

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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# W12d

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original staff report

## Addendum

May 8, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item W12d**, Coastal Commission Permit Application  
**#6-15-0081 (City of Del Mar)**, for the Commission Meeting of May 13,  
2015

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The purpose of this addendum is to provide the applicant with additional flexibility with the monitoring criteria required by Special Condition No. 4. Staff recommends the following changes be made to the above-referenced staff report, with deletions shown in ~~strike~~through and additions underlined:

1. On Page 7 of the staff report, Special Condition No. 4 shall be revised as follows:

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

a. Data collection shall occur for at least the first two years of the four-year permit authorization ~~throughout the four-year permit validation period~~, starting with the date of commencement of use of the subject parking lot, and shall be achieved through field inspections and review of data reports from the on-site parking pay station.

b. Monitoring of the parking lot shall, at a minimum, occur on:

- One Saturday, ~~one Sunday~~, and two weekdays each month; and
- An equal amount of days with and without events taking place at the Del Mar Fairgrounds, to the extent feasible.

c. Monitoring of the parking lot shall include, but not be limited to, the following:

- Parking counts taken in mid-morning and mid-afternoon at the approximate hours of 10:00 am and 3:00 pm on every monitored day, with recordation of temperature and weather during each count as feasible;
- Documentation of ~~both actual car counts and~~ percentage of occupancy, ~~assuming 37 available parking spaces~~;
- Estimates ~~Documentation~~ of turnover rates;
- Documentation of type and duration of all events taking place at the Del Mar Fairgrounds on days of monitoring;
- Hourly parking fee at the time of monitoring; and
- Quantity and type of any parking violations issued.

d. Monitoring data shall be submitted in a report to the Executive Director annually for the first two years of the permit's four-year authorization ~~four years~~. The reports shall analyze the collected data to identify a threshold for "high demand" of the parking lot, the times and dates that high demand occurs, and any potential impacts to public access and use of the parking lot resulting from the paid parking program. A final report shall be submitted at the end of the two-year data collection period ~~four-year permit term~~, and shall include any recommendations for changes to be made to the operating parameters or management of the paid parking program. If no impacts to public access are identified at the end of the two-year data collection period, the applicant may request a reduction or elimination of monitoring requirements for the remainder of the four-year permit term by submitting a written request to the Executive Director. If the data collected during the first two years is insufficient to determine if impacts to public access exist, data collection and annual monitoring reports shall continue as required herein, with potential additional monitoring criteria, for the remainder of the four-year permit term.

e. Prior to expiration of this CDP, the applicant shall submit an application for a permit amendment or new CDP for an updated paid parking program which has been revised, as necessary, to address the impacts to access and visitation patterns identified through analysis of the data from the submitted monitoring information. The updated submittal shall include measures to eliminate any identified adverse impacts to coastal access and to maintain or increase visitation and revenue based on the submitted data.

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

2. On Page 13 of the staff report, the last paragraph shall be revised to reflect the above changes to Special Condition No. 4, as follows:

The City has also proposed to monitor the subject site to collect information on the use and demand of the parking spaces at this site, and to submit a monitoring report to the Commission after one year of data collection. **Special Condition No. 4** is attached to require this monitoring and reporting program to be implemented for at least two years over the length of the permit term, and includes details for monitoring requirements such as documenting lot occupancy ear counts, turnover rates, parking fee at time of monitoring, and type and duration of any event taking place at the Del Mar Fairgrounds at the time of monitoring. The condition also calls for submittal of annual monitoring reports, with a final report that would identify the need for any changes to the paid parking program to address any observed impacts to public access, and provide for adaptive management solutions for the lot operations going forward. If no impacts to public access are identified after two years, the City may request reduction or elimination of monitoring requirements. If the two-year data collection is inconclusive to determine if impacts exist, data collection and annual monitoring shall continue with revised criteria as necessary. The permit term is restricted to a four-year period by **Special Condition No. 3**, which is half the duration of the City's current lease on the NCTD property. With the monitoring and permit term conditions, any impacts to access and visitation patterns identified through analysis of the data from the submitted monitoring information will be addressed in an updated paid parking program, submitted with an application for a permit amendment or new CDP to continue the use of the development proposed herein after this permit term expires.

