

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
 3111 CAMINO DEL RIO NORTH, SUITE 200  
 SAN DIEGO, CA 92108-1725  
 (619) 521-8036

Filed: October 22, 1996  
 49th Day: December 10, 1996  
 180th Day: April 20, 1997  
 Staff: LJM-SD  
 Staff Report: October 23, 1996  
 Hearing Date: November 12-15, 1996

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved with Conditions

APPEAL NO.: A-6-ENC-96-144

APPLICANT: Downtown Encinitas Main Street Assn.

PROJECT LOCATION: Southeast corner of Moonlight Beach Parking Lot,  
 Encinitas, San Diego County. APN 258-054-01

PROJECT DESCRIPTION: Establishment of a Farmers' Market in the Moonlight  
 State Beach public parking lot.

APPELLANTS: Coastal Commissioners Gary Giacomini and Sara Wan

SUBSTANTIVE FILE DOCUMENTS: Appeal application dated 10/22/96

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends the Commission OPEN AND CONTINUE the public hearing to determine whether a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

Pursuant to Section 30621 of the Coastal Act, an appeal must be heard within 49 days from the date an appeal of a locally-issued coastal development permit is received. The appeal on the above-described decision was received in the Commission office on October 22, 1996. In accordance with the California Code of Regulations, staff requested all relevant documents and materials regarding the subject permit from the City on October 22, 1996. As of the date of this writing, this information has not been received. The 49th day (December 10, 1996) from the initial filing would require special scheduling for this matter to be heard at the December 10-13, 1996 meeting. Therefore, if the Commission fails to receive the documents and materials, the Commission should open and continue the substantial issue hearing at the November meeting, awaiting receipt of the local government's file, pursuant to Section 13112 of the California Code of Regulations. It is therefore anticipated that the subject appeal will be heard at the December 10-13, 1996 meeting in San Francisco, reviewing the matter to determine whether or not a substantial issue exists.

(6144R)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
 3111 CAMINO DEL RIO NORTH, SUITE 200  
 SAN DIEGO, CA 92108-1725  
 (619) 521-8036

Filed: 10/22/96  
 49th Day: 12/10/96  
 180th Day: 4/20/96  
 Staff: LJM-SD  
 Staff Report: 10/31/96  
 Hearing Date: 11/12-15/96



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STAFF REPORT: APPEAL  
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved with Conditions

APPEAL NO.: A-6-ENC-96-144

APPLICANT: Downtown Encinitas Main Street Association

PROJECT LOCATION: In the southeast corner of the Moonlight Beach public parking lot, 3rd and C Streets, Encinitas, San Diego County. APN 258-054-01

PROJECT DESCRIPTION: Permanent establishment of a Farmer's Market in the Moonlight Beach public parking lot from 2 p.m. to 7 p.m. every Friday.

APPELLANTS: Commissioners Giacomini and Wan

SUBSTANTIVE FILE DOCUMENTS: Certified City of Encinitas Local Coastal Program (LCP); City of Encinitas Resolution No. PC-96-30; Environmental Assessment for Farmer's Market Festival by San Dieguito Engineering Inc. dated July 8, 1996; City of Encinitas Parking Study by SANDAG dated September 1994.

SUMMARY OF STAFF RECOMMENDATION:

Due to the timing of the appeal application and because staff had not yet received the City file, a report recommending that the Commission only open the public hearing and then continue the matter until the December Commission hearing, was prepared for the Commission and mailed with the October 18, 1996 packet. Subsequently, on October 21, 1996, the City file was received in the Commission District Office. Staff has reviewed the file and prepared a recommendation for the Commission on the substantial issue determination for the November hearing, but has not had enough time to do the necessary analysis or prepare a recommendation for the de novo hearing. Therefore, if after the substantial issue determination a de novo hearing is required, it will be scheduled for the following Commission hearing in December, 1996.

