

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4421  
(619) 767-2370



February 24, 2009

**W 17c****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
ELLEN LIRLEY, COASTAL PROGRAM ANALYST, SAN DIEGO COAST  
DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR LCP  
AMENDMENT DMR-MAJ-1-08 (Garden Del Mar) for Commission Meeting of  
March 11-13, 2009**

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**SYNOPSIS**

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on December 24, 2008. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is March 24, 2009.

**SUMMARY OF AMENDMENT REQUEST**

The City of Del Mar proposes to redesignate and rezone an approximately half-acre site at the southeast corner of Camino del Mar and 10<sup>th</sup> Street in downtown Del Mar. The site is currently designated and zoned as Central Commercial (CC), which accommodates a mix of commercial uses. The proposed designation and zone would be Garden Del Mar Specific Plan, which also allows a mix of commercial uses.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends denial of the proposed LCP Amendment, as submitted by the City of Del Mar, and approval with suggested modifications. As proposed, the LCP amendment would only change the maps attached to the Land Use Plan (LUP) and Implementation Plan (IP). However, a narrative description, along with critical development standards, of the Garden Del Mar Specific Plan must also be included in the amended LCP.

The appropriate resolutions and motions begin on Page 3. The suggested modifications begin on Page 5. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the plan, if modified, begin on Page 7. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 8. The findings for approval of the plan, if modified, begin on Page 10.

**ADDITIONAL INFORMATION**

Further information on the Del Mar LCP amendment **DMR-MAJ-1-08** may be obtained from Ellen Lirley, Coastal Planner, at (619) 767-2370.

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**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 amended in 2002 to incorporate the city's MSCP Subarea Plan.

**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 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. LCPs or LCP amendments must also be consistent with Section 30001.5 of the Coastal Act.

### **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 move that the Commission certify the Land Use Plan Amendment for the City of Del Mar LCP, as submitted.*

### **STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:**

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as resubmitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Del Mar as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- II. MOTION:** *I move that the Commission certify the Land Use Plan Amendment for the City of Del Mar LCP if modified in accordance with the suggested changes set forth in the staff report.*

**STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:**

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:**

Subject to the following modifications, the Commission hereby certifies the Land Use Plan Amendment for the City of Del Mar LCP, and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below 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 or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- III. MOTION:** *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 Amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program Amendment 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 Amendment as submitted

**IV. MOTION:**     *I move that the Commission certify the Implementation Program Amendment 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 Amendment 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 AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the City of Del Mar LCP if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. 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 Amendment 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.

1. The following shall be inserted on Page 18 of the LUP, in the first paragraph of 9. Village Center District:

This area is designated primarily as Central Commercial (CC) and is Del Mar's principal commercial, visitor serving and professional area. It extends along both sides of Camino del Mar, beginning at 9<sup>th</sup> Street and reaching north to 15<sup>th</sup> Street. The District contains the site of the U.S. Post Office designated as PF (Public Facilities) on the Land Use Map. ~~Two~~ Three specific plan areas are also included in the Village District and are located on the west and east sides of Camino del Mar in the vicinity of 15<sup>th</sup> Street, and on the east side of Camino del Mar at 10<sup>th</sup> Street. The Specific Plan for the Del Mar Hotel, (HSP west side of Camino del Mar) limits the uses on the site to a hotel, timeshare units and associated retail

uses. The Specific Plan for the Del Mar Plaza, (PSP east side of Camino del Mar) limits the uses on site to restaurant and retail uses with a small percentage allowed for office use. The Specific Plan for the Garden Del Mar, (GDMSP east side of Camino del Mar) limits the uses on site to restaurant, retail and office uses, with only restaurant/retail uses allowed along the Camino del Mar frontage, and requires that at least one restaurant fronting on Camino del Mar be part of any development of this site. Each of the Specific Plan areas devotes a portion of the property to public and quasi-public use. Each of these specific plans was voter approved and is accompanied by a recorded Development Agreement between the City and the developer/property owner. Where a particular conflict arises between the provisions of a valid and recorded Development Agreement and the policies of this Land Use Plan, the former shall continue to be binding and shall supersede the policies of this Land Use Plan. Subsequent development agreements or amendments to existing Development Agreements shall be consistent with this Land Use Plan.

