

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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original staff report

W11a

Addendum

July 12, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 11a**, Coastal Commission Permit Application
#6-15-2123 (Del Mar Paid Parking Program), for the Commission Meeting
of July 13, 2016

The purpose of this addendum is to attach the City's response to staff's recommendation as Exhibit #8.

1. Add the following Exhibit: Exhibit #8 – Applicant's Response to Staff Recommendation



City of Del Mar



July 8, 2016

Ms. Diana Lilly
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421

Re: Application No. 6-15-2123 (Del Mar Paid Parking Program, Del Mar) – City of Del Mar Requested Modifications

The City has concerns about the June 23, 2016 California Coastal Commission (CCC) staff report for the above-referenced Coastal Development Permit (CDP) application. The CCC report does not accurately reflect the proposed City of Del Mar's application; and does not represent the entirety of the information provided to the CCC last December (2015), along with the additional information that was provided to the CCC after the item was pulled from the scheduled CCC hearing in June by Commission staff. As you know, the City and CCC staff met in June to discuss the remaining concerns and/or questions regarding this application. The City, working in cooperation with CCC staff, provided the additional economic and geographic details and constraints associated with the proposed meters (which included expenditure costs, such as CIP information), and agreed to remain consistent with the other approved meters (up to \$3.00 per hour) and to include a flat rate (all-day user fee of \$15).

The City's original proposal (received by Commission staff on December 23, 2015, and not included as part of the Commission staff report packet) was for variable rate paid parking to provide street parking within the City's prime beach areas and commercial locations, including impacted areas adjacent to the Fairgrounds, totaling 392 spaces, as follows:

- All existing paid parking areas (totaling 185 parking spaces);
- 58 existing free (unmetered) parking spaces; and
- 149 new parking spaces (created solely for increased public "visitor" access purposes)

The proposed variable rate parking limitations were consistent with CDP 6-15-0081, approved by the Coastal Commission on May 13, 2015 for a 37-space, paid, recreational access public parking lot located at the northeast corner of San Dieguito Drive and Jimmy Durante Boulevard – approximately half-a-mile from the North Beach area of the subject application. This CDP permitted the following parking restrictions:

- Maximum rate of \$3.00 per hour;
- 4-hour maximum time limit;
- No minimum hourly rate;

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EXHIBIT NO. 8

APPLICATION NO.

6-15-2123

Applicant's Response to

Staff Recommendation



California Coastal Commission

- Between the hours of 5:00 a.m. and 2:00 a.m.; and
- Maximum rate fees to increase by no more than 10% annually

Additionally, the same maximum hourly rate and 4-hour maximum time limit were also approved under CDP11-05 in July 2011 for paid parking at 29th Street, which was not appealed by the CCC.

Based on discussions with Commission staff at a June 7, 2016 coordination meeting, where CCC staff expressed concerns about the proposed 4-hour maximum time limit and the \$3.00 per hour maximum rate, the City revised the original application and presented these revisions in a memorandum (with associated attachments). The City outlined the economic substantiation for the proposed rates, including the costs to the City to complete the public access improvements and maintain that infrastructure (long-term) within the City. It also explained the impacts to the City's resources and infrastructure that occur from the high volume of visitors that frequent the City's beaches and other recreational destinations, including the Fairgrounds. The revised parking restrictions were included in the "Project Description" section of the Commission staff report. However, the City's memorandum and numerous other exhibits provided by the City throughout the application process, were not included as part of the Commission staff report exhibits. These exhibits, including maps of the paid parking locations, are important references to include as part of the Commission staff report in order to properly illustrate: large areas of free parking that remain open to the public as well as issues that the City faces in addressing traffic, parking concerns (such as safety), and the costs of completing and maintaining visitor-serving public improvements/services (including: streets, sidewalks, bicycle lanes, beach bathrooms, beach and street cleaning, safety and maintenance staff, such as fire, EMT, lifeguard, and police personnel, etc.). The paid parking meters assist in off-setting these costs for the City to continue to maintain and provide visitor-serving public access improvements.

Commission Staff's Suggested Modifications (Per the June 23, 2016 Commission Staff Report):

- **Special Condition #1** revises the operating parameters to lower the rate to \$2.00/hour during peak season and \$1.00/hour during non-peak season, regardless of holidays and special events, and reduces the hours that fees are collected to the hours between 6:00 a.m. to 10:00 p.m.
- **Special Condition #2** authorizes the program for a period of two years with an extension contingent on results from a parking monitoring program as defined by **Special Condition #3**.
- **Special Condition #3** requires monitoring to allow the Commission to re-assess the situation with more information and determine if and how public access is affected.

City of Del Mar Requested Modifications:

- Apply the originally proposed maximum rate of \$3.00 per hour;
- No maximum time limit;
- No minimum hourly rate;
- Proposed hours would be from 5:00 a.m. until 11:00 p.m. (with no overnight parking allowed between 11:00 p.m. and 5:00 a.m.);

July 8, 2016

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- The maximum hourly rate could increase annually by no more than 10%;
- Permanent approval of permit (in contrast to the Commission staff proposed two-year authorization), subject to any substantial issues identified by Coastal Commission staff;
- Monitoring report to be an annual report providing a summary of the revenues generated, related public access expenditure, monthly parking counts

Overall, the requested modifications will provide revenue to help offset the significant operating expenses and impacts associated with providing visitor-serving public access infrastructure (improvements, and long term maintenance) and services for the more than 2 million visitors that frequent the community of Del Mar, the smallest city within San Diego County. The project is consistent with the City's Local Coastal Plan (LCP), including Land Use Plan Policies IV-16 and IV-29), and the provisions of Chapter 3 of the Coastal Act.

Should you require any additional information or materials to further clarify the requested modifications to this application, please do not hesitate to contact me.

Sincerely,



Rick Casswell
Associate Planner
Cc: File

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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W11a

Filed: 3/4/16
180th Day: 8/31/16
Staff: S. Richmond-SD
Staff Report: 6/23/16
Hearing Date: 7/13/16

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-15-2123

Applicant: City of Del Mar

Agent: Rick Casswell

Location: Seven public city streets: Via de la Valle (south side, Jimmy Durante to Camino del Mar); Border Ave. (south side); Camino del Mar ("North", east and west sides, Via de la Valle to San Dieguito River); 29th St. (north side); 17th St. (north side of parking lot behind lifeguard tower); Coast Blvd. (east and west sides, 17th St. to 15th St.); Camino del Mar ("South", west side, approximately 1,000 ft. stretch north of intersection with Carmel Valley Rd.), Del Mar, San Diego County.

Project Description: After-the-fact authorization of installation of existing automatic payment machines; installation of 11 new payment machines; and implementation of new variable rate paid parking program for 392 parking spaces. Hourly rates at all locations to consist of \$3 per hour during peak season, \$2 per hour during non-peak season, with a \$15 maximum day use fee.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The City's proposed parking program would implement the following fee schedule:

- Hourly parking fees of \$3.00 during peak season (May – September) and holidays, special events, and the fall race season;
- Hourly parking fees of \$2.00 during non-peak season (October – April);
- Maximum day use fee of \$15.00 year-round;

6-15-2123 (City of Del Mar)

- A 10% annual increase in fees; and
- Hours of operation between 5:00 a.m. and 11:00 p.m., with an exception to special events, which could extend beyond 11:00 p.m.

