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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-22-0078

Applicant: City of Del Mar

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 Street (north side of parking lot behind lifeguard tower); Coast Blvd. (east and west sides, 17th Street to 15th Street); Camino del Mar ("South", west side, approximately 1,000 ft. stretch north of intersection with Carmel Valley Rd.), and one existing "Trailhead" parking lot (northeast of San Dieguito Dr. and Jimmy Durante Blvd.), Del Mar, San Diego County.

Project Description: Modification to existing paid parking program for 422 parking spaces. Hourly rates at all locations will be \$4 maximum, with \$25 maximum day use fee, year-round, plus an additional \$0.30 charge per credit card transaction. Limit parking to 4 hours at the Trailhead Lot during special events. A CPI adjustment of up to 3% annually will be applied. Eliminate requirement for collection of monthly parking counts and preparation of annual monitoring reports.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Del Mar proposes to modify its previously approved paid parking program that applies to 422 existing paid parking spaces in eight facilities citywide in prime coastal access areas, such as on Via de la Valle, Camino del Mar, 17th Street, and the intersection of San Dieguito Drive and Jimmy Durante Boulevard. No new paid parking spaces are proposed, and no changes to the City's existing 580 free parking spaces are proposed.

The City's paid parking program was approved by the Commission most recently in 2015. The City's proposed modifications to its existing program include the following:

- Increase the maximum hourly parking rate from \$3 per hour to \$4 per hour
- Increase the maximum daily rate from the current rate of \$15 per day (up to \$20 at the Trailhead Lot) to \$25 per day
- Limit parking to four hours at the Trailhead Lot during special events at the Fairgrounds or in the City in order to increase turnover and access to parking for those using the adjacent Riverpath trail. The daily rate would not be offered on these event days.
- Impose a new \$0.30 convenience fee for credit card meter transactions
- Increase fees annually based on inflationary adjustments (CPI) for San Diego County, but not to exceed 3 percent
- Eliminate the requirement to collect monthly parking counts and prepare annual monitoring reports
- Authorize the paid parking program indefinitely

Similar to its previously approved parking programs, the City has stated that its goal is to encourage turnover and thereby increase the availability of parking spaces to beach visitors. The program would continue to 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, as well as specific projects aimed at improving public infrastructure that provides physical access to the beach as well as recreational enjoyment opportunities.

The Commission's main concern in regard to paid parking programs and restrictions on parking hours 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 generally be comparable to those charged at similar public facilities in the region; however, an analysis of parking prices in other Southern California cities reveals that Del Mar's proposed increases are substantially higher.

In order to gauge if the proposed price increase is comparative to the previous rates approved in 2015, Commission staff analyzed what the rates would be today if the proposed maximum annual increase of 3% had been applied. Assuming a maximum annual 3% CPI increase, the previously approved \$3/hour fee would be \$3.80 in 2023 dollars. A day rate of \$15 would be \$19 today. Therefore, the City's proposed hourly

rate increase to \$4/hour is slightly greater than would be anticipated by inflation alone, while the proposed daily rate increase of \$25 is significantly greater. Based on these calculations, **Special Condition #1** would set the maximum hourly parking fee of \$4 an hour and a maximum day use parking fee of \$20.00. **Special Condition #1** also authorizes the imposition of an additional fee of no more than \$0.30 for credit card transactions and an inflationary adjustment of no more than 3% annually.

Because the City has also stated that Trailhead Lot has significantly greater use during special events and that the daily rate is chosen at a higher frequency than the hourly during those events, **Special Condition #1** removes the option of choosing the daily rate during either special events at the Fairgrounds or during significant events within the City. By limiting special event attendees from using the lot for the entire day, greater access to those seeking to park near the Riverpath Trailhead and other surrounding public recreational trails is possible.

Other aspects of the parking fee program will remain unchanged from previous approvals. For example, the fees shall be in effect between the hours of 8 a.m. and 10 p.m. Importantly, the use of all parking fee revenue collected under this permit will continue to be allocated to a separate account specifically designed to fund new public access improvements or maintain them. **Special Condition #1** memorializes both the hours of operation as well as that parking fee revenue would continue to be allocated to a special fund for public access projects. By continuing to require that parking fees are allocated to a special fund, the City ensures that members of the public who are bearing the burden of the proposed parking fee will enjoy the benefits that the fee brings about in the form of access maintenance, clean public spaces, and up-to-date and accessible facilities.

Commission staff reviewed the history of monitoring data associated with the two most recent permitting actions to determine the necessity of additional future monitoring and an appropriate permit term. Both set of monitoring parameters required the City to collect data that would be useful for evaluating future parking programs and to assess whether or not the paid parking program was adversely impacting public access. For one previous approval (CDP No. 6-15-0081), Commission staff were unable to find any monitoring reports associated with this permit after it was approved, and City staff were also unable to locate the required reports. For the second approval (CDP No. 6-15-2123), monitoring reports were submitted for only two years (2017 and 2018) of the permit term; furthermore, it does not appear that the two monitoring efforts that were submitted fully met the requirements of the special condition. Because the previous monitoring requirements have not been met, additional monitoring remains necessary and important. Therefore, **Special Condition #3** requires monitoring of both the paid parking areas and the adjacent free parking streets to determine if and how public access is affected. The annual monitoring and reporting plans will track parking utilization and turnover rates over several days of the months, as well as weather, temperature, surf conditions, the total fees collected, and an accounting of where the money was spent, among other requirements. Because the City must continue to submit annual monitoring reports that must be evaluated by Commission staff, **Special**

Condition #2 authorizes the program for a period of 5 years with an extension contingent on results from the monitoring program.