2. The following shall be added to the Land Use Designations/Allowed Uses Table on Pages 23 and 24 of the certified Land Use Plan:

GDMSP Uses as allowed per the Garden Del Mar Specific Plan – restaurant, retail, and offices.

3. The following shall be added to the Zone Designations/Allowed Uses Table found in the Exhibits for the Implementation Plan:

**GDMSP** Uses as allowed per the Garden Del Mar Specific Plan – restaurant, retail, and offices.

Development Standards:

Floor Area Ratio: 77%

Gross Floor Area: 20,000 sq.ft.

Maximum Height: 26 feet

Minimum Required Parking: 91 spaces

Restaurant/Retail Required along Camino del Mar frontage

**PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF DEL MAR LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The City of Del Mar proposes to redesignate and rezone an approximately half-acre site at the southeast corner of Camino del Mar and 10<sup>th</sup> Street in downtown Del Mar. The site is currently designated and zoned as Central Commercial (CC), which accommodates a mix of commercial uses. The proposed designation and zone would be Garden Del Mar Specific Plan, which also allows a mix of commercial uses. Although both designations allow the same uses, the specific plan places a greater emphasis on visitor-serving uses

along Camino del Mar, allowing only restaurant and retail uses on that frontage, and requiring at least one restaurant be located along it. Camino del Mar is the major coastal access route through the City and follows the historic Highway 101 corridor. The specific plan designation is intended to accommodate a development that has already been approved by the City pursuant to a non-appealable coastal development permit decision. Although the development would have been consistent with the existing CC designation, the Downtown Initiative Overlay Zone (adopted April 8, 1986), which is not part of the City's certified LCP, requires larger new projects in this area to be developed through a specific plan.

### **B. NONCONFORMITY OF THE DEL MAR LAND USE PLAN WITH CHAPTER 3**

The certified Del Mar LCP Land Use Plan is designed to primarily address those areas and policies of the City that most pertain to the Coastal Act. It includes chapters addressing natural resources, seawalls, floodplains, public access, hazards, etc., along with exhibits that include maps and a narrative description of each land use designation. Chapter II – Land Use Development describes the city as a group of districts, and includes descriptions of all land use designations and uses within each area. The Garden del Mar site is within the Village Center District. Most of the district is designated as Central Commercial, allowing general commercial uses, but also includes two existing specific plan areas as well as the subject proposed specific plan site. There are also some multi-family properties located within the District as well as several public buildings. The Garden del Mar site is located near the southern boundary of the Village Center District along Camino del Mar.

The proposed LUP amendment does not raise any significant issues pursuant to Chapter 3 policies of the Coastal Act. The City is only requesting a designation change on the LUP maps for this specific site. However, no narrative description of the specific plan or its allowed uses is included in the LUP, as is done for the City's other existing specific plans. This information is included for all other LUP designations as well in Chapter II – Land Use Development, instead of just on the LUP maps. Without this added information, the LUP is an inadequate standard of review for any development pursuant to the specific plan, and does not provide the specificity needed to guide the development and implementation of the IP. Therefore, the Commission finds the proposed LCP amendment inconsistent with the Coastal Act.

## **PART V. FINDINGS FOR APPROVAL OF THE CITY OF DEL MAR LAND USE PLAN, IF MODIFIED**

### **A. SUMMARY FINDING**

Two suggested modifications are included herein for the LUP component of the City's LCP. Together, they will provide the needed specificity that is already included for all other LUP designations. Thus, with their inclusion, the Commission can find the amended LUP consistent with Chapter 3 of the Coastal Act.

## **B. SPECIFIC FINDINGS FOR APPROVAL**

The currently certified Del Mar LUP includes policies addressing allowed uses, public views, parking, and visitor-serving facilities. The subject property is located on the inland side of Camino del Mar at 10th Street, which increases significantly in elevation to the east, such that no public views of the sea are lost through implementation of the GDMSP. Existing LUP policies addressing height limits and parking requirements are not changed in the specific plan, and overall land uses now allowed pursuant to the Central Commercial LUP designation remain in place under the specific plan. The proposed plan is more restrictive than the Central Commercial standards, however, by allowing only restaurant and retail uses along the Camino del Mar frontage. In addition, the specific plan requires at least one restaurant be sited along the frontage. The City wishes to emphasize visitor-serving uses along this main street, even though this is not an area specifically reserved for these high priority uses. There are other districts dedicated in the certified LUP for visitor-commercial and there is no indication that additional lands need to be set aside for such uses at this time. Therefore, the proposed specific plan serves to augment the visitor-commercial land inventory in the City.