The City has stated that the goal of the parking program is to encourage turnover and thereby increase the availability of parking spaces to beach visitors. The program would also generate revenue to help the City recover the costs it expends in providing lifeguard services, parking enforcement, beach maintenance, and other amenities associated with safe public access to the beach. Installation of the automatic payment machines and implementation of the new variable rate paid parking program constitute development under Coastal Act Section 30106 because it involves installation of structures and a change in intensity of use and of access to water associated with the public's ability to pay for beach access.

The proposal would affect 392 of the City's estimated 1,000 public parking spaces that provide beach access (see Exhibit #1). These spaces are currently a mix of free and paid parking, some previously authorized by the Commission, and others operating without ever receiving a coastal development permit. Of the 392 on-street spaces affected by the parking proposal, 243 are existing spaces and 149 are new spaces recently created through CDP 6-15-1199-W. Of the 243 existing spaces, 58 are currently free spaces with no time limit, 10 are spaces with an authorized \$3.00/hour flat fee and 4-hour time limit (City of Del Mar CDP 11-05), and 175 are spaces with an expired/unauthorized fee and/or time limit (CDPs #6-94-113, -A1; A-6-DMR-04-24, -A1, -A3). The 11 new pay stations would be installed to implement the proposed parking program for the 149 new spaces recently created by CDP #6-15-1199-W. Of these 149 new spaces, 91 are on Via de la Valle approximately 0.5 miles from the nearest beach access at the Del Mar river mouth.

The primary Coastal Act issue raised by the project is potential impacts that paid parking has on public access and recreation. High fees limit the ability of the public to use and access the shoreline, and when fees are not comparable to those charged at similar facilities, usage patterns tend to shift to the lower cost areas, putting an additional burden on those areas. The City's proposed maximum hourly rates of \$3.00/hour during peak season and \$2.00/hour during non-peak season, which would be enforced between 5:00 a.m. – 11:00 p.m. daily, are considerably higher than those charged in similar communities, and significantly higher than hourly parking rates that the Commission has previously approved for Del Mar. In the adjacent coastal communities of Solana Beach, Encinitas, Carlsbad and La Jolla, beach parking in similar, primarily residential areas is free (e.g., Fletcher Cove and La Jolla Shores).

In Del Mar, past Commission authorizations of fees up to \$1.50/hour (9:00 a.m. – 8:00 p.m.) along public streets were mostly located in commercially-oriented areas. Specifically, CDP #6-94-113 and -A1 aimed to discourage attendees of Del Mar Fairgrounds events from using beach parking in the very northern part of the city, which would improve beach access, while the new parking fees approved through A-6-DMR-04-24, -A1, -A3 also included the provision of new public access benefits (bike racks and benches), and affected only the very southern part of the city where public access to the

beach is via an unimproved, rocky, narrow, dirt trail that impeded access for many, including the elderly and disabled. Thus, the imposition of \$2-\$3 fees on areas that are currently either free or approved at up to \$1.50 would be a substantial increase.

Many beach communities offer free on-street parking adjacent to the beach. In addition, most Commission authorizations for paid on-street parking have been in commercial areas (e.g., CDP 5-98-156-A20/Long Beach) or in off-street parking lots where parking has been specifically developed and set aside for beach users (e.g., CDPs #5-13-0507/City of Newport Beach-Corona del Mar State Beach, #5-13-0351/California Dept. of Parks and Rec.-San Clemente State Beach, #5-13-0506 City of Newport Beach—Balboa Pier Beach Parking Lot). Exhibit #5 shows four Southern California beach communities where the Commission has approved paid parking programs, and of these locations, one has a \$1.50 maximum hourly rate, two have a maximum hourly rate of \$2, and one (Corona del Mar) has a variable fee program where hourly fees range from \$1.50 to \$4 on weekends.

Given that similar coastal communities typically do not charge for on-street beach parking, that the City's proposal affects substantially more parking than previous Commission authorizations, and that the City's proposed fees are higher than those approved by the Commission in the past, the City's proposed variable rate paid parking program could result in a reduction of the public's ability to access and recreate at Del Mar's shoreline, inconsistent with the public access and recreation policies of the Coastal Act that protect lower cost visitor and recreational facilities.

Therefore, staff is recommending three special conditions to minimize these impacts. **Special Condition #1** revises the operating parameters to lower the rate to \$2.00/hour during peak season and \$1.00/hour during non-peak season, regardless of holidays and special events, and reduces the hours that fees are collected to the hours between 6:00 a.m. to 10:00 p.m. This ensures that the operating parameters are reasonable, easily defined, and in the best interest of the public at large by making the project comparable to on-street parking in similar coastal communities, consistent with past Commission approvals. **Special Condition #2** authorizes the program for a period of two years with an extension contingent on results from a parking monitoring program as defined by **Special Condition #3** that requires monitoring to allow the Commission to re-assess the situation with more information and determine if and how public access is affected. Therefore, as conditioned, the subject proposal is consistent with all applicable public access and recreation policies of the Coastal Act.

Commission staff recommends **approval** of Coastal Development Permit Application No. 6-15-2123 as conditioned.

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Vicinity map showing seven affected public streets](#)

[Exhibit 2 – Summary of existing and authorized operating parameters](#)

[Exhibit 3 – Support for parking proposal provided by the City](#)

[Exhibit 4 – Memorandum of Peter Douglas Re: Coastal Development Permit Required When Imposing or Increasing Fees or Modifying the Hours of Operation of Public Beaches or Public Beach Parking Lots, Piers or Boat Launching Ramps, Dated October 29, 1993](#)

[Exhibit 5 – Fee comparison](#)

[Exhibit 6 – Baseline conditions](#)

[Exhibit 7 – Letter of opposition](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-15-2123 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 No. 6-15-2123 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. **Operating Parameters.** The paid parking program shall operate under the following parameters:
 - a. The hourly parking fee shall be no higher than \$2.00 (May – September) and \$1.00 (October – April).
 - b. The maximum day use fee shall be no more than \$15.00.
 - c. The fees shall be in effect only between the hours of 6:00 a.m. and 10:00 p.m.
 - d. The maximum fees for each season shall be in effect regardless of holidays, weekends, or special events.

The applicant 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, including an increase in fees, 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. **Term of Permit.** The permit approved herein shall be valid for two years from the date of Commission action. Retention of the permitted variable rate paid parking program beyond the two-year time period shall require further action by the Commission as an amendment to this permit. No additional paid parking or other parking restrictions may be permitted within the project area until the Commission evaluates the results of the two-year monitoring program pursuant to Special Condition #3.

