

## ORDINANCE NO. 924

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTER 30.80 RELATED TO PARKING BY REVISING SECTIONS 30.80.010, 30.80.030, 30.80.040, 30.80.085, 30.80.090, 30.80.100, 30.80.110, 30.80.140, 30.80.150, 30.80.160, AND 30.80.170, BY ADDING SECTIONS 30.80.020 AND 30.80.095; AND BY DELETING SECTIONS 30.80.050 AND 30.80.130.

The City Council of the City of Del Mar, California, does ordain as follows:

### **SECTION ONE**

That Section 30.80.010 of the Municipal Code be revised to read as follows:

#### **30.80.010 Purpose**

The purpose of this Chapter is to establish a unified set of regulations, standards, and procedures pertaining to the provision of off-street parking spaces in a manner that preserves the community character and effectively addresses the peak parking needs of allowed uses. The intent is to offer a range of parking options that support multi-modal transit alternatives consistent with the City's Community Plan and Climate Action Plan, and to facilitate efficient use of parking in commercial zones in order to reduce the potential for adverse impacts on adjacent residential neighborhoods. [Ord. 509, 722, 778, 815, 817, 821, 850, 856]

### **SECTION TWO**

That new Section 30.80.020 of the Municipal Code be added to read as follows:

#### **30.80.020 General Parking Regulations**

A. Unless otherwise permitted pursuant to the Del Mar Municipal Code, every person conducting a use on private property shall provide permanently maintained off-street parking spaces reserved for parking purposes only, with such off-street parking spaces designed and installed in the amount and in the manner required by this Chapter.

B. Off-street parking spaces may be provided in a common area to meet the required parking for two or more uses located

on the same site. Separate areas for the parking spaces corresponding to each use are not required. The use of common parking areas shall not modify the minimum parking requirements, which shall remain the sum of the required spaces of all uses computed separately, unless otherwise authorized pursuant to a Shared Parking Permit.

C. When an existing use with a structural nonconformity per Section 30.76.030 does not meet the off-street parking requirement and is proposed to be enlarged, then additional off-street parking shall be provided for the proposed enlargement at the rate required by Section 30.80.030.

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

E. Accessible parking spaces shall be provided in accordance with Title 24 of the California Building Code and shall be designed to meet applicable State and Federal standards for accessibility. Section 30.80.085 provides a process for existing uses to bring existing parking into compliance in cases where no expansion of the existing use is proposed.

### **SECTION THREE**

That Section 23.28.040 of the Municipal Code be revised to read as follows:

#### **30.80.030 Required Number of Off-Street Parking Spaces**

A. The number of off-street parking spaces required for each use shall not be less than those set forth in this Section.

1. The required off-street parking ratios are specified in Tables within Section 30.80.030(B) for residential uses and Section 30.80.030(C) for non-residential uses.

References within the Parking Tables to "GFA" shall mean "gross floor area" and references to "sq. ft." shall mean "square feet".

2. Where the required parking ratio is based on the gross floor area of a use, any areas devoted to parking shall be excluded from the calculation.

3. When the calculation of required parking results in a fractional part of an automobile parking space, a remaining fraction of one-half space or more shall be construed as one space; and a remaining fraction of less than one-half space shall be disregarded.

B. Residential Use Parking Requirements

1. The following Table identifies the required off-street parking for specified residential uses:

<u>Residential Land Use</u>		<u>Required Off-Street Parking Ratio</u>
<b>Boarding House; Lodging House; Fraternity-Sorority Housing</b>		1 space per 2 sleeping rooms
<b>Community Care Facility; Residential Care Facility</b>		1 space for the facility operator plus 1 additional space for each employee during the largest shift; See Section 30.80.030(B3)
<b>Dwelling Unit, Single Family</b>	<b>Unit with 3 bedrooms or less</b>	2 garage spaces per unit
	<b>Unit with 4 bedrooms or more</b>	3 spaces per unit (minimum 2 spaces in a garage)
<b>Dwelling Unit, Multiple-Family</b>	<b>Studio or 1-bedroom unit</b>	1 garage space per unit
	<b>2-bedroom or 3-bedroom unit</b>	2 spaces per unit (minimum 1 space in a garage)
	<b>Unit with 4+ bedrooms</b>	3 spaces per unit (minimum 2 spaces in a garage)
	<b>Guest Parking</b>	See Section 30.80.030(B2)
<b>Mobile Home Park</b>		1.5 spaces per mobile home or trailer site
<b>Senior Care Facility; Nursing Facility</b>		1 space for every 3 beds; See Section 30.80.030(B3)

2. In addition to the required off-street parking ratio specified in Section 30.80.030(B1), Multi-Family Dwelling Unit development shall comply with the following:

- a. Provide 1 guest parking space per every 4 dwelling units;
- b. Provide the guest parking spaces on the same parcel of land where the dwelling units are located;
- c. Identify the spaces as "Guest Parking"; and
- d. Prohibit the storage of recreational vehicles, boats, trailers, or similar oversized vehicles in guest parking spaces.

