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Date: April 27, 2023

To: **COMMISSIONERS AND INTERESTED PERSONS**

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Subject: **STAFF RECOMMENDATION ON CITY OF DEL MAR MAJOR AMENDMENT
NO. LCP-6-DMR-21-0081-2 (Parking Adjustments) for Commission
Meeting of May 10-12, 2023)**

SYNOPSIS

The subject LCP land use plan (LUP) and implementation plan (IP) amendment was submitted on December 20, 2021, and filed as complete on April 7, 2022. A one-year time extension was granted on May 11, 2022. As such, the last date for Commission action on this item is July 1, 2023.

SUMMARY OF AMENDMENT REQUEST

The City of Del Mar is proposing to amend its LUP and IP by significantly reducing parking requirements for restaurants and certain commercial uses. The revisions would reduce the parking rate from one space per 90 sq. ft. to one space per 200 sq. ft. and eliminate parking requirements for outdoor dining areas that are equal to or less than the restaurant's indoor seating area. Outdoor dining space in excess of the indoor dining space would require parking at a rate of one space per 200 sq. ft. Restaurants with a gross floor area greater than 5,000 sq. ft. in size would require parking be provided at a rate of one space per 90 sq. ft. for the portion of the indoor restaurant space that is in excess of 5,000 sq. ft. This new standard would replace the existing requirement for parking at one space per 45 sq. ft. for restaurant space (indoor or outdoor) that exceeds 4,000 sq. ft.

Restaurants would be allowed to have an accessory food or beverage cart/stand without providing additional parking. A maximum of one beverage cart/stand will be allowed per lot, with the intent that it would function as accessory retail component for "to-go" orders. The cart cannot exceed 100 sq. ft. in area and cannot interfere with access to required off-street parking spaces.

The proposed revisions would also provide an exemption for existing commercial properties in the Central Commercial (CC) Zone to change-out of their tenant spaces with retail sales, restaurant, or personal service uses while retaining their non-conforming

parking. The maximum size of vacant tenant space afforded this exemption would be 5,000 sq. ft, and no more than three restaurants could be on one lot. Parking requirements would be limited to the existing on-site parking as of January 1, 2020; additional parking consistent with the revised ratios described above would be required for any proposed expansion of tenant spaces, including any outdoor dining space. The change-out in use must also comply with the horizontal use requirements of the Central Commercial Zone, as found in the certified IP. Namely, only particular uses, including community services/cultural uses, personal service uses, restaurant use, and retail use are permitted in street front spaces. The proposed code changes do not apply to Specific Plan zones.

After the City's submittal of the IP amendment, Commission staff identified several inconsistencies between the City's request to revise parking standards in the IP and the existing parking standards in the certified LUP. Thus, City staff requested Commission staff incorporate several suggested modifications to the parking policies of the LUP in order to ensure consistency with the requested IP changes.

SUMMARY OF STAFF RECOMMENDATION

The proposed reduction in parking requirements for restaurants and increased flexibility in converting commercial uses between retail and restaurant is intended to provide long-term assistance to Del Mar businesses by addressing barriers to attracting new tenants to vacant commercial spaces. The City asserts its existing parking regulations are onerous and that the proposed parking standards are better aligned with current industry standards and best practices.

One of the primary goals of the Coastal Act is to maximize public access to the coast. When private development does not provide adequate on-site parking, users of that development may occupy public parking that would otherwise have been available for visitors to the coast. Thus, cities must ensure development provides adequate on-site parking or provide substitute means of serving the development with public transportation to minimize adverse impacts on public access. While the Coastal Act strongly supports the provision of alternative transit, it continues to be important to ensure that the demand for parking associated with private businesses does not spill over to public beach parking, thereby limiting coastal access to only those people who live within walking or biking distance of the shoreline.

It can be difficult to do a direct comparison of parking requirements, as different jurisdictions break food service uses in different categories, may allow reduction in standards for shared parking, and often have various overlays, such as transit priority areas, all of which affect parking requirements. Staff determined that the reduced parking rate for restaurants proposed by the City is comparable to those of several nearby jurisdictions in the Coastal Zone, including most obviously the City of Carlsbad Village and Barrio Master Plan; however, an overall comparison of base parking rates reveals that the City's proposed rates are among the lowest in the San Diego Coast District, particularly true when looking at the proposed requirements for parking associated with outdoor dining.

The City's position is that this amendment will better reflect actual parking demands and capacity for restaurant use, and the City does not anticipate that parking capacity will be

drastically reduced by these reduced rates or that the changes will result in spillover effects on surrounding streets. Staff agrees that most of the existing lots are built out and the City has limited capacity for expanding. Nevertheless, all of the areas affected are within walking distance of the beach or the public trails adjacent to the river. The City's Beach Commercial (BC) zone is where three of the largest restaurants in the City are located (Poseidon, Brigantine, and Jake's), all of which currently utilize valet parking to try to meet the demand for parking. This area has extremely high beach use, and vehicle circulation is often impacted by people attempting to find beach parking. For the restaurants in the BC zone, with their proximity to coastal access points, any increase in spillover parking is likely to have a significant impact on public access.

Outside of the Beach Commercial Zone, it is difficult to know whether changes that may occur as a result of the proposed amendment would impact public beach parking, both in terms of the number of restaurants that will take advantage of the change, as well as the locations and sizes of the restaurants that will adjust their parking in accordance with the amendment, and existing retail stores that might convert to restaurant use.

Goal IV-29 of the existing LCP explicitly acknowledges the need to identify the amount and location of parking as well as developing and implementing an overall parking management and improvement plan for the City to ensure that the various needs of residents and visitors are met over time. However, the City has not completed and updated such an inventory of existing parking areas nor implemented an overall parking management and improvement plan for the City as required by the LCP.

Therefore, staff is recommending approval of the proposed parking changes everywhere proposed except in the limited area of the BC zone, for a period of eight years, during which time the City must develop the overall parking management and improvement plan required by the LCP. This will allow the City and the Commission the information necessary to evaluate parking, circulation, and the provision of public transit in the City to ensure public access to the coast is provided and protected.