Staff recommends the Commission open the public hearing and determine that a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons:

I. APPELLANT'S CONTENTIONS. The appellant's contend that the City's decision is inconsistent with several provisions of the City's LCP and the public access and recreation policies of the Coastal Act in that the development is not a permitted use within the Moonlight Beach Park (D-MBP) Zone, will displace parking spaces in a public beach parking lot, does not include on-site parking to accommodate the development and has the potential to adversely impact public access to the coast.

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II. LOCAL GOVERNMENT ACTION. The coastal development permit was approved by the City of Encinitas Planning Commission on September 19, 1996, with special conditions which addressed in part: the text and placement of signage and barricades, placement of trash receptacles, insurance requirements and that no permanent structures be permitted.

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III. APPEAL PROCEDURES.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the

project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal hearing are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

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#### IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION. Staff recommends a NO vote on the following motion"

I move that the Commission determine that Appeal No. A6-ENC-96-34 raises No substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

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#### V. FINDINGS ON SUBSTANTIAL ISSUE.

1. Project Description. The proposed development involves the permanent establishment of a Farmer's Market on Friday afternoons in the Moonlight Beach public parking lot. The Farmer's Market, which will consist of approximately 45 produce and other specialty type vendors, is proposed to occur from 3:00 p.m. to 6:00 p.m. each Friday, with set-up to begin at 2:00 p.m. and clean-up ending by 7:00 p.m.

The parking lot, which contains 190 parking spaces, is located on the northwest corner of Third and C Streets, adjacent to Moonlight Beach in the City of Encinitas. The development will occur along the southeastern portion of the parking lot covering an area of approximately 16,800 sq. ft. To accommodate the development, approximately 60 parking spaces and a 24 ft. aisle in the parking lot will be blocked off with barricades.

The City issued a temporary operations permit for the Farmer's Market in June of 1996 and according to the City Community Development Director, the Farmer's Market has been operating in the beach parking lot every Friday afternoon since that time, without benefit of a coastal development permit, in an apparent violation of the Coastal Act.

2. Permitted Development. The City of Encinitas Local Coastal Program (LCP) consists of a number of components, including the Downtown Encinitas Specific Plan, which serves as the implementation plan for the downtown area.

The Downtown Encinitas Specific Plan includes, among other things, detailed design standards, parking requirements and allowable uses for the approximately 200 acre area of old downtown Encinitas that it covers. The majority of the specific plan is zoned for residential and commercial development (including some areas of visitor-serving commercial). The subject site is located within the Moonlight Beach Park (D-MBP) Zone. The Specific Plan describes this Zone as follows:

This zone applies to all Moonlight Beach park property and related lands set aside for the public's use as a passive and active community recreational area. Development is intended to be generally consistent with the concept Moonlight Beach Master Plan. The concept plan features picnic and viewing areas; volleyball courts; a tennis court; a basketball court; tot lot; fire rings; restroom, concession and maintenance building; Cottonwood Creek riparian zone and native planting; walkways; and substantial public parking. No private development may occur within this zone. [...]

The proposed Farmer's Market is operated by the Downtown Encinitas Main Street Association (DEMA), which is a non-profit organization authorized under the State of California MainStreet program. Although DEMA is a non-profit organization, the Farmer's Market approved by the City involves "private" development, in that stalls are rented/leased to private vendors to sell their products. As private development is not a permitted use within the Moonlight Beach Park Zone, the proposed Farmer's Market is inconsistent with the certified LCP. In addition, while the Downtown Encinitas Specific Plan does contain goals that encourage outdoor markets featuring agricultural and floral products, because private development is specifically not permitted within the Moonlight Beach Park Zone, it is clear that such development was not intended to occur within this zone.

3. Public Access. The proposed development is to occur within a public beach parking lot adjacent to Moonlight Beach in the City of Encinitas. The certified City of Encinitas LCP contains a number of policies and ordinances which pertain to this proposal.