3. The parking rate for any community care, residential care or senior care facility may alternatively be provided at the same parking rate required for an equivalent dwelling unit.

4. The proposed remodel or enlargement of an existing dwelling unit with nonconforming garage parking is subject to Section 30.76.075.

C. Non-Residential Use Parking Requirements

1. The following Table identifies the required off-street parking rate for specified non-residential uses that are grouped in the following general use categories: Commercial Services, Institutional, Office, Retail Sales, Vehicle and Vehicular Equipment Sales and Services, and Industrial.

<b><u>Non-Residential Land Use</u></b>	<b><u>Required Off-Street Parking Ratio</u></b>
<b><i>Commercial Services</i></b>	
<b>Billiard Parlor</b>	1 space per 150 sq. ft. GFA
<b>Bowling Alley</b>	4 spaces for each bowling lane
<b>Child Daycare Facility</b>	1 space per employee, plus 1 space per 5 children
<b>Church or Religious Facility/ Auditorium/ Public Assembly</b>	1 space for each 5 seats of permanent seating; or 1 space for each 18 inches of bench seating

	(lineal inches); or 1 space per 7 sq. ft. of seating floor area where there is no permanent seating
<b>Dance-Ballroom Hall/ Meeting Hall</b>	1 space per each 40 sq. ft. of GFA or 2 spaces for every 6 seats plus 1 additional space for each 30 sq. ft. of dance floor area
<b>Golf Course</b>	10 spaces for each hole or tee
<b>Golf Driving Range</b>	3 spaces for each hole or tee
<b>Hotel/Motel</b>	1.25 spaces for each lodging room/suite; and additional spaces for accessory commercial service uses greater than 500 sq. ft. GFA (using parking rate for that use type)
<b>Miniature Golf Course</b>	3 spaces for each hole or tee
<b>Mortuary/ Funeral Home/ Commercial Chapel</b>	1 space for each 50 sq. ft. of assembly room GFA
<b>Motion Picture and Live Theater</b>	1 space for every 4 seats
<b>Personal Services</b>	
• 5,000 sq. ft. or less of GFA	1 space for each 300 sq. ft. of GFA
• 5,001 to 20,000 sq. ft. of GFA	17 spaces, plus 1 space for each additional 150 sq. ft. of GFA in excess of 5,000 sq. ft. of GFA
• More than 20,000 sq. ft. of GFA	17 spaces, plus 1 space for each additional 100 sq. ft. of GFA in excess of 20,000 sq. ft. GFA
<b>Pet Services - Grooming</b>	1 space per 300 sq. ft. of GFA
<b>Restaurant/ Bar/ Cocktail Lounge/ Tea Room/ Other Businesses for the on-site consumption of food and/or beverage</b>	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
<b>Sports &amp; Recreation Club/Facility</b>	1 space per 400 sq. ft. GFA
<b>Swimming Pool/ Ice-Roller Skating Rink</b>	1 space per 100 sq. ft. of pool/rink surface area
<b>Tennis/ Handball/ Volleyball Courts</b>	2.5 spaces for each court
<b>Veterinarian/ Boarding Kennel</b>	1 space for each 200 sq. ft. of GFA (excludes overnight animal holding areas)
<b>Warehouse/ Storage Facility</b>	1 space for each 1,000 sq. ft. of GFA
<b><i>Institutional</i></b>	
<b>Hospital</b>	1 space for each bed
<b>Library</b>	1 space for each 250 sq. ft. of GFA
<b>Museum</b>	1 space for each 250 sq. ft. of GFA
<b>Post Office</b>	1 space for each 300 sq. ft. of GFA, plus 1 additional space for each commercial vehicle operated or kept in connection with the use

<b>Public Utilities</b>	1 space for each 2 employees on the largest shift, plus 1 additional space for each commercial vehicle operated in connection with the use
<b>School</b>	
• <b>Elementary/ Junior High</b>	1 space per employee, plus 5 additional spaces (playground areas available for parking may be used to satisfy parking for an accessory auditorium where included)
• <b>High School/ Vocational/ Adult Extension</b>	1 space for every 5 students plus parking for accessory auditorium, as applicable
• <b>College/University</b>	1 space for every 3 students plus parking for accessory auditorium, as applicable
<b>Office</b>	
<b>Banks/ Financial Institutions</b>	1 space for every 300 sq. ft. of GFA
<b>Medical/ Dental/ Clinical/ Real Estate/ Mortgage Broker Office</b>	1 space for each 200 sq. ft. of GFA
<b>Professional/Business Office</b>	1 space for each 300 sq. ft. of GFA
<b>Retail Sales</b>	
<b>Appliance/Furniture Sales</b>	1 space for each 600 sq. ft. of GFA, plus 1 additional space for each commercial business vehicle operated in connection with the use
<b>Liquor Store</b>	1 space per 300 sq. ft. GFA
<b>Outdoor Sales</b>	1 space for each 200 sq. ft. of GFA for all areas used for sales, displays, viewing aisles/walkways or storage (required parking spaces shall be located in an area distinct from all sales, displays, viewing aisles, walkways, and storage areas)
<b>Retail Food and Beverage Establishment (no table service)</b>	1 space per 300 sq. ft. GFA
<b>Retail Nursery/Open Sales/Rental Yards</b>	
• <b>10,000 sq. ft. or less of open sales and/or rental area</b>	1 space for each 500 sq. ft. of GFA, plus 1 additional space for each 1,000 sq. ft. of indoor/outdoor open sales and/or rental area
• <b>More than 10,000 sq. ft. of open sales and/or rental area</b>	10 spaces for first 10,000 sq. ft. of GFA, plus 1 additional space for each 5,000 sq. ft. of indoor/outdoor open sales and/or rental area in excess of 10,000 sq. ft.
<b>Other Sales that do not fit in a category</b>	

