

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



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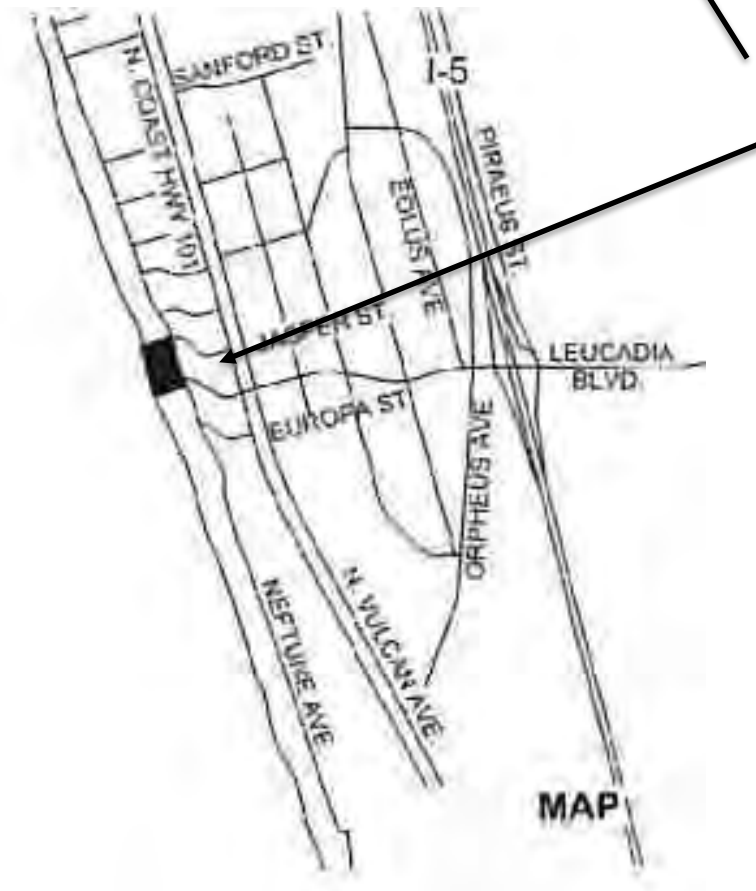
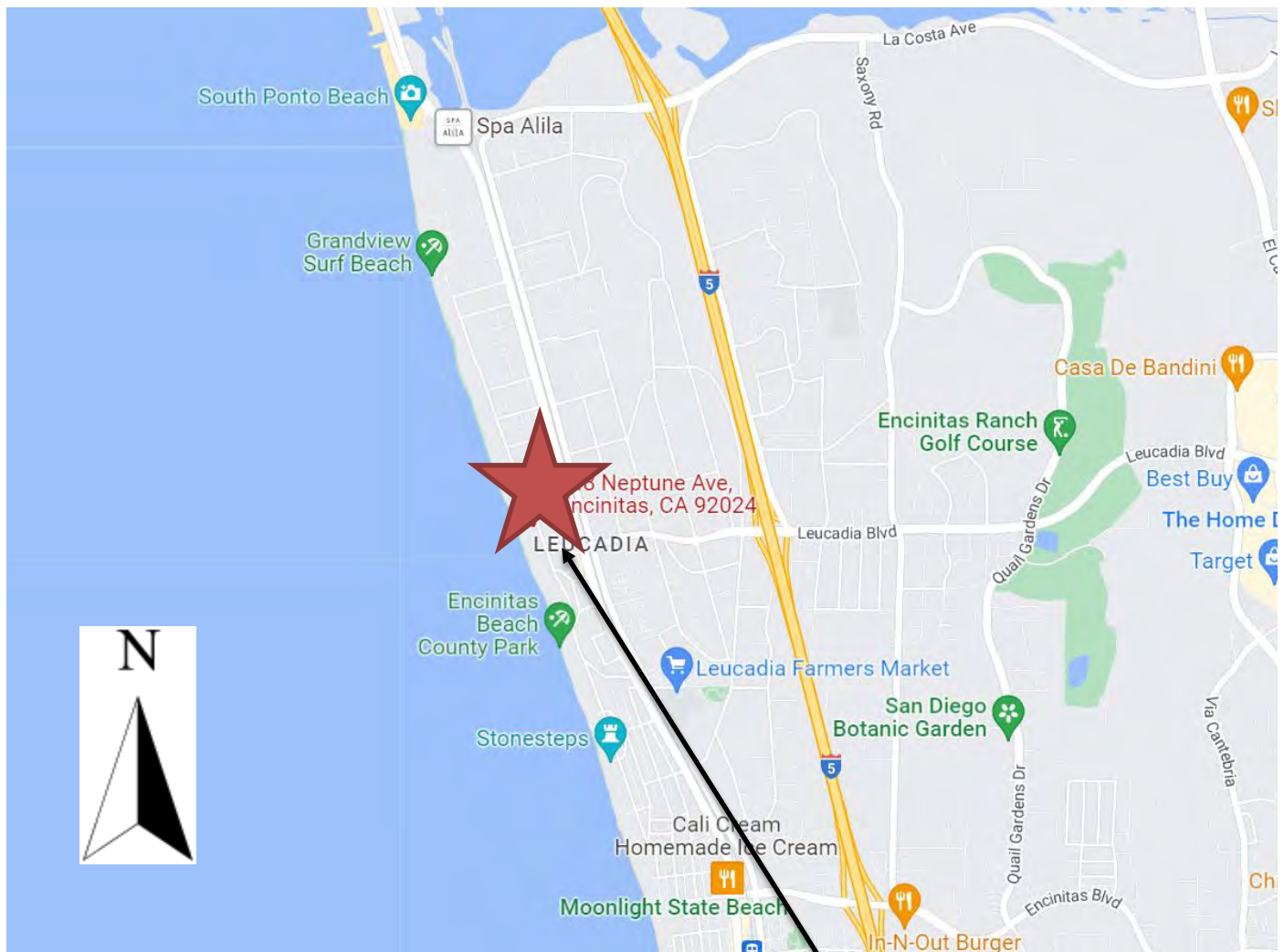
A-6-ENC-23-0024 (Beacon's Beach Parking Lot)

November 17, 2023

EXHIBITS

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Site

EXHIBIT NO. 1

APPLICATION NO.

