



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 16, 2013

Agenda Item 11B

Approvals:

City Manager [Signature]

Dept. Head _____

Attorney _____

Finance [Signature]

Department: City Manager
Prepared By: Pall Gudgeirsson, City Manager

Subject: **ADOPTION OF RESOLUTION ESTABLISHING A DATE FOR FINAL DETERMINATION ON THE ACQUISITION AND/OR CONSTRUCTION OF NEW BEACH PARKING SPACES**

Fiscal Impact: Yes. The City anticipates returning some portion of those funds currently held in the Beach Parking Impact Fund to the current residents of those residential structures for which beach parking fees had previously been paid. Staff cannot estimate the actual financial impact at this point in time.

Summary: Numerous events have recently transpired which staff believes now make it incumbent upon the City to provide for new beach parking in the vicinity of North Beach. These include: the enhanced interest in the redevelopment/reuse of the cultural resources which have the priority on the parking spaces in the North Beach parking lot, including but not limited to the repurposing of the Casino and the increased interest in the repurposing of the Miramar Theater; the commensurate loss of the borrowed parking spaces currently used by beach users in the North Beach lot; the inability to add additional parking at other beaches in the City; and the understanding that the beach trail is increasingly being used by persons to access the various San Clemente beaches which lack adequate public parking from North Beach parking lot.

Staff believes that the above referenced events will result in the parking demand the Beach Parking Study anticipated would be created by non-coastal zone residents to become apparent in the North Beach area of the City. It is therefore now incumbent upon the City to prioritize the creation of beach parking in the North Beach.

In addition, staff also believes that creating a December 31, 2014 deadline for determining where such additional North Beach beach parking will be constructed will ultimately reduce the staff time associated with exploring beach parking options and managing the beach parking account. Finally, establishing the December 31 deadline provides the City the opportunity to create a level of finality regarding the use of the beach parking funds. In that regard, the resolution allows the City Council to publicly state its intention, consistent with the Mitigation Fee Act, that it will be returning any unused Beach Parking Impact Funds upon the completion of the designated beach parking.

Recommended

Action: STAFF RECOMMENDS THAT the City Council adopt the resolution entitled "A Resolution of the City Council of the City of San Clemente, California, Establishing the Deadline for Selecting Beach Parking Projects and Committing to the Return of that Portion of Beach Parking Funds Not Necessary to Create the Additional Beach Parking."

Attachments: 1) Resolution

Notification: None

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA ESTABLISHING THE DEADLINE FOR SELECTING BEACH PARKING PROJECTS AND COMMITTING TO THE RETURN OF THAT PORTION OF BEACH PARKING FUNDS NOT NECESSARY TO CREATE THE ADDITIONAL BEACH PARKING.

WHEREAS, the City of San Clemente (the "City") is situated in South Orange County such that its entire southwestern boundary is bordered by the Pacific Ocean; and

WHEREAS, the primary recreational amenity in the City is its approximately six miles of publicly accessible beaches; and

WHEREAS, the City believes and understands that the beach is one of the primary attractors to people moving to and residing in the City; and

WHEREAS, in the mid-1980's, developers were in the process of planning to residentially develop the inland ranches located east of Interstate 5; and

WHEREAS, the development of the ranches would approximately double the City's population; and

WHEREAS, the City understood that a doubling of its population would tax its limited beach parking resources; and

WHEREAS, in December 1988, Tierra Planning Inc. and the City's Department of Community Development completed a Beach Parking Impact Study and Mitigation Program Report (the "Beach Parking Study"); and

WHEREAS, the Beach Parking Study found that residential growth outside the City's coastal zone, but within the City, would in fact create an increased demand for beach access, resulting in a shortage of available beach parking spaces within the coastal zone, for various beaches in the City including, but not limited to North Beach and the Pier Bowl; and

WHEREAS, in response to the Beach Parking Study, the City Council, in April 1989, adopted the Beach Parking Impact Fee (the "BPIF") to ensure that the cost of satisfying the increased demand for beach parking is borne by those creating the demand; and

WHEREAS, North Beach is home to three of the City's significant cultural resources: the Miramar Theater, the Bowling Alley and the Casino, all three of which were

historically parked at the North Beach parking lot; and

WHEREAS, it has long been the policy of the City that the cultural resources, such as the Miramar Theater, the Bowling Alley and the Casino, have priority to reuse their historical parking in the North Beach parking lot to ensure that such resources can continue to be repurposed and thus properly maintained; and