<p><b>listed above:</b></p> <ul style="list-style-type: none"> <li>• <b>5,000 sq. ft. or less of GFA</b></li> <li>• <b>5,001 to 20,000 sq. ft. of GFA</b></li> <li>• <b>More than 20,000 sq. ft. of GFA</b></li> </ul>	<p>1 space for each 300 sq. ft. of GFA</p> <p>17 spaces, plus 1 additional space for each additional 150 sq. ft. of GFA in excess of 5,000 sq. ft. of GFA</p> <p>17 spaces, plus 1 space for each additional 100 sq. ft. of GFA in excess of 20,000 sq. ft. GFA</p>
<p><b><i>Vehicle and Vehicular Equipment Sales and Services</i></b></p>	
<p><b>Automobile/Boat Sales</b></p> <ul style="list-style-type: none"> <li>• <b>10,000 sq. ft. or less of open sales and/or rental area</b></li> <li>• <b>More than 10,000 sq. ft. of open sales and/or rental area</b></li> </ul>	<p>1 space for each 500 sq. ft. of GFA, plus 1 additional space for each 1,000 sq. ft. of indoor/outdoor open sales and/or rental area</p> <p>10 spaces for first 10,000 sq. ft. of GFA, plus 1 additional space for each 5,000 sq. ft. of indoor/outdoor open sales and/or rental area in excess of 10,000 sq. ft.</p>
<p><b>Automobile Washing</b></p> <ul style="list-style-type: none"> <li>• <b>Automatic</b></li> <li>• <b>Manual</b></li> </ul>	<p>1 space for every 2 employees, plus 1 space for each queue space per queue line</p> <p>1 space for each car wash bay, plus 2 spaces for each queue space per queue line</p>
<p><b>Gasoline Service Station</b></p>	<p>1 space for each gasoline pump, plus 1 additional space for each employee of the largest shift and 1 space per 300 sq. ft. gross floor area for any retail sales area (Note: parking spaces adjacent to the pump count towards the required parking)</p>
<p><b>Vehicular Repair and Maintenance Facility</b></p>	<p>2 spaces per service bay, plus 1 additional space for each employee of the largest shift, and 1 additional space for each commercial business vehicle operated in connection with the use</p>
<p><b><i>Industrial</i></b></p>	
<p><b>Industrial/ Manufacturing/ Laboratory/ Wholesale Printing</b></p>	<p>1 space for each 500 sq. ft. of GFA, plus 1 additional space for each commercial vehicle operated in connection with the use</p>

2. Bicycle spaces: In addition to the required number of standard off-street automobile parking spaces, proposed non-residential development shall comply with all of the following:

a. Provide a minimum of two short-term bicycle parking spaces or 5 percent of the required automobile spaces, whichever is greater in permanently anchored bicycle racks within 200 feet of the visitor's entrance and readily visible from the public right-of-way.

i. Existing bicycle parking spaces in a permanent bicycle rack located in the public right-of-way within 200 feet of the visitor entrance may be counted towards the requirement.

ii. Uses that are not anticipated to generate visitor traffic and new additions or alterations that add nine or fewer automobile parking spaces are exempt from the requirement for short-term bicycle parking.

b. Provide secure long-term bicycle parking in bicycle lockers or indoors in a secure bicycle parking location at a rate of one space or 5 percent of the required automobile parking spaces, whichever is greater, for new multi-tenant buildings with more than ten tenant-occupants; or for any projects where ten or more automobile spaces would be added.