3. **Parking Monitoring Program.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a parking monitoring program. The goal of the monitoring is to determine the effects of the paid parking program on public access and revenue for beach services on weekdays, weekends, and peak and non-peak periods. The monitoring program shall analyze data collected in the automatic payment machines and, at a minimum, incorporate the following:

- a. Monitoring shall be conducted and data collected throughout the two-year term for which the permit authorizes the variable rate paid parking program.

- b. Monitoring shall occur along:
 - i. Proposed parking areas: (1) Via de la Valle (south side, Jimmy Durante to Camino del Mar); (2) Border Ave. (south side); (3) Camino del Mar (“North”, east and west sides, Via de la Valle to San Dieguito River Bridge); (4) 29th St. (north side); (5) 17th St. (north side of parking lot behind lifeguard tower); (6) Coast Blvd. (east and west sides, 17th St. to 15th St.); and (7) Camino del Mar (“South”, west side; approximately 1,000 ft. stretch north of intersection with Carmel Valley Rd.).
 - ii. All public streets and other public parking lots within a 1,000-foot radius of proposed parking areas.
- c. From the date the proposed parking program begins to collect fees, monitoring for parking areas shall occur on:
 - i. One Saturday, Sunday, and weekday each month, and every holiday, during peak season (May – September).
 - ii. One Saturday, Sunday, and weekday each month during non-peak season (October – April).
 - iii. Monitoring of the proposed parking areas shall occur on the same day as monitoring of the public streets and other public parking lots within a 1,000-foot radius.
- d. Monitoring shall consist of:
 - i. Parking counts taken each hour between 10:00 a.m. and 4:00 p.m. on every monitored day.
 - ii. Recordation of the parking rate in effect, type of fee paid (hourly or daily), temperature, weather (e.g., wind, precipitation), and surf conditions during each count.
 - iii. Documentation of percentage occupancy and turnover rates in the proposed parking areas and on public parking within 1000-foot radius.

Annual monitoring reports shall be submitted to the Coastal Commission within 60 days of the end of the first and second years of operation of the proposed parking program. Annual reports shall include occupancy and turnover data presented in tables and graphs for each of the proposed parking areas and shall compare usage within these areas with baseline conditions (**Exhibit #6**) and with surrounding public streets and other public parking lots. Annual reports shall also include a detailed annual financial statement of the total amount of fees collected, costs associated with maintaining beach access, an accounting of where the money was spent, and an accounting of maintenance and operations improvements that were achieved through the fee program.

The applicant shall undertake monitoring 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; including any reduction in intensity of monitoring

efforts, 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

The City of Del Mar proposes a new paid parking program to apply to a total of 392 parking spaces along seven public city streets in prime beach areas of the City (Exhibit #1). Of the 392 spaces, 243 are existing spaces and 149 are new spaces recently created by CDP 6-15-1199-W (Exhibit #2). Of the 243 existing spaces, 58 are currently free spaces with no time limit, 10 are spaces with an authorized \$3.00/hour flat fee and 4-hour time limit (City of Del Mar CDP 11-05), and 175 are spaces with an expired/unauthorized fee and/or time limit (CDPs #6-94-113, -A1; A-6-DMR-04-24, -A1, -A3; see **Section B. History**). Thus, the project includes after-the-fact authorization of installation of automatic payment machines, reprogramming of existing machines, and installation of 11 new, 5 ft. high, 1-ft. wide pay stations to serve the new spaces. The new pay stations would be bolted in place within the paved right-of-way.

The City's proposal consists of the following operating parameters:

- Hourly parking fees of \$3.00 during peak season (May – September) and holidays, special events, and the fall race season;
- Hourly parking fees of \$2.00 during non-peak season (October – April);
- Maximum day use fee of \$15.00 year-round;
- A 10% annual increase in fees; and
- Hours of operation between 5:00 a.m. and 11:00 p.m., with an exception to special events, which could extend beyond 11:00 p.m.

No limits on the length of time during which a patron can park are included in the proposal.

The City estimates that it provides approximately 3,000 public parking spaces, 1,000 of which are used for beach access. The City shoreline is 2-miles long and most of the beach access parking is located in the mile north of 15th St., as the mile south of 15th St. requires illegally crossing North County Transit District railroad tracks and scaling steep bluffs via informal trails to reach the beach. The City is characterized by predominantly residential development, with a small commercial community located downtown around 15th St. While some of these downtown parking spaces have time restrictions, the only parking spaces in the City that currently charge fees are the 185 identified in this proposal.

The City has indicated that the goal of the proposed program is to encourage turnover in popular beach areas, thereby increasing the availability of visitor parking spaces during both daily and seasonal peak times. In addition, the program would generate revenue to

help the City recover the costs it expends in providing safe public access to the beach (**Exhibit #3**). The City reports that this includes lifeguard services, parking enforcement, beach maintenance (grooming), trash and recycling receptacles including dog waste bags, and a number of new amenities such as portable toilets, bike racks, and bike repair stations. The City also reports that it has to absorb inflation adjustments associated with public works employee staff salaries and contractors' service agreements associated with beach amenities. Although revenue generated from parking fees goes into the City's general fund, the City states that the proposed paid parking program would help account for the increasing costs of maintaining safe beach access for residents and visitors. The City reports that it serves over 2 million visitors a year and that this number is increasing.

The Coastal Act defines "development" as including, among other things, a "change in the intensity of use of water, or access thereto" (Section 30106). In addition, the Commission has considered the imposition of any fee, any fee increase of 25% or more in any given year, or of 50% or more on a cumulative basis over any three consecutive year period as a change in the intensity of use requiring a permit (**Exhibit #4, p. 2**). Accordingly, new parking fees and time limits constitute development because they affect the affordability and convenience of public access to the coast that results in a change in intensity of use, and new pay stations constitute development because they require the installation of structures.

The City of Del Mar has a certified Local Coastal Program (LCP). Portions of the project are located within the Commission's original jurisdiction, while other portions of the project are located within the City's CDP jurisdiction and the Commission's appeal jurisdiction. At the request of the City, the project is being processed as a consolidated permit pursuant to Coastal Act Section 30601.3. Therefore, Chapter 3 of the Coastal Act is the standard of review with the City's certified LCP used as guidance.

B. HISTORY

The Commission has previously approved permits and permit amendments for two paid parking programs in the City that were designed to increase the availability of parking spaces to beach visitors and generate revenue for lifeguard services, parking enforcement, beach maintenance, and other amenities (CDPs #6-94-113, -A1; A-6-DMR-04-24, -A1, -A3). Both past parking programs are included within the project area of the subject development.

