

From: Philip Merten
To: Potter, Jane; Weissman, Suzanne; Lazzerow, Bert; Neil, Kathleen
Cc: Garcia, Melissa; Dang, Angela
Subject: [EXTERNAL] La Jolla Shores Business Association proposed Parking Plan
Date: Saturday, November 11, 2023 3:09:13 PM
Attachments: Parking Impact Overlay Zone 2014.pdf
Screenshot 2023-10-31 at 4:05:14 PM.png
Coastal Development.png
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Re: LJSPDAB Meeting of November 15, 2023
Item 12 - Presentation of the La Jolla Shore's Business Association proposed parking plan (ACTION ITEM)

Ladies and Gentlemen of the La Jolla Shores Planned District Advisory Board,

During the CoVid pandemic the City allowed outdoor restaurant seating to supplant existing on-street public parking spaces within the Beach Impact Area of the Parking Impact Overlay Zone on Avenida De La Playa. The supplanting of public parking spaces resulted in a reduction in the number of public on-street parking spaces. Now that the pandemic has passed, the California Coastal Commission has directed on-street parking spaces lost during the pandemic be restored to public parking use. But rather than return the parking spaces to public use, the La Jolla Shore's Business Association proposes to designate existing public parking spaces on La Jolla Shores Drive for Commercial use by restaurant customers. Unfortunately, designation of existing public parking spaces to a Commercial Use does not restore the number of public parking spaces that existed before the pandemic.

Beach Impact Area of the Parking Impact Overlay Zone

The 3rd page of the following attachment depicts the Beach Impact Area of the Parking Impact Overlay Zone regulations.

La Jolla Shores Drive is the inland boundary of the Beach Impact Area of the Parking Impact Overlay Zone.

The legend says: 'Beach Impact Area includes all (street) frontage parcels on the inland side of boundary streets...'

This means the current public parking spaces within the Torrey Pines Rd. right-of-way must remain available to the general public for public parking and should not be converted to designated commercial parking for the benefit of a few commercial property owners, because it reduces the availability of public on-street parking.

All residential properties in the City are required to have a 20 foot long driveway to accommodate guest parking. On-street parking space contiguous to the property can be used to fulfill the guest parking requirement, except in the Beach Impact Area. In the Beach Impact Area guest parking is not allowed on-street because it takes away parking spaces for general public use. Guest parking must be provided on site. However, the existing homes on the east side of the La Jolla Shores Drive right-of-way were constructed prior to the creation of the California Coastal Zone and the Beach Impact Area and as such the existing public parking spaces in the right-of-way also serve as guest parking spaces for those existing residences and should not be designated for Commercial Use.

Coastal Development Permit

I believe a Coastal Development Permit is required for the proposed improvement of the existing public parking spaces within the Torrey Pines Rd. right-of-way. A CDP would require an Environmental Impact study of evaluate the impact of not restoring lost public parking spaces to general public use.

SDMC Sec, 126.0702 says:

§ 126.0702 When a Coastal Development Permit Is Required

- (a) Permits Issued by the City. A Coastal Development Permit issued by the City is required for all *coastal development* of a *premises* within the Coastal Overlay Zone described in Chapter 13, Article 2, Division 4, unless exempted by Section 126.0704, or if the proposed project site lies completely within the Coastal Commission Permit Jurisdiction or the Deferred Certification Area as described in Section 126.0702(b).
- (b) Permits Issued by the Coastal Commission. A Coastal Development Permit or exemption for all *coastal development* on a project site located completely within the Coastal Commission Permit Jurisdiction or in the Deferred Certification Area must be obtained from the Coastal Commission. The Coastal Commission Permit Jurisdiction and the Deferred Certification Area are shown on Map No. C-730.1 on file in the Planning and Development Review Department, the San Diego office of the Coastal Commission, and in the office of the City Clerk as Document No. 00-17067-1.
- (c) Permits Issued by the City and the Coastal Commission. A Coastal Development Permit or exemption issued by the City and the Coastal Commission are required for all *coastal development* on a *premises* located partially within the Coastal Commission permit jurisdiction. A Coastal Development Permit from each agency is required for the portion of the project within the agency's jurisdiction.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

The SDMC defines:

Coastal development means “development” as defined in the California Coastal Act of 1976, Section 30106 in the Coastal Overlay Zone, which states “development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes and kelp harvesting. As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Processing of a Coastal Development Permit would require an Environmental Analysis of the impact of not restoring lost public parking spaces to general public use.

For the reasons explained above I urge the Advisory Board to NOT support the La Jolla Shores Business Association's proposal to designate existing public parking spaces on La Jolla Shores Drive for Commercial use.

Thank you for your consideration.

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Article 2: Overlay Zones

Division 8: Parking Impact Overlay Zone

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§132.0801 Purpose of the Parking Impact Overlay Zone

The purpose of the Parking Impact Overlay Zone is to provide supplemental parking regulations for specified coastal beach and campus areas that have parking impacts. The intent of this overlay zone is to identify areas of high parking demand and increase the off-street parking requirements accordingly.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§132.0802 Where the Parking Impact Overlay Zone Applies

- (a) This overlay zone applies to property located within the beach impact area and the campus impact area as shown on Map Nos. C-731 and C-795, filed in the office of the City Clerk. These areas are shown generally on Diagram 132-08A.
- (b) Table 132-08A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone.

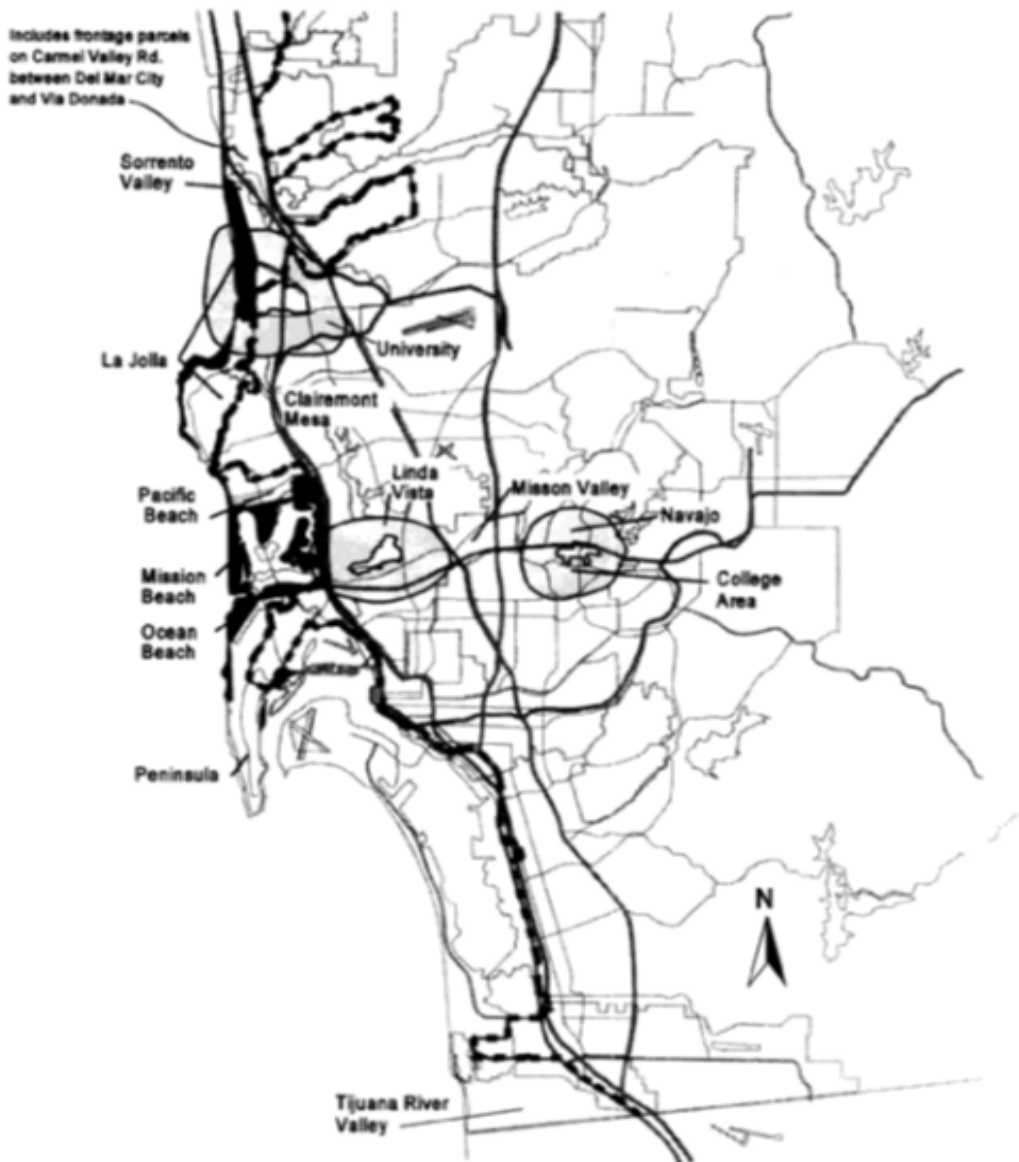
**Table 132-08A
Parking Impact Overlay Zone Applicability**

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) Any <i>single dwelling unit development</i> located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, and 142.0560	No permit required by this division
(2) Any development located within the beach impact area and any <i>multiple dwelling unit development</i> located within the campus impact area	See the parking regulations in Sections 131.0447, 142.0520, 142.0521, 142.0525, 142.0530, 142.0535, 142.0540 and 142.0560	No permit required by this division
(3) Any eating and drinking establishment that is located in the beach impact area and in the CC-5-2, CC-5-4, or CC-3-5 zones	See the parking regulations in Section 142.0530(b)	No permit required by this division

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

(Amended 8-1-2007 by O-19650 N.S.; effective 8-31-2007.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)






-  Beach Impact Area
Includes all frontage parcels on inland side of boundary streets, except Rosecrans St.
-  Campus Impact Area
-  Approximate coastal zone boundary – for reference only

DIAGRAM 132-08A
Parking Impact Area Overlay Zone
This is a reproduction of Map Nos. C-731 and 795 For illustration purposes only.