3. Clean Air Vehicle spaces:

a. For the purpose of Chapter 30.80, the term "Clean Air Vehicle" shall mean any low-emitting and fuel efficient vehicle regulated under Health and Safety Code section 43800 and CCR, Title 13, Sections 1961 and 1962 and the following vehicles identified below:

i. Compressed natural gas (CNG) fueled vehicles (original equipment manufacturer only);



ii. High efficiency vehicles bearing a High Occupancy Vehicle sticker issued by the Department of Motor Vehicles;

iii. Neighborhood Electric Vehicles (NEV) that meet the definition of "low-speed vehicle" either in Section 385.5 of the Vehicle Code or in 49 CFR 571.500 (as it existed on July 1, 2000) and are certified to zero-emission vehicle standards;

iv. Partial Zero Emission Vehicles (PZEV) and Advanced Technology Partial Zero Emission Vehicles (ATZEV) certified by the California Air Resources Board;

v. Vanpool Vehicles that are designed for carrying 10 to 15 persons including the driver, and that are maintained and used primarily for the nonprofit work-related transportation of adults for the purposes of ridesharing; and

vi. Zero Emission Vehicles (ZEV) that are certified to zero-emission standards.

b. For proposed non-residential development that would add ten or more automobile spaces, off-street parking spaces shall be reserved for Clean Air Vehicles that meet the definition in Section 30.80.030(C4a) in accordance with the rate specified in the following Table:

<u>Total Number of Standard Automobile Spaces</u>	<u>Number of Required Spaces Reserved for Clean Air Vehicles</u>
0-9	0
10-25	1
26-50	3
51-75	6
76-100	8
101-150	11
151-200	16
201 or more	8% of automobile parking

c. The required number of Clean Air Vehicles spaces may be allocated from the total required number of automobile spaces for a development.

d. New Clean Air Vehicle spaces shall be designed to accommodate future installation of electric vehicle supply equipment in accordance with the California Green Building Standards Code section 5.106.5.3.

4. Within the Central Commercial, Visitor Commercial, North Commercial, Professional Commercial, and Beach Commercial Zones, alternative transportation spaces may be provided for Clean Air Vehicles, compact cars, micro-cars, motorcycles or bicycles in place of up to 15 percent of the standard automobile parking spaces.

a. The number of reserved Clean Air Vehicle spaces provided may exceed the number of required Clean Air Vehicle spaces identified in Section 30.80.030(C3) by up to an additional 15 percent of the total required standard automobile parking spaces.

b. The number of micro-car spaces shall not exceed a ratio of one micro-car space to ten standard automobile parking spaces.

c. Where provided in accordance with Section 30.80.030(C4), the following minimum ratios shall be complied with as applicable for credit towards the off-street parking requirement:

i. Clean Air Vehicle parking spaces or Compact parking spaces shall be provided in place of standard spaces at a ratio of one to one.

ii. Micro-car parking spaces shall be provided in place of standard spaces at a ratio of two micro-car spaces to one standard space.

iii. Motorcycle parking spaces shall be provided in place of standard spaces at a

ratio of four motorcycle spaces to one standard parking space.

- iv. Bicycle parking spaces provided within secure bicycle lockers (labeled as bicycle parking with posted directions for how to access and use the spaces) shall be provided in place of standard spaces at a ratio of four bicycle locker spaces to one standard space.
- v. The Director of Planning and Community Development may approve any equivalent combination of Clean Air Vehicle, compact, micro-car, motorcycle, and bicycle spaces to meet the off-street parking requirement.

D. For multiple-tenant commercial buildings and sites with a mix of commercial uses and lease spaces, common areas such as common entryways, hallways, restrooms, and stairwells or elevators shall be exempt from the calculation of gross floor area for the purpose of required parking.

E. Unless otherwise specified, accessory uses that are customarily incidental and subordinate to the primary use on a property may be exempt from the requirement to provide additional off-street parking where they comply with the following:

1. The primary use must occupy at least 50 percent of the property;
2. The accessory use must occupy an area no greater than 25 percent of the floor area of the primary use; and
3. The use category that corresponds to the accessory use must require the same or fewer parking spaces than the use category for the primary use per the parking rates specified in Section 30.80.030(C).

F. Alternative compliance with the required non-residential parking rates may be requested subject to Planning Commission approval of a Site-Specific Parking Management Plan pursuant to Section 30.80.095.

**SECTION FOUR**

That the title of Section 30.80.040 of the Municipal Code be revised to read as follows:

**30.80.040 Planning Commission Determination of Required Parking**

Where ambiguity exists in the application of off-street parking requirements, or where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable use specified herein.

**SECTION FIVE:**

That Section 30.80.050 of the Municipal Code be deleted.

**SECTION SIX**

That Section 30.80.060 of the Municipal Code be revised to read as follows:

**30.80.060 Design of Parking Space(s)**

A. Size.

1. Each off-street parking space provided to meet required parking shall be designed to meet the minimum dimensions identified in the Table below.