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# W12d

Filed: 4/15/15  
180th Day: 10/12/15  
Staff: B. Laver-SD  
Staff Report: 4/23/15  
Hearing Date: 5/13/15

## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-15-0081

**Applicant:** City of Del Mar

**Agent:** Adam Birnbaum

**Location:** Northeast corner of San Dieguito Drive and Jimmy Durante Blvd., Del Mar, San Diego County.  
(APNs 299-100-30 and 299-100-32)

**Project Description:** Establishment of a temporary paid public parking lot by installing a pay station, parking stall delineators for maximum 37 spaces, associated signage, bike racks, trash cans, and ongoing regulation of public parking through the use of the pay station at an existing 30,000 sq. ft. undeveloped gravel lot.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed development with special conditions to minimize impacts to public access and recreation, biological resources, and water quality.

The City of Del Mar proposes to establish a temporary public parking lot on an existing undeveloped gravel lot by installing a pay station and delineating a maximum of 37 parking spaces, including two ADA-compliant spaces. As proposed, the parking fee rate would be “variable,” increasing from no more than \$1.50/hour during low demand time to no more than \$3/hour during high demand times, with a maximum daily fee of \$20 and an option for an annual fee increase of no more than 10%. The project also includes installation of bicycle racks, trash and recycling receptacles, and parking signage. The site covers two properties, one owned by the City and the other owned by the North County Transit District (NCTD) and leased by the City; thus, the subject project is proposed as temporary and will be tied to the life of the City’s current lease, which terminates in August 2023, or to any extension of that lease.

The subject site is located at the northeast corner of the Jimmy Durante Boulevard and San Dieguito Drive intersection, adjacent to the San Dieguito River, in the City of Del Mar. The City’s intent with this proposal is to provide public trailhead parking for the several public access and recreation trails and areas that can be accessed within walking distance of the subject site, including the River Path Del Mar trails, the Grand Avenue lookout, and the Coast to Crest trail. In addition, the Del Mar Fairgrounds can be reached by walking about a quarter-mile from the subject site.

The primary Coastal Act issues associated with this project include the potential impacts of paid parking on public access. While “iron rangers” typically raise public access concerns as there is the potential for them to deter public use, in this case, a new temporary public access amenity will be provided where none previously existed, thus increasing public access and recreation opportunities. The Commission has historically supported the right of a local government to collect fees for services rendered, particularly when fee revenues are used to upkeep such municipal services, as is the case here. As proposed, the hourly fee rates are reasonable and comparable to nearby paid parking lots and past Commission actions in the area, but the variability has the potential to impact public access and visitation as the City’s proposed parameters are not specific to how times of high demand would be determined. Additional Coastal Act concerns include construction in close proximity to open coastal waters and native vegetation and impacts to coastal water quality from vehicular runoff pollutants and litter. However, due to the minimal extent of construction proposed as well as the proposed implementation of construction and post-construction best management practices (BMPs), these potential impacts can be avoided or minimized.

To minimize or avoid any potential adverse impacts, Commission staff is recommending seven special conditions that would require **(1)** revised final plans that include bicycle racks and trash and recycling receptacles on-site to provide a free alternative to vehicular paid parking and reduce potential for littering; **(2)** revised operating parameters that identify the hourly rate increase to \$3 is limited to be in effect only during times when there is an event at the fairgrounds and placement of a 4 hour parking time-limit during those periods to prevent competition with fairgrounds parking while maintaining lower rates during lower demand times; **(3)** a four-year permit authorization period; **(4)** a parking monitoring a reporting program to determine the effects of the variable parking rates and the need for any changes to the operating parameters to address any identified

impacts to public access and recreation at the end of the permit term; [\(5\)](#) a public parking sign program that clearly informs the public of the availability and restrictions of public parking at the subject lot; [\(6\)](#) implementation of construction BMPs; and [\(7\)](#) post-construction BMPs to ensure short and long-term protection of coastal water quality and the nearby native vegetation.

Therefore, as conditioned, the proposed developments will not have any adverse impacts on coastal resources. Commission staff recommends **approval** of coastal development permit application 6-15-0081 as conditioned. The motion and resolution can be found on page 5 of this report.

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### APPENDICES

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### EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Site Plan](#)

[Exhibit 4 – Biological Resources Map](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-15-0081 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves coastal development permit 6-15-0081 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.



5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval by the Executive Director, final site plans for the proposed development. Said plans shall be in substantial conformance with the plans submitted with this application by the City of Del Mar, dated August 1, 2014, except they shall be revised to reflect the following:

- a. Bicycle racks and covered trash and recycling receptacles shall be installed in easily accessible locations on the subject site.