The submitted LUP amendment consists of changing the land use designation of a specific property (941 Camino del Mar) from Central Commercial to Garden del Mar Specific Plan on the LUP map and the map legend only. However, the existing land use designations, including the two existing specific plans, are described within the LUP in two other places: within Chapter II – Land Use Development, and on a list of LUP designations and allowed uses on Pages 23 and 24 of the certified LUP. Revisions to the map and map legend alone do not include the specificity needed in a land use plan. Therefore, Suggested Modifications 1 and 2 will provide adequate descriptions to the other two areas that describe land uses in the LUP. With those suggested modifications, the Commission finds that the certified LUP will be fully consistent with Chapter 3 of the Coastal Act and will provide adequate specificity to guide the development of appropriate implementing ordinances.

## **PART VI. FINDINGS FOR REJECTION OF THE CITY OF DEL MAR IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

### **A. AMENDMENT DESCRIPTION**

The City of Del Mar proposes to rezone an approximately half-acre site at the southeast corner of Camino del Mar and 10<sup>th</sup> Street in downtown Del Mar. The site is currently zoned as Central Commercial (CC), which accommodates a mix of commercial uses. The proposed zone would be Garden Del Mar Specific Plan (GDMSP), which also allows a mix of commercial uses. Although both designations allow the same uses, the specific plan places a greater emphasis on visitor-serving uses along Camino del Mar, allowing only restaurant and retail uses on that frontage. The specific plan zone is intended to accommodate a development that has already been approved by the City pursuant to a non-appealable coastal development permit decision. Although the development would have been consistent with the existing CC Zone, the Downtown Initiative Overlay Zone



(adopted April 8, 1986), which is not part of the City's certified LCP, requires larger new projects in this area to be developed through a specific plan.

### **B. SUMMARY FINDINGS FOR REJECTION**

The proposed IP amendment raises one significant issue pursuant to conformity with, and adequacy to carry out, the policies of the certified LUP, as modified above. The City is only requesting a zoning change on the zone maps for this specific site, and does not propose to incorporate any development standards for the proposed new zone in the LCP. Without this added information, the IP is inadequate to carry out the policies of the certified LUP, as amended herein. Therefore, the Commission finds the proposed LCP amendment inconsistent with the certified LUP.

### **C. SPECIFIC FINDINGS FOR REJECTION**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance (Specific Plan). The purpose of the Garden del Mar Specific Plan (GDMSP) is to create a regulatory framework governing the development of the subject property.

b) Major Provisions of the Ordinance (Specific Plan). The GDMSP includes many detailed provisions, but the most significant are:

- Defines the project
- Defines the project's intent and development parameters
- Demonstrates its conformance with the City's Community Plan and other policy and regulatory documents
- Provides exceptional public benefits that justify any development bonuses, in this case, additional floor area
- Creates zoning and development regulations tailored specifically to the property
- Establishes the methods of adoption, amendment and enforcement of the GDMSP

c) Adequacy of the Ordinance (Specific Plan) to Implement the Certified LUP. The City of Del Mar IP is unique in that it does not include the entire zoning code, even though the City is entirely within the coastal zone. Rather, the IP consists of only those zones that regulate each chapter in the LUP. These include zones addressing seawalls, bluff, slope and canyon development, floodplain development, wetlands and other sensitive habitat areas, public access and parking, etc., along with an ordinance governing the processing of coastal development permits. The various residential, commercial, public facility, and specialty base zones are not themselves part of the LCP. This is how the LCP was originally certified by the Coastal Commission, and works well for this small community. The City did not want the actual base zones to be part of the LCP so they did not have to return to the Commission for every little change. Instead, the LCP is

based on protection of the City's resources through overlay zones, and the IP zones apply within all base zones, depending on the resources found within each zone.