Policy 1.12 on Page C-4 of the LUP states, in part:

[...] The City will require that all commercial, industrial and residential uses be designed and constructed with sufficient off-street parking and loading facilities to assure adequate parking is provided with new development such that no adverse impacts on coastal access are documented. Parking ratios shall be utilized as specified and detailed in the City's Zoning Code and in implementing Specific Plans which provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses or street and public parking that should otherwise be available for public use.

Policy 5.1 on Page RE-8 of the LUP states:

The City recognized Cardiff Beach State Park, San Elijo Beach State Park, South Carlsbad Beach State Park and Moonlight Beach (future City) State Park, as the major visitor destination beaches in the Encinitas area. The City will work with the State to upgrade and promote access to these State beaches, and will act to upgrade and promote access to Moonlight Beach, in order that they may receive an increased proportion of visitor uses.

Policy 5.3 on Page RE-8 of the LUP states:

The areas of South Carlsbad Beach State Park, Moonlight Beach State (Future City) Park, Cardiff Beach State Park and San Elijo Beach State Park shall be designated as high intensity beach recreational use areas.

Policy 5.5 on Page RE-9 of the LUP states, in part:

[...] In addition, the City shall assure that existing public parking lots for public beach access points are maintained and that no reduction in the number of existing public parking spaces shall be permitted.  
emphasis added

Section 3.3.3 (B)(2) of the Downtown Encinitas Specific Plan states:

All required parking shall be off-street, on the same site as the land use it serves, unless otherwise provided by these regulations.

In addition, Section 30210 of the Coastal Act is applicable and states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

As stated, the proposed Farmer's Market will operate every Friday afternoon throughout the year within the Moonlight Beach public parking lot. As noted above, Moonlight Beach is designated as a high intensity beach, indicating greater intensity for both utilization and improvements. This beach is very popular both because of its location within the heart of the old downtown area and because of its accessibility and availability of free public parking. In addition, while other beaches along the City's shoreline have experienced increasing sand loss over the past several years, Moonlight Beach is nourished with sand each year by the City.

The Moonlight Beach parking lot, which contains 190 parking spaces, is the only public parking lot serving Moonlight Beach and no fee is charged for parking in this lot. To accommodate the market, 60 parking spaces and a 24 ft. wide aisle in the parking lot will be blocked-off from 2:00 p.m. to 7:00 p.m. each Friday. As stated above, Policy 5-5 on Page RE-9 of the LUP

requires that existing public parking lots for public beach access points be maintained and that no reduction in the number of existing public parking spaces be permitted. As the Farmer's Market only occurs on Friday afternoons, it could be argued that the loss of public parking is only temporary. However, the Farmer's Market was approved by the City as a permanent development, with no seasonal restrictions or expiration on the permit. As such, the City's approval of the development will permanently eliminate (each Friday) 60 public beach access parking spaces, inconsistent with the above cited LCP policy.

The city's approval is also inconsistent with Policy 7.12 on Page C-4 of the LUP and the parking provisions of Downtown Encinitas Specific Plan. These LCP provisions require that parking for new development be provided on-site and, that parking ratios be utilized such that patrons/employees are not required to utilize street or other public parking that should be otherwise available for public use. The proposed development not only displaces 60 public parking spaces in the Moonlight Beach parking lot for the market itself, but requires patrons of the market to park in the public parking lot and on the street because no other parking is proposed to accommodate the development. In addition, the City's approval did not include any restrictions or provisions to assure that the entire public parking lot would not be utilized by patrons of the market, thereby forcing beach visitors to park on the street or go elsewhere. As such, the development is inconsistent with the above cited LCP provisions as well as with the public access and recreation policies of the Coastal Act.