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

2. **Revised Operating Parameters.** The paid parking program approved herein shall operate under the following revised parameters:

- a. The hourly parking fee shall be no more than \$1.50, with a daily maximum of \$20.00, except during events at the Del Mar Fairgrounds, when the hourly parking fee shall be no more than \$3.00.
- b. There shall be no maximum time limit set on the use of spaces except during major events at the Del Mar Fairgrounds such as the County fair, horse races, and other large events that typically fill the parking supply at the main fairgrounds' parking lot, when a 4-hour time limit shall take effect.
- c. The fees shall be in effect daily, between the hours of 5:00 a.m. and 2:00 a.m. only.
- d. The maximum fees referenced herein may be increased by no more than 10% annually.

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 a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Permit Term.** CDP #6-15-0081 shall be valid for a period of four years from the date of Commission action on this permit, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. After the authorization for the development expires, the continuation or retention of any development approved as part of this permit will require the issuance of a new coastal development permit or an amendment to this coastal development permit. If the Executive Director determines that continuation or retention of the development involves no potential for any adverse effect, either individually or cumulatively, on coastal resources and that the continuing or retained development will be consistent with public access and other policies of Chapter 3, the Executive Director may process the request as a waiver or an immaterial amendment.

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

- a. Data collection shall occur throughout the four-year permit validation period, starting with the date of commencement of use of the subject parking lot, and shall be achieved through field inspections and review of data reports from the on-site parking pay station.
- b. Monitoring of the parking lot shall, at a minimum, occur on:
  - One Saturday, one Sunday, and two weekdays each month; and
  - An equal amount of days with and without events taking place at the Del Mar Fairgrounds, to the extent feasible.
- c. Monitoring of the parking lot shall include, but not be limited to, the following:
  - Parking counts taken at the approximate hours of 10:00 am and 3:00 pm on every monitored day, with recordation of temperature and weather during each count;
  - Documentation of both actual car counts and percentage of occupancy, assuming 37 available parking spaces;
  - Documentation of turnover rates;
  - Documentation of type and duration of all events taking place at the Del Mar Fairgrounds on days of monitoring;
  - Hourly parking fee at the time of monitoring; and
  - Quantity and type of any parking violations issued.
- d. Monitoring data shall be submitted in a report to the Executive Director annually for four years. The reports shall analyze the collected data to identify a threshold for “high demand” of the parking lot, the times and dates that high demand

occurs, and any potential impacts to public access and use of the parking lot resulting from the paid parking program. A final report shall be submitted at the end of the four year permit term, and shall include any recommendations for changes to be made to the operating parameters or management of the paid parking program.

- e. Prior to expiration of this CDP, the applicant shall submit an application for a permit amendment or new CDP for an updated paid parking program which has been revised, as necessary, to address the impacts to access and visitation patterns identified through analysis of the data from the submitted monitoring information. The updated submittal shall include measures to eliminate any identified adverse impacts to coastal access and to maintain or increase visitation and revenue based on the submitted data.

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

**5. Public Parking Sign Program. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval of the Executive Director, a public parking sign program for the subject parking lot that includes the following:

- a. Public parking signs of Commission-approved design informing the public of the subject public parking lot and its operating parameters. The signs shall be installed in easily visible locations, such as at the entrance to the parking lot and at the frontage of Jimmy Durante Boulevard.

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

**6. Construction Best Management Practices.** The applicant shall implement construction best management practices (BMPs) during construction of the proposed development, as proposed with this application by the City of Del Mar, including the following:

- a. Good housekeeping practices of covering, containing and cleaning any materials used during installation of the pay station and parking stall delineation lines.
- b. A protected concrete wash out area for the concrete to be used for the pay station.

- c. Monitoring the adjacent street for tracking of material, and sweeping if tracking issues arise.

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

**7. Post-construction Best Management Practices.** The applicant shall implement post-construction best management practices (BMPs) after completion of the proposed development, as proposed with this application by the City of Del Mar, including the following:

- a. Trash and recycling collection and parking lot cleaning shall occur weekly. This shall include collection of any litter in the parking lot, and cleanup of any vehicle spills or other pollutants.
- b. The existing drainage inlet shall be inspected prior to and after the rainy season (i.e. October 1/April 15), and the inlet shall be cleaned out, and the filter and absorbant boom replaced, as needed.