In October 1994, the Commission approved CDP #6-94-113 for the installation of pay stations and a metering system along the west side of Camino del Mar (North) between Via de la Valle and San Dieguito River Bridge and along the south side of Border Avenue. This was one of the first proposals in San Diego County for paid beach parking, and was aimed to discourage attendees of the Del Mar Fairgrounds events from use of beach parking in this area. The City also indicated that the project was an attempt to create a paid parking area comparable to State Parks, which at the time, charged for day use at Cardiff and Torrey Pines State Beaches to the north and south, respectively (CDPs XS-91-1 through 16), and therefore evenly distribute the level of beach use in the vicinity. The permit allowed the installation of pay and display machines that charged

\$1.00/hour between the hours of 9 a.m. and 8 p.m. The pay and display system had a maximum 4-hour limit per ticket purchased; however, users could purchase additional tickets after that time period expired in order to stay longer. The permit was approved for a one-year period, with monitoring required to assess the potential impacts on public access.

In February 1996, the Commission reviewed an amendment to the permit (CDP #6-94-113-A) to allow the then existing paid parking and metering system to remain permanently. The Commission found that the data obtained from the monitoring program showed a clear decrease in utilization in the paid parking area. Staff was also informed that residents north of Border Avenue were having problems finding free street parking as a result of the installation of meters nearby. Furthermore, the City acknowledged that it did not accurately compile turnover rates during the monitoring period. As a result, the Commission determined that more information was needed, including beach attendance figures and revenue and maintenance costs of the paid parking program, to determine potential impacts to public access opportunities within the project area. The Commission extended the permit for another year to allow the City to collect this information. However, the City did not submit this information or file a subsequent amendment, despite the fact that retention of the paid parking program per the approved operating parameters (i.e., \$1.00/hour, no time limit) required further action by the Commission. As discussed in **Section D. Unpermitted Development**, the City has since been operating paid parking programs in these areas without benefit of a CDP.

CDP #A-6-DMR-04-24, approved on appeal in June 2004, involved the installation of pay stations along Camino del Mar (South). This permit allowed the installation of new pay and display meters charging \$1.50/hour between the hours of 9 a.m. and 8 p.m. There was no maximum time limit set on the use of spaces. The permit was approved for a one-year period, with monitoring required to assess the potential impacts on public access. In this case, the Commission found that the imposition of a fee was acceptable in part because the project included public access benefits, consisting of placement of bicycle racks and viewing benches, where the only public access to the beach is via an unimproved, rocky, narrow, dirt trail that impeded access for many, including the elderly and disabled.

Subsequent to the original approval, the City submitted a total of three amendment requests. CDP #A-6-DMR-04-24-A1 requested that the Commission allow the paid parking and metering system to remain permanently. However, 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 an immaterial amendment to keep the machines in operation while the first amendment was being processed. Before notice of the immaterial amendment request was 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.

While the City installed the bicycle racks and viewing benches required under CDP #A-6-DMR-04-24, it did not conduct any formal monitoring. Thus, there was no information available to the Commission to assess the potential impacts of the paid parking program on public access. Therefore, in October 2005, the Commission did not grant the City's request for a permanent parking program, but issued CDP #A-6-DMR-04-24-A1 allowing the program to continue for an additional year, with a detailed monitoring program for the City to implement, particularly so that the City could assess the summer season, when beach access is in greatest demand and impediments to access, such as parking fees, would be most significant.

In CDP #A-6-DMR-04-24-A3, Commission staff reviewed data obtained from the monitoring program and found no significant spillover effects due to beach parking occurring in the surrounding neighborhoods. While there was no time limit set on the parking spaces, the monitoring data also documented a high turnover rate. Furthermore, the monitoring data indicated that, outside the three summer holidays when all county beaches are at peak use, weather and surf conditions dictated the level of use of the site. As a result of the City's compliance with special conditions, the Commission authorized the paid parking program to remain permanently per the approved operating parameters (i.e., \$1.50/hour, no time limit). However, changes to these operating parameters required reporting to the Executive Director and an amendment to the CDP, unless the Executive Director determined that an amendment was not legally required. As discussed in **Section D. Unpermitted Development**, the City implemented a 4-hour time limit in this area without benefit of a CDP.

Finally, it should be noted that the City's records for installation and implementation of paid parking programs within the project area of the subject development indicate several additional paid parking areas have been established without CDPs issued by the City or the Commission. In June 2004, the City passed Ordinance 645 establishing a parking rate of \$1.00/hour along Camino del Mar (North) and Border Ave. Then, in June 2005, the City passed Resolution 2005-33 establishing a parking rate of \$2.00/hour along Camino del Mar (North) and 17th St. And in July 2009, the City passed Ordinance 832 establishing a parking rate of \$3.00/hour along Camino del Mar (North), Coast Blvd., and 17th St. In July 2011, City CDP 11-05 authorized installation of pay stations and implementation of a \$3.00/hour parking rate and 4-hour time limit affecting 10 spaces along 29th St., which was not appealed. Thus, the City is missing CDPs authorizing the installation of pay stations at 17th St. and Coast Blvd. and consequently the Commission did not have an opportunity to review these paid parking programs. All of the City's unpermitted existing paid parking areas have been incorporated into the current permit request.

In May 2015, the Commission approved a permit for establishment of a temporary paid public parking lot on an existing gravel lot 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 (CDP #6-15-0081). That lot provides public trailhead parking for the several public access and recreation trails and areas that can be accessed within walking distance of the 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 site does not provide beach access. The Commission approved fees at that location with an hourly parking fee of 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 can be no more than \$3.00 with a 4-hour parking time-limit to prevent competition with fairgrounds parking while maintaining lower rates during lower demand times. The Commission also required the provision of bicycle racks on-site to provide a free alternative to vehicular paid parking, and allowed the maximum fees referenced to increase by no more than 10% annually.

C. PUBLIC ACCESS AND RECREATION

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

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:

(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...

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.

Section 30214, 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.*

In addition, Policy Goal IV-D of the City's Land Use Plan (LUP), used for guidance for this consolidated permit, sets the goal to:

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

As detailed above, the Commission has on several past occasions in the City of Del Mar supported collection of fees for parking or other public services, particularly when fee revenues are used to upkeep municipal services, such as safe public access to the beach. Many of the urbanized areas of California's coastline have some form of parking fee or program, although most rural areas of the state tend to not have fees for beach parking. While the City already operates a paid parking program in prime beach areas, the majority of the existing paid/time-restricted parking is operating without benefit of a CDP and without Commission review and approval. Expansion and formal authorization of the program raises public access concerns that the proposed fees will excessively restrict the use of these areas by the general public.

The Commission's main concern in regard to paid parking programs is that the operating parameters of such a program should not unreasonably interfere with the public's ability to access the shoreline or discourage the use of public visitor and recreational facilities. Fees should be comparable to those charged at similar public facilities in the region (**Exhibit #5**). This exhibit shows fees rates for seven southern California beach areas: Fletcher Cove in Solana Beach (the community immediately adjacent to Del Mar to the north), La Jolla Shores in the City of San Diego, Newport Beach, The Pike (City of Long Beach), Corona del Mar State Beach, San Clemente State Beach, and Balboa Pier Parking

Lot. The first three have entirely free beach parking. Like Del Mar, Newport Beach is a tourist destination in Orange County and on-street parking in residential areas is free.