To correct the discrepancy between the parking standards of the IP and the LUP, City staff and the Commission worked together to replace the parking standards of the LUP with several new LUP policies that remove the specific parking standards from the LUP and the add new parking and transportation focused policies to protect public access and promote sustainable transportation. Accordingly, **Suggested Modification #1** would remove Policy IV-30, which specifies off-street parking requirements, from the LUP, and **Suggested Modification #2** replaces it with a new policy that provides parking as required in the IP for residents, visitors, and employees as part of new development. **Suggested Modification #3** requires that parking be provided and managed so that it is reasonable available as needed without significantly impacting coastal resources or public access to coastal amenities and facilities. **Suggested Modification #4** requires the City to take a flexible approach to parking requirements and reducing parking demand. This could include consideration of shared parking opportunities, high quality public transit services, reduced auto ownership, provision of car sharing opportunities, etc. **Suggested Modification #5** aims to reduce the amount of land dedicated to parking uses through measures such as parking structures, shared parking, and managed public parking while still maintaining access to the shoreline. **Suggested Modification #6** requires that where there is potential for significant transportation impacts, development should require transportation demand

management (TDM) strategies to reduce congestion and parking demand, vehicle miles travelled, improve mobility, and reduce air pollution. **Suggested Modification #8** would add a new subsection to Section 30.80.020 of the certified IP that specifies the creation of an overall Parking Management Program (PMP). Based on the data collected, the PMP will also provide recommendations to address how parking programs and services should be adjusted to maximize access to the shoreline, including considerations for future development, environmental justice, biological resources and reducing vehicle miles traveled and private vehicle use. The PMP will be completed no less than every 10 years, with the first deadline being January 1, 2030 (unless extended by the Executive Director). In this way the requirement for a PMP will align the amendment with the relevant LUP policy of the City's certified LCP.

Suggested Modification #9 excludes the Beach Commercial Zone from the proposed parking rate changes to indoor areas of restaurants and **Suggested Modification #11** excludes the Beach Commercial Zone from the City's proposed parking rate changes to outdoor areas of restaurants. Instead **Suggested Modification #10** adds a new parking requirement for the Beach Commercial Zone specifically that matches the parking rate currently found in the certified IP. Namely, parking ratios will be required at 1 space per 90 sq. ft. of gross floor area up to 4,000 sq. ft. and 1 space for each 45 sq. ft. of gross floor area in excess of 4,000 square feet, including all outdoor space. **Suggested Modification #7** and **#11** both limit the approved changes to the year 2031, unless amended to extend the changes based on the conclusions of the parking management study.

With the inclusion of these suggested modifications, the proposed amendment can be found in conformance with the certified LUP in regards to public access and parking management.

The appropriate motions and resolutions begin on page 7. The suggested modifications begin on page 9. The findings for denial of the Land Use Plan Amendment as submitted begin on page 13. The findings for approval of the plan, if modified, begin on page 17. The findings for denial of the Implementation Plan Amendment as submitted begin on page 18. The findings for approval of the plan, if modified, begin on page 25.

ADDITIONAL INFORMATION

Further information on the City of Del Mar LCP amendment No. LCP-6-DMR-21-0081-2 may be obtained from Stephanie Leach, Coastal Planner, at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

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EXHIBITS

[Exhibit 1 – Ordinance No. 982](#)

[Exhibit 2 – Proposed Text Changes in Strikeout/Underline](#)

[Exhibit 3 – Michael Baker Parking Standards Study](#)

[Exhibit 4 – City Zones with Restaurants as an Allowable Use](#)

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. The City Council adopted 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 Commission has certified many amendments to the City's LCP since the LUP/IP certifications.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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 land use plan. 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.

II. MOTIONS AND 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.

1. MOTION:

I move that the Commission certify the Land Use Plan Amendment for the City of Del Mar certified LCP as submitted.

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Del Mar certified LCP as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. MOTION:

I move that the Commission certify the Land Use Plan Amendment for the City of Del Mar certified LCP as submitted if modified pursuant to the staff recommendation.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

3. MOTION:

I move that the Commission reject the Implementation Program Amendment for the City of Del Mar certified LCP as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the 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 AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Del Mar certified 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 as amended. 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.

4. MOTION:

I move that the Commission certify the Implementation Program Amendment for the City of Del Mar certified LCP if it is modified pursuant to the staff recommendation.

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 for the City of Del Mar certified LCP 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 as amended. 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.

III. SUGGESTED MODIFICATIONS

A. Land Use Plan Modifications

Staff recommends the following suggested revisions to the proposed Land Use 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. Delete the entirety of Policy IV-30, including the Off-Street Parking Regulations:

~~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.~~

~~[...]~~

2. Add a new Policy IV-30 as follows:

Provide parking for residents, visitors, and employees as part of new development in accordance with the City's certified Implementation Plan.

3. Add a new Policy IV-31 as follows:

Provide and manage parking so that it is reasonably available when and where it is needed, without significantly impacting coastal resources or public access to coastal amenities and facilities.

4. Add a new Policy IV-32 as follows:

To help reduce parking demand, consider flexibility in parking requirements such as shared parking opportunities, improved public transit services, reduced auto ownership, provision of car sharing opportunities, or other means, provided that public access is not reduced.

5. Add a new Policy IV-33 as follows:

Reduce the amount of land devoted to parking through measures such as parking structures, shared parking, and managed public parking while still providing appropriate levels of parking to maintain access to the shoreline.

6. Add a new Policy IV-34 as follows:

Where potential for significant transportation impacts is identified for proposed development, require implementation of transportation demand management (TDM) strategies as a mitigation tool to improve mobility, reduce congestion and parking demand, and reduce vehicle miles traveled (VMT), greenhouse gas emissions, and air pollution. The City shall actively encourage and, where

appropriate to avoid impacts to public access and circulation, require development to implement incentives and programs to increase the use and availability of sustainable transportation (e.g., carpooling, bicycles, public transit, rail service, walking) such as the provision of employee transit passes or subsidies, ridesharing programs, bike racks, on-site showers and lockers, and similar measures.

B. Implementation Plan 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.

7. Add a new subsection (7) to Section 30.80.020(F) as follows:

The provisions of Section 30.80.020(F) shall remain in effect until January 1, 2031. This section may be amended prior to the expiration date based on the results and recommendations of the Parking Management Program described in 30.80.020(H). However, if not amended by January 1, 2031, then this Section shall become inoperative on January 1, 2031. The January 1, 2031 deadline may be extended for good cause by the Executive Director of the Coastal Commission.

8. A new section (H) shall be added to Section 30.80.020 as follows:

In accordance with LUP Policy IV-29, an inventory of existing parking areas shall be used to develop and implement an overall Parking Management Program (PMP) that shall be revised periodically. The PMP shall be developed and implemented to strengthen and improve parking accessibility and availability in the City and to implement parking management and Transportation Demand Management (TDM) strategies to create a more balanced and efficient parking system that ensures access to the shoreline for a range of visitors and residents. The PMP shall include the following:

1. Existing Conditions & Parking Inventory that covers, at a minimum, areas of the City within one-quarter mile of the shoreline, including the San Dieguito Lagoon riverfront, documenting the characteristics of publicly available on- and off-street parking in the City of Del Mar, the inventory of publicly available on- and off-street parking within the City, and the City's existing parking code requirements and programs to manage parking.
 - a. Identification of sites where commercial tenants with non-conforming parking have modified the use or implemented tenant improvements within an existing commercial building per Section 30.80.020(F) and the number of off-street parking spaces provided for the property.
 - b. Identification of sites with new or expanded restaurants that have utilized the outdoor seating exemption per 30.80.030(c) "Outdoor Dining on Private Property (Accessory to a Restaurant/Bar/Cocktail Lounge/Tea

Room/Other Business for the On-Site Consumption of Food and/or Beverage) outside of the Beach Commercial Zone” where the size of the outdoor seating area exceeds the size of the indoor seating area and the number of off-street parking spaces provided for the restaurant.