However, the IP does include a list of all city zones as an exhibit, along with the zoning maps. The list identifies allowed uses for each zone, and includes those specific development standards of most concern to the Coastal Commission, such as height limits, allowed development area, etc. As proposed, the rezoning would be reflected on the zoning map and the list of zones and uses, but no development standards would be made part of the LCP. Without some minimum standards, the proposed new zone cannot be found consistent with, nor adequate to carry out, the certified LUP, which is the legal standard of review, and must be denied as submitted.

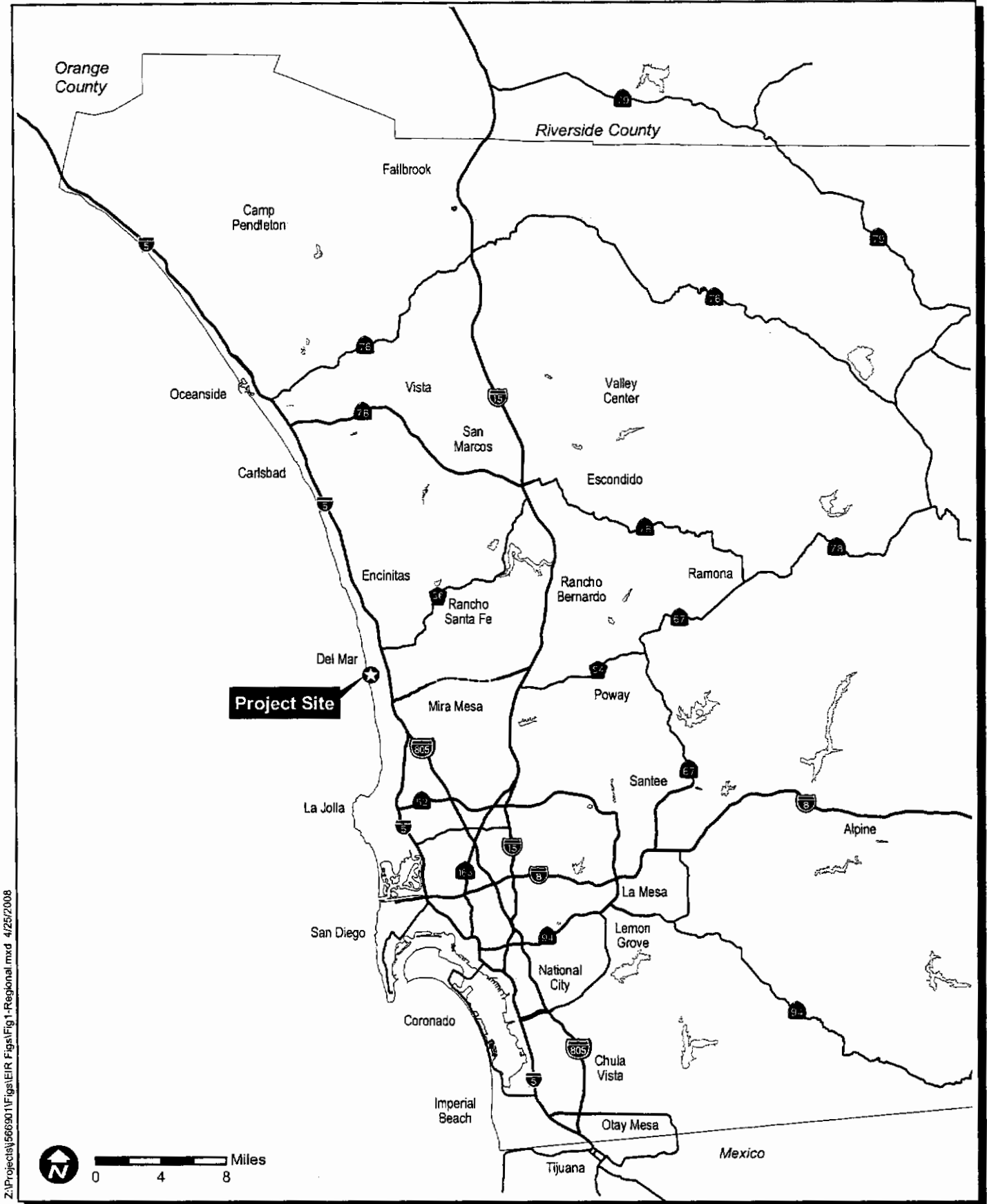
**PART VII. FINDINGS FOR APPROVAL OF THE CITY OF DEL MAR IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

