

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# Wed 16e

Filed: September 19, 2006  
 49th Day: November 7, 2006  
 180th Day: March 18, 2007  
 Staff: Ellen Lirley-SD  
 Staff Report: September 14, 2006  
 Hearing Date: October 11-13, 2006

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-6-DMR-04-024-A3

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 #2 of the previous amendment, 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. CCC Files #A-6-DMR-04-024 and #A-6-DMR-04-024-A1

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment that will allow the pay and display machines to continue in operation permanently. The City has submitted the results of monitoring required in the previous amendment, documenting that significant use of the site is occurring, as it did before the machines were installed, and that the paid parking has not resulted in adverse impact to adjacent areas where free parking may be found. The primary issue raised in the permit and amendments is the effect of paid parking on public access. Staff recommends a special condition to require that the machines allow the public to pay for at least four hours at one time if they so desire. A second condition eliminates the condition of the prior amendment that limited the permit to one year, and a third condition reminds the applicant that all conditions of the original approval not subsequently modified remain in effect.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-6-DMR-04-024-A3 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the 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 A PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of certified City of Del Mar Local Coastal Program 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

Special Condition #1 of the original permit shall be replaced in its entirety with the following:

1. Operating Parameters. The paid parking program approved herein shall operate under the following parameters:

- a. The hourly parking fee shall be \$1.50
- b. There shall be no maximum time limit set on the use of spaces
- c. The fee shall be in effect daily, between the hours of 9:00 a.m. and 8:00 p.m. only
- d. The machines shall be programmed such that the public can continue to pay at least four hours at one time if desired

The permittee shall undertake the parking program in accordance with the approved operating parameters. Any proposed changes to the approved operating parameters shall be reported to the Executive Director. No changes to the approved operating parameters shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Special Condition #2 of Coastal Development Permit (CDP) Amendment #A-6-DMR-04-024-A1 shall be deleted in its entirety.

3. Prior Conditions of Approval. All prior conditions of approval of the permit, as amended, not specifically revised herein shall remain in full force and effect.

### 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 two members of 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.

Subsequent to the original approval, the City submitted two amendment requests, not counting the current request. CDP Amendment A-6-DMR-04-024-A1 asked to remove

Special Condition #3 of the original permit, which imposed a one-year term for the parking machines. Before the material amendment could be scheduled for Commission action, the one-year term would have expired. To avoid having to discontinue use of the machines in the interim, the City submitted CDP Amendment #A-6-DMR-04-024-A2, asking for a non-material amendment to keep the machines in operation while the first amendment was being processed. Before notice of the non-material amendment request could even be mailed, a letter of objection was received from the prior appellants addressing the second amendment. Therefore, the City withdrew the second amendment and discontinued use of the machines until the Commission acted on the first amendment.

The one-year time limitation on the original permit 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 were installed, but the City did not conduct any formal assessment of impacts. Since the City did not monitor, there was no empirical evidence to respond to the appellants monitoring conducted during the same period. Therefore, the Commission did not grant the City's request to extend the life of the permit indefinitely, but established a detailed monitoring program for the City to conduct during the past year through Special Condition #2 of that amendment. The subject amendment now requests removal of that condition, which again limited the permit to one year. The City's monitoring data was submitted as required and has been reviewed by the Commission staff; this information is summarized in City memos provided as Exhibit #2.

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 and prior amendment reports 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, the subject site provided the only free means to access this section of Torrey Pines State Beach, which extends north to 8<sup>th</sup> 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 and prior amendment were each 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.

During the first year, opponents 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 showed that only three days of their study had temperatures into the 70's. The City's response was that low beach usage is the norm at that time of year, but it provided no empirical data to support that position. Thus, the prior amendment was again limited to a term of one year.

At that time, the former appellants also maintained that people were parking in other nearby areas to avoid the fees, thus impacting surrounding neighborhoods. No specific streets were identified, nor was any other information provided. The City responded that this was unlikely, since access to the nearest surrounding streets required driving nearly a mile away, and then walking a considerable distance back to the beach. However, no specific data was presented by the City to counter this charge. Therefore, the Commission did not authorize the meters to remain permanently at that time, but instead allowed them to remain for another year with specific monitoring to determine any impacts. The monitoring program established in the prior amendment required the following:

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..