2. Parking Occupancy Analysis with a detailed description of occupancy (utilization) counts by both zone and type, parking rate in effect (if applicable), and by time of day and week, emphasizing summer months and including weekends. Data collection shall occur every 2-3 years at least 3 times per PMP update cycle, with the first collection taking place no later than 2024.
 3. Parking Demand Analysis of the parking space occupancy rates, existing City parking code requirements, peer city parking rates, and industry standard rates to determine the appropriateness of current minimum parking requirements for publicly available on- and off-street parking.
 4. Analysis of the results of the inventory and occupancy, including demand analyses that use best practices by peer cities and industry-wide standards as guidance. Recommendations shall be tailored to address the unique features of Del Mar’s infrastructure, character, and geography.
 5. Recommendations that address whether parking programs and services should be adjusted in order to maximize access to the shoreline taking into consideration such factors as future development, environmental justice, biological resources, and reducing vehicle miles traveled, as well as alternatives to private automobile use.
 6. The PMP shall be completed no less often than every 10 years, with the next report to be completed no later than January 1, 2030. The January 1, 2030 deadline may be extended for good cause by the Executive Director of the Coastal Commission.
9. Parking requirements found in Section 30.80.030(C)(Non-Residential Use Parking Requirements) shall be modified as follows for the subject uses:

Restaurant/Bar/Cocktail Lounge/Tea Room/Other Business for the On-Site Consumption of Food and/or Beverage outside of the Beach Commercial Zone

1 space per 200 sq. ft. of GFA up to 5,000 sq. ft. and 1 space for each 90 sq. ft. of GFA in excess of 5,000 sq. ft. (Note: a restaurant is permitted one on-site accessory food/beverage stand or cart that is not subject to required parking in accordance with Section 30.80.020(G)).

The restaurant parking rate provisions of Section 30.80.030(C) shall remain in effect until January 1, 2031. This section may be amended prior to the expiration date based on the results and recommendations of the Parking Management Program described in 30.80.020(H). However, if not amended by January 1, 2031, then the parking requirements shall be as shown as those for the Beach Commercial Zone in Section 30.80.030(C) and any development that occurred

under this section shall be considered legal non-conforming. The January 1, 2031 deadline may be extended for good cause by the Executive Director of the Coastal Commission.

10. Parking requirements for the Beach Commercial Zone shall be added to Section 30.80.030(C)(Non-Residential Use Parking Requirements) as follows:

Restaurant/Bar/Cocktail Lounge/Tea Room/Other Business for the On-Site Consumption of Food and/or Beverage located in the Beach Commercial Zone

1 space per 90 sq. ft. of GFA up to 4,000 sq. ft. and 1 space for each 45 sq. ft. of GFA in excess of 4,000 sq. ft. including all outdoor space, covered or uncovered, used for any restaurant purpose (Note: a restaurant is permitted one on-site accessory food/beverage stand or cart that is not subject to required parking in accordance with Section 30.80.020(G)).

11. Parking requirements for outdoor dining proposed in Section 30.80.030(C)(Non-Residential Use Parking Requirements) shall be modified as follows:

Outdoor Dining on Private Property (Accessory to a Restaurant/Bar/Cocktail Lounge/Tea Room/Other Business for the On-Site Consumption of Food and/or Beverage) outside of the Beach Commercial Zone

No additional parking requirement if outdoor seating area is equal to or less than the indoor seating area.
For any outdoor seating area that exceeds the indoor seating area, parking shall be provided at a rate of 1 space per 200 sq. ft., for the excess outdoor area.

The outdoor dining parking provisions of Section 30.80.030(C) shall remain in effect until January 1, 2031. This section may be amended prior to the expiration date based on the results and recommendations of the Parking Management Program described in 30.80.020(H). However, if not amended by January 1, 2031, then the parking requirements shall be as shown as those for the Beach Commercial Zone in Section 30.80.030(C) and any development that occurred under this section shall be considered legal non-conforming. The January 1, 2031 deadline may be extended for good cause by the Executive Director of the Coastal Commission.

IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF DEL MAR LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. AMENDMENT DESCRIPTION

The proposed LCP amendment is intended to provide long-term assistance to Del Mar businesses by addressing barriers to attracting new tenants to vacant commercial spaces. The City asserts its existing parking regulations are onerous and that the proposed parking standards are better aligned with current industry standards and best practices. The City adopted Ordinance No. 982 on December 13, 2021 to modify its parking regulations and amend the LCP accordingly ([Exhibit 1](#)).

The amendment initially submitted by the City proposed three main changes to the City's parking code as currently found in the Implementation Plan (IP). After the amendment was submitted, Commission staff identified several inconsistencies between the City's request and the existing parking standards in the certified Land Use Plan (LUP). Therefore, City staff requested several suggested modifications be made to the parking policies of the LUP so that the requested IP changes would be consistent with the LUP. In order to provide some background to those changes proposed for the LUP, the proposed changes to the IP will be summarized first.

The first modification to the City's IP includes a reduction in the required parking for table service restaurants, given several scenarios. The first is reducing the parking requirement for restaurants from one space for every 90 sq. ft. (11.1 spaces per 1,000 sq. ft.) to one parking space per 200 sq. ft. (five spaces per 1,000 sq. ft.). A new parking exemption will also be created for outdoor dining areas that are equal to or less than the restaurant's indoor seating area; any outdoor dining space in excess of the indoor area is required to provide parking at a rate of one space per 200 sq. ft. Finally, restaurants with any indoor space in excess of 5,000 sq. ft. must provide parking for that area at a rate of one space per 90 square feet. This new standard will replace the existing requirement for parking at one space per 45 sq. ft. for restaurant space (indoor or outdoor) that exceeds 4,000 sq. ft.

The second change to the parking code is to allow a restaurant to have an accessory food or beverage cart/stand without providing additional parking. A maximum of one beverage cart/stand will be allowed per lot, with the intent that it would function as an accessory retail component for "to-go" orders. The cart cannot exceed 100 sq. ft. in area and will be open to air on all sides. Importantly, the cart cannot interfere with access to required off-street parking spaces.