As stated previously, the proposed rezone is not fully consistent with the LUP, as submitted. However, Suggested Modification #3 adds development standards to the list of zones and uses for the Garden Del Mar Specific Plan. There are five standards included in the modification, setting limitations on maximum lot coverage, total allowed floor area, height, parking and allowed land uses, with a requirement for restaurant/retail only along the Camino del Mar frontage, with at least one restaurant included in any development proposal. With the inclusion of this suggested modification, the Commission finds the proposed new zone is consistent with, and adequate to carry out, the policies of the certified LUP.

**PART VIII. 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 suggested modifications, 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. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.



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The Garden Del Mar -  
Regional M

EXHIBIT NO. 1
APPLICATION NO.
<b>DMR-MAJ-1-08</b>
Regional Location Map
California Coastal Commission

**RESOLUTION NO. 2008-63**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, CONDITIONALLY APPROVING AN AMENDMENT TO THE CITY'S LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING ORDINANCE MAPS AND ASSOCIATED LAND USE DESCRIPTIONS TO CHANGE THE DESIGNATION OF A 25,527 SQUARE FOOT PROPERTY LOCATED AT 941 CAMINO DEL MAR IN DEL MAR (APN 300-221-32 and 33) FROM ITS CURRENT DESIGNATION OF CC (CENTRAL COMMERCIAL) TO A DESIGNATION OF GDMSP (GARDEN DEL MAR SPECIFIC PLAN); AND AUTHORIZING SUBMITTAL OF THE PROPOSED 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 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 Ordinances have each been certified by the California Coastal Commission;

WHEREAS, said Local Coastal Program includes categories of development with descriptions of the allowable uses for each category shown on map exhibits within both the Land Use Plan and Implementing Ordinances segments of the LCP;

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 the Land Use Plan and Implementing Ordinance segments of the Local Coastal Program, specifically to change the identified land use category for a property located at 941 Camino del Mar from its current designation of CC (Central (Commercial Zone) to a designation of GDMSP (Garden Del Mar Specific Plan);

EXHIBIT NO. 2
APPLICATION NO.
<b>DMR-MAJ-1-08</b>
Resolution and Exhibits

WHEREAS, public notice and distribution of the draft amendments to the Local Coastal Program Implementing Ordinances and Land Use Plan were provided with a six-week public review period, per Section 13515 of Chapter 8, Title 14 of the California Code of Regulations; and

WHEREAS, during the preparation of the amendments to the Del Mar Local Coastal Program, the City has coordinated with and been assisted by Coastal Commission staff, per Section 13516, Chapter 8, Title 14 of the California Code of Regulations; and

WHEREAS, the preparation of the proposed amendments to the Local Coastal Program are addressed in a Final Environmental Impact Report prepared for the Garden Del Mar project with such EIR certified by the City of Del Mar City Council on August 4, 2008, consistent with the provisions of the California Environmental Quality Act, Sections 21000-21178 of the Public Resources Code; and

WHEREAS, the Planning Commission of the City of Del Mar conducted a duly-noticed public hearing on the proposed amendments to the Local Coastal Program on June 10, 2008, at which time the Planning Commission considered public testimony and correspondence, and staff reports dated June 10, 2008; and

WHEREAS, and at the conclusion of the June 10, 2008 hearing, the Planning Commission adopted Resolution No. PC-08-10 recommending that the City Council approve the proposed amendments to the Local Coastal Program Land Use Plan and Implementing Ordinances and further recommended their submittal to the California Coastal Commission for certification, and

WHEREAS, on July 21, 2008, at a duly noticed public hearing, Council continued the consideration on this matter until July 28, 2008 and on July 28, 2008, Council continued the consideration on this matter until August 4, 2008; and

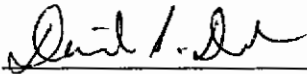
WHEREAS, on August 4, 2008, the City Council conducted a duly noticed public hearing on the proposed amendments to the Local Coastal Program Land Use Plan and Implementing Ordinances and considered public testimony, correspondence, and the staff reports submitted to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar, that it is intended that the amendments to the Del Mar Local Coastal Program Land Use Plan and Implementing Ordinances, as identified in the document entitled LCPA-08-02 and attached as Exhibit A, be carried out in a manner fully conforming with the California Coastal Act, Division 20 of the California Public Resources Code.