While many of the operating parameters and monitoring requirements of the special conditions reflect those required of previous approvals, these past actions have not effectively captured a way to account for and respond to how low-income visitors and residents are impacted by the increase in parking fees. Because of these concerns, **Special Condition #4** requires submission of a plan to provide free public beach parking passes to qualified, low-income individuals for Executive Director review and approval. The City must develop a method to accept the State of California Golden Bear Pass within their paid parking areas in lieu of a metered parking pass, as well as offer free parking passes to individuals enrolled in income assistance programs or whose income is lower than the area median income used for calculating the County's affordable housing needs. To ensure that qualified individuals are aware of the program, **Special Condition #4** requires the City to submit an outreach plan that includes installation of signs at each fee station in English and Spanish explaining the program and how to access it. The City will monitor usage of the pass through the CDP's annual reporting mechanism detailed in **Special Condition #3**. Finally, **Special Condition #4** requires that any individual who qualifies for the parking pass program but receives a parking violation or ticket has the opportunity to appeal the ticket given that they provide the necessary documentation during the appeal process. This requirement to incorporate a low-income pass and associated monitoring requirements will help to account for those who may be disincentivized or cannot afford to pay the parking fees, consistent with the Coastal Act's public access and recreation policies, and in furtherance of the Commission's environmental justice policies.

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.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-22-0078, as conditioned. The motion is on page 6. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map Showing Eight Affected Parking Areas](#)

[Exhibit 2 – Public Access Projects](#)

[Exhibit 3 – Free Parking Monitoring Areas](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-22-0078 pursuant to the staff recommendation.

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

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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

- 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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. 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 \$4.00;
 - b) There shall be no maximum parking duration. The City may establish a 4-hour time limit at the Trailhead Lot only, and only during special events at the Fairgrounds, such as the County fair, horse races, and other large events that typically fill the parking supply at the main Fairground's parking lot, as well as special events held by the City.
 - c) The maximum day use fee shall be no more than \$20.00 and where implemented, the same rate shall apply regardless of holidays, weekends, or special events.
 - d) The fees shall be in effect only between the hours of 8:00 AM and 10:00 PM;
 - e) The City shall implement variable fees using the following measures during the permit term to adapt to changing conditions:
 - i. Reduce or eliminate fees during off-season or other low demand periods;
 - ii. Limit the number of holidays that allow a maximum rate;
 - f) All revenue generated by the fees shall be collected in a separate account and expended only upon public access services and maintenance of those services, or on public access projects from a project list pre-approved by the Executive Director, as shown in [Exhibit No. 2](#) attached to this staff report. Up to 60% of the revenue in any fiscal year may be expended upon public access services and maintenance, with the remainder to be spent solely on the pre-approved public access projects. Additional public access projects may be proposed as candidates for the parking fee revenue, subject to review and written approval of the Executive Director.
 - g) An additional fee of no more than \$0.30 for credit card meter transactions may be added to payments made via credit cards.
 - h) The City may include an inflationary adjustment on an annual basis not to exceed 3% for all paid parking.

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. **Permit Term.** The permit approved herein shall be valid for five years from the date of Commission action. After the authorization for the development expires, the continuation or retention of any development approved as part of this permit will require the issuance of a new coastal development permit or an amendment to this coastal development permit. If the Executive Director determines that continuation or retention of the development involves no potential for any

adverse effect, either individually or cumulatively, on coastal resources and that the continuing or retained development will be consistent with public access and other policies of Chapter 3, the Executive Director may process the request as a waiver or an immaterial amendment.

3. Parking Monitoring and Reporting Plan.

a. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT

PERMIT, the applicant shall submit for review and written approval of the Executive Director, a Parking Monitoring and Reporting Plan. The monitoring plan shall include, but not be limited to, the following:

- i. A discussion of the goals and objectives of the plan, which shall include an understanding of if and when parking fees are affecting the public's use of available paid and free parking;
- ii. Monitoring shall be conducted and data collected throughout the five-year permit term;
- iii. Monitoring and data collection shall occur along the following areas, as shown in [Exhibit Nos. 1 and 3](#) attached to this staff report and described below:

A. Proposed paid parking areas:

1. Via de la Valle (south side, Jimmy Durante to Camino del Mar);
2. Border Avenue (south side);
3. Camino del Mar ("North", east and west sides, Via de la Valle to San Dieguito River Bridge);
4. 29th Street (north side);
5. 17th Street (north side of parking lot behind lifeguard tower);
6. Coast Boulevard (east and west sides, 17th Street to 15th Street); and
7. Camino del Mar ("South", west side; approximately 1,000 ft. stretch north of intersection with Carmel Valley Rd.).
8. Trailhead Lot (northwest of the intersection of Jimmy Durante Boulevard and San Dieguito Drive)

B. Free public parking on the following streets:

1. Solana Circle (between Via de la Valle and East/West Solana Circle);
2. South Cedros Avenue (between Via de la Valle and Cofair Ave),
3. Highway 101 (1,000 feet north of Via de la Valle),
4. North side of Via de la Valle (between Solana Gate and Highway 101),
5. North side of Border Avenue,
6. South Sierra Avenue (between Border Avenue and Del Mar Shores Terrace),
7. Del Mar Shores Terrace,
8. Camino del Mar (between the San Dieguito River mouth and 25th Street),