The third change to the parking code is to provide an exemption for existing commercial properties in the Central Commercial (CC) Zone to allow for the change-out of tenant spaces for retail sales, restaurant, or personal service uses, while retaining any non-conforming parking. Examples of retail sales would include businesses such as antique shops, apparel stores, bakeries, bookstores, florists, gift and jewelry shops, and music stores. Restaurants would include bars/cocktail lounges/wine bars, coffee shops, delis, ice cream shops, sandwich shops, and traditional restaurants. Personal services would include barber shops/salons, day spas, health studios, dry cleaning/laundromats, postal

services, and tailors. The maximum size of vacant tenant space afforded this exemption would be 5,000 sq. ft, and no more than three restaurants can be located on one lot. Parking requirements would be limited to the existing on-site parking as of January 1, 2020; additional parking consistent with the IP would be required for any proposed expansion of tenant spaces. The change-out in use must also comply with Section 30.22.030 of the IP, which requires that street front building spaces in the Central Commercial Zone are limited to particular uses, including community services/cultural uses, personal service uses, restaurant use, and retail use. The proposed code changes do not apply to Specific Plan zones, including the 941 Camino del Mar Specific Plan, Plaza Specific Plan, and Hotel Specific Plan.

Restaurants have been identified as a desirable business use in the Central Commercial zone, where the City strives to support a vibrant pedestrian-oriented downtown through the support of active street frontage spaces. Restaurants draw people to eat, walk, and shop, thereby also supporting other businesses nearby. Additionally, and especially since the onset of the COVID-19 pandemic, outdoor dining is an important option for residents and visitors alike.

The City has relayed that its business community has consistently identified existing parking requirements as a barrier to accommodating new tenants in vacant spaces. It is particularly difficult for lots in the CC Zone, since most CC Zone properties are not equipped with the number of off-street parking spaces that are currently required by the parking code and thus the properties are classified as “non-conforming.” This is a common obstacle for property owners seeking to maintain commercial tenants and existing buildings in compliance with the City’s zoning code requirements. As a result, commercial property owners are challenged with filling vacancies or are left with the option to fully redevelop a site with larger parking facilities (such as an underground garage), which may be infeasible.

After the City’s submittal of the above-described amendments to the IP, Commission staff determined that the changes to the parking standards would be inconsistent with the parking standards contained in the existing certified LUP. Therefore, the City requested the inclusion of several suggested modifications amending the LUP to resolve the discrepancies. These include the removal of the parking standards from the LUP altogether, as the specific requirements are already in the IP. In place of specific standards, new policies would be added to the LUP that require the protection and provision of public access to the shoreline and promote sustainable transportation.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to public access, specifically public beach parking.

C. CONFORMITY OF THE CITY OF DEL MAR LAND USE PLAN WITH CHAPTER 3

Relevant Coastal Act policies include the following:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.5 of the Coastal Act states:

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 30214 of the Coastal Act states:

(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.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

1. **FINDINGS FOR DENIAL**

One of the basic goals of the Coastal act is to maximize public access to the coast. When private development does not provide adequate on-site parking, users of that development who arrive by automobile are forced to occupy public parking that would otherwise have been available for visitors to the coastal zone. Thus, all private development must provide adequate on-site parking or provide substitute means of serving the development with public transportation to minimize adverse impacts on public access. While the Coastal Act strongly supports the provision of alternative transit, it continues to be important to ensure that the demand for parking associated with private businesses does not spill over to public beach parking, thereby limiting coastal access to only those people who live within walking or biking distance of the shoreline.

It is important to note that the changes to parking standards proposed with the subject amendment may appear relevant to legislation that recently went into effect statewide on January 1, 2023. Specifically, Assembly Bill (A.B.) 2097 prohibits public agencies, including the Coastal Commission and local governments, from imposing minimum automobile parking requirements on most development within one-half mile of a major

transit stop. A “major transit stop” is defined as a site containing: (1) an existing rail or bus rapid transit station, (2) a ferry terminal served by either a bus or rail transit service, or (3) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods; and (4) also includes a major transit stop identified in the applicable regional transportation plan (Gov. Code § 65863.2(e)(5), Pub. Res. Code §§ 21155(b), 21064.3). After speaking with City staff about the potential applicability of this bill to the proposed amendment, the City confirmed that there are no transit stops within the City limits that meet this definition and therefore AB 2097 is not applicable to this amendment request.

As described above, the City’s proposed revisions to the parking standards in the IP, as submitted (and analyzed in detailed below under the Section V. Findings for Rejection of City of Del Mar Implementation Plan Amendment), are inconsistent with the existing certified LUP, which currently contains specific parking standards identical to those in the IP. Because the standard of review for IP amendments is consistency with the LUP, without modifications to the LUP, the IP would have to be denied. Therefore, Commission and City staff worked together to identify revisions to the LUP that would be consistent with the intent of the proposed revisions to IP. Because these changes were not part of the City’s original submittal, the requested LUP revisions are being made through suggested modifications. Thus, the LUP amendment must first be denied.

2. FINDINGS FOR APPROVAL IF MODIFIED

The City has requested the inclusion of suggested modifications that delete all of the specific parking standards currently contained in the LUP, as these standards are already contained in the IP. Many certified LCPs, including for example, those for Encinitas, Carlsbad, San Diego County, Santa Monica, and San Clemente, contain specific parking standards in the IP only, and as local parking standards in LCPs are updated in the future to meet new and evolving State requirements, having specific standards in the IP only may streamline future LCPAs.

In place of specific LUP parking standards, City and Commission staff worked together to develop a set of policies that require parking needs generated by new development to be accommodated in a manner that maximizes public coastal access, and that also promote alternative transit and transportation demand strategies as a tool to improve mobility, reduce congestion and parking demand, and reduce greenhouse gas emissions. Such goal-setting policies are appropriate in an LUP. Therefore, **Suggested Modification #1** removes Policy IV-30, which specifies off-street parking requirements, from the LUP. **Suggested Modification #2** requires parking for residents, visitors and employees as part of new development in accordance with the standards of the IP. **Suggested Modification #3** requires that parking be provided and managed so that it is reasonably available as needed without significantly impacting coastal resources or public access to coastal amenities and facilities. **Suggested Modification #4** requires the City to take a flexible approach to parking requirements and reducing parking demand. This could include consideration of shared parking opportunities, improving public transit services, reduced auto ownership, provision of car sharing opportunities, etc. **Suggested Modification #5** seeks to reduce the amount of land dedicated to parking uses through measures such as parking structures, shared parking, and managed public parking while still maintaining

access to the shoreline. **Suggested Modification #6** requires the implementation of TDM strategies to address significant impacts to public access.

