

## ORDINANCE NO. 982

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING CHAPTERS 30.80.20 AND 30.80.30 OF THE CITY OF DEL MAR MUNICIPAL CODE RELATING TO THE REGULATION OF REQUIRED OFF-STREET PARKING

WHEREAS, on June 21, 2021 the City Council approved a work program to develop business support in the form of modifications to the City's off-street parking requirements; and

WHEREAS, the City's parking requirements have been an on-going, identified barrier to attracting businesses to the City of Del Mar; and

WHEREAS, a reduction in the amount of required parking for restaurant use would help to better align the local parking regulations with industry standards and best practices implemented by other cities with common community-oriented planning goals; and

WHEREAS, a reduction in the amount of required parking would contribute towards the City's Community Plan goals for supporting an economically viable pedestrian oriented downtown; and

WHEREAS, the reduction in vehicle trips generated by commercial uses would contribute towards the City's Climate Action Plan Goals of reducing greenhouse gas emissions; and

WHEREAS, on October 5, 2021, the City held a Public Workshop to get input from the City's business community and Del Mar Village Association (DMVA); and

WHEREAS, on October 12, 2021, the Planning Commission recommended approval of two of the three amendments to the City Council including to: 1) provide an exemption for existing non-conforming commercial properties in the Central Commercial Zone to change-out existing tenant spaces with retail sales, restaurant, or personal service uses without providing additional parking; and 2) allow a restaurant to have one accessory food or beverage cart/stand without providing additional parking; and

WHEREAS, on October 12, 2021, the Planning Commission further recommended that the City test a reduced parking rate of 1 space per 200 square feet (1:200) sf based on a restaurant's gross floor area (indoor area) and provide a temporary parking exemption for outdoor dining via a 30-month pilot program that would apply only to existing restaurants and regardless of restaurant size; and

WHEREAS, on October 13, 2021, the Traffic and Parking Advisory Committee (TPAC) recommended approval of the amendments to the City Council with an additional recommendation to reduce the required parking rate for table service restaurants from 1:90 to 1:200 sf and provide a parking exemption for outdoor dining areas up to a maximum size that is equivalent to the size of the restaurant's indoor area (and that any

outdoor dining space above that threshold provide parking at a rate of 1:200 sf), and further to modify the required parking ratio calculation to require that any spaces in restaurants with gross floor area greater than 5,000 sf in size be modified from 1:45 to 1:90 for those restaurant spaces in excess of 5,000 sf; and

WHEREAS, the Planning Commission's recommendation was not incorporated into the proposed Ordinance based on concerns raised by TPAC that the Pilot Program approach would not meet the needs of local restaurants (new and existing) and that the existing parking code should be modified to reduce the existing restaurant parking ratio and exempt outdoor parking while also incorporating controls to account for the respective sizes of the outdoor dining and restaurants gross floor area; and

WHEREAS, the proposed amendments constitute a Zone Code Amendment and Local Coastal Program Amendment and following City Council action will be subject to review and certification by the Coastal Commission; and

WHEREAS, the City posted, published, and mailed a Notice of Availability of the draft amendments for public review on September 23, 2021, in accordance with California Code of Regulations Section 13515 requirements for public participation and agency coordination for Local Coastal Program Amendments.

NOW THEREFORE, the City Council of the City of Del Mar, California, does hereby ordain as follows:

**SECTION ONE:** That DMMC Section 30.80.020 (General Parking Regulations) be modified to add the following:

No changes to sub-sections A-E

F. Notwithstanding Section 30.80.020(C), within the Central Commercial Zone, no additional parking spaces shall be required for a change in commercial use to a retail sales, restaurant, or personal services use, including associated tenant improvements within an existing commercial building with non-conforming parking where the change in use and tenant improvements are consistent with the following:

1. The commercial tenant space was existing as of January 1, 2020;
2. All existing parking spaces that are currently relied upon by the commercial building tenants shall be maintained, unless and until a "Release of Covenant" is approved by the City and recorded with the County Recorder or other City authorization is granted. This limitation shall apply to any existing off-street parking spaces located on-site and any off-site parking spaces that are relied upon by the existing commercial development through an approved in-lieu parking space agreement and/or a recorded parking agreement;

3. The proposed change in use may involve the combination of existing tenant spaces, however, no tenant space on the lot shall exceed a maximum size of 5,000 square feet in gross floor area;
  4. If a tenant space is proposed to be expanded, additional parking spaces must be provided for the area of expansion (includes indoor and outdoor use areas) at the rate set forth in Section 30.80.030;
  5. No more than three restaurants shall be permitted per lot, including existing restaurant tenants; and
  6. All changes in use must comply with the horizontal zoning requirements of the Central Commercial zone in Section 30.22.030.
- G. A restaurant establishment is permitted to have one accessory food/beverage stand or cart on-site that is not subject to required parking provided that all of the following provisions are met:
1. The stand/cart shall not exceed one hundred square feet in area;
  2. The stand/cart shall be open to the air on all sides to the extent possible except where it would preclude compliance with the San Diego County Health Department requirements applicable to food and beverage carts;
  3. The parking exemption shall apply to a maximum of one accessory food/beverage stand or cart per lot;
  4. The location of the stand/cart shall not interfere with access to required off-street parking spaces; and
  5. A Design Review Permit is obtained in accordance with Section 23.08.030.

**SECTION TWO:** That DMMC Section 30.80.030 C. 1. (Required Number of Off-Street Parking Spaces for Non-Residential Uses) be amended as follows:

No Changes to sections *Commercial Services*- Billiard Parlor through Pet Services-Grooming

Restaurant/Bar/Cocktail Lounge/Tea Room/Other Business for the On-Site Consumption of Food and/or Beverage	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).
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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)	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.
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No changes to Sports & Recreation Club/Facility through Industrial/Manufacturing/Laboratory/Wholesale Printing.

**SECTION THREE:**

The City Council finds that approval of this ordinance is exempt from the preparation of an environmental document pursuant to the California Environmental Quality Act (CEQA) per CEQA Guidelines Article 19, Section 15301 (Existing Facilities). The action would not expand any existing uses and would encourage less vehicles miles traveled and a reduction in greenhouse gas (GHG) emissions in that less dedicated parking spaces would be required to be provided for restaurant uses in the City’s commercial zones. The City Council finds that none of the six exceptions to the use of a Categorical Exemption are applicable (Guidelines Section 15300.2). The City Council bases these findings upon the record prepared by the City and the City’s analysis demonstrating that no potential environmental effects would occur by adoption of this ordinance.

**SECTION FOUR:**

This Ordinance was introduced by the City Council on November 19, 2021. The City Council meeting of November 19, 2021 was adjourned from November 15, 2021 due to a power outage in the City of Del Mar.

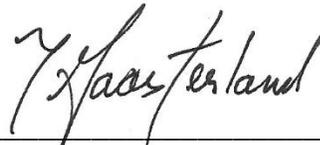
**SECTION FIVE:**

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 SIX:**

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 Coastal Commission takes action to unconditionally certify the Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Del Mar, California, at the Regular Meeting held this 13th day of December, 2021.



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Terry Gaasterland, 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, SARAH KRIETOR, Acting City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Ordinance No. 982, 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 13th day of December, 2021, by the following vote:

AYES:	Mayor Gaasterland, Deputy Mayor Worden, Council Members Druker, Martinez and Quirk
NOES:	None
ABSENT:	None
ABSTAIN:	None



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Sarah Krietor, Acting City Clerk  
City of Del Mar