9. 28th Street,
 10. 27th Street,
 11. 26th Street,
 12. 25th Street,
 13. 19th Street,
 14. 18th Street,
 15. Santa Fe Avenue (between 19th Street and 18th Street),
 16. 15th Street (between Coast Boulevard and Camino del Mar),
 17. Coast Boulevard (between 19th Street and 17th Street),
 18. Stratford Court (between 15th Street and 13th Street), and
 19. Ocean Avenue (between 15th Street and 13th Street)
- iv. Monitoring and data collection shall occur as follows:
 - A. For the paid parking areas listed in subsection 3(a)(iii)(A): one Friday, Saturday, and Sunday of each month.
 - B. For the Trailhead Lot: Monitoring shall be consistent with section (a) above and, to the extent feasible, shall take place on an equal amount of days with and without events taking place at the Del Mar Fairgrounds.
 - C. For the free public parking located on the streets listed in subsection 3(a)(iii)(B) above: one Friday, Saturday, and Sunday of the months of March, June, August, and December. This monitoring of free parking shall occur on the same days that monitoring of the paid parking areas occurs.
 - v. Monitoring shall consist of:
 - A. For the paid parking areas listed in subsection 3(a)(iii)(A): Counts shall be taken each hour starting at 10:00 AM and ending at 4:00 PM. For the free public parking located on the streets listed in subsection 3(a)(iii)(B) above: Counts shall be taken every other hour starting at 10:00 AM and ending at 4:00 PM.
 - B. Recordation of the parking rate in effect, type of fee paid (hourly or daily), temperature, weather (including wind speed and precipitation), a narrative regarding beach count, and surf conditions during each count.
 - C. Documentation of percentage occupancy and turnover rates in the paid parking areas and in the free public parking on the streets listed in subsections 3(a)(iii)(A) and 3(a)(iii)(B) above.
 - D. Documentation of type and duration of all events taking place at the Del Mar Fairgrounds on days of monitoring.
 - E. Hourly parking fee at the time of monitoring; and
 - F. Quantity and type of any parking violations issued.
- b. By January 31 of each year, the applicant shall submit, for the review and written approval of the Executive Director, a written monitoring report for the previous calendar year that is in compliance with the following:

- i. Each report shall include all measurements and data collected in conformance with the approved Monitoring Plan.
- ii. All reports shall include both narrative and illustrative (e.g., tables, graphs) comparisons of the paid and free parking usage, explanations of any noteworthy events that may have impacted parking, and details related to yearly trends with supportive documentation. Annual reports shall include occupancy and turnover data presented graphically for each of the proposed parking areas and shall compare usage within the paid parking areas and the free public parking areas.
- iii. Annual reports shall also include a 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.
- iv. Annual reports shall include an assessment of the overall effect of the pay parking program and its related expenditures on beach access, parking, and overall beach management and public recreation.

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.

4. Low-income Beach Parking Pass Program. PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit for Executive Director review and approval, a plan to provide free annual parking passes to qualified low-income individuals. The plan shall include, at a minimum, a description of low-income pass eligibility requirements, instructions on how the pass can be obtained, and an outreach and monitoring plan. The Plan shall be consistent with all of the following criteria:

- i. **Eligibility.** All persons enrolled in the following assistance programs shall be eligible for the pass:
 - CARE / FERA
 - Medicaid/Medi-Cal
 - Women, Infants and Children Program (WIC)
 - Healthy Families A & B
 - National School Lunch's Free Lunch Program (NSL)
 - Food Stamps/SNAP
 - CalFresh
 - Low Income Home Energy Assistance Program (LIHEAP)

- Head Start Income Eligible (Tribal Only)
- Supplemental Security Income (SSI)
- Bureau of Indian Affairs General Assistance
- Temporary Assistance for Needy Families (TANF) or Tribal TANF
- San Diego County's Rental Assistance Programs
- Applicants or occupants of affordable housing

Applicants shall submit proof of eligibility at time of application.

- ii. **Golden Bear Pass.** In addition to passes distributed through the City of Del Mar, the plan shall identify methods for acceptance of the State of California Golden Bear Pass within the paid parking areas.
- iii. **Outreach.** Information on how to obtain the pass shall be made easily available to the public both online at the City of Del Mar website and in the form of permanent signage at the Del Mar parking locations. At least one permanent sign shall be posted at each pay machine identifying the pass program and information on obtaining the passes, where each sign shall be in both English and Spanish. The Plan shall provide sign details, including all text and graphics, and each sign shall include the California Coastal Commission logo, and recognition of the Coastal Commission's role in providing more inclusive public access at this location. The City shall share information on how to obtain the pass with any social service providers and local non-profits working with low-income visitors and Del Mar residents.
- iv. **Monitoring.** The Plan shall provide that pass outreach and use data be collected and provided as a part of the Annual Project Reports (see also Special Condition 3).
- v. **Parking Violation Appeals.** Individuals who receive a parking violation or ticket and are eligible for the parking pass program shall have an opportunity to appeal the ticket. If the person receiving the ticket provides documentation of eligibility for the parking pass program, City authorities shall consider waiving the parking fee and any fees associated with the ticket. The right to appeal based on eligibility shall be expressed in signage and outreach materials, as well as the web portal through which the citation may be paid.