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

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION/SITE HISTORY**

The City of Del Mar proposes to establish a temporary public parking lot by installing a solar-powered pay station and delineating a maximum of 37 public parking spaces, including two ADA-compliant spaces, at an existing unimproved 30,000 sq. ft. gravel lot ([Exhibit 3](#)). No surface improvements are proposed, and the parking stall delineations will be accomplished by pegging 2-inch wide plastic strip “runners” to the lot’s existing gravel surface. Also proposed are bicycle racks, trash and recycling receptacles, and public parking signage.

As proposed, the parking lot will be in operation daily between the hours of 5:00 am and 2:00 am. The City proposes a variable fee rate, such that parking fees will depend on the level of demand for the parking spaces. As proposed, the parking fee will be no more than \$1.50 per hour during low demand or off-peak periods and no more than \$3.00 per hour during high demand or peak periods, with a daily maximum of \$20.00 and no maximum time limit on the use of the parking spaces. The City also proposes an option

for an annual 10% increase in parking fees. The pay station will operate as a “pay and display” machine, which produces a ticket to be displayed on the vehicle’s dashboard when fed the parking fee. The pay station will be approximately 52 inches tall, and will not cause any visual impacts.

The subject site is located at the northeast corner of Jimmy Durante Boulevard and San Dieguito Drive, bordering the southern side of the San Dieguito River ([Exhibits 1](#) and [2](#)). The proposed parking lot will be accessible to vehicles from a driveway on San Dieguito Drive. The site is walking distance from several public access and recreation trails, as well as the Del Mar Fairgrounds. The subject site covers two properties, one of which is owned by the City and the other owned by North County Transit District (NCTD), but is under lease to the City. Thus, the subject project is proposed to be tied to the life of the City’s lease, which terminates on August 31, 2023, or any extension of that lease mutually agreed to by NCTD and the City. At the time of expiration, NCTD has the discretion to continue the City’s lease, or apply for a CDP with the Commission if the District wishes to change the use of the property or develop it in any way.

Prior to the commencement of the City’s lease of the NCTD property in September 2013, the site was leased to Coast Waste Management from July 1978 through April 2011 and functioned as a recycling center. Prior to this, there is evidence that the lot was used as an informal public parking lot. NCTD indicated that the lot was chained off after the Coast Waste Management’s lease terminated, in approximately May 2011, and remains chained off today. The City has indicated that the chain will be removed promptly after Commission action on this CDP application and completion of project coordination and implementation, so use of the site as a temporary public parking lot may commence.

The City of Del Mar has a certified LCP, and approved a CDP for the subject project on June 26, 2014. Commission staff received the Notice of Final Action on this CDP from the City on September 25, 2014, and an appeal was filed on October 8 (ref. A-6-DMR-14-0051/City of Del Mar). At that time, the site was determined to be in an area of the Commission’s original jurisdiction pursuant to Section 30613 of the Coastal Act. Thus, the City’s CDP approval and the appeal are moot, and the Commission is the permitting authority for this project. In areas of original jurisdiction, Chapter 3 of the Coastal Act is the legal standard of review, with local planning documents used as guidance.

## **B. PUBLIC ACCESS AND RECREATION**

The following Coastal Act policies address the protection of public access and recreation.

Section 30210 of the Coastal Act states:

*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 of the Coastal Act states:

*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 of the Coastal Act states, in part:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Section 30214 of the Coastal Act states, in part:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

- (1) Topographic and geologic site characteristics.*
- (2) The capacity of the site to sustain use and at what level of intensity.*
- (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*
- (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

The subject proposal will result in the establishment of a temporary, city-operated public parking lot at an existing unimproved gravel lot. As proposed, the parking lot will be in operation from 5:00 am to 2:00 am, and closed between 2:00 am and 5:00 am to prevent overnight parking. During hours of operation, parking fees are proposed to vary depending on the level of demand for the parking spaces: a maximum fee of \$1.50 per hour during low demand and \$3.00 per hour during high demand, with a daily maximum of \$20.00. The City also proposes an optional annual fee increase of 10%.

