more than twice that for "free" parking. Measured over two hour periods, almost all cars would move when meters were enforced whereas only a few would move when the area was "free". This is one of the most important reasons why managed parking makes sense for the 100 block of CDM, especially for the BUSY period. Turnover rates are significantly higher in this area when meters are enforced. This means that each driver will have a better chance of finding a parking space. The result is more cars per day will be able to use the available parking and therefore, public access to beach is increased.

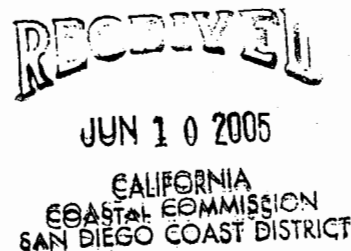
If these two factors, usage of available parking and impact on adjacent neighborhoods are relevant to the CC permit, the following is a useful measurement system.

Given that turnover rate, as measured by how many of the total cars park for more than two hours, is a key variable, the following scheme will provide important information. For a test period of two months, cars would be marked at one hour intervals between 10am and 2pm on Wednesday, Saturday and Sunday of each week. The adjacent streets of Ocean View and Stratford would be monitored with an on street car count covering approximately the same times and days. During this period the meters would not be enforced. Then, following a two-week period of warnings, advertising and signage, the meters would be un-bagged. An identical measurement would be conducted for another two months. The results would show the following.

During the "slow season" from November through May, there would be little difference in the total number of cars that use the area. On some rainy weekdays, there would be almost no cars using CDM regardless of whether the meters were bagged. Similarly, there would be virtually no difference in the number of cars using the other streets. The single important difference would be on busy days. When the demand for parking is at its highest, more people would be able to use the CDM parking when the meters are enforced as evidenced by the higher turnover rate. This means that more people would have access to the beach. And again, this has always been the goal of the CDM parking management plan.

June 8, 2005

California Coastal Commission
c/o Ellen Lirley
San Diego Area
7575 Metropolitan Drive, Suite 103
San Diego, CA. 92108



RE: Park, pay, and display parking meters installed by the City of Del Mar
Originally approved after Appeal A-6-DMR-04-24 in June of 2004

Dear Ellen:

The purposes of this letter are to:

- 1) Notify the California Coastal Commission of non-compliance by the City of Del Mar with conditions of its June 2004 approval of the above-referenced Coastal Permit;
- 2) Submit documentation evidencing the severe and negative impact of the parking meters upon public access at this site. This documentation is being presented in anticipation of and in opposition to a request by the City of Del Mar to renew this Coastal Permit.

Background:

In fall of 2003, the City of Del Mar installed two Park, Pay, and Display parking meters (covering approximately 50 parking spaces) on the west side of Camino del Mar, just north of the intersection of Camino del Mar and Carmel Valley Road. These parking meters were illegally installed prior to the issuance of a Coastal Development Permit.

In June of 2004, the California Coastal Commission conditionally approved the City of Del Mar's installation of these parking meters. The Commission also found that the City of Del Mar had violated its own LCP, particularly as it relates to public access. Because the Coastal Commission found that there was a substantial impact relating to public access at this site, a Public Access Mitigation was required of the City of Del Mar as a condition of the approval. This Public Access Mitigation included installation by the City of Del Mar of a bike rack and at least two viewing benches at this site, no later than March of 2005.

Current Violation:

While the bike rack has been installed, the viewing benches have not. This is in violation of the conditions set forth by the Commission.

Current Impact of the Meters:

The impact of the installation of the parking meters was immediate, lasting, and adverse for public access to the site. Far fewer cars are parking at the site than did prior to the installation of the meters, and surrounding neighborhoods are experiencing heavier traffic and parking.

