

**CALIFORNIA COASTAL COMMISSION**

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April 21, 2017

# Th17e

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT  
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT  
SARAH RICHMOND, COASTAL ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR  
AMENDMENT LCP-6-DMR-16-0073-1 (Parking Regulations) for Commission  
Meeting of May 10-12, 2017**

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## SYNOPSIS

The subject LCP Implementation Plan amendment (LCP-6-DMR-16-0073-1) was submitted and subsequently filed as complete on December 28, 2016. A one-year time extension was granted by the Commission on February 9, 2017. Therefore, the Commission must take action on this LCP amendment by February 9, 2018.

## SUMMARY OF AMENDMENT REQUEST

Parking has long been perceived as a significant issue in downtown Del Mar. The downtown area, also called the Village Center, extends 0.5 miles along both sides of Camino del Mar from 9<sup>th</sup> Street in the south to 15<sup>th</sup> Street in the north. One of the City's main beach access points is located at the north end of the Village Center and extends to the foot of 15<sup>th</sup> Street at Seagrove and Powerhouse Parks. Surveys have consistently found that on-street public parking in commercial and surrounding residential areas is often fully occupied at peak times on peak days in this area, while off-street parking located on commercial property sits vacant during those same periods of peak demand. The City is considering numerous changes to its parking regulations to better utilize existing off-street parking in the downtown area, accommodate alternative transportation strategies, and reorganize the parking regulations into a more user-friendly format.

The major provisions of the City's proposed amendment to its Implementation Plan (IP) involve Shared Parking, On-Site Paid Parking, Site-Specific Management Plans, Valet Parking, In-Lieu Parking Fee Program, and Alternative Transportation. Specifically, the proposed changes to Shared Parking revise the definition of "no substantial overlap," such that the minimum time necessary for separation between uses decreases from one hour to 30 minutes. The proposed changes to On-Site Paid Parking create a Conditional Use Permit (CUP) process for an owner to charge the public for use of required parking

spaces. The section on Site-Specific Management Plans is new and creates a process for owners of multi-tenant buildings that share common parking areas to alternatively comply with standard parking requirements. The proposed changes to Valet Parking formalize the approval process for valet operations. The proposed changes to the In-Lieu Parking Fee Program increase the possible use of the program to meet off-street parking requirements from 50% to 75%, and remove the requirement for the City to operate a shuttle to/from the public parking facility once in-lieu fees for 50 spaces have been collected and replace it with a new requirement that in-lieu fees be spent on the development of additional on- and off-street parking spaces as well as on improvements that facilitate access and mobility within the downtown area and beach areas. Finally, the alternative transportation design standards and incentives are new and specify requirements for bicycle and clean air vehicle parking as well as allow up to 15% of required parking for standard automobiles to be provided by spaces for clean air vehicles, compact cars, micro-cars, motorcycles, or bicycles in designated zones.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission first reject the proposed amendment to the IP and then approve it, with suggested modifications, to address issues with On-Site Paid Parking, Site-Specific Management Plans, Valet Parking, and the In-Lieu Parking Fee Program. While the City's efforts to improve parking in downtown Del Mar are laudable, the primary concern is whether the proposed amendment would result in a lack of off-street parking for commercial development, such that patrons and employees would then occupy limited on-street public parking spaces that would otherwise be available for beach access. For On-Site Paid Parking, the main issue is the lack of specificity regarding what constitutes an underutilized required off-street space, and Staff has included language that would clarify the spaces could be made available to the public when other on-site businesses are closed. For Site-Specific Management Plans, the main issue is the absence of minimum parking requirements to ensure that these plans will not result in unintended off-street parking deficiencies that impede coastal access, and Staff has included a minimum blended parking rate. For Valet Parking, the main issue is that "coastal access" is not explicitly mentioned as a condition the decision maker must protect in approval of valet operations, and Staff has included this language. Finally, for the In-Lieu Parking Fee Program, the main issue is that the City did not substantiate its claim that a required shuttle is now unnecessary and infeasible and therefore warrants removal of shuttle operations to/from the public parking facility by the time the City has collected fees for 50 spaces, and Staff recommends that instead this shuttle requirement or other alternate transportation program remain in place until more thorough analysis of the transportation and mobility needs of the City's commercial corridor can be assessed at some point in the future. The City accepts all four of the suggested modifications that address these issues.

The appropriate resolutions and motions begin on page 5. The suggested modifications begin on page 6. The findings for denial of the Implementation Plan Amendment as submitted begin on page 8. The findings for approval of the plan, if modified, begin on page 16.

**ADDITIONAL INFORMATION**

Further information on the City of Del Mar LCP amendment LCP-6-DMR-16-0073-1 (Parking Regulations) may be obtained from Sarah Richmond, Coastal Planner, at (619) 767-2370.