WHEREAS, after the adoption of the Beach Parking Study and the BPIF, the North Beach cultural resources became significantly under- or un-utilized. The result of this under- or un-utilization of cultural resources is that the parking spaces they historically occupied became available for other uses. Specifically, significant amounts of previously occupied parking spaces became temporarily available for the use of beachgoers, including the new City residents outside the City's coastal zone. The ability of the new residents from outside the City's coastal zone to "borrow" these parking spaces from the under- or un-utilized cultural resources resulted in the unanticipated delay of the need to expend BPIFs for the development of parking in North Beach; and

WHEREAS, due to a number of factors, significant interest has been recently generated in the repurposing of the North Beach's cultural resources so that they may again be utilized. An example is the recent repurposing of the Casino. When the City Council approved the Casino project, it anticipated that the Casino would equally need to reuse its historic parking spaces in the North Beach lot. The City Council further acknowledged that the Casino's reoccupancy of 64 spaces required for parking at the Casino would terminate the ability of beachgoers, including residents from outside the coastal zone, to continue to borrow 64 beach parking spaces in the North Beach parking lot. The City Council entered into the Historic Property Preservation and Parking Waiver/Incentive Agreement (the "Agreement") with LAB Holding, LLC, the redeveloper of the Casino, under which Agreement the City would build additional beach parking to accommodate the beach users who had been borrowing the Casino's historic parking spaces in the North Beach lot; and

WHEREAS, the Agreement expressly provides that "the City, at its sole discretion, may choose to provide the 64 new parking spaces at any time prior to the required timing of this Agreement"; and

WHEREAS, since the creation of the BPIF, the City has created the San Clemente Beach Trail, an improved pedestrian/bicycle trail linking the North Beach parking lot in North Beach to the following San Clemente beaches: North Beach, 204, Linda Lane, Second Spot, Pier North Side, Pier South Side, T-Street, Boca Del Canon, Lost Winds, Riviera, and State Beach; and

WHEREAS, the City believes and understands that the lack of available parking resources in the Pier Bowl and at other San Clemente beaches has caused beachgoers to park at North Beach and access other beaches via the San Clemente beach trail; and

WHEREAS, the City Council has determined that it cannot develop appreciable additional beach parking at other beaches in the City for various reasons, including, but not limited to the lack of available space and environmental concerns; and

WHEREAS, all the foregoing, including the repurposing of the Casino, the foreseeable loss of additional borrowed parking spaces for beach users in the North Beach lot, the inability to add additional parking at other beaches in the City, and the use of the beach trail to access various San Clemente beaches from North Beach, make it incumbent upon the City to now develop an additional supply of beach parking in North Beach; and

WHEREAS, the City also desires to expedite the process for the development of beach parking and, to the extent BPIF resources remain after such parking is developed, to return the remaining BPIF to those residents currently residing in the residential properties which paid into the BPIF;

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The Director of Public Works and the Director of Community Development are directed to expedite the development of the El Camino Real beach parking lot at North Beach.

Section 2. The Director of Public Works and the Director of Community Development are directed to determine whether additional beach parking lots can be feasibly constructed in North Beach.

Section 3. If the City has not concluded that it can develop additional beach parking in the North Beach area by December 31, 2014, the City will, upon the conclusion of the development of the El Camino Real lot, return all remaining BPIF funds to the then current residents of those residential structures for which BPIF was paid.

Section 4. If, by December 31, 2014, the City concludes that additional beach parking lots can be created in North Beach, the City shall, upon the completion of those additional beach parking lots, return all remaining BPIF funds to the then current residents of those residential structures for which BPIF was paid.

Section 5. The City has determined that it has collected sufficient funds to develop the ECR Beach Parking lot. The City anticipates construction on that lot commencing on or about September 15, 2014. In making this determination, the City Council acknowledges that there are many remaining steps that must be completed prior to commencing construction of the ECR Beach Parking Lot, including but not limited to,

completion of the construction level design drawings, obtaining constructions bids, retaining a contractor, and obtaining Coastal Commission approval of the ECR Beach Parking Lot. As a result of the forgoing, the construction commencement date may change.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, 2013.

Mayor of the City of
San Clemente, California

ATTEST:

CITY CLERK of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney