

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



July 21, 2017

W17c

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Del Mar, certifying the City's Local Coastal Program Amendment No. LCP-6-DMR-16-0073-1 (Parking Regulations), is adequate to effectively certify its local coastal program (for Commission review at its meeting of August 9-11, 2017)

BACKGROUND

At its May 11, 2017 meeting, the Coastal Commission certified, with suggested modifications, the City of Del Mar Local Coastal Program Amendment # LCP-6-DMR-16-0073-1, regarding various sections related to off-street parking. By its action adopting Ordinance No. 928 on June 19, 2017, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications addressed the general concern that 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. As such, the modifications clarify the language of the On-Site Paid Parking, Site-Specific Management Plans, and Valet Parking strategies intended to better utilize the existing off-street parking in the downtown area and introduce flexibility to the In-Lieu Parking Fee Program shuttle requirement. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Del Mar is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



August 14, 2017

Mayor Sinnott
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

RE: Certification of the City of Del Mar Local Coastal Program Amendment
No. LCP-6-DMR-16-0073-1 (Parking Regulations)

Dear Mayor Sinnott:

The California Coastal Commission has reviewed the City's Ordinance No. 928 together with the Commission's action of May 11, 2017 certifying City of Del Mar Local Coastal Program Amendment # LCP-6-DMR-16-0073-1 pertaining to off-street parking regulations. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of August 9-11, 2017.

By its action on June 19, 2017, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed the general concern that 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. As such, the modifications clarify the language of the On-Site Paid Parking, Site-Specific Management Plans, and Valet Parking strategies intended to better utilize the existing off-street parking in the downtown area and introduce flexibility to the In-Lieu Parking Fee Program shuttle requirement. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Jack Ainsworth
Executive Director

ORDINANCE NO. 928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 30.80 RELATED TO PARKING BY REVISING SECTIONS 30.80.020, 30.80.095, 30.80.160, AND 30.80.170 AS ADOPTED BY PROSPECTIVE ORDINANCE NO. 924 IN ORDER TO OBTAIN FINAL CERTIFICATION OF THE SUBMITTED LOCAL COASTAL PROGRAM AMENDMENT APPLICATION IN PROCESS PURSUANT TO THE CONDITIONAL CERTIFICATION ACTION TAKEN BY THE CALIFORNIA COASTAL COMMISSION ON MAY 11, 2017.

WHEREAS, the Del Mar City Council adopted Ordinance No. 924 on December 5, 2016 following a multi-year effort to update the City's parking regulations; and

WHEREAS, on May 11, 2017, the California Coastal Commission took action to conditionally certify the City's Local Coastal Program Amendment for Parking Ordinance No.924; and

WHEREAS, if the City Council adopts the code amendments included herein that amend prospective Ordinance No. 924, the City of Del Mar can resubmit the Ordinances to the Coastal Commission to obtain final certification of the parking-related Local Coastal Program Amendment package.

NOW THEREFORE, the City Council of the City of Del Mar hereby ordains as follows:

SECTION ONE

That Section 30.80.020 of the Municipal Code, as amended by prospective Ordinance No. 924, be revised to read as follows:

30.80.020 General Parking Regulations

A. through C. [No change in text]

D. 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.

E. [No change in text.]

SECTION TWO

That new Section 30.80.095 of the Municipal Code, as added by prospective Ordinance No. 924, be revised to read as follows:

30.80.095 Site-Specific Parking Management Plans

A. For commercial development with 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 feet.

B. through E. [No change in text.]

SECTION THREE

That Section 30.80.160 of the Municipal Code, as amended by prospective Ordinance No. 924, be revised to read as follows:

30.80.160 Conditional Use Permit Approval for Valet Parking

A. through C. [No change in text.]

D. 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. At a minimum, conditions shall address the following:

1. through 8. [No change in text.]

E. [No change in text.]

SECTION FOUR

That Section 30.80.170 of the Municipal Code, as amended by prospective Ordinance No. 924, be revised to read as follows:

30.80.170 In-Lieu Parking Fee Program

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, and to facilitate public access and mobility within the Village Center and to local park and beach areas.

- A. [No change in text.]
- 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 and implementation of an alternate public transportation program, such as a shuttle system, to transport the public to and from off-street parking spaces available for use by the general public along Camino del Mar through the Village Center and to the Powerhouse/Seagrove Parks at the foot of 15th Street to facilitate public access and mobility within the Village Center and to beach areas.
- C. through E. [No change in text.]
- F. In-Lieu Parking Fees may not be collected for more than 50 total parking spaces before both the public parking facility and alternate public transportation program are fully operational. Once the public parking facility and alternate public transportation program 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.

SECTION FIVE

The City Council finds that approval of this ordinance is categorically exempt from the preparation of an environmental document pursuant to the California Environmental Quality Act under CEQA Guidelines Article 19, Section 15301. This ordinance in and of itself will not have a significant impact on the environment because it involves existing facilities with a negligible or no expansion of use. The City Council bases this finding upon the record prepared by the City and the City's analysis of the potential environmental effects of this ordinance.

SECTION SIX

This Ordinance was introduced by the City Council on June 5, 2017.

SECTION SEVEN

The City Clerk is directed to prepare and have published a summary of this Ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

SECTION EIGHT

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.


SECTION NINE

Upon adoption, the Ordinance will be submitted to the California Coastal Commission for certification together with the resubmittal of Ordinance No. 924 as part of the current Local Coastal Program Amendment application in process with the Coastal Commission. The Ordinance will take effect and be in force on the date that the California Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment .

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 19th day of June 2017.


Terry Sinnott, Mayor
City of Del Mar

APPROVED AS TO FORM:



Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No.928, which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 19th day of June, 2017, by the following vote:

AYES: Mayor Sinnott, Deputy Mayor Worden, Council Members Druker,
Haviland, and Parks
NOES: None
ABSENT: None
ABSTAIN: None



Ashley Jones, Administrative Services
Director/City Clerk
City of Del Mar

Strikeout-Underline Copy of Proposed Code Amendment Language as Required by the Coastal Commission on May 11, 2017

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A. through C. [No change in text]

D. 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.

E. [No change in text.]

SECTION TWO

That new Section 30.80.095 of the Municipal Code, as added by prospective Ordinance No. 924, be revised to read as follows:

30.80.095 Site-Specific Parking Management Plans

A. For commercial development 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 feet.

B. through E. [No change in text.]

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30.80.160 Conditional Use Permit Approval for Valet Parking

A. through C. [No change in text.]

D. 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. At a minimum, conditions shall address the following:

1. through 8. [No change in text.]

E. [No change in text.]

SECTION FOUR

That Section 30.80.170 of the Municipal Code, as amended by prospective Ordinance No. 924, be revised to read as follows:

30.80.170 In-Lieu Parking Fee Program

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. [No change in text.]

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~~

2. The development and implementation of an alternate public transportation program, such as a 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 15th Street to facilitate public access and mobility within the Village Center and to beach areas.

C. through E. [No change in text.]

F. In-Lieu Parking Fees may not be collected for more than 50 total parking spaces before both the public parking facility and alternate public transportation program are fully operational. Once the public parking facility and alternate public transportation program 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.