**EXHIBITS**

Exhibit 1 – Vicinity Map

Exhibit 2 – Ordinance

Exhibit 3 – In-Lieu Fee Parking Program Map

Exhibit 4 – City Letter of Support

## **PART I. OVERVIEW**

### **A. LCP HISTORY**

In May 1991, the City of Del Mar submitted its Land Use Plan (LUP) for Commission action. The Commission denied the LUP as submitted, but approved it with suggested modifications in September 1991. The City did not accept the suggested modifications within six months, so the City resubmitted the same documents and the Commission again approved the LUP with suggested modifications in June 1992. This time, the City Council did adopt the modifications within the prescribed time and the Commission effectively certified the LUP in March 1993. The Implementation Plan (IP) was approved with suggested modifications on March 13, 2001. On September 11, 2001, the Commission concurred with the Executive Director's determination to effectively certify the City of Del Mar Local Coastal Program (LCP).

The certified LCP was first amended (LCPA No. 1-2000) in 2002 to incorporate the City's Multiple Species Conservation Program Subarea Plan. A second LCP amendment (DMR-MAJ-1-08), referenced as Garden del Mar, was approved with suggested modifications in March 2009 for the redesignation and rezoning of the property at the southeast corner of Camino del Mar and 10th Street. The amendment allowed for a mix of commercial uses at the site and the Commission wanted to ensure that a ground-floor restaurant use would be included along the Camino del Mar frontage. A third amendment (DMR-MAJ-1-09) was approved with suggested modifications in March 2010 to revise parking regulations to support revitalization of the City's downtown business district. Key changes approved in the amendment include an increase in the possible use of shared parking from 15% to 66% of the otherwise required off-street parking for a project, an increase in the permissible walking distance for off-site parking from 300 ft. to 500 ft., the possible reduction of off-street parking in order to comply with accessible parking provisions, and the establishment of a new In-Lieu Parking Fee Program for the Central Commercial zone. A fourth amendment (DMR-MAJ-1-11) involved deleting a phrase regarding the processing for authorization of reduction in wetland setbacks so as to delete automatic deferral to California Department of Fish and Wildlife.

### **B. STANDARD OF REVIEW**

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified LUP. The Commission shall take action by a majority vote of the Commissioners present.

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment LCP-6-DMR-16-0073-1 for the City of Del Mar LCP as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment LCP-6-DMR-16-0073-1 submitted for the City of Del Mar LCP and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted

- II. MOTION II:** *I move that the Commission certify the Implementation Program Amendment LCP-6-DMR-16-0073-1 for the City of Del Mar LCP if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment LCP-6-DMR-16-0073-1 for the City of Del Mar if modified as suggested and adopts the findings

set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. Modify Section 30.80.020.D – General Parking Regulations as follows:

*Unless approved through a Conditional Use Permit (CUP) pursuant to Chapter 30.74, the parking of motor vehicles shall be without monetary charge when such parking is required pursuant to this Chapter. This Section shall not prohibit measures to limit the use of such parking to the owners, proprietors, employees, and customers for which the parking is required and provided. Any CUP authorized to allow a monetary charge for parking shall be subject to conditions and the findings for approval in Section 30.74.020 and shall only be allowed during times at least 30 minutes before or after the hours of operation for which the parking is required to ensure that the monetary charge will not result in adverse impacts to the availability of parking either in the public right-of-way or on other private properties in the vicinity.*

2. Modify Section 30.80.095.A – Site-Specific Parking Management Plans as follows:

*For commercial developments with ~~businesses subject to leaseholds~~ multiple tenants that are located within the Central Commercial, Visitor Commercial, North Commercial, Professional Commercial, and Beach Commercial zones, approval to alternatively meet the required parking as set forth in DMMC Section 30.80.030 may be requested by making application for approval of a Site-Specific Parking Management Plan. The approved blended rate parking requirements for the multi-tenant commercial development as a whole shall generally be no lower than 1 space per 300 square feet.*

3. Modify Section 30.80.160.D – Conditional Use Permit Approval for Valet Parking as follows:

*The decision maker may impose conditions of approval as deemed necessary to protect the public, health, safety and welfare, to ensure the right of coastal access, and to ensure compliance with the Permit.*

4. Modify Section 30.80.170 – In-Lieu Parking Fee Program as follows:

*The In-Lieu Parking Fee Program was established to provide a tool for better management and utilization of parking spaces within the City’s Downtown area. The goal of the program is to expand on the existing capacity of off-street parking spaces available to the public, ~~to expand the number of on-street parking spaces beyond current capacity,~~ and to facilitate public access and mobility within the Village Center and to local park and beach areas.*

*A. For projects located within the Central Commercial Zone, the provision of the off-street parking spaces otherwise required pursuant to this Chapter may instead be partially satisfied through the payment of an In-Lieu Parking Fee in accordance with the following: [Ord. 817, Ord. 850, Ord. 856]*

*1. Authorization for use of an In-Lieu Parking Fee(s) to satisfy off-street parking requirements shall be subject to the review and approval of the Director of Planning and Community Development, with such approval based on compliance with the provisions of this Chapter.*