Several public access and recreation areas, including the River Path Del Mar trails and the Grand Avenue lookout, can be accessed within walking distance from the subject site

on the southern side of the river, as well as the Coast to Crest trail on the northern side of the river. These areas are commonly used for walking, biking, nature viewing, and exercising. The City currently has plans to renovate the River Path Del Mar trails as a public access and recreation improvement project, which will come before the Commission's review at a later date. In addition, the popular Del Mar Fairgrounds, where horseraces, County fairs, concerts, and other events are frequently held, can be reached by walking about a quarter-mile from the subject site. The existing parking supply in this area includes paid fairgrounds parking, a very small informal lot at the Grand Avenue lookout, and parking associated with the surrounding commercial structures. There are plans to create a trail-access parking lot on the northern side of the river at what is known as the south overflow lot on the fairgrounds' property in association with future restoration plans, but these plans have not yet been implemented. Thus, the proposed development will result in the only formalized public parking lot dedicated to trail access at this time.

Although this proposal will create a temporary public access opportunity by establishing a new public trailhead parking lot for the duration of the City's lease on the property, parking pay stations can be considered a type of restriction on public access. Parking pay stations, sometimes referred to as "iron rangers," typically raise public access concerns as there is the potential for them to deter members of the public from utilizing the on-site parking, and thus lead to off-site parking impacts. The Commission's main concern in regard to paid parking programs is that the operating parameters of such a program be reasonable and in the best interest of the public at large. A second concern is the "spillover" effect that may occur as people move to other areas that do not have a fee or charge less. Fees should be comparable to those charged at similar facilities, and time limits should consider the longer stays of recreational users.

On the other hand, the Commission has, on several past occasions, supported the right of a local government to collect fees for services rendered, particularly when fee revenues are used to upkeep such municipal services, as is the case here. As indicated by the City, the revenue generated by the paid parking will be used towards costs of the lease agreement with NCTD for the subject parking lot, operation and maintenance, and for trail improvements in the vicinity of the subject site. Similar parking pay stations are currently operating in several locations in the City of Del Mar, including along Border Avenue, the western portion of Via de la Valle, the portion of Camino del Mar north of the San Dieguito River bridge, and the west side of Camino del Mar just north of its intersection with Carmel Valley Road (ref. A-6- DMR-04-024/City of Del Mar).

The City originally proposed a flat parking fee of \$3.00 per hour with this CDP application. After coordination with Commission staff and in an effort to provide lower parking rates during off-peak times, as the Commission typically encourages with new paid parking programs such as this, the City revised its proposal to include the variable parking rates described above. As mentioned, the variable rates are proposed to be dependent on the historic level of demand for parking. This may be feasible in cases where tangible data on the demand of the site is available, but such data does not currently exist for this site. The City has indicated that parking demand in this area is typically lowest in the early morning hours and increases from mid-day on, especially

during times when there is an event occurring at the nearby Del Mar Fairgrounds. While this may be true, as proposed, determining what the threshold for high demand is and thus what conditions would warrant a higher fee rate is subjective, and left to the discretion of the City with the possibility of fees changing unpredictably throughout the day. Therefore, to minimize impacts to public access and eliminate ambiguity for when higher fees could be applied, Commission staff recommends allowing the parking fees to increase above \$1.50 per hour, not to exceed \$3.00 per hour, only during times of fairground events when parking demand is known to be at its highest in this area.

It is not likely that the subject development will cause a spillover effect as this project will create a new parking opportunity where none previously existed, thus increasing the parking supply of the area. This lot is not associated with the removal or replacement of another parking lot. The primary use intended for the subject lot is to provide public parking access and recreation opportunities to the adjacent lagoon and coastline afforded by the nearby local trail systems. However, there is the potential for people to park at the subject lot and walk to the fairgrounds for an event, which can often extend through most of a day, thus taking up parking spaces that would otherwise be occupied by members of the public using the vicinity's trails. Therefore, Commission staff recommends that a 4-hour time limit take effect during fairground events. The 4-hour time limit and increased fee rate imposed only during fairground events will prevent competition with fairground parking, encourage turnover, allow sufficient time for people who do want to use the trails during fairground events for a maximum fee of \$12.00, and still maintain a lower fee rate for periods and allow for extended parking durations outside of fairground events, thus maximizing public access and recreation opportunities. [Special Condition No. 2](#) states the revised operation parameters, and is imposed to assure that these parameters are not modified at the City's discretion without further Commission review.