All requirements of the approved Beach Parking Pass Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Del Mar Beach Parking Pass Plan. Minor adjustments to these requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of Del Mar proposes to modify its previously approved paid parking program that applies to 422 existing paid parking spaces in eight facilities citywide in prime coastal access areas, such as on Via de la Valle, Camino del Mar, 17th Street, and the intersection of San Dieguito Drive and Jimmy Durante Boulevard ([Exhibit 1](#)). No new paid parking spaces are proposed, and no changes to the City's existing 580 free parking spaces are proposed.

The proposed paid parking program would apply to the following street segments:

1. Via de la Valle (south side between Camino del Mar and Jimmy Durante Boulevard)
2. Border Avenue (south side between South Sierra Avenue and Camino del Mar)
3. Camino del Mar (east and west side between Via de la Valle and the San Dieguito River mouth)
4. 29th Street (north side)
5. 17th Street parking lot (north side of lot)
6. Coast Boulevard (east and west side between 17th Street lot and 15th Street)
7. Camino del Mar (west side for 1,000 north of Carmel Valley Road)

These seven street segments are located throughout the City of Del Mar. Most are located along the northern and southern municipal boundaries with the cities of Solana Beach and San Diego, respectively, as well as clustered in the North Beach segment of the City. Many of the street segments are close to the beaches or bluffs, which are heavily used by beach visitors. However, the Via de la Valle segment, between Solana Gate and Jimmy Durante Boulevard, is over half a mile from the nearest beach (Dog Beach at the San Dieguito River mouth) and is mostly used by the public during the summer San Diego County Fair and horse racing seasons.

An eighth public parking facility, known as the Trailhead Lot, is located northeast of the intersection of Jimmy Durante Blvd. and San Dieguito Drive, just south of the San Dieguito Lagoon.

The City's paid parking program was approved by the Commission most recently in 2015 (See additional background and permit history below). The City's proposed modifications to its existing program include the following:

- Increase the maximum hourly parking rate from \$3 per hour to \$4 per hour
- Increase the maximum daily rate from the current rate of \$15 per day (up to \$20 at the Trailhead Lot) to \$25 per day
- Limit parking to four hours at the Trailhead Lot during special events at the Fairgrounds in order to increase turnover and access to parking for those using the adjacent Riverpath trail. The daily rate would not be offered on these event days. In addition to fairgrounds events (e.g., County Fair, horse races), this will

now also apply on days of significant City special events, including Twilight Concerts in the Park, and other significant City efforts busy holiday weekends such as the Fourth of July.

- Impose a new \$0.30 convenience fee for credit card meter transactions
- Increase fees annually based on inflationary adjustments (CPI) for San Diego County, but not to exceed 3 percent
- Eliminate the requirement to collect monthly parking counts and prepare annual monitoring reports
- Authorize the paid parking program indefinitely

Other operating parameters of the paid parking program will not change. This includes hours of operation, which will remain from 8 am to 10 pm. Also, consistent with the current program, the City proposes to use 60% of the annual revenue generated from the fees for public access services and maintenance. At all locations, the hourly rate would still be variable (\$0-4 dollars per hour), and a time limit of four hours will continue to be imposed at the Trailhead Lot during special events at the Fairgrounds. The City will continue to charge low rates at the Trailhead Lot before noon to enable opportunities for hikers to use nearby trails, and then increase the rate during hours of neighboring business operations and Fairgrounds events. The parking meters are existing; no new meters are proposed.

The City has stated that the goal of the paid parking program is to encourage turnover and thereby increase the availability of parking spaces to beach visitors. The program would continue to 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, as well as specific projects aimed at improving public infrastructure that provides physical access to the beach as well as recreational enjoyment opportunities.

The Coastal Act defines “development” as including, among other things, a “change in the intensity of use of water, or access thereto” (Pub. Resources Code, §30106). Accordingly, new parking fees such as the ones proposed constitute development because they affect the affordability and convenience of public access to the coast that may result in a change in intensity of use.

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.

Project Background/Permit History

In October 1994, the Commission approved CDP No. 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 the aim was 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 Pine State Beaches to the north and south, respectively (CDP Nos. XS-91-1 through 16), and therefore evenly distributed the level of beach use in the vicinity. The permit allowed the installation of pay and display machines that charged \$1.00 per hour between the hours of 9:00 AM and 8:00 PM. 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 No. 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 residences 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 per hour, no time limit) required further action by the Commission. This unpermitted development was eventually resolved as part of CDP 6-15-2123.

CDP No. 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 for the installation of new pay and display meters charging \$1.50 per hour between the hours of 9:00 AM and 8:00 PM. 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 this approval, the City submitted a total of three amendment requests. CDP No. 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 discontinued use of the machines in the interim, the City submitted CDP amendment No. 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 No. A-6-DMR-04-24, it did not conduct any of the required 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 No. 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 No. 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 per 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, and the City failed to do so when it implemented a 4-hour time limit in this area without benefit of a CDP.

In May 2015, the Commission approved a permit for establishment of the "Trailhead Lot," 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 (CDP No. 6-15-0081). That lot provides public trailhead parking for the several nearby public access and recreation trails and areas, 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, during which time 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. This allowance for a 10% increase expired when the permit term ended in May 2019. As indicated by the City, the revenue generated by the paid parking was used towards costs of the lease agreement

with the North Coast Transit District (NCTD) for the subject parking lot, operation and maintenance, and for trail improvements to the adjacent Riverpath public trail.