With the suggested modifications above, the proposed LUP amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

V. FINDINGS FOR REJECTION OF THE CITY OF DEL MAR IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. AMENDMENT DESCRIPTION

While the goals of the overall LCP amendment have been described above, the City of Del Mar proposes to modify specific sections of its Implementation Program (IP) in order to provide long-term assistance to Del Mar businesses by addressing barriers to owners attracting new tenants to vacant commercial spaces. Specifically, it seeks to revise Sections 30.80.020(F), 30.80.020(G), and 30.80.030(C) so that parking standards become better aligned with current industry standards and best practices. Specifically, the proposed amendment would:

- Allow for a change-out in commercial use to a retail sales, restaurant, or personal services use without the need for additional parking spaces in the Central Commercial Zone provided that:
 - o The commercial tenant space was existing as of January 1, 2020
 - o Existing parking spaces are maintained unless and until a “Release of Covenant” is approved by the City and recorded with the County Recorder as needed. This includes both existing off-street parking spaces as well as any off-site parking spaces that are relied upon by existing commercial development through an approved in-lieu parking space agreement and/or a recorded parking agreement
 - o The proposed change in use could include the combination of existing tenant spaces provided that no tenant space on the lot exceeds a maximum size of 5,000 square feet in gross floor area
 - o If a tenant space will expand, additional parking must be provided at the rates set forth in Section 30.80.030
 - o Only three restaurants are permitted per lot
 - o All changes in use must comply with the horizontal zoning requirements of the Central Commercial Zone

- Allow restaurants to have one accessory food/beverage stand or cart on site that is not subject to required parking provided that:
 - o The stand/cart does not exceed one hundred square feet in area
 - o The stand/cart is open to the air on all sides to the maximum extent possible.
 - o The parking exemption applies to only one accessory stand/cart on the lot.
 - o The location of the stand/cart will not interfere with access to required off-street parking spaces
 - o A Design Review Permit from the City is obtained.

- Reduce required parking for restaurants city-wide from 1 space per 90 square feet up to 4,000 square feet to 1 space per 200 square feet up to 5,000 square feet.
- Reduce required parking for restaurants city-wide from 1 space per 45 square feet in excess of 4,000 square feet to 1 space per 90 square feet in excess of 5,000 square feet.
- Modify the requirement for parking for outdoor space associated with a restaurant. Outdoor restaurant spaces, previously subject to the same parking requirements as indoor spaces, would now only require parking for that portion of the outdoor area that exceeds the indoor seating area. In this case, parking is required at a rate of 1 space per 200 square feet for the excess outdoor area.

[Exhibit 2](#) shows the proposed amendment in strikeout/underline.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The certified LUP has a number of goals and policies relevant to the proposed amendment; the most applicable LUP standards are as follows:

Goal II-B states:

Focus major retail and office activity into an economically viable, pedestrian-oriented area that serves the needs of both residents and visitors.

Policy II-11 states:

Promote those uses of the City's commercial areas which will be of greatest economic benefit to the community while insuring compatibility with all other goals and objectives of the City's Community Plan and this document.

Goal IV-D states:

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

Goal IV-29 states:

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.

[...]

1. FINDINGS FOR DENIAL

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. The goal of the proposed LCP amendment is to provide long-term assistance to Del Mar businesses by addressing barriers to owners attracting new tenants to vacant spaces and ensuring the City has a vibrant downtown. Overall, the goal of this amendment reflects Goal II-B of the LUP. Staff's suggested modifications to the amendment will ensure that other relevant goals of the LUP, including Policy II-11 and Goal IV-D, are also met.

Parking Standards for Restaurants

The City undertook an analysis of local jurisdictions' parking standards in order to better understand how the City's current parking requirements align with both industry standards and best practices, including those collected by the Urban Land Institute (ULI) and Institute of Transportation Engineers (ITE), and several other southern California cities that have certified LCPs, including City of Carlsbad (Village and Barrio Master Plan), Encinitas, Laguna Beach, City of San Diego, and Imperial Beach ([Exhibit 3](#)). Direct comparisons of parking requirements can be difficult, as different jurisdictions break food service uses in different categories, may allow reduction in standards for shared parking, and often have various overlays, such as transit priority areas, all of which affect parking requirements. The parking requirements for restaurants included in the analysis range from as low as 3.33 spaces per 1,000 sq. ft. (for incidental Delicatessen Use in the City of Carlsbad) to as high as 18.0 per 1,000 sq. ft. (for Fine/Casual Dining as compiled by ULI). One example of standards for a similar nearby jurisdiction is the City of Carlsbad's Village and Barrio Master Plan, which breaks out restaurant uses into several categories, including table restaurants, delicatessens, fast food, and limited take-out service, each with different parking requirements. But for table restaurants specifically, it includes a parking requirement of one space per 170 sq. ft. and has no parking requirement for outdoor seating, if the outdoor seating area is equal to or less than the indoor seating area. If the outdoor seating area exceeds the indoor seating area, parking is required for the excess area at a rate of one space per 170 sq. ft. Thus, the City of Del Mar's proposed parking rate of one space per 200 sq. ft. (plus one space for every 45 sq. ft. when over 5,000 sq. ft.) is roughly consistent with several local jurisdictions' parking standards, including the City of Carlsbad Village and Barrio Master Plan and the Coastal Overlay and Central Urbanized Zones within the City of San Diego. Therefore, the City's analysis concludes that the proposed parking rate is consistent with other jurisdictions.

Nevertheless, it is important to note that overall, the analysis reveals that proposed parking standards for table-service restaurants in Del Mar are *less* restrictive than most nearby jurisdictions. A comparison of these base parking rates reveals that Del Mar's proposed parking rates are among the lowest in the San Diego Coast District, and this is particularly true when looking at the proposed requirements for parking associated with outdoor dining. Some local jurisdictions do have different parking standards for outdoor dining because outdoor dining is not always in use, for example, during inclement weather, and could be considered a spontaneous act for pedestrians who may happen to be in the area for other services or experiences. The City is proposing to exempt outdoor dining space from the requirement to provide parking when the outdoor dining space is the same or less than the interior dining space, similar to an exemption provided for in the City of Carlsbad Village and Barrio Master Plan. The City of Del Mar proposes to also emulate the Village and

Barrio Master Plan by requiring parking for any excess outdoor area above the total indoor area at the standard parking rate for restaurants. However, because Del Mar proposes to require parking at a rate of only one space for every 200 sq. ft. where outdoor area exceeds indoor area, and the Village and Barrio Master Plan requires parking at a ratio of one space per 170 sq. ft. for area that exceeds indoor area, this results in Del Mar allowing for very little parking total in the instance of a large outdoor area. Compared with other cities in San Diego County, such as Encinitas, Solana Beach, and the City of San Diego's Coastal Overlay Zone, outdoor dining is subject to the same parking requirements as indoor dining and there is no exemption for outdoor dining space (e.g. one space per 100 sq. ft. is required in both Encinitas and Solana Beach regardless of indoor or outdoor space, and one space per 200-233 sq. ft. is required in the City of San Diego Coastal Overlay Zone regardless of size of outdoor space).