The Commission has approved permits for paid parking at Balboa Pier Beach Parking with an hourly rate of \$1.50. The Pike and San Clemente State Beach have been approved for an hourly rate of \$2 (up to \$4 on holidays), and Corona del Mar State beach has a variable rate ranging from up to \$1.50 to up to \$4 on weekends. It is important to point out that most Commission authorizations for paid on-street parking are in commercial areas (e.g., CDP #5-98-156-A20/Long Beach) or in off-street parking lots (e.g., CDP #5-13-0507/City of Newport-Corona del Mar State Beach, #5-13-0506 City of Newport Beach—Balboa Pier Beach Parking Lot and CDP #5-13-0351/California Dept. of Parks and Rec.-San Clemente State Beach) where public lots have been specifically set aside to provide recreational beach parking. In contrast, the preponderance of beach parking in Southern California is free along public streets, and this is especially the case in North San Diego County where nearly all of the on-street beach parking is free.

Thus, the City's proposed hourly rate of \$3.00/hour during peak season and \$2.00/hour during non-peak season would be higher than those charged in similar communities. Even in Del Mar, past Commission authorizations of fees up to \$1.50/hour would translate, after being adjusted for inflation, to fees today of less than \$2.00/hour. In addition, as previously described, these past authorizations addressed specific issues (discouraging attendees of Del Mar Fairgrounds events from using beach parking in the very northern part of the city and providing new public access benefits in the very southern part of the City where access is limited) and are much less far-reaching than the City's subject proposal.

Furthermore, the City's definition of peak season to also include special events, holidays, and the fall race season is more expansive than past Commission decisions (e.g., CDP #5-13-0507/City of Newport-Corona del Mar State Beach), which defined peak season only as May-September, and not necessarily consistent with peak season being the period of time when there is typically high demand for beach parking during warm, sunny weather. Because the goal of the proposed program is to increase the availability of visitor parking spaces during both daily and seasonal peak times, the City's definition of peak season results in unnecessarily high hourly rates even when parking is likely to be available, and therefore, the cost may adversely impact public access and recreation.

Commission staff has been coordinating with City staff on the specific goal of meeting the Coastal Act's policies of maximizing public access and protecting lower cost visitor and recreational opportunities on public land while also recognizing the City's need to fund operations and maintenance at the City's beaches. After discussions with Commission staff, the City agreed to eliminate the 4-hour time limit initially part of the subject proposal and implement a maximum day use fee. The City's proposed \$15.00 daily rate is still fairly high given that so many similar locations have free parking, but is comparable to an 8-hour beach day assuming a \$2.00 hourly rate. (see **Special Condition #1** described below) as well as daily rates in state beach parking lots.

However, the City's proposed hours of operation (5:00 a.m. – 11:00 p.m.) are more restrictive than on-street beach parking in similar coastal communities and State beach parking lots. Based on occupancy information provided by the City in the proposed parking areas (**Exhibit #6**), parking generally fills up by the afternoon on weekdays during the summer and many weekends, regardless of the season, in all but one (Via de la Valle) of the proposed parking areas. Specifically, baseline parking conditions are as follows:

1. Via de la Valle: Parking does not fill up;
2. Border Ave.: Parking 100% full by the afternoon on many weekends, regardless of the season;
3. Camino del Mar (North): Parking 100% full by the afternoon on weekdays during the summer and many weekends, regardless of the season;
4. 29th St.: Parking 100% full by the afternoon on many weekends, regardless of the season;
5. 17th St.: Parking 100% full by the afternoon on weekdays during the summer and many weekends, regardless of the season;
6. Coast Blvd: Parking 100% full by the afternoon on weekdays during the summer and many weekends, regardless of the season; and
7. Camino del Mar (South): 100% full by the afternoon on many weekends, regardless of the season.

Thus, it does not appear necessary to charge fees early in the morning or late at night because there are available spaces during these time periods and the City's proposal aims to use fees to encourage turnover. As such, the Commission finds the hours of operation should be limited to 6:00 am to 10:00 pm consistent with similar public facilities (**Special Condition #1**). This will allow people who want to use the beach very early in the morning a short period of time without charge, but longer period visitors will still have to pay to park.

The City argues that the proposed hourly rates and extended hours of operation are needed to recover the costs it expends in providing safe public access to the beach. However, the information provided by the City in **Exhibit #3** does not detail why, for example, the specific fees of \$3/hour during peak season and \$2/hour during the non-peak season, are needed. Furthermore, costs such as seismic bridge upgrades appear unrelated to beach services. City staff have indicated that Del Mar is a unique community that requires higher parking rates than other Southern California cities, because it has little commercial revenue, being a largely residential community, and because it has to pay for street maintenance and other costs associated with hosting the Del Mar Fairgrounds.

However, many coastal communities are similarly situated with regard to costs and revenues (particularly the adjacent Solana Beach), and do not charge for on-street beach parking. The City's proposed hourly fees are higher and affect more spaces than past approvals by the Commission in Del Mar, and would limit the availability of visitor-serving parking and shift users to more affordable areas, increasing the burden on other public facilities. Similarly, since the City's proposed hours of operation are longer than

similar public facilities and past approvals by the Commission in Del Mar (between 9 a.m. and 8 p.m.), the proposed hours of operation would exacerbate impacts to public access and recreation.

In summary, the fee program proposed by the City would result in higher fees for visitor-serving beach parking than other coastal cities currently charge and what the Commission has approved for street parking elsewhere in Del Mar and Southern California. Allowing the rates proposed by the City would likely drive beach users away from Del Mar to less expensive locations, and could set a precedence for other coastal cities where currently no fees are charged to institute their own paid parking program, discouraging public access and recreation on a broad scale.

Therefore, **Special Condition #1** requires the program to be revised in four ways. First, it lowers the maximum variable rates to \$2.00/hour during peak season and \$1.00/hour during non-peak season. Second, **Special Condition #1** defines the peak season as May to September, regardless of holidays, special events, and the fall race season. Third, it restricts the hours fees are collected from 6:00 a.m. to 10:00 p.m. Fourth, it eliminates the provision that hourly fees can be increased 10% annually for increased expenses until additional information is obtained (see **Special Conditions #2 and 3** below). The Commission believes that these revised operating parameters achieve a reasonable balance between promoting public use and revenue generation. Thus, as conditioned, the City's fee program will help maximize public access to the beach and protect lower cost visitor and recreational facilities consistent with Section 30213, while still allowing the City to collect significant revenues to support beach services.

In previously reviewed parking programs for the City, the Commission initially authorized short-term approvals contingent on results from parking monitoring programs to assess public access impacts. The Commission found that while the level of impact on surrounding areas could not be fully determined until the pay stations and meters were installed, there would undoubtedly be those who could no longer afford to pay for parking and would either seek alternative transportation modes to get to the beach, seek free alternative parking in the near vicinity, or go to beach areas where parking is free. The Commission found that any such potential adverse impacts could be tolerated for a limited time period given the relatively small amount of parking affected and other public access opportunities in the City. Similarly, in this case, the Commission finds that allowing the parking limitations for a limited period, with monitoring of the implementation of the parking program, will not have significant adverse impacts on public access and recreation, and will allow the City to collect data that will be useful in evaluating future parking programs.