*2. The payment of an In-Lieu Parking Fee shall be made on a one-for-one basis with a fee paid for each required parking space to be satisfied through the In-Lieu Parking Fee Program.*

*3. The amount of the In-Lieu Parking Fee shall be set by resolution of the City Council and may be amended from time to time by resolution of the City Council.*

*4. No more than 75% of the off-street parking spaces otherwise required for a project may be satisfied through use of the In-Lieu Parking Fee Program.*

*5. An applicant may not utilize Shared Parking in addition to the In-Lieu Parking Fee Program. [Ord. 856]*

*B. In-Lieu Parking Fee funds collected by the City shall be deposited in a designated fund and shall be expended by the City exclusively for: [Ord. 850]*

*1. The acquisition, development, operation or maintenance of off-street parking spaces available for use by the general public; and*

*~~2. The development of additional on-street parking spaces available to the public beyond current capacity; and~~*

32. The development and implementation of an alternate public transportation program, including a year-round shuttle system, to transport the public to and from off-street parking spaces available for use by of public improvements to facilitate mobility and access by the general public along Camino del Mar through the Village Center and to the Powerhouse/; Seagrove, and Shores Parks and public beach areas at the foot of 15<sup>th</sup> Street to facilitate public access and mobility within the Village Center and to beach areas.

C. The payment of In-Lieu Parking Fees to satisfy the provisions of this Chapter shall occur prior to the issuance of any required Building Permits for the development for which the fees are required or prior to issuance of a Certificate of Occupancy for any activity for which the fees are required, whichever comes first.

D. In-Lieu Parking Fees paid to satisfy the provisions of this Chapter shall not be refundable.

E. The option for payment of In-Lieu Parking Fees to satisfy the off-street parking requirements of this Chapter shall not be allowed to satisfy the off-street parking requirements for residential units or for hotel or motel uses.

F. In-Lieu Parking Fees may not be collected for more than 50 total parking spaces before both the public parking facility and shuttle system are fully operational. Once the public parking facility and shuttle system become fully operational, the City shall utilize its best efforts to continue the In-Lieu Parking Fee Program. Should the program ever be discontinued or substantially modified, the City shall seek reauthorization of the program with the Coastal Commission through a separate Local Coastal Program amendment. [Ord. 850]

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

##### **A. AMENDMENT DESCRIPTION**

Parking has long been perceived as a significant issue in downtown Del Mar. The downtown area extends 0.5 miles along both sides of Camino del Mar from 9<sup>th</sup> Street in the south to 15<sup>th</sup> Street in the north ([Exhibit #1](#)). Also referred to as the Village Center, the area is known for its small-scale, historic, and pedestrian-oriented character. The City's main beach access is located at the north end of the Village Center at the foot of 15<sup>th</sup> Street at Seagrove and Powerhouse Parks. Visitors come from throughout the region to enjoy shopping and dining in the Village Center and beach access at 15<sup>th</sup> Street. Camino del Mar (Highway 101) is the primary north/south corridor through the community. Although this corridor and major coastal access route runs two to three



blocks east of the shoreline, there is no direct beach access adjacent to the Village Center south of 15<sup>th</sup> Street due to the North County Transit District (NCTD) railroad tracks and steep bluffs.

Surveys have consistently found that on-street public parking in the Village Center is often fully occupied, or nearly fully occupied, in commercial and surrounding residential areas at peak times on peak days. Meanwhile, off-street parking on commercial property sits vacant during those same periods of peak demand. The off-street commercial parking supply is controlled by a variety of private property owners and is therefore fragmented because these owners generally focus on the required parking for their own establishments, rather than being actively involved with parking management to serve the downtown area.

Off-street parking in Del Mar is regulated by Chapter 30.80 of the Del Mar Municipal Code. The chapter has not been comprehensively reviewed and updated for at least 30 years, although there was a significant amendment (DMR-MAJ-1-09) that established the In-Lieu Parking Fee Program that the City proposes to change in this amendment. While working on the Downtown Parking Management Plan, City staff collected requests for various code changes and was directed to process amendments in multiple phases. This amendment is Phase I and includes options for better utilization of existing off-street parking in the downtown area, alternative transportation strategies, and other non-controversial, cleanup revisions. As such, the proposed amendment involves numerous changes to Chapter 30.80 ([Exhibit #2](#)), which are supported by the City's Business Support Advisory Committee and the Traffic & Parking Advisory Committee.