In addition, the City, in their review of the project, relied on a parking study conducted in August of 1994 to make the finding that the Moonlight Beach parking lot has the capacity to accommodate the proposed Farmer's Market and continue to provide adequate public parking and access. However, the Commission has some concerns with the parking study. To begin with, the parking study was conducted at the City's request by the San Diego Association of Governments (SANDAG) in 1994. The study was conducted to address concerns raised by Commission staff in review of the City's LCP submittal that the parking standards/provisions proposed in the Downtown Encinitas Specific Plan may adversely impact public coastal access. The specific concern raised by Commission staff that was targeted by the study was a provision in the specific plan which would allow on-street parking immediately adjacent to development along First and Second Streets to count towards the parking requirements for a use on that particular site. Commission staff were concerned that because of the proximity of the downtown area to the beach, that public street parking in the downtown area should remain available for public beach users. As such, the study was conducted not to address public beach parking availability but to document that beach visitors were not parking along First and Second Streets. The results of the study indicated that "under current conditions" there was adequate parking available to accommodate both business patrons and beach visitors.

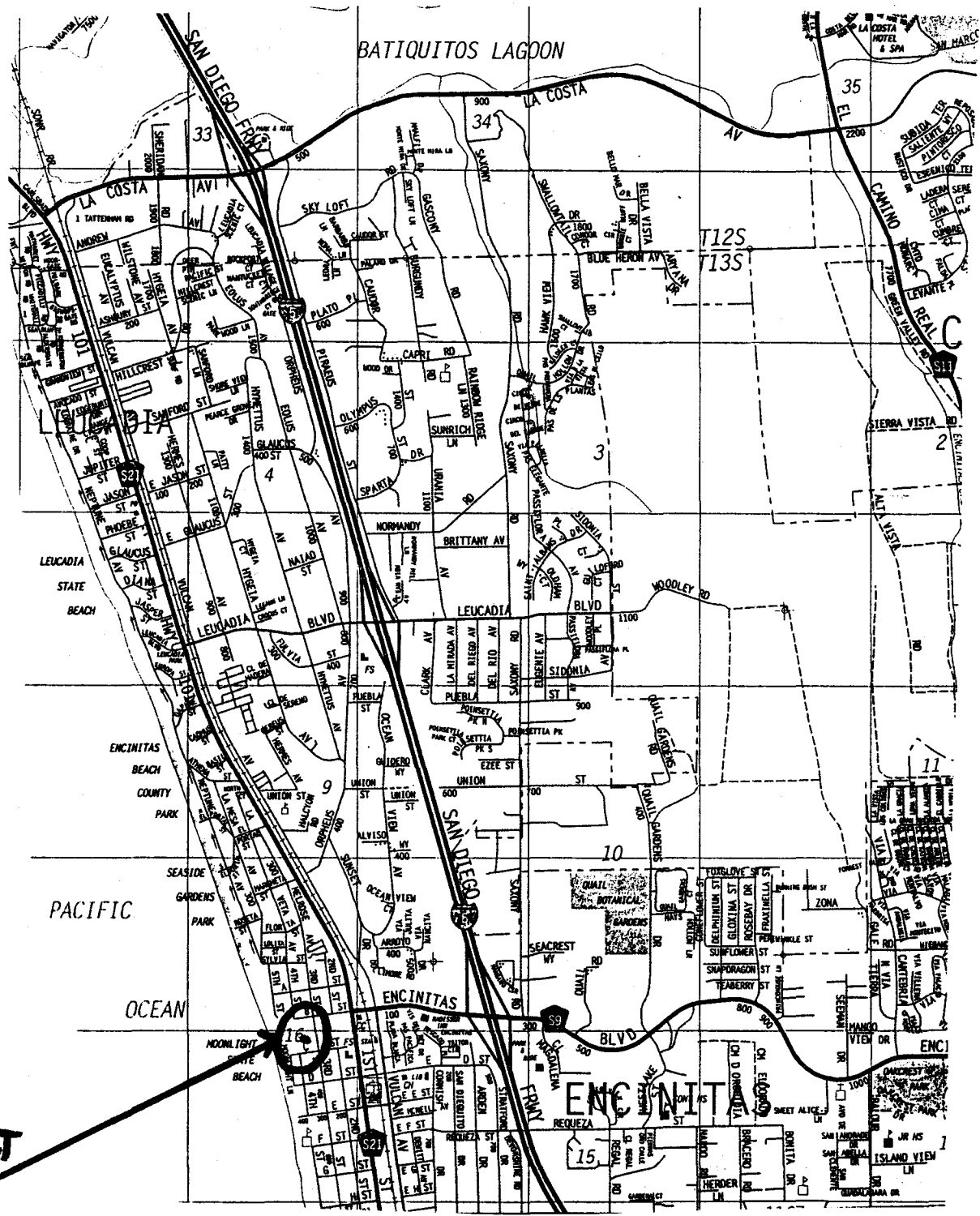
However, the study was conducted for only one weekday and one weekend day during the summer between 10:00 a.m. and 5:00 p.m. with occupancy counts taken at approximately one hour intervals. While the study was adequate to address