The framework for the City's most recent paid parking program was approved by the Commission in November 2016 (CDP No. 6-15-2123). The permit allowed included after-the-fact installation of existing automatic payment machines; installation of 11 new payment machines; and implementation of a new variable rate paid parking program for 392 parking spaces. Parking was also to be prohibited from 2:00 – 4:00 AM daily. At the July 2016 Commission hearing and subsequent meetings with Commission staff, the City modified their proposal slightly to consist of variable hourly parking fees of between \$0 and \$3 year-round, no maximum parking duration, a maximum day use fee of \$15 year-round, hours of payment operation between 8:00 AM and 10:00 PM, the establishment of a separate account to receive the proposed parking fee and expend the revenue on new public access improvements, and annual monitoring reports. In addition, this permit authorized after-the-fact approval for 175 of the 185 paid parking spaces which were operating without a CDP due to changes to the City had made to the operating parameters (e.g. price, time limits, installation of pay stations, etc.). The item was continued and at the November 4, 2016 hearing, Commission staff modified its recommendation by requiring up to 60% of the parking fee revenue in any given fiscal year to be spent on public access services and maintenance, with the remainder to be spent on public access projects from a pre-approved list. The Commission subsequently approved the permit, as conditioned.

During the review of CDP No. 6-15-2123, the Commission also approved a prohibition on parking between 2:00 AM and 4:00 AM, stating that limiting the parking prohibition to these hours would ensure that the public still has access to the shoreline during all but a very limited time period when beach use is very low, while still leaving the City the ability to prohibit overnight occupancy of vehicles on City right-of-ways. Two of the street segments under that permit - Coast Boulevard between 17th Street and 15th Street and Camino del Mar between Via de la Valle and the San Dieguito River mouth – were found to be of special importance to public physical and visual access due to their proximity to coastal parks, beaches, and waters, and in those two areas, no prohibition on parking was applied. During staff's review of the current CDP proposal, the City relayed that the 2:00 AM to 4:00 AM prohibition is not in effect anywhere in the City, and there is no signage that states these areas are not available for public parking during those specific hours. Because of that, the prohibition previously approved is no longer proposed at this time.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211:

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.

Section 30604(h):

When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

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.

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 of Del Mar is the smallest city in San Diego County (1.77 square miles), with 20% of the limited land area occupied by the Del Mar Fairgrounds, which due to its status as a state facility managed by the 22nd District Agricultural Association, exempts it from property taxes (though it does contribute sales tax). Because the Del Mar Fairgrounds serves as a year-round event space, visitors to the facility place heavy use on municipal facilities such as roads and parking. The greatest strain comes during the summer San Diego County Fair and summer horse race season, which see approximately 1.5 million and 650,000 visitors, respectively. In addition, the City's beaches see approximately two million visitors annually. According to the City, on any given day there are approximately 18,000 people within municipal boundaries. Further, the remainder of Del Mar is mostly residential, which, while providing property tax (one of the largest contributors to City revenues) means there is limited commercial and hotel properties to generate sales revenue compared to similar coastal communities.

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 two miles long and most of the beach access parking is located in the mile north of 15th Street, as the mile south of 15th Street 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 Street. While some of these downtown parking spaces have time restrictions, the only parking spaces in the City that currently charge fees are the 422 spaces identified in this proposal.

Parking Fee

The City's proposed hourly and daily rate increase is significant when compared to the existing rate as well as those of similar jurisdictions in southern California. The City states that the proposed \$4 an hour and \$25 a day will help the City continue to defray the growing costs associated with maintaining and enhancing the public access amenities that the City provides, such as road maintenance, disposal bags for dog waste, public restroom facilities, lifeguard facilities, sidewalks, etc., as well as several specific projects intended to create and enhance public access opportunities. The City beach and parks have over three million visitors per year in addition to Fairgrounds and downtown visitor totals, and the City states that the parking fee is also intended to promote greater turnover of parking in these heavily used beach areas.

The Commission has on several past occasions approved the collection of fees in Del Mar for parking or other public services, particularly when fee revenues are used to maintain 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 for dedicated beach parking lots.

The Commission's main concern in regard to paid parking programs and restrictions on parking hours 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 generally be comparable to those charged at similar public facilities in the region.

Accordingly, an analysis was conducted of nearby beach areas in order to place the City's proposed parking fee in context:

1. Fletcher Cove (Solana Beach – the community immediately adjacent to Del Mar to the north),
2. La Jolla Shores (City of San Diego)
3. The Pike (City of Long Beach)
4. Corona del Mar State Beach
5. City of San Clemente
6. San Clemente State Beach, and
7. Balboa Pier Parking Lot (Newport Beach)
8. City of Seal Beach

When compared to Commission action in other Southern California cities, the City's proposed rate increases are significant and would be higher than the daily or hourly fees levied by most other cities. Fletcher Cove and La Jolla Shores have entirely free beach parking, while the remaining beach areas charge a fee for certain segments. Per CDP No. 5-13-0506, the Commission approved permits for paid parking at Balboa Pier Beach Parking with an hourly rate of \$1.50, although current information posted to the City's website suggests the hourly rate is now approx. \$3.10. The Pike was approved for an hourly rate of \$3/hour in 1999 (CDP No. 5-98-156-A2). The City of San Clemente has also recently received a CDP that maintained their hourly rate of \$1.50 (CDP No. 5-19-1239). San Clemente State Beach has an approved flat all-day parking rate of \$15 (CDP No. 5-13-0351). Corona del Mar State Beach was approved a variable rate ranging from up to \$1.50 to up to \$4.00 on weekends through CDP No. 5-13-0507, although current information suggests people must pay up to \$24.15 to park for the day and \$6.40 hourly. More recently, the Commission approved parking rate increases for a City of Seal Beach public parking lot, located in a more residential/suburban area, at its December 2022 meeting (CDP No. 5-10-220-A1), with an hourly rate of \$2/hour and \$10.00/day.