AND BE IT FURTHER RESOLVED that the Planning and Community Development Director of the City of Del Mar is hereby directed to submit copies of the proposed amendments to the Del Mar Local Coastal Program and other material as required, to the California Coastal Commission for consideration of approval and certification, pursuant to Article 2, Chapter 6 and Article 1, Chapter 7 of Division 20 of the Public Resources Code; and Chapters 6 and 8, Division 5.5, Title 14 of the California Code of Regulations.

AND BE IT FURTHER RESOLVED that the Local Coastal Program amendments approved herein shall not become effective unless and until the Garden Del Mar Specific Plan (City application SP-07-01) is approved by the voters of Del Mar and such affirmative vote is certified by the City Council of the City of Del Mar.

PASSED AND ADOPTED by the City Council of the City of Del Mar, this 4th day of August, 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 2008-63, adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 4th day of August 2008, by the following vote:

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

  
\_\_\_\_\_  
MERCEDES MARTIN, City Clerk

Exhibit "A" to City Council Resolution

RC  
RM-CENTRAL

RR

R1-5

Pacific  
Ocean

Residential Designations

- R1-40 Very Low Density
- R1-14 Modified Low Density
- R1-10 Low Density
- R1-10B Low Density-Beach
- R1-5 Medium Density Single Family
- R1-5B Medium Density Single Family-Beach
- RM-East Medium Density Mixed-East
- RM-West Medium Density Mixed-West
- RM-Central Medium Density Mixed-Central
- RM-South Medium Density Mixed-South
- R-2 High Density
- CVPP Carmel Valley Precise Plan