Below is a summary of the City's major changes:

- Section 30.80.010 – Purpose: Reinforces the City's desire to better utilize off-street parking in commercial zones, reduce spillover into residential areas, and accommodate alternative transportation options consistent with the Community Plan and Climate Action Plan (CAP).
- Section 30.80.020 – General Parking Regulations: Creates a Conditional Use Permit (CUP) process to consider on-site paid parking, where an owner would obtain approval from the Planning Commission to charge the public for use of required parking spaces. (Property owners can already charge for use of spaces in excess of required parking.)
- Section 30.80.030 – Required Number of Off-Street Parking Spaces: Separates residential and non-residential parking ratio tables so that format is more user-friendly; specifies requirement for bicycle and clean air vehicle parking, where clean air vehicle parking spaces shall be designed to accommodate future installation of electric vehicle supply equipment; establishes a credit system to replace up to 15% of required parking for standard automobiles with parking for clean air vehicles, compact cars, micro-cars, motorcycles, or bicycles; and codifies Planning Commission interpretation that common areas such as entryways, restrooms, and stairwells are excluded from the calculation of gross floor area for the purpose of required parking ( Resolution PC-2014-13).

- Section 30.80.060 – Design of Parking Spaces: Provides design standards for alternative vehicle spaces; and allows for use of tandem parking and stacking mechanisms.
- Section 30.80.095 – Site-Specific Parking Management Plans: Allows commercial developments with multiple tenants to alternatively comply with parking requirements through applications to the Planning Commission for Site-Specific Management Plans, which require tenants to demonstrate compliance on an annual basis through business license renewal.
- Section 30.80.140 – Shared Parking Permit: Maintains the requirement for an applicant to demonstrate there will be “no substantial overlap” of principal operating hours for shared parking, but reduces the minimum time necessary for separation between uses from one hour to 30 minutes (e.g., if office closes at 5:00 p.m., then restaurant can open at 5:30 p.m. or later); and removes requirements for property to be owned by the same owner and for property to be held in a minimum 15-year lease.
- Section 30.80.150 – Off-Site Parking Permit: Removes requirements for property to be owned by the same owner and for property to be held in a minimum 15-year lease.
- Section 30.80.0160 – Valet Parking: Formalizes the existing process to use valet parking to meet parking requirements such that applicants must obtain a CUP from the City Council for operations in the public right-of-way and from the Planning Commission for operations in the private right-of-way.
- Section 30.80.0170 – In-Lieu Parking Fee Program: Increases the possible use of in-lieu parking to meet parking requirements from 50% to 75%; eliminates sections that no longer apply, i.e., requirement to identify a location for providing off-street parking spaces, which is currently under construction by the City, and reference to Village Center Specific Plan, which the City is no longer pursuing; and removes the requirement for the City to operate a shuttle to/from public parking facility once in-lieu fees for 50 spaces have been collected and replaces it with a new requirement that in-lieu fees be spent on the development of additional on- and off-street parking spaces as well as on improvements that facilitate access and mobility within the downtown area and beach areas.

## **B. SPECIFIC FINDINGS FOR REJECTION**

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

Purpose and Intent of the Ordinance. The purpose and intent of the ordinance is to incorporate options for better utilization of existing off-street parking in the downtown area, accommodate alternative transportation strategies, and reorganize the regulations into a more user-friendly format.

Major Provisions of the Ordinance. The major provisions of the proposed amendment would improve existing strategies and introduce new strategies to comply with off-street

parking requirements so that the spaces are better utilized in the City's parking-constrained downtown area. Specifically, the major provisions would:

1. Revise the definition of "no substantial overlap" such that the minimum time necessary for separation between uses decreases from one hour to 30 minutes for a Shared Parking Permit;
2. Create a CUP process for an owner to charge the public for use of required parking spaces;
3. Create Site-Specific Management Plans for multi-tenant buildings that share common parking areas to tailor parking for the site;
4. Formalize the approval process for Valet Parking;
5. Increase the possible use of the In-Lieu Parking Fee Program to meet off-street parking requirements from 50% to 75%, and remove the requirement for the City to operate a shuttle to/from public parking facility once in-lieu fees for 50 spaces have been collected and replace it with a new requirement that in-lieu fees be spent on the development of additional on- and off-street parking spaces as well as on improvements that facilitate access and mobility within the downtown area and beach areas; and
6. Establish new alternative transportation design standards and incentives consistent with the City's CAP.

Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for any proposed IP or an amendment to a certified IP is whether or not the proposed IP provision conforms with, and is adequate to carry out, the provisions of the certified LUP. The applicable LUP goals and policies to consider are as follows:

*COASTAL ACCESS GOAL IV-B: Give priority to pedestrian and bicycle traffic as opposed to automobile traffic through application of the following policies and pursue the increased use of alternate transportation modes to regionally significant areas within Del Mar. Examples of "alternate transportation" modes include: bicycle, pedestrian, bus, shuttle service, and railroad.*

*COASTAL ACCESS Policy IV-17: The City shall continue to encourage the use of bicycles for transportation to coastal recreation areas. [...]*

*COASTAL ACCESS Policy IV-19: The improvement or establishment of alternative transportation modes shall be designed to assure protection of sensitive resources and the retention of the small-town scenic qualities of Del Mar.*

*COASTAL ACCESS GOAL IV-D: Maximize the opportunity for access to beach areas by minimizing competition for public on-street parking spaces.*