Commission staff's concerns at the time related to downtown parking in review of the LCP submittal, it is not adequate to document existing parking availability in the Moonlight Beach parking lot because the study is over two years old and the findings were based on occupancy counts for only a one day period (for weekday).

In summary, the proposed development is inconsistent with several policies and provisions of the certified LCP in that the Farmer's Market is not a permitted use in the zone, will displace 60 public beach parking spaces, does not include any non-public parking spaces to accommodate its patrons/employees and utilizes a parking study that is inadequate. Therefore, the Commission finds that that a substantial issues exists with respect to the project's consistency with the City's certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

(6144R)





**SUBJECT  
SITE**

EXHIBIT NO. 1
APPLICATION NO. A-6-ENC-96-144
LOCATION MAP.
California Coastal Commission

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
 3111 CAMINO DEL RIO NORTH, SUITE 200  
 SAN DIEGO, CA 92108-1725  
 (619) 521-8036

APPEAL FROM COASTAL PERMIT  
 DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
 This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

- |  |  |
|--|--|
| <p>1. Gary Giacomini<br/>         Marin County Board of Supervisors<br/>         Civic Center<br/>         San Rafael, CA 94903-4193</p> | <p>2. Sara Wan<br/>         22350 Carbon Mesa Rd<br/>         Malibu, CA 90265</p> |
|--|--|

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Encinitas
2. Brief description of development being appealed: Establishment of Farmers' Market in public beach parking lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.): Southeast corner of Moonlight Beach Parking Lot, Encinitas, San Diego County. APN 258-054-01
4. Description of decision being appealed:
  - a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: XXXX

## TO BE COMPLETED BY COMMISSION:

APPEAL NO: A6-ENC-96-144

DATE FILED: 10/22/96

DISTRICT: San Diego

EXHIBIT NO. 2
APPLICATION NO. A6-ENC-96-144
Appeal 1 of 5
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

5. Decision being appealed was made by (check one):

a.  Planning Director/Zoning Administrator      c.  Planning Commission

b.  City Council/Board of Supervisors      d.  Other \_\_\_\_\_

6. Date of local government's decision: September 19, 1996

7. Local government's file number (if any): 96-106 CDP

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties.  
(Use additional paper as necessary.)

a. Name and mailing address of permit applicant:  
Downtown Encinitas MainStreet Association  
P.O. Box 230665  
Encinitas, CA 92024

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Unknown  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

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See Attachment A

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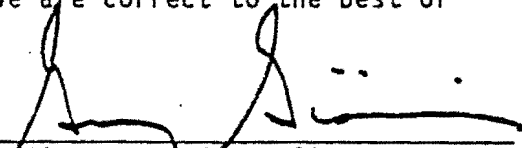
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Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date 10/22/96

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

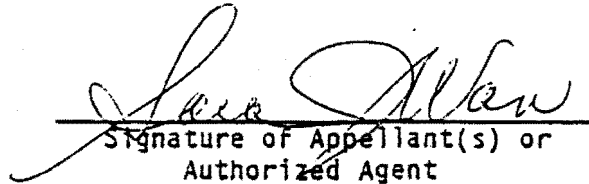
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment A