When considering the potential impact of the reduction in required parking, the scope of these changes is important to bear in mind. The proposed change for off-street parking ratios for restaurants applies in all citywide base zones where restaurants are allowable. This includes the Central Commercial (CC), North Commercial (NC), Beach Commercial (BC), and Residential Commercial (RC) zones. [Exhibit 4](#) shows the location of the areas that would be affected by the proposed parking reductions. Within these zones, there are 16 table service restaurants. The majority (9 restaurants) are less than 2,300 square feet, while two (Poseidon and Brigantine) are larger than 5,000 square feet. City representatives have stated that Del Mar is largely a built-out city with limited properties available for development or redevelopment of restaurant uses. The City's position is that this amendment will better reflect actual parking demands and capacity for restaurant use, and the City does not anticipate that parking capacity will be drastically reduced by these reduced rates or that the changes will result in spillover effects on surrounding streets. Staff agrees that most of the existing lots are built out and the City has limited capacity for expanding.

Nevertheless, all of the areas affected are within walking distance of the beach or the public trails adjacent to the river. The change in the parking ratio from one space per 90 square feet to one space per 200 square feet is a significant impact that may result in greater use of street parking and public parking that would otherwise be utilized for beach access. This is especially true in the Beach Commercial (BC) zone, where three of the largest restaurants in the City are located (Poseidon at 1670 Coast Boulevard, Brigantine at 3263 Camino del Mar, and Jake's at 1670 Coast Boulevard), all of which currently utilize valet parking to try to meet the demand for parking. This area has extremely high beach use, and vehicle circulation is often impacted by people attempting to find beach parking. Two of these restaurants are 5,000 square feet or more, and as proposed, the excess indoor area over 5,000 sq. ft. would be required to have parking at a ratio of only one space per 90 sq. ft. The current LCP has a lower threshold of indoor and outdoor space in excess of 4,000 sq. ft. requiring parking at a rate of one space per 45 sq. ft. The exemption for outdoor space would further allow for the expansion of outdoor seating areas either without requiring any additional off-street parking or at the proposed parking rate (depending upon the size of the outdoor space). For the restaurants in the Beach Commercial Zone, with their proximity to coastal access points, any increase in spillover parking is likely to have a significant impact on public access.

Outside of the Beach Commercial Zone, it is difficult to know whether changes that may occur as a result of the proposed amendment would impact public beach parking, as the number of restaurants that will take advantage of these changes is unknown at this time. Goal IV-29 of the existing LCP explicitly acknowledges the need to identify the amount and location of parking as well as developing and implementing an overall parking management and improvement plan for the City to ensure that the various needs of residents and visitors are met over time. However, the City has not completed and updated such an inventory of existing parking areas nor implemented an overall parking management and improvement plan for the City as required by the LCP. The lack of information and planning with regard to parking is particularly concerning given the reductions in parking requirements for residential uses that have been and continue to be implemented in recent years. Without assurances that the City's supply of parking spaces, transit alternatives, and public access impacts associated with the amendment will be evaluated, and when and where necessary, addressed, the amendment as proposed cannot be found consistent with the LUP.

Change-out in Tenant Spaces of the Central Commercial Zone

The allowance for change-out in uses among restaurants, personal services, and retail in the Central Commercial (CC) Zone presents similar concerns surrounding the on-the-ground-effect of the proposed amendment. By allowing commercial property owners the ability to more easily switch out the retail, restaurant, and personal service tenants without requiring conforming parking, the City anticipates a reduction in the number of storefront vacancies and an opportunity for an active mix of retail and commercial uses downtown. The City assumes a set number of people are going to visit this commercial corridor and does not expect the amendment to entice more people and more cars to visit the City. Rather, the City believes the allowance for such a change-out will facilitate improvements to the downtown area and make it easier for businesses to move into the CC Zone and prosper by simply accommodating non-conforming on-site parking. The City has clarified that there is a saturation of restaurants in Del Mar and there is no expectation that change-out would increase the number of restaurants. Nevertheless, the amendment would allow for such an increase to occur.

In comparing the different parking rates found in Section 30.80.030 of the Del Mar Municipal Code, a range of parking requirements are found depending on the particular use and the size of the tenant space. For example, for personal service tenants that occupy 5,000 sq. ft. or less of gross floor area (GFA), one space for every 300 sq. ft. is required. For personal service in spaces larger than 5,000 sq. ft., 17 spaces plus one space for each additional 150 sq. ft. of GFA in excess of 5,000 sq. ft. of GFA would be required. For retail sales, the ratio ranges from one space for every 200 sq. ft. of GFA (outdoor sales) all the way to one space for 1,000 GFA (retail nursery/open sales/rental yards 10,000 sq. ft. or less of open sales and/or rental area). The proposed restaurant parking ratios have already been discussed, but a further note in this case would be that food and beverage establishments without table service are considered retail, and require parking at a rate of one space per 300 sq. ft. GFA.

The intent of the parking reductions for restaurants and for allowing non-conforming parking to remain during the change-out of personal, retail, and restaurant uses is to

maintain a thriving, viable, diverse business corridor that is welcoming to both residents and visitors, a goal well-aligned with that of the LCP. However, as cited above, the City's LUP specifically requires that competition for on-street parking be minimized to maximize access to beach area.

As with the proposed reduction in parking requirements for restaurants City-wide, the effects of an allowance for a change-out in personal, retail, and restaurant uses without the need for additional parking in the Central Commercial Zone are difficult to gauge. In terms of estimating the scope of the impact of the amendment, there are 59 parcels total in the CC zone, and all but one of them is less than a half-acre (21,780 sq. ft.). In fact, many of the parcels (29%) are less than 3,500 sq. ft. in size and could not likely accommodate a new restaurant build-out (i.e., approximately 3,000 sq. ft.). Although the parcels are small, suggesting parking requirements would be less than those for larger commercially-zoned parcels, the variable requirements for parking from retail to restaurant to personal service, as well as the size- or type-dependent requirements within each category of use, complicates efforts to fully understand the ramifications of the proposed changes.