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.

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.

The City has provided the data generated through this monitoring program. The data supports the City's position that no significant beach parking is occurring in the surrounding neighborhoods. Variation in use of the area by time of day seemed most associated with surf conditions, as the days when the highest use was recorded in the morning count coincided with times of highest tides. During summer counts, the number of cars reached approximately 40-50% of available space at least once on most days of parking counts, with the highest numbers correlating to higher temperatures and clear skies. On the summer holidays (Memorial Day, 4<sup>th</sup> of July and Labor Day) parking was a nearly maximum use, ranging from 80-90% full during those days.

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 case, the submitted monitoring data does not support that the pay and display meters are resulting in a significant adverse impact on nearby neighborhoods or surrounding streets. The submitted monitoring data documents a high turnover rate for parking spaces in the subject location, indicating that a greater number of people are using the area overall than would occur if someone came and just stayed all day. While bringing more people to the beach is generally desired, the downside is that how long one person spends at the beach may be governed by having to pay for parking, rather than an individual's desire to stay all day as he/she might have done prior to installation of the meters. Special Condition #1 of this amendment helps address this problem by requiring that the pay and display machines continue to accept a minimum of four hours payment

at one time, so that beachgoers don't have to constantly run back and forth feeding the meters. Of course, someone just stopping briefly to enjoy the view can opt for a smaller increment of time. The condition provides that this parameter be added to those adopted in Special Condition #1 of the original coastal development permit, which established an hourly rate, hours of operation, and provided that there be no maximum time limit per vehicle, if the owner is willing to continue to feed the machines.

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 submitted monitoring reports have documented that this is not occurring in the area nearby the subject site.

During this past year, there have been a couple phone calls from project opponents stating that use of the parking area is significantly less than what occurred prior to installation of the pay and display machines. The City maintains that use of the site was never maximized except on the three summer holidays, as still seems to occur. At other times, the City states parking is more related to weather, temperature, and surf conditions and that there is no substantial difference in the number of cars parking now as what occurred before the meters. There is no data from before the meter's installation to support either claim, but the submitted monitoring report certainly demonstrates that, regardless of the exact numbers of cars, weather, temperature and surf conditions seems to be the main factors affecting attendance at this point.

In summary, the City's submitted monitoring report indicates that use of the area continues to be affected more by other factors than having to pay for parking. In particular, outside the three summer holidays when all county beaches are at peak use, weather, temperature and surf conditions dictate the level of use of the site. The opponents have not submitted any new data this year to either support or refute the City's monitoring efforts. With the two 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 #1 replaces condition #1 of the original permit, and adds the ability to pay for at least four hours with one deposit to the list of operating parameters established in the original permit. Although this is the way the machines are currently programmed, the special condition will assure that this cannot be changed without further Commission review. Amendment Special Condition #2 advises that condition #2 of the prior amendment, which limited the permit to one year, is being eliminated, and the meters are now allowed to remain permanently. Finally, Special Condition #3 of this amendment advises that all conditions of the permit, as amended, not subsequently changed or replaced 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.