The City has also proposed to monitor the subject site to collect information on the use and demand of the parking spaces at this site, and to submit a monitoring report to the Commission after one year of data collection. [Special Condition No. 4](#) is attached to require this monitoring and reporting program to be implemented over the length of the permit term, and includes details for monitoring requirements such as documenting car counts, turnover rates, parking fee at time of monitoring, and type and duration of any event taking place at the Del Mar Fairgrounds at the time of monitoring. The condition also calls for submittal of annual monitoring reports, with a final report that would identify the need for any changes to the paid parking program to address any observed impacts to public access, and provide for adaptive management solutions for the lot operations going forward. The permit term is restricted to a four-year period by [Special Condition No. 3](#), which is half the duration of the City's current lease on the NCTD property. With the monitoring and permit term conditions, any impacts to access and visitation patterns identified through analysis of the data from the submitted monitoring information will be addressed in an updated paid parking program, submitted with an application for a permit amendment or new CDP to continue the use of the development proposed herein after this permit term expires.

To provide a free alternative to vehicular paid parking and as consistent with the certified LCP's public access policies, the City has proposed to install bicycle racks on-site.



[Special Condition No. 1](#) requires the City to submit final site plans including the bicycle racks, as well as covered trash and recycling receptacles to reduce the potential for litter. In addition, the City proposes to install on-site signage to inform the public of the proposed parking lot and its operation parameters. [Special Condition No. 5](#) requires the City to submit a public parking sign program, to ensure that the signs are of a Commission-approved design and are installed in easily visible locations.

Therefore, as conditioned, the subject development is consistent with all applicable public access and recreation policies of the Coastal Act and the certified LCP.

### **C. BIOLOGICAL RESOURCES/WATER QUALITY**

Section 30231 of the Coastal Act addresses coastal water quality, and states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Act addresses environmentally sensitive habitat, and states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The subject site is located adjacent to the San Dieguito River, which is a part of the San Dieguito Lagoon system and includes areas of tidal wetlands. The subject site currently consists of a previously graded but otherwise unimproved gravel lot. Native coastal sage scrub (CSS) species line the river side of the subject lot, above the river bank. In general, proposed development in close proximity to native vegetation and open coastal waters raises concerns about impacts to the biological productivity and water quality of the area. However, in this case, the proposed development consists only of pegging 2-inch wide plastic strip “runners” to the lot’s existing gravel surface and installing bicycle racks, trash cans, and one parking pay station with a small concrete base, which would be located at the southwestern edge of the subject lot and adjacent to the intersection of Jimmy Durante Blvd. and San Dieguito Drive. No grading, vegetation removal, surface improvements, other structures, or any other type of disturbance outside the current

gravel lot area are proposed. In addition, the wetlands delineation submitted with this application indicates that the subject site is over 100 feet away from the area identified as jurisdictional wetlands ([Exhibit 4](#)).

However, the proposed development will result in an increase in intensity of use of the site, as the subject site has most recently been used as a recycling center until 2011 and has been chained off since that time. In addition, all runoff from the subject site has the potential to reach the nearby coastal waters. In this case, with the establishment of a new temporary public parking lot, runoff can contain oil, gasoline, brake dust, trash, and other contaminants. Currently, the site has a pervious gravel surface that slopes towards an on-site grated drain inlet. The inlet leads to a storm drain pipe that commingles with street runoff prior to discharging into the tidally influenced river. The inlet has a catch basin insert filter and an absorbent boom, which captures larger trash and debris and picks up hydrocarbons. As a post-construction best management practice (BMP), the City proposes to have this filter and absorbent boom periodically cleaned and replaced to help the continual protection of water quality. The City also proposes to install covered trash and recycling receptacles on-site to prevent littering with weekly trash collection as an additional post-construction BMP.

Although the proposed development will require minimal construction, the City has proposed several construction BMPs to maximize protection of biological resources and water quality in the project area. These include good housekeeping practices of covering, containing and cleaning any materials used during installation of the pay station and parking stall delineation lines; a protected concrete wash out area for the concrete to be used for the pay station; and monitoring the adjacent street for tracking of material, and sweeping if tracking issues arise.

Both the Commission's staff ecologist and staff water quality analyst have reviewed the subject proposal and supplemental information, including the biological report and wetlands delineation, and indicated that with these proposed BMPs and due to the minor amount of development proposed, there are no significant water quality or biological resource impact concerns associated with this project. [Special Condition No. 6](#) and [Special Condition No. 7](#) are attached to ensure the City implements the proposed construction and post-construction BMPs, thus ensuring short and long-term protection of coastal water quality and the nearby native vegetation.

Therefore, as conditioned, the proposed development is consistent with all applicable biological resource and water quality protection policies of the Coastal Act and the certified LCP.