Commercial Designations

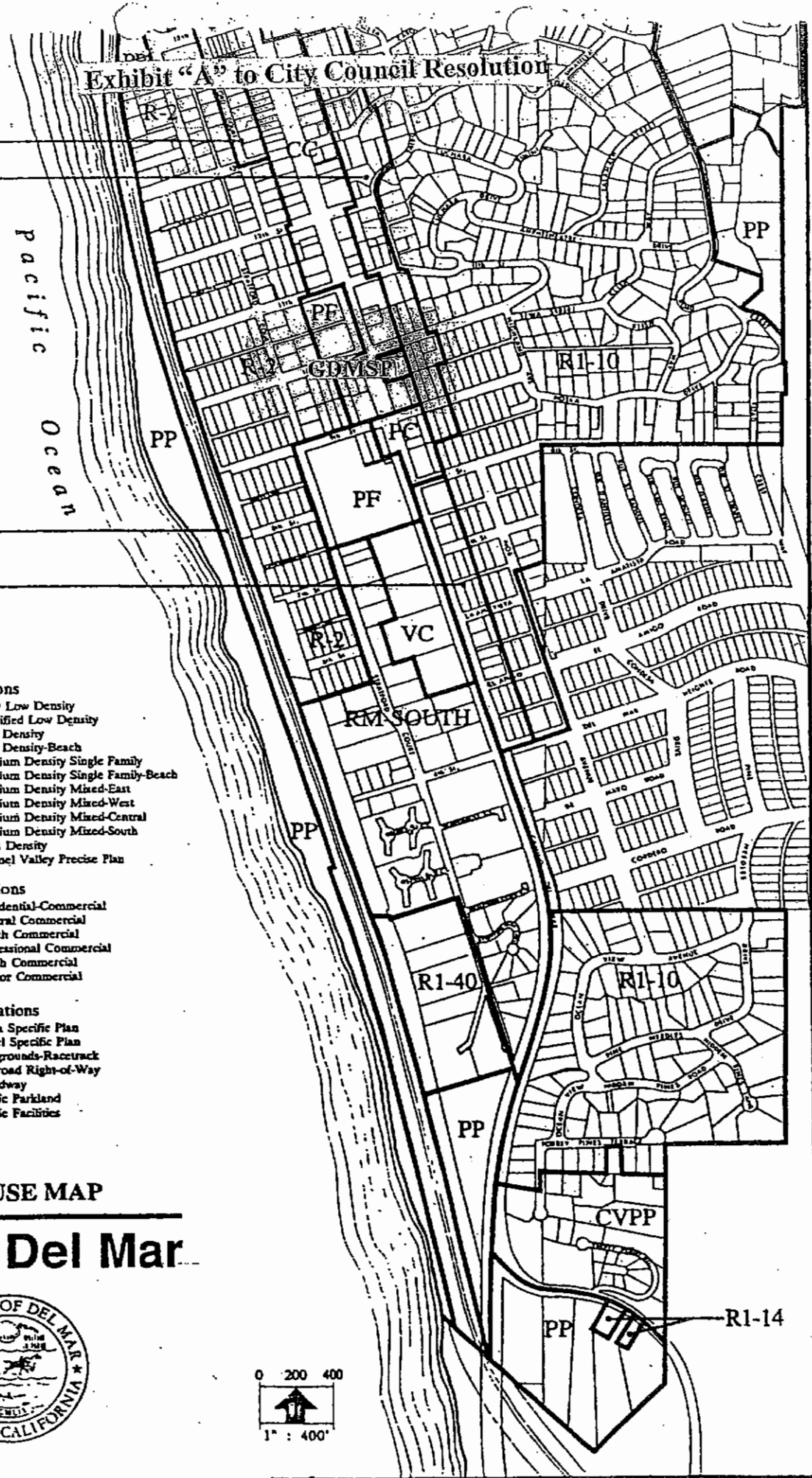
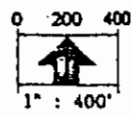
- RC Residential-Commercial
- CC Central Commercial
- BC Beach Commercial
- PC Professional Commercial
- NC North Commercial
- VC Visitor Commercial

Miscellaneous Designations

- PSP Plaza Specific Plan
- HSP Hotel Specific Plan
- FR Fairgrounds-Racetrack
- RR Railroad Right-of-Way
- FW Floodway
- PP Public Parkland
- PF Public Facilities

LAND USE MAP

City of Del Mar



AUG 04 2008 ITEM 11

## LAND USE DESIGNATIONS/ALLOWED USES

- CC** Retailing of goods and dispensing of services, (exclusive of drive-through). Shops, Delis, Restaurants, Cafes, Florists, Hardware, Offices, Financial institutions, Pharmacies, Gasoline service stations\*, Bars\*, Cocktail lounges\*, Theatres\*, Vet clinics\*, Hotels/Motels\*.
- BC** Retailing, renting or dispensing of services, (exclusive of drive-through). Beach equipment rental, Outdoor recreational facilities, Cafes, Restaurants. Any principal use in CC Zone\*.
- NC** Repair shops, Blueprinting, Manufacturing, Restaurants, Art and Technical studios, Offices, Warehouses. Gasoline service stations\*, Bars\*, Cocktail lounges\*, Theatres\*, Hotel/Motel\*, Vet clinics\*, Kennels\*, Refuse recycling centers\*.
- PC** Offices; professional, medical, dental; banks and financial institutions (exclusive of drive through); Parking lots, Parking garages.
- VC** Hotels, Motels, Boarding houses and Lodging houses.
- FR** Regulated by 22nd Agricultural District.
- RR** Railroad facilities, related structures\*.
- FW** (No permanent structures)  
Aviaries, open crops, Aquaculture, Open recreational uses.
- PP** Public parks, beaches, Playgrounds, Ecological preserves.
- PF** Public schools; City, County, State and Federal buildings; Utility structures.

\* provided a Conditional Use Permit has first been obtained and is in full force and effect.

- HSP** Uses as allowed per the Hotel Specific Plan
- PSP** Uses as allowed per the Plaza Specific Plan
- GDMSP** Uses as allowed per the Garden Del Mar Specific Plan – restaurant, retail, and offices.