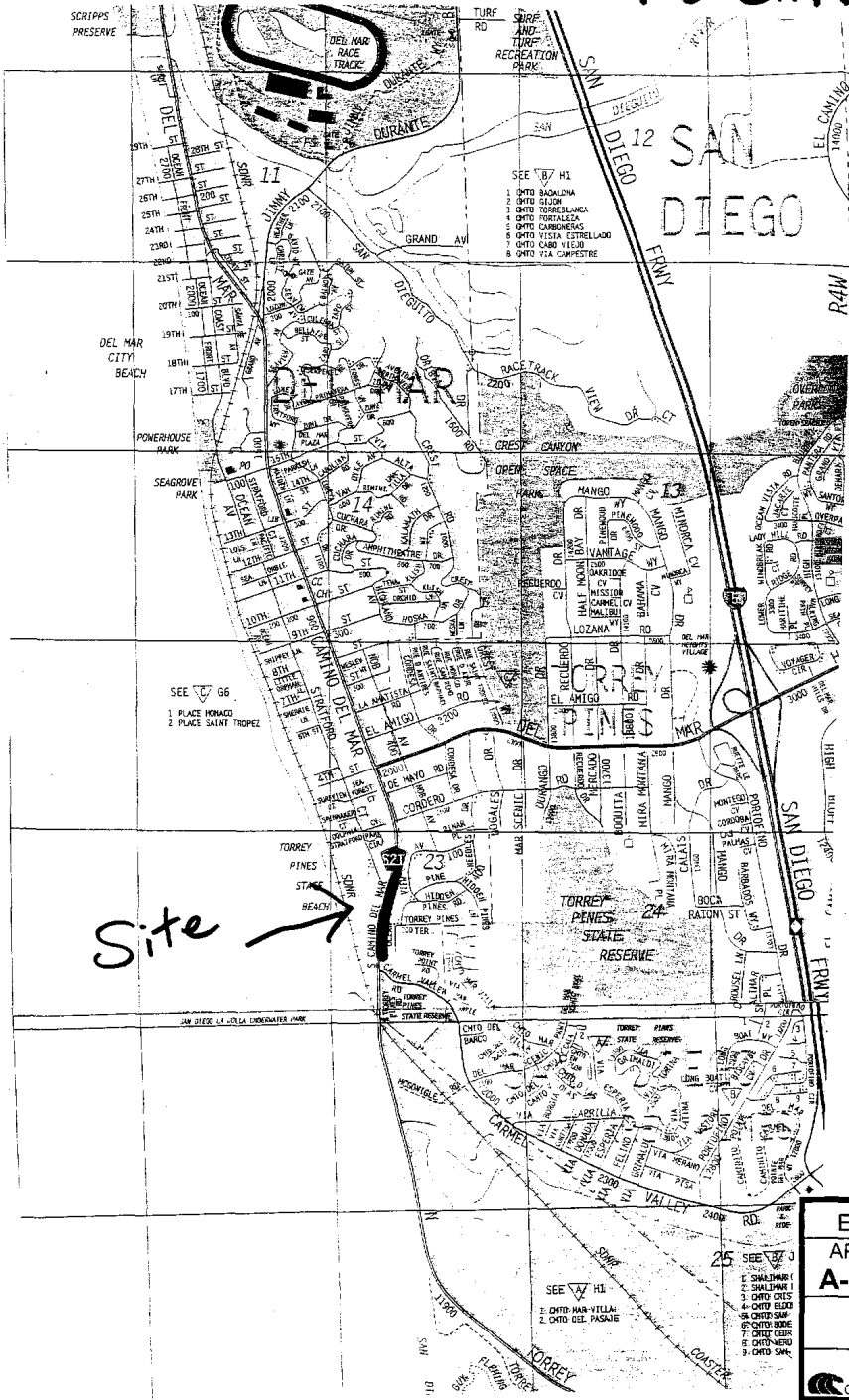


3. Local Coastal Planning. The proposed paid parking program does not change the location, or amount, of public parking in the vicinity, but may change the intensity of use of access to the beach in this location if people want to avoid paying parking fees. The site is designated as public parkland in 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.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits, or permit amendments, to be supported by a finding showing the permit or permit amendment, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

A-6-DMR-04-024-A3



<p>EXHIBIT NO. 1          APPLICATION NO.  <b>A-6-DMR-04-24-13</b>          Location Map</p> <p>California Coastal Commission</p>
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**A-6-DMR-04-024-A3**  
**City of Del Mar**

1700 Coast Boulevard • Del Mar, California 92014

Community Services

July 14, 2006

To: Adam Birnbaum

From: Eric Sandy

**RECEIVED**

JUL 24 2006

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Regarding Pay & Display machines, 100 block Cam. Del Mar.

Some early conclusions – no surprises...

The only vehicles ever parked on the south end of Stratford are either service trucks or on one occasion, two cars belonging to a resident who was having his driveway redone.