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

  
Signature of Appellant(s) or  
Authorized Agent

Date 10/22/96

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

4 of 5

ATTACHMENT A

The development does not conform to the standards set forth in the certified local coastal program nor the public access policies of the Coastal Act. Specifically, the Farmers' Market is proposed to occur within the Moonlight Beach Public Parking Lot from 2:00 p.m. to 7:00 p.m. on Fridays and there were no seasonal restrictions placed on its operation. This 190 parking space parking lot serves Moonlight State Beach, a designated high intensity beach recreational use area in the certified LUP.

The Moonlight Beach parking lot is within the area governed by the Downtown Encinitas Specific Plan (included as an implementation component of the certified LCP). The parking lot is zoned "Moonlight Beach Park (D-MBP)". This zone pertains to all Moonlight Beach Park and allows only passive and active community recreational activities. This zone specifically prohibits any private development. Because the proposed Farmers' Market is private development, it is inconsistent with the permitted uses within this zone.

In addition, the proposed Farmers' Market is inconsistent with Policy 5.5, on Page RE-9 of the certified Land Use Plan which states, in part:

[...] In addition, the City shall assure that existing public parking lots for public beach access points are maintained and that no reduction in the number of existing public parking spaces shall be permitted.

The proposed Farmers' Market, which will operate each Friday afternoon throughout the year, will displace, at a minimum, 60 parking spaces from the Moonlight Beach parking lot, inconsistent with the above policy.

Additionally, the development is inconsistent with Policy 1.12, on Page C-4 of the certified Land Use Plan which states, in part:

[...] Parking ratios shall be utilized as specified and detailed in the City's Zoning Code and in implementing Specific Plans which provide sufficient parking spaces so as not to require patrons/employees/residents to utilize parking which is necessary/required for other approved uses or street and other public parking that should otherwise be available for public use.

Because 60 spaces would be displaced by the market and then its patrons would further utilize the beach parking lot, the development is inconsistent with the above stated policy.

(6322N)



City of Encinitas

RECEIVED

OCT 31, 1996

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

October 31, 1996

California Coastal Commission
ATTN: Lee McEachern
3111 Camino Del Rio North, Suite 200
San Diego, CA 94108-1725

Subject: Coastal Commission Appeal of City of Encinitas Coastal Development Permit # 96-106 CDP for Establishment of a Farmer's Market in the Moonlight Beach Parking Lot.

Dear Mr. McEachern:

This letter is to acknowledge that the City has received the Coastal Commission's appeal of the above-referenced application, and also to respond to some of the issues presented by the Commission in the appeal. I would like to state up front that the City of Encinitas has been and intends to continue being supportive of the Downtown Encinitas Main Street Association (DEMA) efforts to stage the Farmer's Market at this location, and believes that it is in full compliance with all provisions of the City's certified Local Coastal Program. It is our hope that upon reviewing the information contained in this letter, the Commission may reconsider its position relative to the appeal.

The basis of the appeal, as set forth in "Attachment A" to the "Commission Notification Of Appeal" dated October 22, 1996, appears to raise two central issues with the permit approved by the City. First, the appeal states that the Farmers Market is a "private development", which is thus inconsistent with the use allowances of the Moonlight Beach Park (D-MBP) land use designation for the subject property contained in the Downtown Encinitas Specific Plan, which allows for passive and active community recreational activities. Second, the appeal states that in displacing 60 parking spaces in the Moonlight Beach parking lot, the use is inconsistent with provisions of the policies in the City's General Plan (the certified Land Use Plan) which call for preserving existing public parking in coastal access areas.