Therefore, like previously reviewed parking programs in the City, **Special Condition #2** authorizes the program for a short-term period of two years contingent on results from parking monitoring programs to assess public access impacts. As such, **Special Condition #3** requires monitoring to allow the Commission to re-assess the situation with more information and determine if changes to the operating parameters identified in **Special Condition #1** or mitigation measures are needed. Monitoring includes documentation of occupancy and turnover of parking spaces within the project area and

surrounding public streets and parking lots as well as the rates implemented, type of fees paid, and revenue collected.

In summary, the paid parking program, as proposed, would result in higher costs for people interested in spending a few hours at the beach. As conditioned to lower the hourly rates, shorten the peak season, condense the hours of operation, and eliminate annual fee increases during the initial permit authorization, the operating parameters will protect and preserve public access and lower cost visitor serving recreational facilities, and ensure the project is comparable to parking programs in similar coastal communities and facilities approved by the Commission. Therefore, as conditioned, the subject proposal is consistent with all applicable public access and recreation policies of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Act addresses scenic and visual qualities, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed parking program would involve installing eight pay stations along the south side of Via de la Valle and three pay stations along the east side of Camino del Mar (North). Each pay station will be 5 ft. high and 1 ft. wide. The meters will not block any views of the ocean and will not present a substantial impact to the visual resources of the community. While there are views from Camino del Mar (North) of the Pacific Ocean to the west and of San Dieguito Lagoon to the east, the three proposed pay stations on the east side of Camino del Mar (North) are not of a height and density so as to impede views of San Dieguito Lagoon. Thus, the Commission finds that the proposed development, as conditioned, is consistent with the visual resource policies of Chapter 3 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

As previously discussed in **Section B. History**, 175 of the 185 paid parking spaces in the City's proposal are operating without benefit of a CDP. The only authorized paid/time-restricted parking is at 29th St. (CDP 11-05). Retention of paid parking along Camino del Mar (North) and Border Ave. beyond the additional year and changes to the operating parameters authorized in CDP #6-94-113-A required further action by the Commission. Thus, the current fees of \$3.00/hour and \$1.50/hour along Camino del Mar (North) and Border Ave., respectively, and 4-hour time limit along both streets are unpermitted development. Similarly, implementation of a 4-hour time limit along Camino del Mar (South) represents a change in the operating parameters authorized in CDP #A-6-DMR-04-24-A3 and required reporting to the Executive Director. This also represents unpermitted development. Furthermore, the City failed to issue CDPs authorizing the

installation of pay stations at 17th St. and Coast Blvd. Therefore, the subject permit would incorporate all of these unpermitted existing paid parking areas into the proposed parking program.

Approval of the permit does not constitute admission of legality of any development undertaken without coastal development permit; nor does it constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred.

F. 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.

While the City of Del Mar has a certified LCP, portions of the project are located within the Commission's original jurisdiction, where the Commission retains permanent permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. At the request of the City, the project is being processed as a consolidated permit, with Chapter 3 of the Coastal Act is the standard of review with the City's certified LCP used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project as conditioned will not prejudice the ability of the City of Del Mar to continue to implement its certified LCP.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of CDPs 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 City found the proposed development to be exempt from CEQA (Cal. Code of Regs., Tit. 14, §§ 15301 [existing highways and streets].)

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 limiting the term of the permit and requiring monitoring to determine the effects of the variable rate paid parking program, 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

- Coastal Development Permit #6-94-113 (City of Del Mar), approved March 1995
- Coastal Development Permit #6-94-113-A (City of Del Mar), approved February 1996
- Coastal Development Permit #A-6-DMR-04-24 (City of Del Mar), approved June 2004
- Coastal Development Permit #A-6-DMR-04-24-A1 (City of Del Mar), approved October 2005
- Coastal Development Permit #A-6-DMR-04-24-A3 (City of Del Mar), approved October 2006
- Coastal Development Permit #5-13-0351 (California Department of Parks & Recreation), approved June 2013
- Coastal Development Permit #5-13-0507 (California Department of Parks & Recreation), approved March 2014
- Coastal Development Permit # 5-98-156-A20 (City of Long Beach & DDR Urban, LP), approved July 2015
- Coastal Development Permit #6-15-1199-W (City of Del Mar), approved September 2015
- Coastal Development Permit #6-15-0081 (City of Del Mar), approved May 2015

#2 Border Ave.

#1 Via de la Valle

#3 Camino del Mar (North)

#4 29th St.

#5
17th
St.

#6 Coast
Blvd.






#7 Camino del
Mar (South)

0 0.175 0.35 0.7 Miles

DEC 23 2015

CALIFORNIA
COASTAL COMMISSION

Existing paid parking

-  Lot, Coin (1)
-  Lot, Time Limit (1)
-  Machine, Pay & Display (11)
-  Meter, 1-head (2)
-  Meter, 2-head (31)

Sources: Esri, HERE, DeLorme
Corp., NRCAN, Esri Japan, ME
(Thailand), TomTom, MapmyIndia
and the GIS User Community

EXHIBIT NO. 1

APPLICATION NO.

6-15-2123

Vicinity map showing seven
affected public streets



California Coastal Commission

Location	Existing			Authorized			After-the-fact development	Number of new spaces (CDP #6-15-1199-W)
	Number of spaces	Hourly rate	Time limit	CDP	Hourly rate	Time limit		
1 Via de la Valle (south side; Camino del Mar to Jimmy Durante)	58	\$0	N/A				No	94
2 Border Ave. (south side)	12	\$1.50	4-hr	6-94-113, -A1	\$1.00	N/A	Yes - Expired fee, unauthorized time limit	0
3 Camino del Mar ("North"; west and east sides*; Via de la Valle to San Dieguito River Bridge)	63	\$3.00	4-hr	6-94-113, -A1	\$1.00	N/A	Yes - Expired fee, unauthorized time limit	55
4 29th St. (north side)	10	\$3.00	4-hr	11-05	\$3.00	4-hr	No	0
5 17th St. (north side of parking lot behind lifeguard tower)	16	\$3.00	4-hr	?	?	?	Yes - Unauthorized fee and time limit	0
6 Coast Blvd. (east and west sides; 17th St. to 15th St.)	34	\$3.00	4-hr	?	?	?	Yes - Unauthorized fee and time limit	0
7 Camino del Mar ("South"; west side; approximately 2,000 ft. stretch north of intersection with Carmel Valley Rd.)	50	\$1.50	4-hr	A-6-DMR-04-24, -A1, -A3	\$1.50	N/A	Yes - Unauthorized time limit	0
TOTAL SPACES		243					175	149

Notes

*There is currently no parking along the east side of Camino del Mar.

EXHIBIT NO. 2

APPLICATION NO.