Very few cars ever park on either Ocean Ave. or Nob in the monitored area and again, those few cars that were counted were usually service trucks or a resident making a brief stop.

As predicted, there is no evidence that any drivers would park in these "adjacent" areas as a way of avoiding the Pay & Display fees.

Indications from the 100 block of CDM are mixed. As always, on weekdays, even during the summer, very few cars use the area. Even on weekends during the off-season, there are very few cars. Weather and surf make a small difference as they do in all areas of our beach.

And, just as we predicted and clear reasoning would deduce, the turnover rate is higher when drivers are asked to pay. The result is more cars are able to use the parking area. One glaring example of this was on July 4<sup>th</sup>. The southern machine was broken so we did not enforce and told drivers it was ok to park down there "for free". Their turnover rate was quite low. Near the northern machine we did enforce and predictably, the drivers stayed for less time resulting in a higher turnover rate and much higher availability of open parking spaces.

Other advantages of our patrolling this area were not measured but we are certain the crime rates were lower and the overall public safety was enhanced by our presence.

Please let me know what else I can do to help.

EXHIBIT NO. 2
APPLICATION NO.
<b>A-6-DMR-04-024-A3</b>
City Information regarding Monitoring
<i>2 pages</i>
California Coastal Commission



# City of Del Mar

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

Where the Turf meets the Surf

September 18, 2006

Ms. Ellen Lirely  
California Coastal Commission  
San Diego District Office  
7575 Metropolitan Dr. Ste. 103  
San Diego, CA 92108

Re: Additional Information for Requested Amendment to CDP A-6-DMR-04-024 -A-1

Dear Ms. Lirely:

As you will recall, on July 20<sup>th</sup> of this year I sent you a request to process an amendment to the referenced application, specifically a request to remove the existing sunset clause from the Permit so that the City could continue implementation of the Park, Pay and Display program. In that letter, I indicated that following the Labor Day holiday, I would submit the remaining results of the parking monitoring that the City has been conducting in accordance with the terms of the Permit. I have attached those final reports. I have also attached the sole piece of correspondence we have received regarding the Park, Pay and Display program since the Permit was authorized nearly a year ago.

As with the monitoring results previously submitted, these more recent reports continue to show that the existence of the Park Pay and Display program has not had an adverse impact on public use of the area. Also, as anticipated, the program was critical in ensuring parking space turnover on peak use days (such as the Labor Day weekend) thereby allowing use of the area by a larger segment of the public.

In the earlier July letter, I provided information about the status of the repair/rebuilding of the North Torrey Pines Bridge and the associated re-opening of the pedestrian access located below that bridge. This is a large-scale project involving numerous entities. The project status has not changed since July. Please refer to the earlier letter for a briefing on the need for bridge repair/replacement and the time frame for that work.

In speaking with you yesterday, I understand that the Amendment request is tentatively scheduled for the October Commission meeting in Long Beach. Also, in response to your inquiry yesterday, I have attached a memo from our Community Services Department to answer your question regarding the ability to prepay for a four-hour period on the Park, Pay and Display machines.

If you need any additional information please contact me at the office listed above. I also wanted to let you know that I will be out of the country the week of the anticipated Commission meeting. Linda Niles will be attending the meeting in my stead. Please refer questions to her in my absence. Once again, thank you for all of your help with this project.

Sincerely,

Adam Birnbaum, Principal Planner

SAN DIEGO COAST DISTRICT  
CALIFORNIA  
COASTAL COMMISSION

SEP 19 2006



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September 16, 2006

To whom it may concern;

The purpose of this memo is to explain the timing and fees of the Park, Pay & Display system along the 100 block of Camino Del Mar.

For security, the machines are closed over-night and do not allow coin access.

Beginning at 0800, the machines allow the customer to purchase receipts that begin counting down at 0900, the beginning of the paid parking enforcement.

The machines allow for the purchase of up to four hours time.

Each machine is checked at least twice a day to ensure proper working order.

Eric W. Sandy  
Parking Sergeant  
City of Del Mar