To try to understand if the amendment presents an issue for beach parking, Commission staff attempted to analyze the amendment holistically within the context of other parking studies and reports published by the City. These included a Del Mar Village Specific Plan Parking Study completed in February 2012 and a survey of parking demand and supply in the Del Mar Village area in August of 2013. Relevant recommendations from the 2012 parking study included unbundling parking from tenant leases, revising the City code to maximize future parking efficiency, and investigating potential locations for additional parking, particularly in the areas closest to Camino del Mar and 15th Street. The 2013 parking study revealed that even during the period of highest demand for parking, a disproportionately large number of off-street parking spaces were unoccupied. The study identified the parking issues facing Del Mar as a question of parking management rather than purely infrastructural (i.e., a lack of available parking spaces). Relevant recommendations from the 2013 study included developing an employee parking program to mitigate the impact of employee parking on city streets, particularly in locations where providing parking for visitors is a priority, opening up private off-street lots to allow parking after the closing of the business day, and improving wayfinding to available public parking. The Downtown Parking Management Plan, which was completed by the City in 2015, synthesized the results of these studies by identifying the core parking issues, concerns, and needs as well as identifying implementation strategies to address these issues. Six challenges were identified, including a lack of accessible parking in high-demand areas; overall lack of on-street parking in the from 10th Street to 15th Street along Camino del Mar; a surplus of underutilized off-street parking; the impact of visitor, patron, and employee parking on residential areas adjacent to the Commercial corridor; planning for future parking needs, and the funding of both present and future solutions.

As a result of the parking studies above, the City made several promising changes in providing for more flexible parking programs and additional parking opportunities. As part of these efforts, an amendment to the City's parking code was certified by the Commission on August 9, 2017. Specifically, LCP Amendment No. LCP-6-DMR-16-0073-1 (Parking Regulations) made available new parking management options, including provisions for on-site paid parking, alternative transportation spaces in place of a portion of the standard automobile spaces, flexibility to use tandem parking and mechanical lists, and site-specific

parking management plans. The amendments also improved upon existing parking management tools, such as Shared Parking Permits, Off-Site Parking Agreements, Valet Parking Permits, and the In-Lieu Fee Parking Program. The City also added 140 public parking spaces in the new City Hall parking lot that was completed in 2018, and made 163 public on-street parking spaces available along 10th Street, 11th Street, and Camino del Mar as a result of 2019 City Streetscape Improvements. Additionally, as part of a recent CDP approval No. 6-22-0078, the City implements an ongoing paid parking program for 308 parking spaces and intends to remove the existing paid parking for 114 spaces along the southern side of Via de la Valle, making a total of approximately 694 free spaces City-wide.

Besides the parking improvements noted above, the City has also noted that ride-sharing services have become increasingly common in recent years, and that other public transit amenities within the City reduce the overall required vehicle trips to the City's restaurants and downtown area. For example, the Highway 101 Bus line runs the length of Camino del Mar and has a stop at 15th and Camino del Mar that runs on an approximately 30-minute schedule. It is also a City priority to participate in a regional shared electronic bicycle program to link the City of Del Mar to the Solana Beach transit center and to facilitate use around town. As part of the 2019 Streetscape improvements, the City implemented a number of improvements to pedestrian access to make the downtown area more walkable and installed both north and south bound Class 2 bicycle lanes for greater bicyclist safety. Approximately 15 new bicycle locking stations were installed between 9th Street and 15th Street, and five locking bicycle storage compartments were installed at the City Hall parking lot. As further bicycle and other technologies emerge, the City anticipates more individuals will choose alternative modes of transportation over driving. Finally, the City promotes alternative modes of transportation in the participation of SANDAG's iCommute program, which promotes commuters to utilize car/vanpool, bike, transit, and telework options for getting to work; the City recently earned a silver tier award for such participation.

The City points to the efforts above as evidence there is sufficient capacity to accommodate both the parking demand for coastal access as well as the anticipated demand for restaurants and other commercial tenants. City staff have indicated that many downtown parking spaces are frequently underutilized and that the overall existing parking supply is not expected to be impacted. Ample parking is anticipated to remain available for visitor-serving and commercial destinations because the requested LCPA action is intended to modify the parking code to better reflect actual parking demand conditions and not to reduce existing public parking capacity. Any potential change in on-site parking for restaurants is not anticipated to drastically change given the limited availability of commercially zoned properties, zoning standards, and the fact that the proposed required restaurant parking rate encourages and maintains the existing trend of smaller restaurant tenant spaces.

Nevertheless, the City's proposed changes allow for the continuation of non-conforming parking even when different uses are changed-out in tenant spaces of the downtown area. Generally, the Commission discourages non-conforming uses; however, non-conforming uses here appear to be less of an issue than inadequate parking management. While the addition of parking spaces since 2015 and the suite of parking management strategies

introduced to the LCP through the 2017 amendment alleviated the City's parking issues to some extent, it is unknown to what extent the current amendment could potentially impact the availability of public parking, particularly the parking used for beach access. Furthermore, the studies point to a particular concern regarding the underutilization of off-street parking and the use of available street parking by business employees. The proposed amendment could potentially reignite or exacerbate these concerns by continuing to de-emphasize the importance of adequate off-street parking and potentially increase tenant spaces (especially given the exemption for outdoor dining) and the demand for employees without providing commensurate off-street parking.

The studies are also out-of-date at this point, with the last parking demand and management survey undertaken in 2015 for the downtown area. As noted, Goal IV-29 of the certified LUP states that an inventory of existing parking areas must be completed and updated periodically to reflect current conditions, and a comprehensive current review of the City's parking inventory and traffic demand strategies would be a useful aid in understanding the potential effects of the proposed changes. Given these concerns, the proposed amendment cannot be found in conformance with the certified LUP in regards to the maintenance of non-conforming parking for the change-out in tenant spaces.

Accessory Stand/Cart

The City also proposes to allow for one stand/cart up to 100 sq. ft. per lot. The intention of the accessory stand/cart is to allow for restaurant owners to quickly serve guests without providing full table-service. Patrons, including those who arrive by car, are not expected to stay at the kiosk for long and a quick turnover of parking is expected. In comparing potential parking need across other cities along the coast in the County of San Diego, there are not many comparable standards available for this particular new use. Carlsbad Village and Barrio Master Plan has parking rates for fast food and limited take-out service/deli, with corresponding parking ratios of 1:240 and 1:300, respectively. The Encinitas Downtown Specific Plan requires parking at a ratio of one space for every 250 sq. ft. for take-out with no seating. Solana Beach also has an exemption for up to two incidental tables and eight chairs for all retail food establishments and restaurants. However, these services also typically include some limited seating, while the City's proposed accessory stands are not intended to create an additional seating area. The cart also cannot interfere with access to required off-street parking spaces. As a result, the likelihood of an accessory cart impacting the public's ability to park near the beach is low, and this aspect of the amendment can be found in conformance with the certified LCP.