With regard to the first objection, the City fundamentally disagrees with the characterization of the Farmer's Market as a "private development" not suitable for the D-MBP zone. The Downtown Encinitas Main Street Association is a non-profit organization established under the State of California Main Street program which works in partnership with the City of Encinitas and is dedicated to the preservation and improvement of Downtown Encinitas through implementation of a 4 point program

CD/rc/96106LTR.CCC 10/31/96

EXHIBIT NO. 3
APPLICATION NO.
A-6-ENL-96-144
Letter from City
1 of 3
California Coastal Commission

including organization, promotion, design, and economic development. The City and DEMA on an annual basis sponsor programs such as the Facade Grant Program, which provides matching grants to merchants who wish to renovate and upgrade their buildings, and, in doing so, improve the appearance and vitality of the Downtown area. DEMA sponsors other events involving vendors selling their wares on public property, such as the Encinitas Street Faire on First St. and civic activities including the Taste of Main Street and Halloween Festival on First St. In fact, the Downtown Encinitas Specific Plan encourages such uses. Specifically, Section 2.2 cites a need for "...public space/outdoor open space, informal cultural activities, public markets, etc.". Section 2.3 (Land Use Goals) contains two goals calling for the City to "Provide outdoor public spaces for cultural and civic activities" and to "Provide allowances and regulations for street vendors and performers", with the objective to "Establish specific zone regulations that allow for street vendors and performers to use the public right-of-way and public spaces". Other Coastal communities, such as Del Mar, Solana Beach, Carlsbad, and Oceanside have Farmer's Markets and other similar functions on public property, including streets, civic center facilities, or public parks. In conclusion, the City views the Farmer's Market not as a "private development", but rather as a public event sponsored by DEMA, an organization which works in partnership with the City to promote a vital Downtown area.

With respect to parking, the parking usage survey performed by SANDAG in conjunction with the preparation of the City's Local Coastal Program showed that there is a significant surplus of parking in the Moonlight Beach parking lot. The survey was performed in August of 1994, a time of peak summertime activity. The afternoon counts taken between 12:30 and 4:30 pm on weekdays indicated an occupancy rate of 47.9%, or 91 spaces occupied out of the total 190 spaces. Thus, even with 60 spaces displaced by the Farmer's Market, 39 spaces would remain unused by beach visitors. The survey determined that there are 483 on-street spaces in the vicinity which would be used by beach goers, with a weekday afternoon occupancy rate of 52.9 % or 256 spaces. This leaves 227 on-street spaces available on weekday afternoons. The information submitted with the application indicates that the Farmer's Market is visited by approximately 1,500 persons every Friday. Of those, approximately 500 walk or ride bicycles to the event and the remaining 1,000 arrive in vehicles. Assuming an average of 2 persons per vehicle, this means 500 vehicles visit the site over its 3 hours of operation or 166 each hour, and, assuming an average length of stay of ten minutes, the parking demand at any one time would be 28 spaces. The 227 on-street spaces can easily accommodate this demand, without impacting the 39 remaining unused spaces within the parking lot.

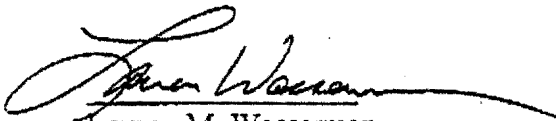
If you feel that these issues could be addressed by adding conditions to the Resolution approving the project, the City would be willing to consider returning the application to the Planning Commission to do so. Such conditions might include installation of a sign advising motorists that during peak times of beach activity (i.e. between Memorial Day or the Fourth of July and Labor Day), use of the parking lot is restricted to those going to Moonlight Beach. A condition could also be added which would allow reconsideration of the permit if there are substantiated reports of parking shortages in the future when the Farmer's Market is in operation.



We would welcome the opportunity to meet with Coastal Commission staff to resolve the issues which have led to this appeal. If you would like to arrange such a meeting, please contact Tom Curriden, Senior Planner, at 633-2712.

Thank you for your consideration in this matter.

Sincerely,



Lauren M. Wasserman  
City Manager

cc

Sandra Holder, Community Development Director  
Bill Weedman, City Planner  
Tom Curriden, Senior Planner  
Downtown Encinitas Main Street Association (DEMA)

3 of 3