EXHIBIT NO. 3
APPLICATION NO.
A-6-DMR-04-024-A1
Opponents' Survey
13 pages
California Coastal Commission

The Evidence:

Pursuant to our conversation several months ago in which you asked me for documentation regarding this impact, photographs of parking traffic onsite were taken beginning in March of 2005. All of the pictures were taken *on weekend days, mid-day*, presumably the time of highest use. The pictures were taken for *almost every weekend day* from the beginning of March to the middle of May. The pictures appear in the Exhibit following this text. In addition, data pertaining to the time, weather and surf conditions, number of cars, and capacity of use (based on Coastal Commissions estimate of 50 parking spaces) were also collected for each picture.

The results were clear, and even more eye-opening than empirical observation. Even on days when the weather and surf conditions would predict otherwise, parking traffic onsite was low. Capacity usage ranged from a low of 0% on Saturday, 3/19 to a high of just 40% on Sunday, 5/15. On 14 of 20 weekend days when pictures were taken, parking onsite *was less than 20% of the 50 car capacity*. The data concerning onsite conditions are presented in the table below.

Date, Time, Weather and Surfing Conditions & Parking Activity							
Parking on South End of Camino del Mar							
Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
#1	SAT	3/5/05	1:28 p.m.	65 degrees	4-6 ft	7	14%
2	SUN	3/6/05	12:36 p.m.	66 degrees	3-5 ft	2	4%
3	SAT	3/12/05	1:28 p.m.	66 degrees	2-4 ft	2	4%
4	SUN	3/13/05	1:24 p.m.	64 degrees	2-4 ft	2	4%
5	SAT	3/19/05	1:58 p.m.	67 degrees	1-3 ft	0	0%
6	SUN	3/20/05	1:08 p.m.	67 degrees	4-5 ft	8	16%
7	SAT	4/2/05	1:26 p.m.	74 degrees	1-2 ft	14	28%
8	SUN	4/3/05	1:46 p.m.	65 degrees	1-3 ft	20	40%
9	SAT	4/9/05	1:53 p.m.	64 degrees	3-4 ft	9	18%
10	SUN	4/10/05	12:35 p.m.	63 degrees	3-4 ft	13	26%
11	SAT	4/16/05	1:41 p.m.	69 degrees	3-4 ft	8	16%
12	SUN	4/17/05	1:09 p.m.	65 degrees	2-3 ft	4	8%
13	SAT	4/23/05	1:58 p.m.	64 degrees	1-3 ft	4	8%
14	SUN	4/24/05	1:04 p.m.	63 degrees	1-2 ft	3	6%
15	SAT	4/30/05	12:48 p.m.	68 degrees	2-3 ft	3	6%
16	SUN	5/1/05	1:29 p.m.	67 degrees	1-2 ft	2	4%
17	SAT	5/7/05	12:52 p.m.	69 degrees	2-4 ft	12	24%
18	SUN	5/8/05	12:46 p.m.	67 degrees	3-5 ft	6	12%
19	SAT	5/14/05	2:36 p.m.	74 degrees	1-2 ft	13	26%
20	SUN	5/15/05	2:03 p.m.	75 degrees	2-3 ft	20	40%

Conclusion:

By not installing a minimum of two viewing benches, the City of Del Mar has not complied with the conditions of the Coastal Commission's June, 2004 approval. It has been rumored that the State Attorney General, at the request of the City, has opined that the installation of these viewing benches would trigger a requirement to build sidewalks under the American with Disabilities Act. If this is the case, public access mitigation, as prescribed by the Coastal Commission, will not have been achieved. It would also mark the first time since the meters were installed in the fall of 2003 that the City of Del Mar has chosen to comply with the law.

The impact of these meters upon public access at the site has been demonstrably adverse; moreover, it has been lasting. Far fewer beachgoers are parking here than previously did, and surrounding neighborhoods are suffering the consequence. There was not a single instance between March and the middle of June 2005 when our photographs captured parking usage of greater than 40% of capacity. In fact, in about 70% of our pictures, less than 20% of capacity was used.

In contrast to other locations at which a beachgoer can park and quickly walk to the beach, the unique geography of this location (there is a long walk down a steep hill from the parking to the beach), makes these meters inappropriate at this site.

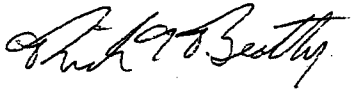
Meters at this site are inconsistent with the City of Del Mar's certified LCP, the Coastal Act's letter and intent, and the public interest.

Recommendation:

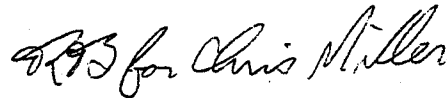
Decline the anticipated request for renewal of the Coastal Permit that allows the meters to be installed at this site.

Thank you for your consideration of this issue so important to the public.

Sincerely,



Rick T. Beatty
3985 Carmel Springs Way
San Diego, CA. 92130
858.320.8411 W
858.792.3747 H



Chris Miller
163 Jupiter Street
Leucadia CA 92024

Pic	Date	Time	Air Temp	Surf	# of cars	% of 50 car capacity
#1	SAT	3/5/05	1:28 p.m.	65 degrees	7	14%



Pic	Date	Time	Air Temp	Surf	# of cars	% of 50 car capacity
#2	SUN	3/6/05	12:36 p.m.	66 degrees	2	4%



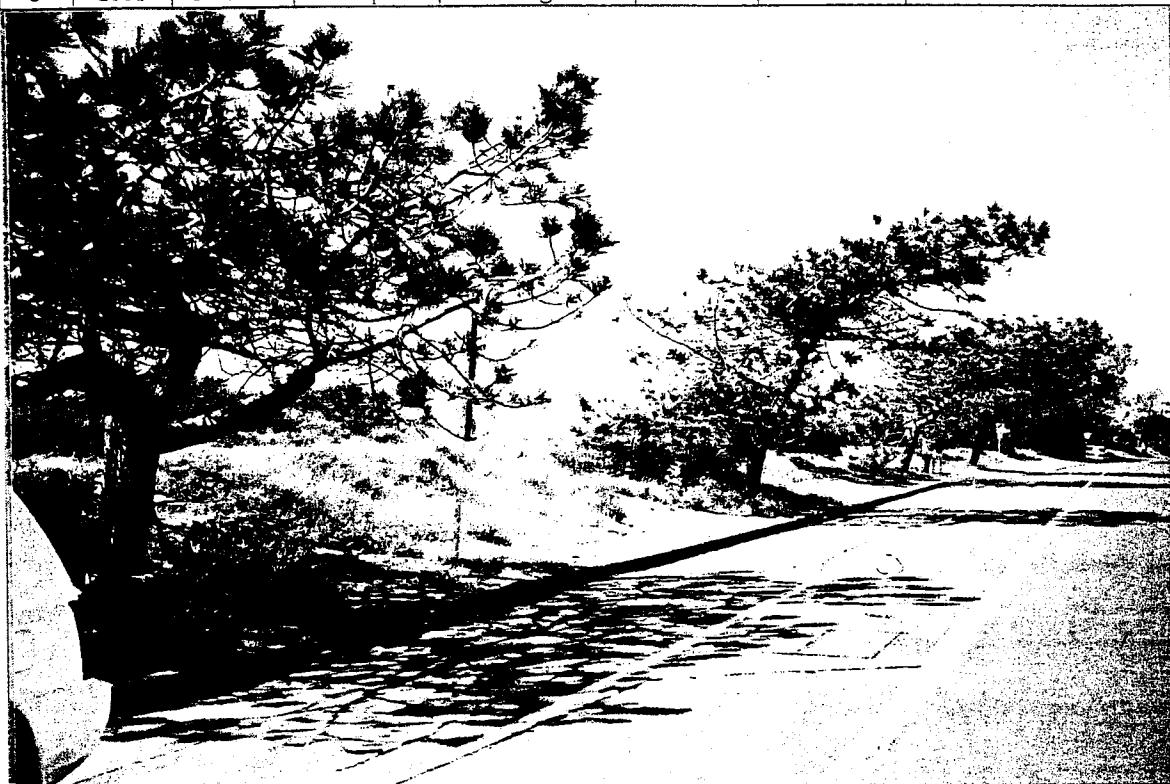
Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
3	SAT	3/12/05	1:28 p.m.	66 degrees	2-4 ft	2	4%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
4	SUN	3/13/05	1:24 p.m.	64 degrees	2-4 ft	2	4%