#### **D. LOCAL COASTAL PLANNING**

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

Although the City of Del Mar has a certified LCP and the subject site is located in the City of Del Mar, the site was determined to be in an area of the Commission's original jurisdiction pursuant to Section 30613 of the Coastal Act. In areas of original jurisdiction, Chapter 3 of the Coastal Act is the legal standard of review, with local planning documents used as guidance. The preceding findings have demonstrated that the proposed development, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City of Del Mar to continue to implement its certified LCP.

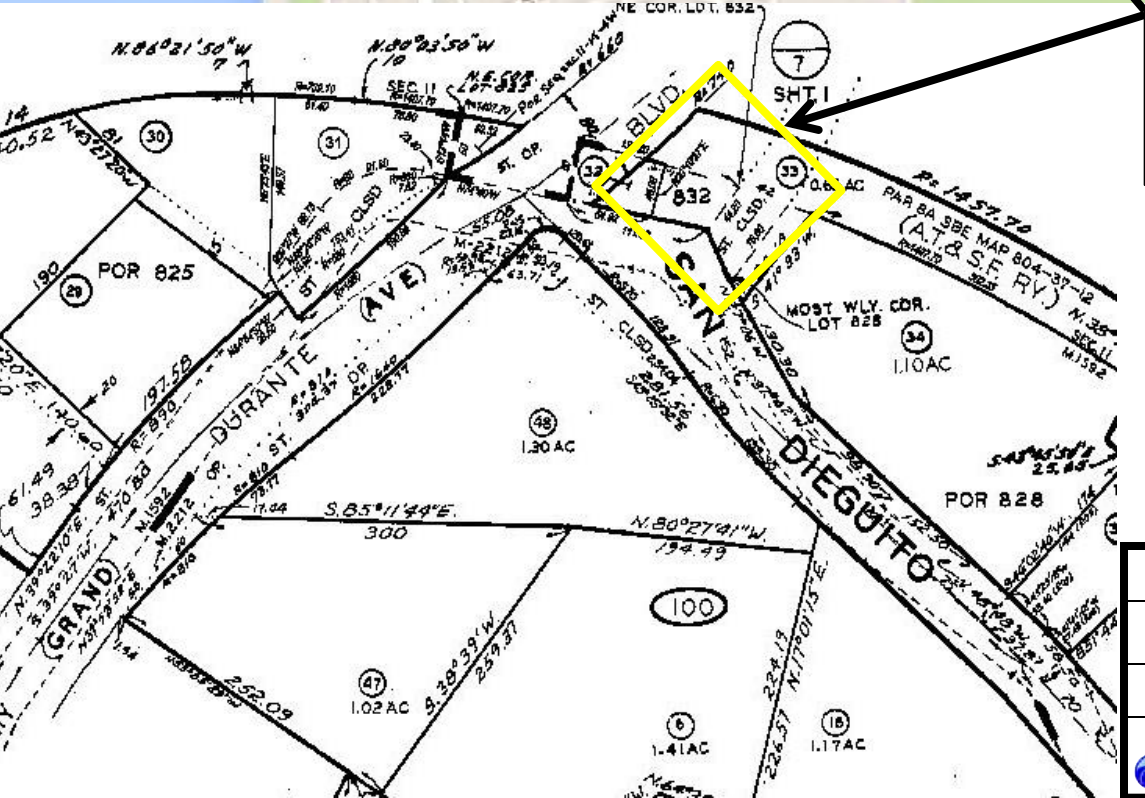
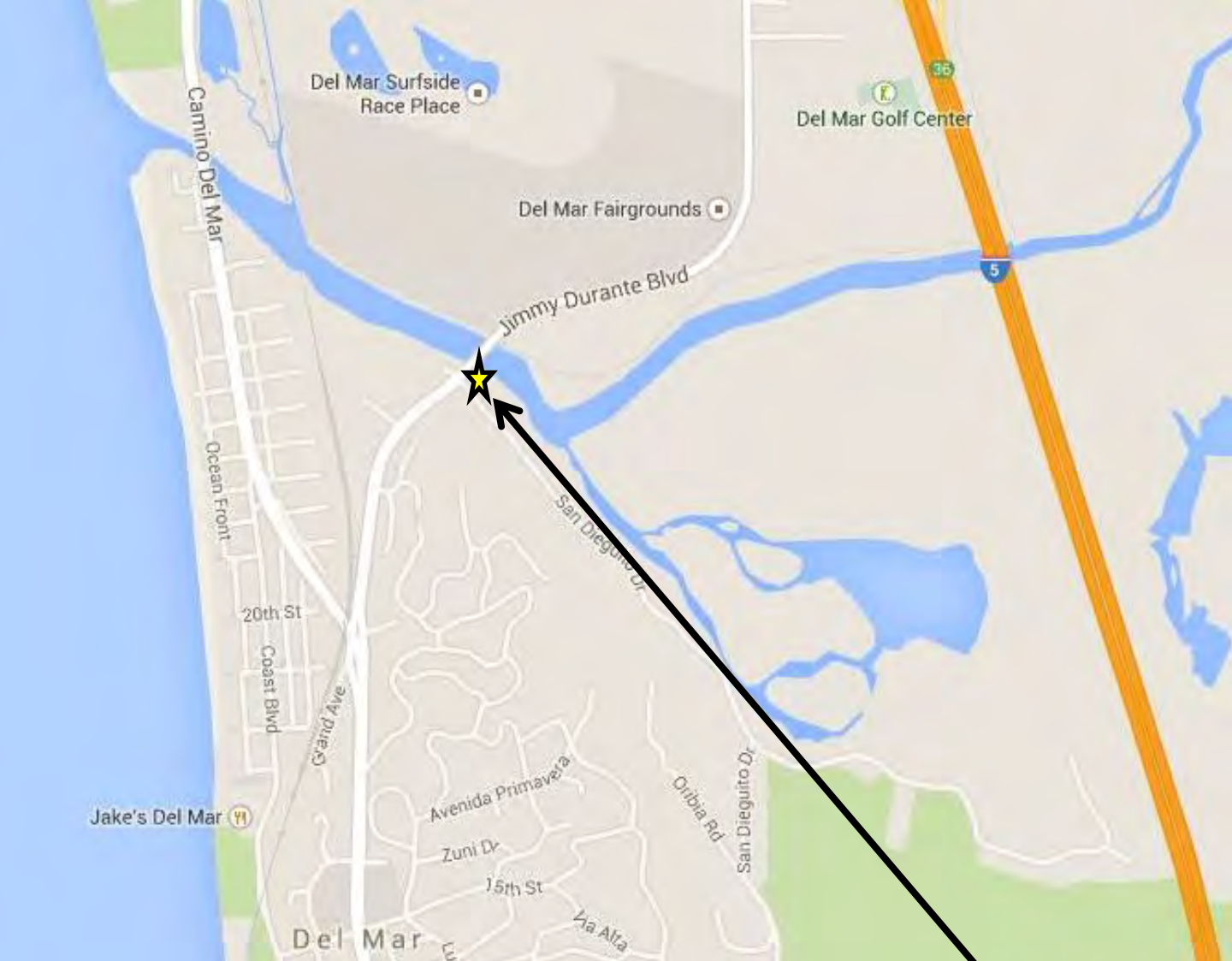
#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 the protection of biological resources and coastal water quality 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA

## **Appendix A – Substantive File Documents**

- City of Del Mar certified Local Coastal Program
- Appeal A-6-DMR-14-0051
- Appeal A-6-DMR-04-024, and subsequent amendments



**Subject Site**



EXHIBIT NO. 1  
APPLICATION NO.  
**6-15-0081**  
Vicinity Map



**Subject Site**



EXHIBIT NO. 2  
APPLICATION NO.  
**6-15-0081**  
Aerial View

JIMMY DURANTE BLVD



EXHIBIT NO. 3  
APPLICATION NO.  
**6-15-0081**  
Site Plan



Project Boundary

100' Survey Area

Data Stations

**City of Del Mar Data**

Survey Date

Buildings

**Special-Status Species**

*Juncus acutus* ssp. *leopoldii* - Southwestern spiny rush

**Jurisdictional Resources**

ACOE/RWQCB/CCC wetlands, CDFW riparian area

ACOE/RWQCB/CCC non-wetland waters, CDFW streambed

Vegetation Communities

CBM, Coastal Brackish Marsh

CSS, Diegan Coastal Sage Scrub

DEV, Urban/Developed

DH, Disturbed Habitat

EUC, Eucalyptus Woodland

ORN, Ornamental

OW, Open Water



FIGURE 3

**Biological Resources Map**

EXHIBIT NO. 4

APPLICATION NO.

**6-15-0081**

Biological Resources

Map



California Coastal Commission