In addition to being higher than many nearby cities, the proposed rate increases are significantly greater than the rates approved in Del Mar in 2015, even when considering annual CPI increases. Assuming a maximum annual 3% CPI increase, the previously approved \$3/hour fee would be \$3.80 in 2023 dollars. A day rate of \$15 would be \$19 today. Therefore, the City's proposed hourly rate increase to \$4/hour is slightly greater

than would be anticipated by inflation alone, while the proposed daily rate increase of \$25 is significantly greater.

In addition to the increases in rates themselves, the City also proposes to apply a \$0.30 credit card fee. The fee will apply to all credit card transactions but cash payment (in coins) is also accepted at the pay meters, giving the public an alternative to paying the credit card transaction fee.

The City has justified its proposed price increase by pointing to the previously approved 10% annual increase that was allowed for the Trailhead Lot (CDP No. 6-15-0081). While the Commission did previously approve a 10% annual increase, this only applied to the existing 28 spaces at the Trailhead Lot and did not apply at the remaining 394 spaces. That limited term permit expired, and the 10% annual increase is no longer in effect. The City also states that the proposed increase in daily rates can be comparable to multiple State Parks public lots, including Torrey Pines State Beach, South Cardiff, and Cardiff State Beach, all of which charge approximately \$25 per day. Those state parks do indeed appear to charge a comparable price; however, other State Park beaches in southern California (e.g. Bolsa Chica, Crystal Cove, Doheny, Huntington, and San Clemente) charge only \$15 per day.

It is important to note that the rates approved in 2015 were considered high at the time; however, the Commission ultimately approved them because the fees were variable in nature, the program did not encompass the majority of beach parking available in the City, and the approval was for a limited term. Therefore, the Commission found that allowing the fees would allow the City to offset some of the costs associated with visitor traffic. Further, the Commission would be able to determine the impact of the parking rates on public access through a required monitoring program and could adjust the program as necessary at the end of the permit term.

Conclusively, **Special Condition #1** accepts several elements of the City's proposed paid parking program rate modifications, including the hourly rate, annual CPI adjustment, and credit card transaction fee, while rejecting the proposed daily rate. The 3% maximum annual inflationary adjustment was determined to be reasonable and is reflective of the County-wide average. Both the proposed hourly and daily rate increases are significant in terms of the actual increase over existing and when compared to other cities in Southern California. However, the proposed hourly increase can be found acceptable given the \$3.00 an hour baseline rate that was previously approved and what it would be expected to be today with an annual 3% increase. The proposed daily rate of \$25.00 remains problematic because it does not align with the annual 3% increase, and is instead much higher. Therefore, an hourly parking fee of no more than \$4.00 and a daily rate of no more than \$20.00 is imposed through **Special Condition #1**.

Monitoring & Permit Term

The City also proposes to eliminate the requirement for collection of monthly parking counts and preparation of annual monitoring reports that was previously required in past Commission approvals (CDP Nos. 6-15-0081 and 6-15-2123). The City claims that

based on the years of data provided, there is no associated negative impact on coastal access as a result of the City's paid parking program. Further, the City has requested that this CDP be approved without an expiration date.

Commission staff reviewed the history of monitoring data associated with previous permitting actions to determine the necessity of additional future monitoring. The two relevant monitoring requirements are associated with CDP Nos. 6-15-0081 and 6-15-2123. Both set of monitoring parameters required the City to collect data that would be useful for evaluating future parking programs and to assess whether or not the paid parking program was adversely impacting public access. Monitoring was required multiple times a month for the parking fee areas (including special event days for the Trailhead Lot), as well as monitoring for those identified free parking areas in the case of CDP No. 6-15-2123. Monitoring included 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, weather, type of fees paid, and revenue collected.

CDP No. 6-15-0081 was issued in 2015 for the Trailhead Lot with a condition requiring monitoring reports for at least two years of the 4-year permitting term. However, Commission staff were unable to find any monitoring reports associated with this permit after it was approved, and City staff were also unable to locate the required reports. City staff did provide Excel spreadsheets containing the relevant raw data from recent years for the current CDP review, which Commission staff has used in its analysis. For CDP No. 6-15-2123, which approved the parking fee program for the seven street locations throughout the City for five years, monitoring reports were submitted for two years (2017 and 2018) while the CDP required annual monitoring reports for the entire permit term. Further, it does not appear that the two monitoring efforts that were submitted fully met the requirements of the special condition.