<u>Types of Parking Space</u>	<u>Required Minimum Dimensions</u>	<u>Special Circumstances</u>
<u>Standard Automobile Space</u>	<u>9 feet wide by 18 feet long</u>	<u>Add 6 inches to the width on each side that the space abuts an immovable obstacle higher than 6 inches above grade; and refer to City of Del Mar Parking Lot Layout standards</u>
<u>Compact Space</u>	<u>8 feet wide by 15 feet long</u>	
<u>Micro Car Space</u>	<u>6 feet wide by 9 feet long</u>	
<u>Motorcycle Space</u>	<u>4.5 feet wide by 8 feet long</u>	

<b><u>Tandem Automobile Spaces</u></b>	<u>9 feet wide by 36 feet long</u>	
<b><u>One-Car Garage Parking</u></b>	<u>10 feet wide by 20 feet long</u>	
<b><u>Two-Car Garage Parking</u></b>	<u>20 feet wide by 20 feet long</u>	<u>Length and width may be adjusted for tandem parking (minimum 400 sq ft)</u>
<b><u>Three-Car Garage Parking</u></b>	<u>30 feet wide by 20 feet long</u>	<u>Length and width may be adjusted for tandem parking (minimum 600 sq ft)</u>

2. The following standards apply to alternative parking designs where incorporated to meet required parking:

a. Clean Air Vehicles:

i. For the purpose of this section, Clean Air Vehicles shall have the meaning identified in Section 30.80.030(C3).

ii. In accordance with the California Green Building Standards, spaces reserved for Clean Air Vehicles shall be clearly identified on the paved surface of the parking space in the same paint used for the parking stall striping. The lower edge of the text shall align with the end point of the stall striping so that the signage is visible beneath a parked vehicle as follows:

CLEAN AIR/  
VANPOOL/EV

b. Micro-car, and Motorcycle spaces:

i. Micro-car spaces shall be clearly identified and reasonably distributed throughout the project rather than all clustered in one location.

ii. Motorcycle spaces shall be clearly identified.

c. Tandem Parking spaces: Tandem parking is a parking configuration where one vehicle parks directly behind another and the vehicle in back must be moved in order for the front vehicle to leave.

i. Tandem parking spaces designed to count towards required parking shall be limited to a maximum of two cars in depth.

ii. Non-residential accessible parking spaces that are required for persons with disabilities in accordance with California Building Code Title 24 shall not be provided in a tandem configuration.

iii. Proposals for use of tandem parking to satisfy required parking for non-residential development shall be accompanied by a plan for operation to demonstrate to the satisfaction of the applicable decision maker that the use of tandem parking will be operated effectively and will not result in adverse impacts.

iv. For residential uses with no alley access, tandem parking may be permitted within the required front yard setback area.

d. Automobile stacking mechanisms (horizontal and vertical), including mechanical lifts or elevators, may be used to provide access to required off-street parking spaces within an enclosed garage parking structure regardless of whether the spaces within the parking structure are located at-grade, above-grade, or below-grade provided the applicant complies with the following:

i. The applicant shall provide a plan for operation of the automobile stacking mechanism to demonstrate to the satisfaction of the City's Fire Chief and Director of Planning & Community Development that the automobile stacking mechanism will be operated effectively in compliance with all safety features required

by the manufacturer and shall incorporate any permit conditions required by the applicable decision maker to ensure the approval will not result in adverse impacts.

ii. Automobile stacking mechanisms shall not obstruct access to other required off-street parking spaces.

3. All parking areas shall be surfaced and maintained with an asphalt, concrete or other surface material deemed acceptable by the City Engineer that will provide equivalent protection against potholes, erosion, dust and/or other nuisances.

4. Any required accessible (disabled) parking space shall be constructed in a manner required by the most current edition(s) of the California Building Code (Title 24).

B. Location. Off-street parking required by this Chapter shall be located:

1. On the same site as the use necessitating such parking; or

2. Subject to the authorization and approval of an Off-Site Parking Permit.

C. Access from Street to Space. All parking spaces required by this Chapter shall be serviced by adequate ingress and egress as provided for herein:

1. Access to parking areas with 6 spaces or less and serving only residential uses shall have an unobstructed, permanently surfaced driveway not less than 10-feet in width. Said driveway(s) shall not exceed a total maximum width of 20-feet along all abutting street lines. (Refer to the City of Del Mar Parking Layout standards for parking space design and layout.)

2. Access to parking areas serving other than residential uses of any size, or serving a residential use of 7 or more parking spaces, shall have an unobstructed, permanently surfaced driveway not less than 10-feet in

width for a one-way driveways and 20-feet in width for two-way driveways. The driveway shall have a maximum width of 24-feet within a front yard or required side yard abutting a street. A suitable turnaround area shall be provided for each such parking area to enable all vehicles using such parking area to enter the street in a forward manner. (Refer to the City of Del Mar Parking Layout for parking space design and layout.)

D. Aisle Dimensions.

1. All aisles, fire lanes, maneuvering areas and/or other specified non-parking area shall be clearly marked and maintained with directional arrows and striping.

2. Aisle dimensions for parking lots shall conform to the dimensions shown on the City of Del Mar Parking Layout.

**SECTION SEVEN**

That Section 30.80.080 of the Municipal Code be revised to read as follows:

**30.80.080 Standards**

A. All parking and turnaround areas shall be subject to the same restrictions governing accessory buildings as defined in the zone in which such parking area is located, unless otherwise identified.

B. Parcels of land that abut an alley, shall allow required parking within the rear yard setback according to Section 30.86.200 C.

C. Parking and storage of vehicles on vacant lots including boats, house trailers, camper trailers and detached camper-trailer tops shall not be permitted for more than 72 consecutive hours unless otherwise provided for.

**SECTION EIGHT**

That the Title and Subsection A of Section 30.80.085 of the Municipal Code be revised to read as follows:



**30.80.085 Reduction of Off-Street Parking to Enable Existing Development to Comply with Accessible Parking Requirements**

A. When required to meet the California Building Code (Title 24) or the Americans with Disabilities Act (ADA) requirements for provision of accessible off-street parking spaces and paths of travel thereto, an applicant may obtain approval from the Director of Planning and Community Development for an existing use to reduce the total number of existing parking spaces upon demonstrating that the reduction in the number of spaces will be the minimum necessary to achieve compliance with state and federal accessible parking requirements and that no change of use or expansion of the existing use is proposed. [Ord. 815]

[Subsections B and C No Change.]

**SECTION NINE**

That Section 30.80.090 of the Municipal Code be revised to read as follows:

**30.80.090 "Town and Country" Parking Spaces**

"Town and Country" parking is a type of private/public parking design where spaces are provided partially on private property and partially in the public right-of-way along a specified portion of Camino del Mar. "Town and Country" parking shall be permitted within that portion of the Central Commercial (CC) Zone, which lies between 11<sup>th</sup> Street on the south side of Camino del Mar and 13<sup>th</sup> Street on the north side of Camino del Mar, provided that the parking spaces meet all of the following:

A. The design of such parking, including location, parking angle, dimensions, walkways, landscaping and lighting, shall be consistent with the *City of Del Mar Camino del Mar Streetscape Plan* and subject to the approval of the City Council.

[Subsections B. through G. No Change].

**SECTION TEN**

That new Section 30.80.095 of the Municipal Code be added to read as follows:

**30.80.095 Site-Specific Parking Management Plans**

A. For commercial development with businesses subject to leaseholds that are located within the Central Commercial, Visitor Commercial, North Commercial, Professional Commercial, and Beach Commercial zones, approval to alternatively meet the required parking as set forth in DMMC Section 30.80.030 may be requested by making application for approval of a Site-Specific Parking Management Plan.

B. Requests for approval of a Site-Specific Parking Management Plan are subject to Planning Commission approval.

C. The owner of each business in operation on the subject property shall be required to comply with the terms of the approved Site-Specific Parking Management Plan.

D. As a condition of approval, each business covered by the Site-Specific Parking Management Plan shall be required to demonstrate compliance with the approved Site-Specific Parking Management Plan to the satisfaction of the Director of Planning and Community Development on an annual basis upon application for business license renewal.

E. If the Director of Planning and Community Development determines the development is not in compliance with the approved Site-Specific Parking Management Plan, then the permittee shall bring the development into compliance or shall file an application for a revised Site-Specific Parking Management Plan subject to Planning Commission approval.

**SECTION ELEVEN**

That Subsections E and G of Section 30.80.100 of the Municipal Code be revised to read as follows:

**30.80.100 Improvement and Maintenance of Commercial and Industrial Parking Spaces**

[Intro statement through Subsection D. No Change.]

E. Each site shall include loading/unloading stalls in addition to the required number of parking spaces required for a specific use.

[Subsections 1. through 4. No change.]

[Subsection F. No Change.]

G. Where surface parking areas containing 3 or more parking spaces abuts property in the R1, RM, or R2 Zones, screening (e.g. a solid wall, view obscuring fence, or compact evergreen hedge) shall be erected and maintained. Screening shall be a minimum of 6-feet in height above the surface of the parking area; except, that within the area of the front yard setback, the maximum height shall be calculated according to Section 30.86.090 A 1. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent is 6-feet or more below the elevation of abutting property located in the R1, RM, or R2 Zones.

[Subsection H. No Change.]

## **SECTION TWELVE**

That Subsection C of Section 30.80.110 of the Municipal Code be revised to read as follows:

### **30.80.110 Landscaping Improvements**

[Subsections A. through B. No Change.]

C. All commercial, industrial, multi-family and religious facility projects shall provide a minimum of 10% of the off-street parking area(s) with landscaping comprised of trees and shrubs in accordance with the following criteria:

1. Landscape areas shall be dispersed throughout the parking area(s) in such a manner as to reasonably interrupt the expanse of paving or the mass of parked automobiles. There shall be a minimum landscaped area between every 6 parking spaces.
2. All tree species, once established, shall be trimmed to remove branches below the height of 80-inches from the paving surface.
3. All trees shall be in good condition upon planting and shall be placed in holes of sufficient size and

backfilled with appropriate organic matter/topsoil mixture to assure successful growth.

4. All trees shall be adequately staked or guyed.

5. All required planting shall be permanently maintained in good growing condition by the property owner and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

6. All landscape areas shall be served, as necessary, by an adequate, permanently installed irrigation system.

### **SECTION THIRTEEN**

That Section 30.80.130 of the Municipal Code be deleted.

### **SECTION FOURTEEN**

That Section 30.80.140 of the Municipal Code be revised to read as follows:

#### **30.80.140 Shared Parking Permit**

A. Where two or more non-residential uses will be operated with no substantial overlap in the hours of operation of the uses, a portion of the off-street parking spaces required and provided for one or more of the uses(s) may be provided as Shared Parking spaces subject to approval of a Shared Parking Permit. [Ord. 821]

B. The decision on an application for a Shared Parking Permit shall be made by the Planning Commission. A decision by the Planning Commission may be appealed to the City Council within 10 working days from the date of the Planning Commission's approval. Any appeal of the Planning Commission's decision shall be filed in accordance with the procedures set forth in DMMC Chapter 1.12.

C. In reviewing an application for a Shared Parking Permit, the Planning Commission shall apply the following standards and requirements:

1. The applicant shall demonstrate that there will be no substantial overlap in the principal operating hours of the buildings or uses for which the Shared Parking spaces are proposed. For purposes of this Section, the term "no substantial overlap" shall mean that, on a daily basis, there will be at least 30 minutes between the time of closing of one use or activity and the opening of the other use or activity for which shared parking is proposed. The requirement for this separation of time between operation of uses enumerated herein shall not apply to normal support services such as cleaning and maintenance operations.
2. Not more than 66% of the off-street parking spaces required for a use or activity may be satisfied through the use of a Shared Parking Permit.
3. Parking spaces to be used for Shared Parking shall be unencumbered for any uses or activities other than those for which the Shared Parking Permit is proposed.
4. All Shared Parking spaces shall meet the location, design and layout requirements for off-street parking spaces specified in this Chapter.
5. Any proposal for Shared Parking which is to be located off-site, shall be also subject to the receipt of an Off-Site Parking Permit in accordance with Section 30.80.150.
6. A Shared Parking Permit shall be recorded as a covenant against the deed for the property on which the Shared Parking spaces are located. The purpose of the covenant shall be to memorialize the terms and conditions of the Shared Parking Permit and to inform subsequent property owners and business operators of the restrictions on use and parking which apply to the site. The recorded covenant shall specify the operating hours, as conditioned, of the businesses for which a Shared Parking Permit has been approved.

## **SECTION FIFTEEN**

That Section 30.80.150 of the Municipal Code be revised to read as follows:

**30.80.150 Off-Site Parking Permit**

A. An applicant may request approval to provide the required parking for a non-residential use or activity on a separate site than the location of the use or activity itself subject to approval of an Off-Site Parking Permit.

1. An application for an Off-Site Parking Permit may be submitted for any non-residential use allowed within the applicable zone.

2. Off-Site Parking shall be located only within the Central Commercial, Professional Commercial, North Commercial Visitor Commercial or Beach Commercial Zone.

B. The decision on an application for an Off-Site Parking Permit shall be made by the City Council. [Ord. 821]

C. In reviewing an application for an Off-Site Parking Permit, the City Council shall apply the following conditions of approval:

1. The location of all required parking shall be within a 500-foot walking distance measured from the nearest point of the parking facility to the nearest point of the building that such parking is required to serve.

2. Signage notifying the public of the location of the use and of the location of the Off-Site Parking shall be provided at each property subject to the Off-Site Parking Permit.

a. The required content of the signage shall be as follows:

i. A sign one square foot in size shall be conspicuously posted at the site of the use stating that Off-Site Parking Spaces are available for use by patrons and employees of the use and shall identify the location of the Off-Site Parking Spaces; and

ii. A sign one square foot in area shall be posted at each Off-Site Parking Space stating the space is available for use by patrons and

employees of the use for which the Off-Site Parking has been authorized.

b. Notwithstanding anything to the contrary in the DMMC, the signs required in this section shall not be included in the calculation of the maximum amount of signage allowed for a property or use.

3. The owner of the property containing the Off-Site Parking and the owner of the business to be served by the Off-Site Parking shall file with the City a signed agreement, prepared in a form for recordation with the San Diego County Recorder, and containing at a minimum the following terms:

a. That the agreement shall be to lease the Off-Site Parking Spaces pursuant to an approved Off-Site Parking Permit obtained in accordance with DMMC Section 30.80.150;

b. That the lease term for the Off-Site Parking Spaces shall coincide with the maximum term of the business owner's lease and shall automatically be renewed with any extension of the business owner's lease;

c. That the owner of the property containing the Off-Site Parking Spaces shall be required to maintain the Off-Site Parking Spaces subject to the terms of the approved Off-Site Parking Permit;

d. That the conditions and terms of the Off-Site Parking Permit shall be binding upon the successors in interest of all parties subject to the Permit and lease agreement; and

e. That the agreement is a covenant running with the land and shall be recorded with the San Diego County Recorder.

4. An Off-Site Parking Permit shall be recorded as a covenant against the deed for the property on which the Off-Site Parking is to be located. The purpose of the covenant shall be to memorialize the terms and conditions of the Off-Site Parking Permit to inform subsequent

property owners and business operators of the restrictions on use and parking that apply.