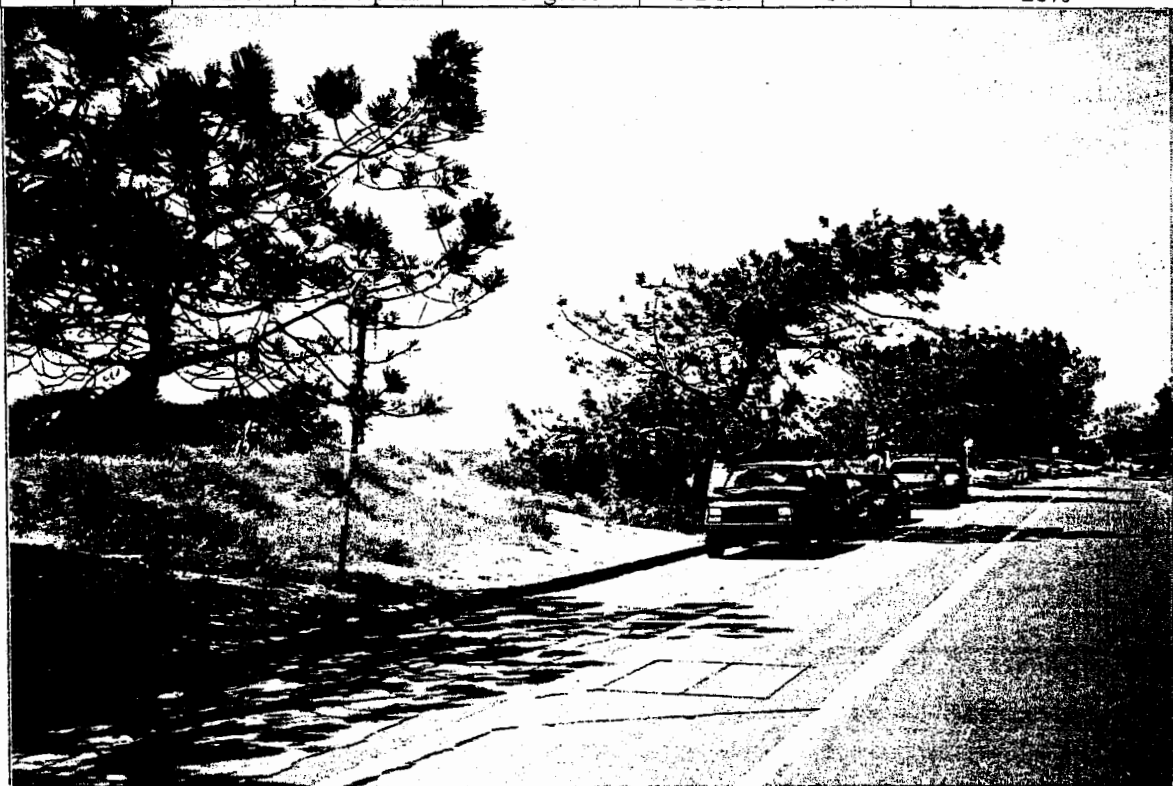
Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
5	SAT	3/19/05	1:58 p.m.	67 degrees	1-3 ft	0	0%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
6	SUN	3/20/05	1:08 p.m.	67 degrees	4-5 ft	8	16%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
7	SAT	4/2/05	1:26 p.m.	74 degrees	1-2 ft	14	28%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
8	SUN	4/3/05	1:46 p.m.	65 degrees	1-3 ft	20	40%



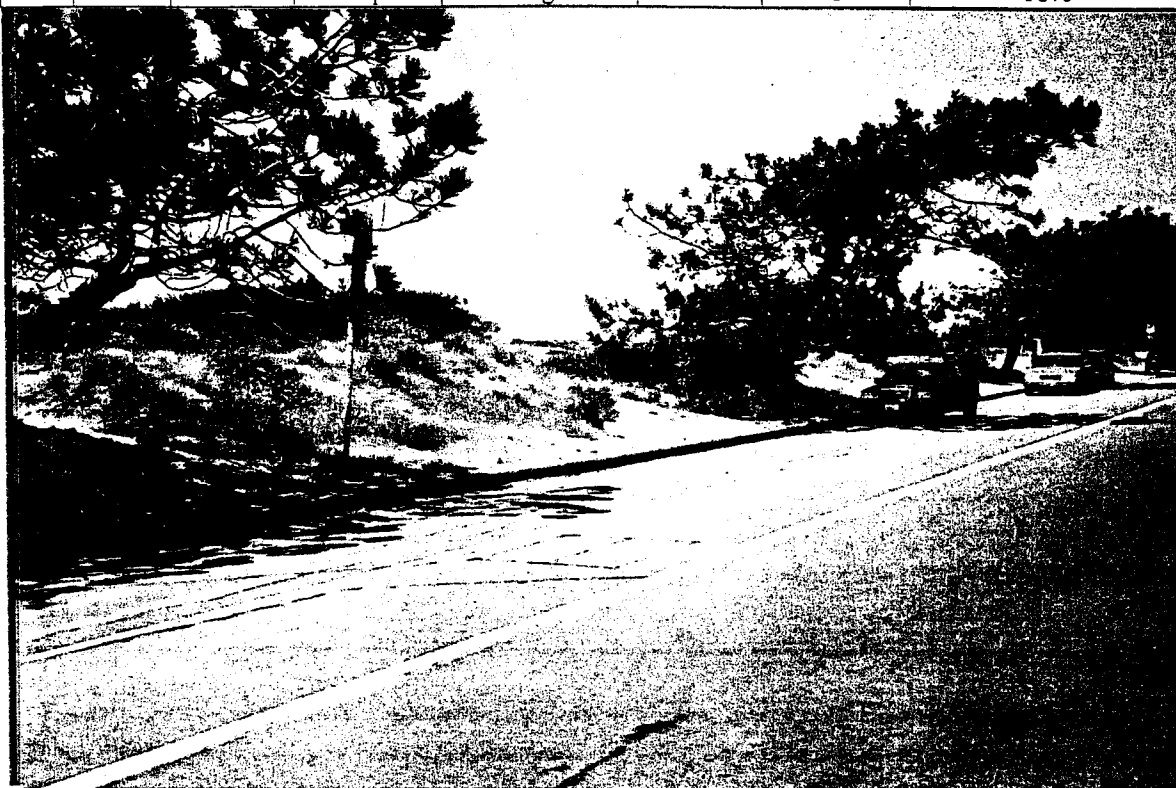
Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
9	SAT	4/9/05	1:53 p.m.	64 degrees	3-4 ft	9	18



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
10	SUN	4/10/05	12:35 p.m.	63 degrees	3-4 ft	13	26%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
11	SAT	4/16/05	1:41 p.m.	69 degrees	3-4 ft	8	16%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
12	SUN	4/17/05	1:09 p.m.	65 degrees	2-3 ft	4	8%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
13	SAT	4/23/05	1:58 p.m.	64 degrees	1-3 ft	4	8%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
14	SUN	4/24/05	1:04 p.m.	63 degrees	1-2 ft	3	6%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
15	SAT	4/30/05	12:48 p.m.	68 degrees	2-3 ft	3	6%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
16	SUN	5/1/05	1:29 p.m.	67 degrees	1-2 ft	2	4%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
17	SAT	5/7/05	12:52 p.m.	69 degrees	2-4 ft	12	24%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
18	SUN	5/8/05	12:46 p.m.	67 degrees	3-5 ft	6	12%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
19	SAT	5/14/05	2:36 p.m.	74 degrees	1-2 ft	13	26%