*COASTAL ACCESS Policy IV-29: Complete and update an established inventory of existing parking areas in order to develop and implement an overall parking management and improvement plan for the City. [...] This inventory and parking*

*management plan shall be revised periodically to reflect current conditions. In the development of any new parking areas, preference should be given to small, dispersed parking areas rather than large concentrated parking lots, except in the cases of parking associated with commercial activities and park-and-ride lots. [...]*

*COASTAL ACCESS Policy IV-30: The City shall apply the following Off-street Parking Regulations to new projects and redevelopment projects to assure that the parking needs generated by new development are provided on site ...*

*LAND USE DEVELOPMENT Policy II-10: Encourage the development of a precise plan for the publicly owned spaces within the downtown area that includes: a comprehensive circulation and parking element for the Camino del Mar area; and landscape and architectural design guidelines.*

*RECREATIONAL OPPORTUNITIES Policy V-4: Bicycle and pedestrian access to recreation facilities, as opposed to automobile use, shall be encouraged, and priority shall be given to greenery and open space, as opposed to structures and paved areas. [...]*

Some of the major provisions of the proposed amendment are consistent with the cited LUP provisions, while others are not. While the City's efforts to improve parking in downtown Del Mar are laudable, the primary concern is whether the proposed amendment would result in a lack of off-street parking for commercial development that could then adversely impact coastal access opportunities. As previously discussed, Del Mar is a popular visitor destination, and if there is not enough easily accessible off-street parking for patrons and employees of businesses in the Village Center, then they could take limited on-street public parking spaces that would otherwise be available for beach access. In addition, patrons and employees could, while looking for parking spaces, increase congestion along Camino del Mar and further impede coastal access opportunities.

1. Shared Parking Permit. Redefining "no substantial overlap" so that there is at least 30 minutes of separation between uses (instead of one hour) would allow for increased use of Shared Parking Permits. A Shared Parking Permit allows a parking space to serve multiple uses at different times and thereby maximizes use of the parking space. In many jurisdictions, "no substantial overlap" is not defined. Instead, an applicant for a Shared Parking Permit must simply demonstrate that substantial conflict will not exist in the principle operating hours or periods of peak demand for the uses for which the shared parking is proposed. Therefore, given the City's strict definition of when shared parking arrangements could be utilized, the possibility of resulting parking deficiencies is very limited. The City's cited LUP policies include direction to encourage smaller, dispersed parking facilities and shared parking arrangements accomplish this goal by maximizing the utilization of off-street parking areas and protecting public access. Therefore, this provision can be found consistent with cited LUP provisions.

2. On-Site Paid Parking. A CUP process to consider on-site paid parking would allow an owner to seek approval from the Planning Commission to charge for use of required parking spaces. Since parking surveys show that off-street parking spaces on private property often sit vacant during peak demand, the City believes that these off-street parking spaces are underutilized and, if made available to the public, could help to reduce demand for on-street parking and thereby reduce spillover into residential areas. The City points to off-street parking spaces during non-operating hours as an example of underutilized spaces. However, the proposed amendment does not provide a definition of an underutilized space or criteria to evaluate the utilization of a space. As submitted, it is the responsibility of the Planning Commission to “ensure that the monetary charge will not result in adverse impacts to the availability of parking either in the public right-of-way or on other private properties in the vicinity.” While this provision is consistent with the City’s LUP policy that encourages smaller, dispersed parking facilities, the lack of specificity regarding what constitutes an underutilized space, specifically regarding the timing of when a space could be available to the public, could result in unintended off-street parking deficiencies that could impede coastal access. This would be inconsistent with the LUP goal to “maximize the opportunity for access to beach areas by minimizing competition for public on-street parking space.” Thus, the provision (30.80.020.D) must be rejected as submitted.

3. Site-Specific Management Plans. Site-Specific Management Plans would allow commercial developments located in the Central Commercial, Visitor Commercial, North Commercial, Professional Commercial, and Beach Commercial zones with multiple tenants that share common parking areas to alternatively comply with parking requirements. The City believes these spaces are underutilized because non-residential off-street parking rates are higher in Del Mar than in other coastal cities, and because the IP currently does not have blended parking rates, e.g., rates for buildings with a mix of tenants. While the City will be pursuing substantive changes to parking requirements as part of Phase II, it asserts that Site-Specific Management Plans are an interim strategy to better utilize existing off-street parking spaces. Site-Specific Management Plans would be subject to the Planning Commission’s discretion, such that an applicant would need to demonstrate that the existing parking requirement is too restrictive for the location by providing operations-related information specific to all businesses on the property, such as each business’s use type, hours of operation, number of employees, and number of office vehicles. However, the proposed amendment does not provide guidance on how to evaluate Site-Specific Management Plans and does not include specific blended parking rate minimums. While the annual business license renewal process provides an opportunity to address unintended off-street parking deficiencies that could impede coastal access, the proposed amendment should include details to prevent off-street parking deficiencies in the first place. Therefore, the provision (30.80.095.A) would be inconsistent with the LUP goal to maximize beach access and must be rejected as submitted.