6-15-2123

Existing/authorized
operating parameters



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



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CALIFORNIA
COASTAL COMMISSION
GENERAL COAST AREA

October 29, 1993

TO: Planning Directors of Coastal Cities and Counties, and Other Interested Persons

FROM: Peter Douglas, Executive Director *Peter Douglas*

SUBJECT: COASTAL DEVELOPMENT PERMIT REQUIRED WHEN IMPOSING OR INCREASING FEES OR MODIFYING THE HOURS OF OPERATION OF PUBLIC BEACHES OR PUBLIC BEACH PARKING LOTS, PIERS OR BOAT LAUNCHING RAMPS

The Coastal Commission has received numerous inquiries as to whether the imposition or increase of fees or making a change in operating hours of public beaches, shoreline parks or public beach parking lots, piers or boat launching ramps requires a coastal development permit. It appears these inquiries result from increasing pressures on local governments to charge fees and/or change the hours of operation of such facilities based on budgetary and public safety concerns. In addition to these inquiries, the Commission has taken action on several specific coastal development permit applications for such activities of which you should be aware. We think it appropriate to respond on a statewide basis and apologize for our delay.

The answer is yes, in most cases. For purposes of this communication, it is important to distinguish between the various types of facilities and actions being discussed. The descriptions below of the types of facilities referred to in this memorandum are not intended to constitute any sort of legal definition but rather provide the context for the discussion that follows. Public beaches refers to all sandy beach areas under public ownership or control, whether or not subject to the public trust. Shoreline parks are public recreation areas that may or may not include sandy beach located immediately adjacent to or in close proximity to state waters and which can be used by the public to gain access to such waters. Public parking facilities include any parking areas or portions of such areas (eg. parking lots, on-street or curbside parking spaces, parking structures) open to the public that are used by the public to gain access to public beaches or state waters. Public piers and public boat launching ramps are self-explanatory.

Pursuant to the California Coastal Act a coastal development permit is required for any "development", unless specifically exempted under a variety of provisions or procedures set forth in the Coastal Act or pursuant to other provisions of law (eg. the doctrine of vested rights). The Coastal Act defines "development" as including, among other things, a "...change in the intensity of use of water, or of access thereto...." (Public Resources Code Section 30106.) After a local coastal program (lcp) has been fully certified

EXHIBIT NO. 4

APPLICATION NO.

6-15-2123

Memo re: CDP Required
When Imposing Fees



California Coastal Commission

October 29, 1993

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for a city or county, the coastal development permit issuing responsibilities of the Commission are delegated to that local government. Coastal permitting responsibilities stay with the Commission for any development on any land or water areas subject to the public trust. In addition, certain coastal permit actions by local government are appealable to the Commission, including those for the types of facilities and actions that are the subject of this memo. Local coastal programs (lcps) have incorporated the Coastal Act definition of "development" requiring a coastal development permit from the local government implementing a fully certified lcp.

It is the Commission's position that any action which has the effect of changing the intensity of use of state waters or of access to such waters is a "development" for purposes of the Coastal Act and requires a coastal development permit from the Commission or, in appropriate circumstances, from a local government implementing a fully certified lcp or the Commission on appeal. Because the imposition or substantial increase of a user fee for beach access parking, pier or boat launching ramp use, or for beach or shoreline park use would, in our opinion, result in a change in access to state waters, a coastal development permit is required. For purposes of this memo and for purposes of guidance, "substantial increase" means any fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year period. Similarly, any action changing the hours of operation or availability for public use of, for example, any beach, shoreline park, parking facility, pier or boat launching ramp or facility requires a coastal development permit. A coastal development permit is required even if little or no physical construction is necessary to implement the action calling for a fee, a fee increase or a change in hours of operation.

As mentioned before, whether the coastal development permit must be obtained from the Commission or the appropriate local government depends on whether the local government has in place a fully certified lcp and has been delegated the coastal development permit issuing authority pursuant to the Coastal Act. In some cases, even where a fully certified lcp is in place, the Commission may have retained coastal development permitting authority because the affected lands are subject to the public trust or otherwise fall into a category of retained permit jurisdiction. If there is a question about whether the Commission or the local government is responsible for processing and acting on a coastal development permit, please contact the appropriate Coastal Commission office. Even where a local government has coastal development permit issuing responsibility, it is important to know that the action is probably appealable to the Coastal Commission and, because the issue involves public access and is of vital concern to the Commission, may well be appealed.

The fact a coastal development permit is required for the type of actions described above does not mean a permit application will necessarily be denied. Rather, each case must be evaluated in light of the particular applicable facts and circumstances. The Coastal Commission has already reviewed and acted on several proposals to change the hours of operation of public beaches, parking facilities, accessways, boat launching ramps, and a pier. These proposals involved the cities of San Diego, Carlsbad and Long

Planning Directors of Coastal Cities
and Counties, and Other Interested
Persons

October 29, 1993

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Beach. It is our intent to prepare a memo on this subject that will provide guidance to local government, other public agencies and members of the public relative to the type of factors the Commission has considered and examples of concerns that should be taken into account when these types of proposals are being formulated. The Commission is extremely sensitive to the budgetary and public safety concerns of local governments. At the same time, the Commission must carefully balance those concerns against broader public interests relative to public use of and access to public coastal resources such as beaches and state waters. It is for this reason, among others, that the Commission has not approved any request to close public beaches to the public on a continuing basis. On the other hand, the Commission has approved the closure of public beach parking lots at certain hours during the night. Finally, it should be remembered that because these types of actions requiring coastal development permits involve questions of public access, the legal standard of review is the Chapter 3 policies of the Coastal Act relating to public access.

Relative to public safety concerns, we want to emphasize that nothing in what we have said here interferes with or prevents a law enforcement agency from taking any and all actions it deems appropriate to address a particular public safety emergency, including any action to close to all public use a beach, parking facility or park. Similarly and pursuant to the Coastal Act, if a local government takes an action to close a public facility pursuant to a legally approved declaration of "public nuisance", no coastal development permit is required. We should caution however, Commission staff will look carefully at any action using the "public nuisance" exception to the coastal development permit requirement when the result of such action is to close to public use for any extended period of time a public beach, parking facility or any other facility providing public access to the beach or state waters.

Because there has been some ambiguity and uncertainty about the coastal permit requirements for the types of actions covered by this memo, it is not our intent to pursue any coastal act violation actions at this time. However, we ask every entity that has taken any action described here as requiring a coastal development permit and for which such a permit has not been approved to contact our office to determine the appropriate steps to complete and process a coastal permit application. We realize that in some cases the action requiring a coastal permit may have been taken some time ago. Notwithstanding the passage of time, a coastal permit will still be required and must be secured. We also understand there have been many instances where local jurisdictions have increased parking fees. We recognize that not every increase in parking fees requires a coastal permit. Accordingly, please contact our office for clarification on how we intend to proceed in these cases.

We would appreciate your passing this memo on to anyone you think may have an interest in the matter. We are particularly anxious that this memo get to the responsible people in your jurisdiction who manage your parking and recreation programs. Thank you for your cooperation and attention to this matter.