Pic	Date		Time	Air Temp	Surf	# of cars	% of 50 car capacity
20	SUN	5/15/05	2:03 p.m.	75 degrees	2-3 ft	20	40%



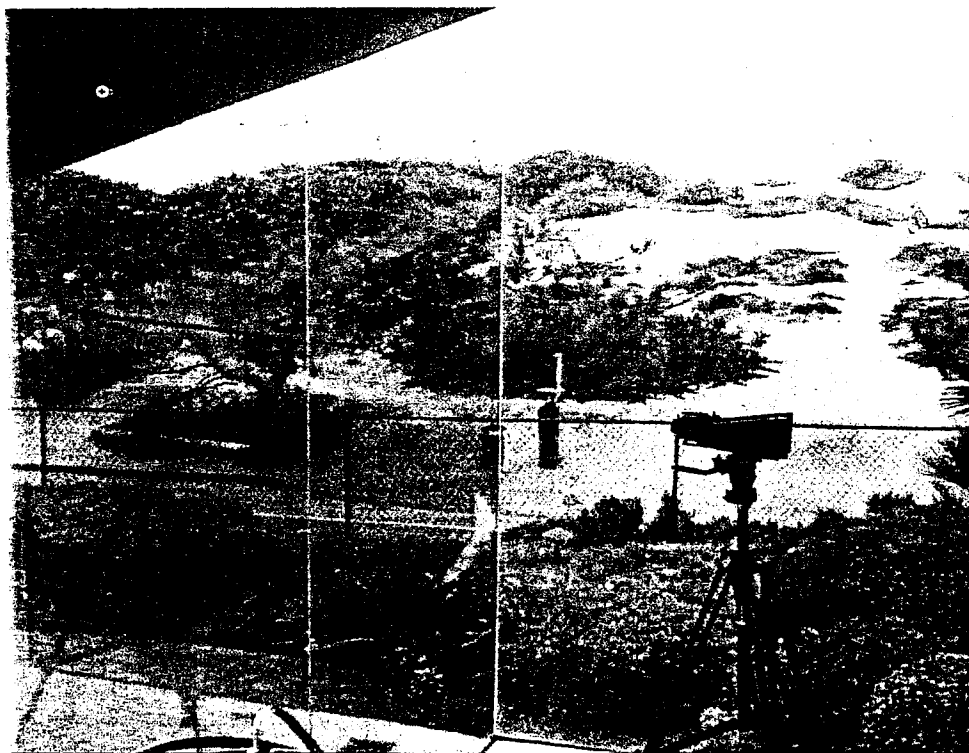
Ellen Lirley

Dear Ellen:

Thank you so much for listening. Letter later.

As I said on the phone, somebody can take a picture to show anything they want. For instance, a counter argument to these pictures is that the meters are bagged. Now if everybody knew the meters were bagged, then they might have been parking here again. Habits take a little time to develop.

Middle area view (trust me, no cars are to the north either) 2:27 PM 07/18/05




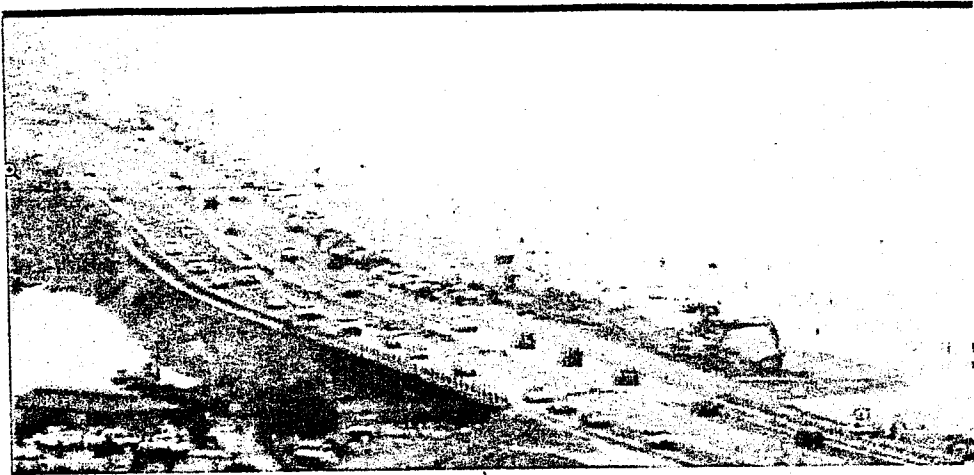
South parking view, again no cars (2:27 PM 07/18/05)