As described previously, the purpose of requiring monitoring is to determine the impacts of the parking fees on public access. Because the previous monitoring requirements have not been met, it would not be appropriate to discontinue monitoring as part of this approval as the information is still necessary and important, as the Commission's sets of data are incomplete. Therefore, **Special Condition #3** requires monitoring of both the paid parking areas and the adjacent free parking streets to determine if and how public access is affected. The monitoring and reporting plans will track parking utilization and turnover rates, as well as weather, temperature, surf conditions, and type of fee paid. Monitoring will be required on a Friday, Saturday, and Sunday of each month for the eight paid parking areas, as well as for the months of March, June, August, and December for 19 free public parking street segments as identified in the condition and [Exhibit No 3](#). For the Trailhead Lot in particular, monitoring is required on an equal number of days with and without events taking place at the Fairgrounds to the maximum extent feasible, and documentation of the type and duration of those events is also required. A count of any parking violations must also be included, as well as the use of a parking pass as detailed in **Special Condition #4**. The condition also requires the submission of an annual report for the duration of the permit that contains narrative and illustrative comparisons of the data gathered, as well as the identification of noteworthy events that may have impacted parking. The annual report will also include

a statement of the total fees collected, costs associated with maintaining beach access, an accounting of where the money was spent, and an assessment of the overall effect of the pay parking program.

Because the City must continue to submit annual monitoring reports that must be evaluated by Commission staff, **Special Condition #2** authorizes the program for a period of five years with an extension contingent on compliance with the parking monitoring requirement. A permit duration of five years is recommended because it will provide a sufficient sample size of data over a period encompassing various weather and community events while also allowing the City to generate sufficient revenue to assess the fiscal impact such a fee will have on the ability to fund future improvements.

Other Parking Program Parameters

Currently, the City restricts parking at the Trailhead Lot to a maximum of four hours during special events at the Fairgrounds; no daily rate is available. The City proposes to expand this to other City events, such as the 4th of July weekend and a concert series held by the City. Regarding the removal of the daily rate at the Trailhead Lot during special events at the Fairgrounds and City, the City states that the lot has significantly greater use during special events and that when the four-hour limit isn't applied, the daily rate is chosen at a higher frequency. Both of the data points imply that vehicles are being parked here increasingly to attend nearby events as well as attend the bars/restaurants nearby before or after the special event. The City concludes that limiting the maximum time an individual could pay to 4-hour blocks would allow for greater turnover. And by limiting special event attendees from using the lot for the entire day, greater access to those seeking to park near the Riverpath Trailhead and other surrounding public recreational trails would be possible.

Other aspects of the parking fee program will remain unchanged from previous approvals. For example, the fees shall be in effect between the hours of 8 am and 10 pm. A variable fee program will be implemented to reflect fees appropriate for the reduction or elimination of fees during off-season or other low demand periods. No maximum hourly parking duration shall be set, except for a 4-hour time limit at the Trailhead Lot during special events at the Fairgrounds, such as the County Fair, horse races, and other large events that typically fill the parking supply at the Fairground's main parking lot. Staff recommends a set of operating parameters that largely reflects those imposed by previous permits. **Special Condition #1** establishes the parameters under which the parking fee program would operate, including setting the maximum hourly parking fee of \$4 an hour and a maximum day use parking fee of \$20.00. The maximum day use fee will also not be in effect at the Trailhead Lot during special events to enable more users the ability to access the surrounding recreational trails. This ensures that the operating parameters are reasonable, in line with projected rate increases, easily defined, and in the best interest of the public at large by making the project comparable to similar coastal communities.

Another aspect of the City's parking program that will remain unchanged is the use of all parking fee revenue collected under this permit to be collected under a separate account specifically designed to fund new public access improvements or maintenance

of improvements. This account was first established upon Commission approval of CDP No. 6-15-2123, and required that the revenues from parking fees be spent on public access services and maintenance as well as specific projects reviewed and approved by the Commission. As part of the review for the current CDP, the City submitted information on which projects the parking revenues had been put towards, as well as the ongoing maintenance activities the fees were intended for. Several of the projects on the previously approved list have been funded in part by the parking fee revenue, including several priority projects the Commission identified at the time of its approval, and others not on the list.

The City does not propose to make any changes in the use of revenue from either CDP No. 6-15-2123 or CDP No. 6-15-0081. **Special Condition #1** memorializes that the parking fee revenue would continue to be allocated to a special fund for public access projects. Because the Trailhead Lot is partially located on a lot owned by NCTD, the revenue from that lot is currently shared with NCTD. However, the City's portion is used the same as all of the other paid parking locations. By continuing to require that parking fees are allocated to a special fund, the City ensures that members of the public who are bearing the burden of the proposed parking fee will enjoy the benefits that the fee brings about in the form of access maintenance, clean public spaces, and up-to-date and accessible facilities such as bathrooms. Additionally, the City has once more submitted a list of recent and future public access projects it is undertaking, so as to ensure the City's commitment to maintaining the City of Del Mar as an attractive coastal destination ([Exhibit 2](#)). This list comprises projects towards which the approved fees may be allocated. In recognition that many capital projects take time to plan and fund, and that during the 5-year permit term priorities can change or new amenities proposed, **Special Condition #1** allows for the City to propose additional public access projects for the review and written approval of the Executive Director for eligibility to receive parking fee revenue.

Environmental Justice

Ensuring maximum and equitable public access to the California coastline (as required by the Coastal Act, including Sections 30210 and 30213) is consistent with environmental justice principles reflected in the Coastal Act. As indicated above, Coastal Act Section 30604(h) provides that the Commission may consider environmental justice¹ issues when considering CDP applications, such as this one.

Throughout California's history, low-income communities, communities of color, and other communities with historically marginalized identities, generally referred to here as "underserved communities," have often faced disproportionate burdens in accessing the

¹ The Coastal Act defines environmental justice as "the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Pub. Resources Code, § 30107.3.)