4. Valet Parking. Currently, an application for a Valet Parking Permit is subject to Planning Commission approval and requires, at a minimum, the location of the pick-up and drop-off location, the location of the parking facilities, and the route used to store and

retrieve vehicles and signage. The proposed amendment would formalize the application process by requiring applicants to apply for a CUP and provide additional details, such as the hours of operation, number of employees, and type of business and number of required off-street spaces for the use. As submitted, the CUP would be subject to the Planning Commission's discretion for valet operations in the private right-of-way and to the City Council for valet operations in the public right-of-way, where "the decision maker may impose conditions of approval as deemed necessary to protect the public, health, safety, and welfare and to ensure compliance with the Permit ..." Notably, coastal access is not included in this list. Since the proposed amendment does not identify potential parking facilities for valet operations and does not include explicit language to protect coastal access, valet operations could compete with on-street public spaces and adversely affect coastal access. Thus, the provision (30.80.160.D) must be rejected as submitted.

5. In-Lieu Parking Fee Program. The In-Lieu Parking Fee Program allows off-street parking spaces otherwise required to instead be partially satisfied through the payment of an in-lieu parking fee. Created in 2010, the program is only applicable to non-residential projects, excluding hotel or motel uses, within the Central Commercial zone, which comprises most of the downtown area. The intent of the program is to offset the loss of off-street parking that would have been provided on-site by collecting fees to create and operate a public parking facility and a shuttle service. Therefore, businesses located downtown can pay an in-lieu fee to the City in exchange for the City to provide an equivalent number of off-street parking spaces at a public parking facility and transportation to/from the facility. The IP specifies that the public parking facility and shuttle service must be in operation by the time the City has collected fees for 50 spaces, or else no further in-lieu fees can be collected, and a developer would have to provide the full complement of required off-street parking.

Since 2010, the City has identified and secured a location for providing off-street parking spaces available for use by the general public, as required. The City is actively in the process of constructing a new parking garage with 140 public spaces at Camino del Mar and 10<sup>th</sup> Street as part of the City Hall redevelopment project, and these spaces are intended to serve as the main off-street parking reservoir with capacity to meet the obligations of the In-Lieu Parking Fee Program. The City also manages 30 public spaces at Inn L'Auberge on 15<sup>th</sup> Street ([Exhibit #3](#)). To date, the City has collected in-lieu fees from three restaurants, one coffee cart, and two offices in the Village Center for a total of 29 spaces. In-lieu fees currently cost \$31,457 per stall (one-time fee) or \$1,042 per stall (recurring annual fee), adjusted annually based on the Engineering News Record of Construction Cost Index.

The City would like to revise the In-Lieu Parking Fee Program to better utilize and manage parking in downtown Del Mar. Specifically, the City would like to increase the possible use of in-lieu parking to meet parking requirements from 50% to 75%, and remove the requirement to operate a shuttle to/from public parking facility at the 50-space threshold and replace it with a new requirement that in-lieu fees be directed to the development of additional on- and off-street parking spaces as well as alternative

transportation improvements that facilitate access and mobility within the downtown area and beach areas. The proposed amendment would offer the City more flexibility on when and how it can spend in-lieu parking fees. The City believes that this ability to invest in a variety of active and alternative transportation, in conjunction with the new public parking facility at City Hall, would maximize public access and promote the small-town, pedestrian-oriented character of Del Mar that attracts visitors.

The City believes the shuttle requirement is unnecessary because the affected businesses are within walking distance (0.5 miles or less) of City Hall and Inn L'Auberge ([Exhibit #3](#)). The City believes an added benefit of these public parking facilities is that they are within walking distance of the Shores Park at the south end of the Village Center, scenic coastal bluff visual access points adjacent to the Village Center, and public beach access at Seagrove and Powerhouse Parks at the north end of the Village Center at the foot of 15<sup>th</sup> Street. In addition, the City believes there is no demand for a shuttle based on the fact that there was no local public opposition to eliminating the requirement for a shuttle, and that the Del Mar Fairgrounds operated a shuttle on a trial basis with stops throughout Del Mar and it was not utilized, even in the highest visitor season during summer fair events. Given this lack of demand, the City asserts a shuttle service is infeasible because the expenses of a shuttle service are difficult to justify. Finally, the City interprets a shuttle service as inconsistent with its CAP goals because requiring an unnecessary vehicle to circulate downtown would contribute to greenhouse gas emissions and vehicle miles traveled. Conversely, implementation of "complete streets" and "green streets," that could be funded through the proposed amendment, would provide opportunities to reconfigure on-street parking to gain spaces and to reconfigure sidewalks in ways that improve pedestrian and bicycle access, which are consistent with the CAP.