5. On an annual basis in conjunction with renewal of the Business License, the benefitted owner of the business with Off-Site Parking shall provide evidence to the satisfaction of the Director of Planning and Community Development that the lease agreement is still valid in compliance with the Off-Site Parking Permit or that one of the following actions has occurred:

a. That a separate Off-Site Parking Permit has been obtained to satisfy the required off-street parking for that business; or

b. The Off-Site Parking Permit is no longer necessary, in which case the permit holder shall record a cancellation of the Off-Site Parking Permit with the San Diego County Recorder for all properties as applicable.

## **SECTION SIXTEEN**

That Section 30.80.160 of the Municipal Code be revised to read as follows:

### **30.80.160 Conditional Use Permit Approval for Valet Parking**

A. A Conditional Use Permit shall be required for approval to conduct valet parking operations. The permit application shall include the following information to the satisfaction of the Director of Planning and Community Development:

1. An application fee as set forth by Resolution of the City Council;

2. Details regarding the type of business that the valet parking operation will serve including the number of required off-street parking spaces for that use;

3. Details regarding the proposed valet parking operation including, the number of employees, the proposed location for the pick-up and drop-off of customer vehicles, off-street parking facilities, and the route of travel to be used to store and retrieve customer vehicles;



4. Details about the proposed type and location for any signage that will be used to identify the valet parking operation to customers; and

5. Any other information relevant to the proposed valet parking operation as deemed appropriate by the Director of Planning and Community Development.

B. A Conditional Use Permit application for valet parking shall be decided as follows:

1. Valet parking operations on private property shall be subject to approval by the Planning Commission.

2. Valet parking operations on public property or in the public right-of-way shall be subject to approval by the City Council.

3. A Conditional Use Permit for valet parking may be approved or conditionally approved only if the decision maker makes all of the findings to grant the permit in accordance with Section 30.74.020.

C. As part of their review and consideration of the Permit, the decision maker may approve the valet parking operation as a means for the business that it serves to alternatively comply with the off-street parking requirement.

D. The decision maker may impose conditions of approval as deemed necessary to protect the public, health, safety and welfare and to ensure compliance with the Permit. At a minimum, conditions shall address the following:

1. Hours of operation;

The location for pick-up and drop-off of customer vehicles to occur;

3. The location of the off-street parking facilities where customer vehicles will be parked and stored;

4. Signage for the valet parking operation;

5. The number of required off-street parking spaces authorized by the permit where valet parking is being used as an equivalency for compliance;

6. Any conditions to ensure that valet parking operations will not interfere with required off-street parking;

7. Proof of general liability insurance and garage liability insurance; and

8. Copies of any executed agreements (between the valet parking operator and the business being served by the valet parking operator or between the valet parking operator and the property owner where vehicles will be parked and stored off-site) as necessary to demonstrate compliance with the Permit.

E. A Conditional Use Permit for valet parking may be revoked in accordance with 30.74.080.

## **SECTION SEVENTEEN**

That Section 30.80.170 of the Municipal Code be revised to read as follows:

### **30.80.170 In-Lieu Parking Fee Program**

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

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

1. Authorization for use of an In-Lieu Parking Fee(s) to satisfy off-street parking requirements shall be subject to the review and approval of the Director of Planning and

Community Development, with such approval based on compliance with the provisions of this Chapter.

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

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

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

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

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

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

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

3. The development of public improvements to facilitate mobility and access by the general public along Camino del Mar through the Village Center and to the Powerhouse, Seagrove, and Shores Parks and public beach areas.

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

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

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

[This Chapter of the Municipal Code forms a portion of the City of Del Mar Local Coastal Program Implementing Ordinances. The regulations found within this Chapter are not subject to "relief" through the Del Mar Variance process. Exceptions to, or relief from, the requirements found within this Chapter are limited to those specified within the language of this Chapter or found within other Chapters of the Implementing Ordinances. Where there is a conflict between the language of this Chapter and other portions of the Del Mar Municipal Code, the language of this Chapter shall take precedence.]

## **SECTION EIGHTEEN**

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

## **SECTION NINETEEN**

This Ordinance was introduced on November 21, 2016.

## **SECTION TWENTY**

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

## **SECTION TWENTY-ONE**

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

## **SECTION TWENTY-TWO**

Upon adoption, the ordinance will be submitted to the California Coastal Commission for certification as a Local Coastal Program Amendment. The Ordinance will take effect and be in

force on the date that the California Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment .

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council held on the 5<sup>th</sup> day of December, 2016.

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SHERRYL PARKS, Mayor  
City of Del Mar

APPROVED AS TO FORM:

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Leslie E. Devaney, City Attorney  
City of Del Mar

ATTEST AND CERTIFICATION

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
CITY OF DEL MAR

I, ASHLEY JONES, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 924 which has been published pursuant to law, and adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 5<sup>th</sup> day of December, 2016, by the following vote:

AYES: Mayor Parks, Deputy Mayor Sinnott, Council Members Corti, Mosier, and Worden  
NOES: None  
ABSENT: None  
ABSTAIN: None

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