2. FINDINGS FOR APPROVAL IF MODIFIED

As described, with the exception of the Beach Commercial Zone, where public parking and circulation is already extremely impacted and any reduction in parking can be expected to impact public access, the long-term impact of the reduced parking rates for restaurants, as well as the allowance for continuation of non-conforming parking for change-outs in Central Commercial retail, personal service, and restaurant uses, is difficult to predict. The City contends that the amendment will align its parking requirements with industry standards and neighboring jurisdictions, as well as match the official requirements with the on-the-ground demand seen within the day-to-day operations of City businesses, and little

change will occur. However, the reduction in parking requirements for restaurants City-wide could have an immediate effect, relieving restaurant tenants of having to provide as much parking on-site while also potentially allowing for the expansion of outdoor dining space with little or no parking. The retaining of non-conforming parking for change-out in uses of the Central Commercial Zone would likely have a more gradual impact, given that individual business owners will be choosing over time whether to pursue the allowable changes in tenant spaces or not. It is especially difficult to predict the scope of the amendment impacts given that the inventory of parking and traffic demand strategies have not been comprehensively analyzed by the City since 2015.

To address these concerns, **Suggested Modification #8** would add a new subsection to Section 30.80.020 of the certified IP that specifies the creation of an overall Parking Management Program (PMP). This PMP would include existing conditions and a parking inventory to document the current parking reservoir, existing parking code requirements, and the programs to manage parking. Within this inventory, an explicit requirement to identify those sites that have utilized the change-out in tenant spaces as well as those that have outdoor areas exceeding the indoor area, and the resulting parking requirement for both, will be included so as to provide both City and Commission staff with tangible data concerning the direct impact of the subject amendment. The PMP would also include a parking occupancy analysis, with data collection to occur every 2-3 years, for a minimum of three times per PMP update cycle, and with the first data collection to take place no later than 2024. A parking demand analysis will compare the occupancy rates to the existing City parking code, peer city parking rates, and industry standard rates to determine the appropriateness of current minimum parking rates. Based on the data collected, the PMP will also provide recommendations to address how parking programs and services should be adjusted to maximize access to the shoreline, including considerations for future development, environmental justice, biological resources and reducing vehicle miles traveled and private vehicle use. The PMP will be completed no less than every 10 years, with the first deadline being January 1, 2030 (unless extended by the Executive Director).

As noted above, the proposed parking requirements are comparable to those found in the certified Village and Barrio Master Plan for the City of Carlsbad (LCP-6-CVR-18-0070-1). As certified by the Commission, the Village and Barrio Master Plan includes many strategies to provide and manage parking as well as increase transportation options, including a requirement to employ transportation demand management (TDM) and annual monitoring of the entire parking system for changes in supply, demand, utilization rates, enforcement, maintenance needs, and the adjustment of parking programs and services as needed. In this way, the requirement for a PMP will align not only with the LUP Policy IV-29 of the City's certified LCP but also with requirements made for a nearby jurisdiction with similar parking ratios.

By including this suggested modification, the City can process the requested changes in this amendment while also gathering data that will help inform both City and Commission staff in the future of the overall effect of those changes. The PMP will also provide insights as to what, if any, modifications should be made to these allowances or other aspects of the City's parking and traffic management program. The initial report will be required in approximately seven years, which is adequate time to begin to see possible effects of the changes proposed by this amendment and if they have an impact on public parking. In

accordance with Goal IV-29 of the certified LUP, this PMP should be updated on a regular basis in order to provide both City and Commission staff a holistic view of the state of parking within the City and which transportation demand strategies are currently being pursued or have recently been implemented.

The requirement for a PMP in **Suggested Modification #8** requires a similar reference in the section of the proposed IP amendment referring to the allowance for a change-out in tenant spaces while maintaining non-conforming parking. Accordingly, **Suggested Modification #7** adds a subsection to 30.80.020(F) that specifies that the provisions governing the allowance of a change-out is in effect until January 1, 2031, but may be amended prior to this date based on the results and recommendations of the PMP. If not amended prior to this date (or extended at the discretion of the Executive Director), this section of the IP will expire. Based upon insights of the PMP, City and Commission staff will be able to work together to determine if the change-out provisions as proposed have been utilized and if so, to what extent they have been beneficial to the City's overall parking strategies and to public beach parking in particular. If the provision expires, the change-outs in tenant spaces that have taken place, as well as their existing parking, will become legal non-conforming. **Suggested Modification #9** also adds that the new parking rate for restaurants will expire on January 1, 2031, unless amended or extended prior to this date. If not amended or extended, the parking rates for restaurants will revert to the former ratios (currently found in the certified LCP). As with the change-out in tenant spaces, if the proposed parking rates for either restaurants are allowed to expire, any parking that was permitted or found exempt during this time will become legal non-conforming.

Additionally, the City proposes to reduce parking requirements for restaurants City-wide, including in the Beach Commercial Zone. As was noted above, three of the largest restaurants in the City are located in the Beach Commercial Zone. While the parking requirements would not apply to these three restaurants at this time because they all have valet parking programs approved by the City, there is a possibility that their parking programs will be discontinued in the future or a new restaurant may be established in their place or on another Beach Commercial parcel. In that case, there is a concern that the reduced parking requirements would result in patrons of the restaurant using nearby beach parking. This spillover effect would only be exacerbated if the exemption for outdoor dining space was also utilized. Because of this concern, **Suggested Modification #9** excludes the Beach Commercial Zone from the proposed parking rate changes to indoor areas of restaurants and **Suggested Modification #11** excludes the Beach Commercial Zone from the City's proposed parking rate changes to outdoor areas of restaurants. **Suggested Modification #11** includes the same deadline of January 1, 2031 to the City's proposed changes for outdoor areas for restaurants in the hope that recommendations from the PMP will inform an amendment prior to the expiration date (or that may otherwise be extended by the Executive Director).

Finally, to ensure that the Beach Commercial Zone has a parking rate in conformance with the LUP, **Suggested Modification #10** adds a new parking requirement for the Beach Commercial Zone specifically that matches the parking rate to the one currently found in the certified IP. Namely, parking ratios will be required at one space per 90 sq. ft. of gross floor area up to 4,000 sq. ft. and one space for each 45 sq. ft. of gross floor area in excess of 4,000 square feet, including all outdoor space. An allowance for one accessory food and

beverage stand/cart is also included to match the provisions for other restaurants in the City.

With the inclusion of these suggested modifications, the proposed amendment can be found in conformance with the certified LUP in regards to public access and parking management.

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. 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 found the proposed changes to be categorically exempt per CEQA Guidelines Article 19, Section 15301 (Existing Facilities). Ordinance No. 982 was adopted by the City on December 13, 2021.

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. The LCP amendment as modified will not have any significant adverse effect on coastal resources or public access to the coast, as the suggested modifications ensure managing and providing parking as appropriate will be on-going goal of the City as development occurs. This review will ensure that no feasible alternatives or feasible mitigation measures are available that would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms to CEQA provisions.