The Commission accepts the provision to increase the possible use of in-lieu parking to meet parking requirements from 50% to 75% because the main off-street parking reservoir at City Hall has capacity to meet the 50-space obligation; however, the provision to remove the shuttle requirement at the 50-space threshold raises concerns. The City did not provide compelling evidence regarding why the previously agreed upon shuttle is unnecessary and infeasible at this time. While the City claims that the proposed amendment reflects the fact that the City is constructing the City Hall parking garage, the In-Lieu Parking Fee Program has always required that the City create and operate a public parking facility and, in addition, implement a shuttle service to serve the Central Commercial Zone. The construction of a central parking reservoir alone is not sufficient grounds to remove the shuttle requirement. It should also be noted that the Del Mar Fairgrounds event shuttle is not analogous to the coastal access shuttle service envisioned for the In-Lieu Parking Fee Program. More analogous examples are the Port of San Diego Shuttle, Dana Point and Laguna Beach Trolleys, and Santa Barbara Shuttle, which are popular services that run along the shoreline during weekends and summer months.

Without more substantive information, the lack of a shuttle service could result in adverse impacts to coastal access and conflict with LUP goals. While studies show that walkable distances are accepted to be between a quarter and half-mile distances, an individual's willingness to walk varies greatly depending on factors such as age, health, and time

availability. Most people try to park as close to their destination as possible. Thus, patrons and employees of businesses within a couple blocks of the City Hall parking facility are likely to use the lot, but patrons and employees of businesses in the heart of the Village Center around 15<sup>th</sup> are more likely to take public parking spaces that would otherwise be available for beach access because the City Hall parking lot is farther away. Therefore, despite the large number of available public parking spaces at the City Hall parking facility, patrons and employees of businesses in the Village Center could still compete with the public for limited parking along Camino del Mar and in the surrounding neighborhoods around 15<sup>th</sup> Street. The City has the opportunity to incentivize public use of their public parking reservoirs through an alternate transportation program, along with management of the parking facilities themselves. Although the City manages public parking at Inn L'Auberge on 15<sup>th</sup> Street, there are fewer spaces (30) and these spaces are not free to the public and therefore unlikely to reduce pressure on on-street parking and the surrounding residential areas near 15<sup>th</sup> Street. Therefore, a shuttle service from the City Hall parking facility along Camino del Mar through the Village Center and to the Seagrove and Powerhouse Parks at the foot of 15<sup>th</sup> Street would promote use of the City Hall parking facility and prevent loss of prime beach access parking. Therefore, the provision (30.80.170) to remove this requirement must be rejected as submitted.

6. Alternative Transportation. The new alternative transportation design standards and incentives would specify requirements for bicycle and clean air vehicle parking, where clean air vehicle parking spaces shall be designed to accommodate future installation of electric vehicle supply equipment, and would allow up to 15% of required parking for standard automobiles to be provided by spaces for clean air vehicles, compact cars, micro-cars, motorcycles, or bicycles in the Central Commercial, Visitor Commercial, North Commercial, Professional Commercial, and Beach Commercial zones. This credit system includes ratios for the number of alternative vehicle spaces that must be provided for every one standard automobile space, e.g., clean air vehicle parking spaces can be provided in place of standard spaces at a ratio of one to one, while bicycle parking spaces can be provided in place of standard spaces at a ratio of four to one. While allowing alternative transportation spaces in place of a portion of standard automobile spaces results in some reduction of otherwise required off-street standard automobile spaces, the portion is small and not anticipated to result in any parking deficiencies that impede coastal access. Moreover, the provision will encourage better site planning and promote alternative transportation options, which is supported by a number of LUP goals and policies. Therefore, this provision improves the small-scale, pedestrian-oriented character and the coastal access experience in downtown Del Mar, and can be found consistent with cited LUP provisions.

## **PART V. FINDINGS FOR APPROVAL OF THE DEL MAR LCP IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

As noted above, the City's provisions for Shared Parking and Alternative Transportation were found to conform with, and adequate to carry out, the certified LUP goals and policies as submitted. Those findings to approve them as submitted are incorporated



herein. The City's provisions for On-Site Paid Parking, Site-Specific Management Plans, Valet Parking, and the In-Lieu Fee Parking Program, however, could not be approved as submitted. The City accepts all four of the suggested modifications described below ([Exhibit #4](#)).

**Suggested Modification #1** would specify that on-site paid parking only be allowed during times at least 30 minutes before or after the hours of operation for which the parking is required. This would be consistent with the City's proposed strict definition of when shared parking arrangements could be utilized, which the Commission concludes makes the possibility of resulting parking deficiencies and adverse coastal access impacts unlikely. Adoption of **Suggested Modification #1** allows owners to "share" their parking with the public when their patrons and employees are not using it, and is therefore consistent with the City's LUP goals and policies to minimize competition for public on-street parking spaces available for coastal access and to encourage smaller, dispersed parking facilities.