Hours of operation

Daily rate

Hourly rate

Daily rate

Hourly rate

Location

1	Fletcher Cove (Solana Beach)	\$0	\$0	\$0	\$0	6:00 a.m. - 10:00 p.m.
2	La Jolla Shores	\$0	\$0	\$0	\$0	4:00 a.m. - 10:00 p.m.
3	Newport Beach (residential streets)	\$0	\$0	\$0	\$0	N/A
4	The Pike (Long Beach; CDP 5-98-156-A20)	\$2	N/A	\$2	N/A	9:00 a.m. - 9:00 p.m.
5	Corona del Mar State Beach (CDP #5-13-0507)*	May-September -Up to \$4/hr (9am-6pm) -Up to \$2.50/hr (6am-9am, 6pm-10pm)	\$15	October-April -Up to \$4/hr (9am-6pm weekends) -Up to \$2.50/hr (6am-9am, 6pm-10pm weekends) -Up to \$1.50/hr (6am-10pm weekends)	\$15	6:00 a.m. - 10:00 p.m.
6	San Clemente State Beach (CDP #5-13-0351)**	\$2	\$15	\$1	\$15	TBD
7	Balboa Pier Beach Parking Lot (CDP #5-13-0506)***	\$1.5	\$15	\$1.5	\$15	



California Coastal Commission

EXHIBIT NO. 5

APPLICATION NO.

6-15-2123

Fee comparison

Notes

*On Memorial Day, July 4th, and Labor Day, hourly rates up to \$4 and daily rate is \$20.

**On Memorial Day, July 4th, and Labor Day, daily rate is \$20.

***On Memorial Day, July 4th, and Labor Day, hourly rates up to \$2 and daily rate is \$20.

Busy season (June - Sept.)			Off-season (Oct. - May)		
Proposed parking areas	Occupancy	Turnover	Notes	Occupancy	Turnover
1 Via de la Valle (south side; Camino del Mar to Solana Gate*)	50% or less when Del Mar Fairgrounds is closed—lower use on weekdays and higher use on weekends/holidays	4-8 hours (follows employee work schedule); longer for beach events	Primary users are Del Mar Fairgrounds and Brigantine Restaurant employees; beach users during events, e.g., volleyball	10-15%, unless beach event which increases occupancy	4-8 hours (follows employee work schedule); longer for beach events
2 Border Ave. (south side)	50% by noon on weekdays; 100% by 1:00 p.m. on many weekends and during beach events	2-3 hrs on weekdays; 4-5 hrs on weekends**	--	Very light on weekdays; 100% on warmer weekends and during beach events	--
3 Camino del Mar ("North"; west side*; Via de la Valle to San Diegoito River Bridge)	70% by noon and 100% by 2:00 p.m. on weekdays; 100% by noon on many weekends and during beach events	2-3 hrs on weekdays; 4-5 hrs on weekends**	--	40% by 1:00 p.m. on weekdays; 70% by noon on warmer weekends and during beach events	--
4 29th St. (north side)	Very light on weekdays (blocked for Junior Lifeguards staging); 100% by 1:00 p.m. on many weekends and during beach events	4-5 hrs on weekends**	--	10-20% by 1:00 p.m. on weekdays; 100% by 2:00 p.m. on warmer weekends and during beach events	2-3 hrs on weekdays; 4-5 hrs on weekends**
5 17th St. (north side of parking lot behind lifeguard tower)	100% from 1:00-4:00 p.m. and again after 6:00 p.m. on weekdays; 100% by noon on many weekends and during beach events	2-3 hrs on weekdays; 4-5 hrs on weekends**	--	10-20% by 1:00 p.m. on weekdays; 100% from 2:00-5:00 p.m. and then refills on warmer weekends, during beach events, and over holidays	--
6 Coast Blvd. (east and west sides; 17th St. to 15th St.)	100% from 1:00-4:00 p.m. and again after 6:00 p.m. on weekdays; 100% by 11:00 a.m. on many weekends and during beach events	2-3 hrs on weekdays; 4-5 hrs on weekends**	--	10-20% by 1:00 p.m. on weekdays; 100% from 1:00-5:00 p.m. and then refills on warmer weekends, during beach events, and over holidays	--
7 Camino del Mar ("South"; west side; approximately 2,000 ft. stretch north of intersection with Carmel Valley Rd.)	10% from 11:00 p.m. and 40% by 2:00 p.m. on weekdays; 100% by 11:00 a.m. on most weekends	2-3 hrs on weekdays; 4-5 hrs on weekends**	--	10% by 11:00 p.m. and 40% by 2:00 p.m. on weekdays; 90% by 10:00 a.m. and 100% by 2:00 p.m. on warmer weekends with good surf	2-3 hrs on weekdays; 4-5 hrs on weekends**

Source: Eric Sandy, City of Del Mar Parking Enforcement Lieutenant

Notes

*Proposed parking area at Via De La Valle extends from Solana Gate to Jimmy Durante, where there is no existing parking.

Proposed parking area at Camino del Mar includes east side, where there is no existing parking.

**Existing 4-hour maximum time limit

EXHIBIT NO. 6

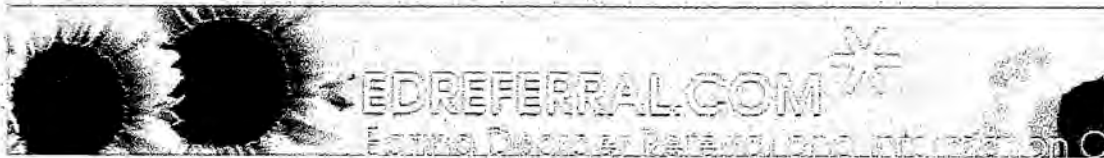
APPLICATION NO.

6-15-2123

Baseline conditions



California Coastal Commission



From the Desk of Dr. Kevin Groid

2923 SANDY POINTE, # 6
DEL MAR CA 92014-2052

RECEIVED

FEB 23 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sarah Richmond
Coastal Planner
sarah.richmond@coastal.ca.gov
California Coastal Commission
San Diego District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

RE: Coastal Development Permit Application No. 6-15-2123

Friday September 21, 2012

To Whom It May Concern:

Del Mar is known for everything positive except the parking enforcement people known locally as "Chalkers." You ask anyone who has been to Del Mar more than once and they will tell you how horrible the Chalkers are. When you come to the beach, you can't relax because you know if the car is parked slightly askew or you are a minute late or a few inches into a red area, you will immediately have your day ruined with a ticket. The permit listed below is for adding additional parking meters just a few yards from my house and the entire Playa del mar association. I would like to add my voice to hopefully rejecting the permit to add new parking meters and keep just a little piece of Del Mar with the calm, relaxed attitude that should permeate the rest of this cozy beach community.

I would like to add my voice to those wanting to reject this permit.

Sincerely,

Dr. Kevin Groid.

EXHIBIT NO. 7

APPLICATION NO.

6-15-2123

Letter of opposition



California Coastal Commission