

ORDINANCE NO. 928

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

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

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

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

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

SECTION ONE

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

30.80.020 General Parking Regulations

A. through C. [No change in text]

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

E. [No change in text.]

SECTION TWO

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

30.80.095 Site-Specific Parking Management Plans

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

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

SECTION THREE

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

30.80.160 Conditional Use Permit Approval for Valet Parking

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

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

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

E. [No change in text.]

SECTION FOUR

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

30.80.170 In-Lieu Parking Fee Program

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

A. [No change in text.]

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

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

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

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

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

SECTION FIVE

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

SECTION SIX

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

SECTION SEVEN

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

SECTION EIGHT

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

SECTION NINE

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

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

Terry Sinnott, Mayor
City of Del Mar

APPROVED AS TO FORM:

Leslie E. Devaney, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

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

AYES: Mayor Sinnott, Deputy Mayor Worden, Council Members Druker, Haviland, and Parks

NOES: None

ABSENT: None

ABSTAIN: None

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