**Suggested Modification #2** would specify a blended rate parking requirement of no lower than 1 space per 300 square feet for multi-tenant commercial development as a whole to ensure that Site-Specific Management Plans facilitate more efficient use of the existing off-street parking while protecting coastal access. This requirement is consistent with local and regional standards. In the IP, 1 space per 300 square feet is the most common parking rate for commercial uses, including professional office, financial institutions, retail, and personal services that would typically be in a multi-tenant commercial development. A 2010 San Diego Association of Governments (SANDAG) Smart Growth Trip Generation and Parking Study reviewed parking rates of jurisdictions within the San Diego region and considered the guidance in the Institute of Transportation Engineers (ITE) Parking Generation Manual (2004) as well as the Urban Land Institute (ULI) Shared Parking Manual (2005), and concluded in circumstances with common area parking shared between uses, a reduction of parking spaces may be appropriate due to the relationship between the different uses where a patron can be reasonably expected to visit uses in the development on the same auto trip. The SANDAG study found that 2.5-3 spaces per 1,000 square feet (1 space per 400-333 square feet) is a typical blended rate for commercial spaces shared in common, and that 2 spaces per 1,000 square feet (1 space per 500 square feet) is the existing low rate for smart growth commercial development in the San Diego region. Thus, the proposed minimum parking requirement is no lower than the existing low rate for smart growth and is similar to typical blended rate for commercial spaces shared in common in nearby coastal jurisdictions. While Site-Specific Management Plans would still be considered on a case-by-case basis via discretionary action, this modification helps to ensure that these plans will not result in off-street parking deficiencies that impede coastal access by establishing a minimum standard for blended rates.

**Suggested Modification #3** would require approvals of valet operations to consider and protect coastal access. The Commission understands that valet parking can help to maximize available parking because valet drivers can stack cars in front of each other, and can help reduce congestion because drivers spend less time on the road looking for

parking spaces. However, since there is the possibility that valet parking and related operations could supplant or impact coastal access areas, **Suggested Modification #3** requires that impacts to coastal access be avoided as a part of any discretionary review process for valet parking. With this modification, the provision is consistent with the City's intent to better utilize existing off-street parking spaces and LUP goals to maximize the opportunity for coastal access.

**Suggested Modification #4** preserves the existing In-Lieu Parking Fee Program requirement for the City to operate a shuttle once the City has collected fees for 50 spaces. As noted in the findings for rejection, the City only provided anecdotal evidence that there is no demand for a shuttle and did not provide financial information to substantiate that a shuttle is cost-prohibitive. Given that the City did not demonstrate that a shuttle service is no longer viable and did not develop detailed alternatives to facilitate public access and mobility within the Village Center and to beach areas, it is premature to delete the shuttle requirement. **Suggested Modification #4** rejects the City's proposed changes that would allow it to use the in-lieu fees on additional on-street parking spaces and alternative transportation related improvements that facilitate mobility and access. For example, while the development of on-street parking spaces would seem to reduce parking demand and thereby reduce congestion around the prime beach area at 15<sup>th</sup> Street, the City did not describe how on-street parking spaces would be developed and in many cases, these spaces could be created by eliminating a travel lane, which could have an opposite, negative effect on congestion and public access.

The Commission understands that shuttle service in Del Mar may be expensive and the addition of language regarding "alternate public transportation" provides an opportunity for the City to demonstrate that a shuttle could be provided through means other than a traditional City van. One potential option that the City has suggested as an alternative could be transporting people to/from public parking facilities in the Central Commercial Zone through a bus transit subsidy program. Such a program could achieve the intent of a shuttle service, but in order to substitute such a program the Commission needs more details (e.g., how often bus would run, how it would reduce peak parking demand, etc.) before eliminating explicit references to shuttle service in the IP.

The proposal to remove the 50 space cap that requires implementation of a shuttle or alternate transit program is also problematic in that it is important to have a threshold established where public access needs related to the In-Lieu Parking Fee Program can be reassessed, and monies directed toward effective solutions to move people through the Central Commercial Zone and to the beach. This analysis should take place at a point in the future when increased development associated with the In-Lieu Parking Fee Program has been realized, instead of prematurely removing this requirement and claiming a shuttle to be infeasible due to insufficient demand. Furthermore, implementation of a successful alternate transit program is an example of a public transit option already encouraged in the City's CAP. Thus, adoption of this modification maximizes coastal access and supports alternative transportation, consistent with LUP goals and policies.

**PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP submission. The City concluded that the proposed amendment is categorically exempt from CEQA (Section 15301 - Existing Facilities) and will not have a significant impact on the environment because it involves either the negligible or no expansion of use of existing facilities.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In this particular case, the LCP amendment, with incorporation of the suggested modifications, will not have any significant adverse effects on the environment and there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact on the environment. The suggested modifications will ensure that there will be no significant off-street parking deficiencies that could adversely impact coastal access or contribute to increased traffic congestion in this visitor destination area. In addition, by encouraging alternative transportation, the City works to improve public mobility, reduce vehicle miles traveled, and thus, in part, address climate change concerns. Therefore, the Commission finds the subject LCP implementation plan, as amended, conform with CEQA provisions.