Construction area, always free parking, is fully utilized 2:27 pm 07/18/05)

7/18/2005

EXHIBIT NO. 4
APPLICATION NO.
A-6-DMR-04-024-A1
Letters of Complaint
<i>5 pages</i>  California Coastal Commission



Ellen Lirley

From: David Blin [dblinn@hotmail.com]
Sent: Tuesday, August 30, 2005 10:35 PM
To: elirley@coastal.ca.gov
Subject: parking meters

The City of Del Mar charges Five to Ten Times more per hour than a visit to Torrey Pines State Reserve, and as a condescending consolation has installed a bench and a bike rack. Â The point of this letter is to show that Del Marâ€™(tm)s parking meters blatantly discourage use of the park, and that is the criteria the Coastal Commission is reviewing in Oct 2005. Â

Â

An August 18, San Diego Union Tribune article (North Coast pages 1 and 3) that stated Del Mar collected \$970,000 during the past fiscal year for beach area parking (This number presumably lumped the south cliffs with 15th street and northern areas).Â Â A reader might interpret that since \$357,000 was for parking fees and \$613,000 was for fines, that the known intent was to raise revenue from fines rather than merely charge people for parking.

Â

The Coastal Commission is conducting hearings in Oct to determine if Del Marâ€™(tm)s parking machines on the south bluffs in some way discourage use of the park, bluffs, or beaches. The published numbers would suggest Del Mar is purposefully gouging visitors 5-10 times what a possibly superior state park on the south side of the bridge charges. That would look like de facto discouragement.

Â

Taken at face value, people who park on the bluffs pay \$1.50/ hr.Â

Statistically however, even if this number is not segmented by area, anybody who parks at those machines stands a 100% chance, ON AVERAGE, of incurring a FINE equal to 2.7 times the amount they paid to park to begin with!Â This means that to visit the park each person will end up paying, again on average, assuming every visitor is equally ignorant, un-careful, disrespectful of the law, or just enjoying the beach too much, \$1.50 (fees) + \$3.63 (fines) per hour to park.Â This total slightly exceeds \$5 per hour.

Â

In contrast, Torrey Pines State Park charges \$5 from dusk to dawn.Â At least there the intent is to charge up front rather than a back end fine.Â However, \$5 for as many as ten hours in advance vs \$5 per hour (de facto, back end fine) Â is a ratio of one tenth the cost of Â parking at the machines at the Del Mar Bluffs. (Torrey Pines Park has always had benches and bike racks, but does not claim they justify anything other than to be used and enjoyed).

Â

This is a blatant example of charging what only a government monopoly can get away with.Â If, instead, Del Mar charged nothing for beach parking and saved the \$400,000 they say they spend on parking enforcement, then everyone except those tending the meters would be happy. (Then again, maybe not. Maybe some people enjoy searching for victims as a career.) In fact, itÂ appears that since the \$357,000 collected in legitimate parking fees is less than the \$400,000 spent on enforcement, that the ONLY reason the City of Del mar has parking meters on the Bluffs is for the FINES they provide, as otherwise they do not cover their costs. If the only way you recoup your costs is by fining people, that certainly appears that was the KNOWN initial intent, rather than encouraging people to enjoy the park!

Â

Â Â Incidentally, the land the parking meters protect was given by Mr. Garrow to Del Mar circa 1983 on the condition that it was a designated public park open to all.