California coastline due to geographic, economic, social, and cultural barriers.² A spatial analysis of 2010 Census data across demographics groups and proximity to public shoreline access points in California shows that a majority of Californians (79.7%) live within 62 miles of the coast, but populations closest to the coast are disproportionately white, affluent, and older than those who live farther inland.³ Recognizing these inequities and how their inconsistency with Coastal Act policies ensuring maximum and equitable public access to the California coastline, the Commission further specifies in its Environmental Justice Policy⁴ that:

The Coastal Act's mandates to provide maximum access and recreational opportunities for all, and to protect, encourage, and provide lower-cost visitor and recreational opportunities embody fundamental principles of environmental justice. The Commission reaffirms its longstanding commitment to identifying and eliminating barriers, including those that unlawfully privatize public spaces, in order to provide for those who may be otherwise deterred from going to the beach or coastal zone. The coast belongs to everyone, and access cannot be denied or diminished on the basis of race, ethnicity, income socio-economic status, or place of residence or other factors...

Understanding that even nominal costs can be barriers to access, preserving and providing for lower-cost recreational facilities is also an environmental justice imperative. This includes recreational opportunities such as parks, trails, surf spots, beach barbecue and fire pits, safe swimming beaches, fishing piers, campgrounds, **and associated free or low-cost parking areas.** (emphasis added).

In this case, the proposed parking fee program would provide funds that would be exclusively used to enhance beach recreational access improvements and management within the City of Del Mar, as it has in previous approvals (CDP No. 6-15-2123). As such, the project enhances public recreational access opportunities, including low/no-cost access, associated with beach and non-parking facilities and beach use in general. In addition, the City also maintains approximately 580 free parking spaces.

However, as described above, despite the past conditions of approval associated with past CDPs, the monitoring efforts had not been structured in a way that would account for identification of beach users with low incomes who are being disproportionately affected by the parking program. In other words, there was no mechanism within the conditions of approval to determine how many people had actually been disincentivized

² See, for example, *Free the Beach! Public Access, Equal Justice, and the California Coast*, by Robert Garcia and Erica Flores Baltodano, in the 2 Stanford Journal of Civil Rights and Civil Liberties (143, 2005).

³ See *Coastal Access Equity and the Implementation of the California Coastal Act*, by Reineman, et al, in the Stanford Environmental Law Review Journal (v. 36, pages 96-98, 2016).

⁴ California Coastal Commission Environmental Justice Policy (March 8, 2019), available at https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

by the program and decided to not visit the beach due to parking costs. Further, adverse impacts to affordable coastal access and recreation have the potential to remain if there is no information and data to understand, monitor, and address the impacts. This especially important given that the City proposes to further increase its fees.

Because of these concerns, **Special Condition #4** requires submission of a plan to provide free public beach parking passes to qualified, low-income individuals for Executive Director review and approval. Specifically, Special Condition #4 requires the City to develop a method to accept the State of California Golden Bear Pass within their paid parking areas in lieu of a metered parking pass. The Golden Bear Pass is for California residents receiving Supplemental Security Income, aid under CalWORKS, or over 62 years of age with income limitations as specified by California Department of Social Services and State Parks. In addition, to further expand opportunities to low-income communities, **Special Condition #4** also requires the City to offer free parking passes to individuals enrolled in assistance programs such as CARE/FERA, CalFresh or SNAP, Bureau of Indian Affairs General Assistance, San Diego County's Rental Assistance Programs, among many others, as well as those whose income qualifies for the County's affordable housing requirements. To ensure that qualified individuals are aware of the program, **Special Condition #4** requires the City to submit an outreach plan that includes installation of signs at each fee station in English and Spanish explaining the program and how to access it. The City must also monitor usage of the pass through the CDP's annual reporting mechanism detailed in **Special Condition #3**. Finally, **Special Condition #4** requires that any individual who qualifies for the parking pass program but receives a parking violation or ticket has the opportunity to appeal the ticket given that they provide the necessary documentation during the appeal process. This requirement to incorporate a low-income pass and associated monitoring requirements will help to account for those who may be disincentivized or cannot afford to pay the parking fees, consistent with the Coastal Act's public access and recreation policies, and in furtherance of Coastal Act Section 30604(h).

C. 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.

D. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Del Mar found the proposed development to be exempt from CEQA review requirements per Section 15378 (no significant impact).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing public access 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 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.” Memo from Peter Douglas (Executive Director) to Planning Directors of Coastal Cities and Counties, and Other Interested Parties. October 29, 1993.
- CDP Nos. XS-91-1 through 16 (State Parks)
- CDP No. 6-94-113 (City of Del Mar)
- CDP No. 6-94-113-A (City of Del Mar)
- CDP No. 5-98-156-A2 (City of Long Beach)
- CDP No. 5-10-220-A1 (City of Seal Beach)
- CDP No. A-6-DMR-04-24 (City of Del Mar)
- CDP No. A-6-DMR-04-24-A1 (City of Del Mar)
- CDP No. A-6-DMR-04-024-A2 (City of Del Mar)
- CDP No. A-6-DMR-04-24-A3 (City of Del Mar)
- CDP No. 5-13-0351 (CA Dept. of Parks and Recreation – San Clemente State Beach)
- CDP No. 5-13-0506 (City of Newport Beach)
- CDP No. 5-13-0507 (City of Newport Beach)
- CDP No. 6-15-0081 (City of Del Mar)
- CDP No. 6-15-2123 (City of Del Mar)
- CDP No. 5-19-1239 (City of San Clemente)