A-6-ENC-23-0024

Vicinity Map



California Coastal Commission



Public Access Trail

Neptune Ave

Jasper St

Lifeguard Hut Tower

Project Site

Leucadia State Beach (Deacon's)

Perfect Pressure
Therapeutic Mas

W. Leucadia Blvd



EXHIBIT NO. 2

APPLICATION NO.

A-6-ENC-23-0024

Site Location



California Coastal Commission

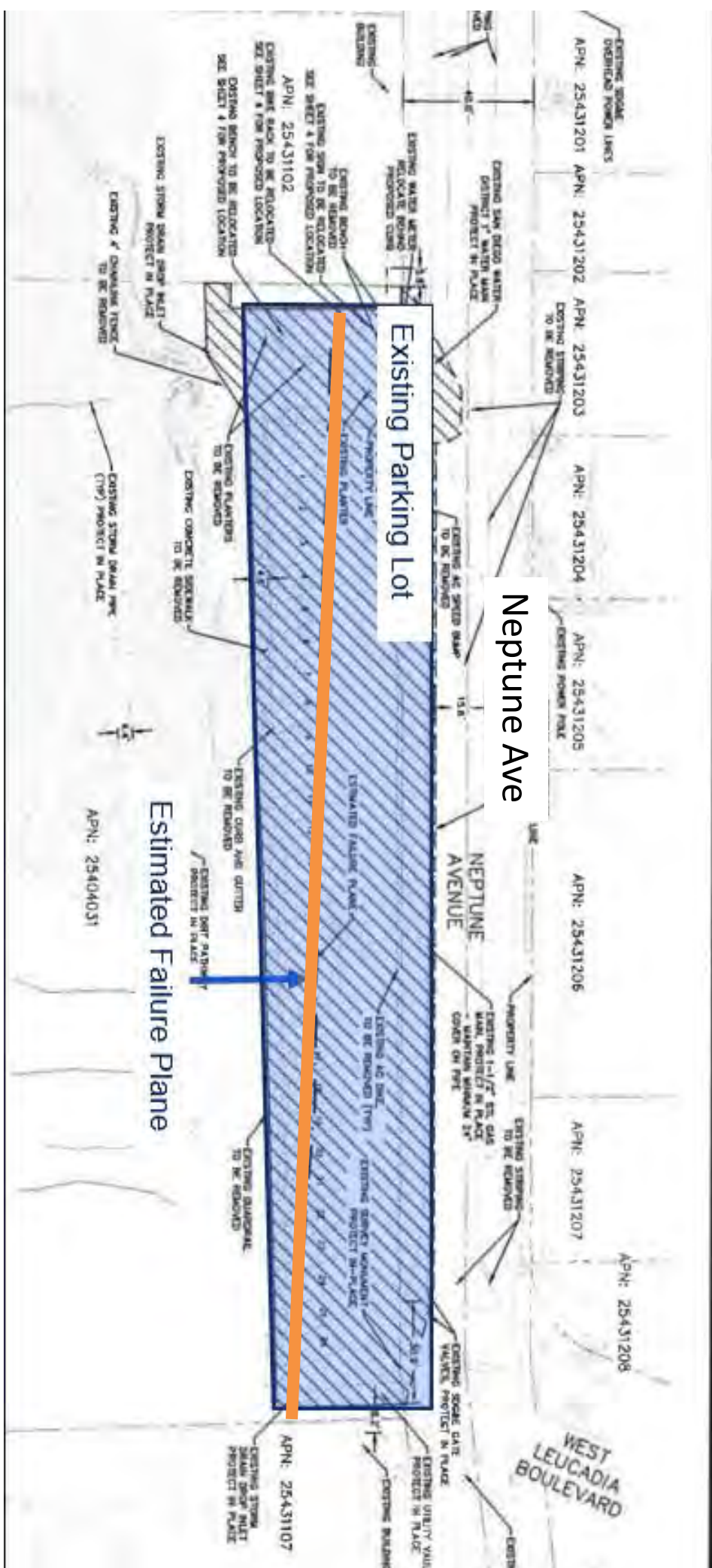


EXHIBIT NO. 3

APPLICATION NO.

A-6-ENC-23-0024

Existing Conditions



California Coastal Commission

RESOLUTION NO. 2023-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS DENYING AN APPEAL AND AFFIRMING THE PLANNING COMMISSION'S DECISION APPROVING A MAJOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO ALLOW FOR THE REMOVAL OF THE EXISTING PARKING LOT PAVEMENT AND CONSTRUCTION OF A NEW PARKING LOT AREA BEYOND THE EXISTING FAILURE PLANE ON THE BLUFF AT BEACON'S BEACH AND FOR A TEMPORARY CONSTRUCTION STAGING AREA IN THE PARKING LOT FOR THE PROPERTY LOCATED AT 948 NEPTUNE AVENUE

(CASE NOS. MULTI-005456-2022; USE-005458-2022; CDP-005457-2022; APPEAL-006269-2023; APN: 254-040-31)

WHEREAS, a request was filed by the City of Encinitas for consideration of a Major Use Permit (USE) and Coastal Development Permit (CDP) to authorize the 1) removal of the existing parking lot pavement, 2) construction of a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach, and 3) set up a temporary construction staging area in the parking lot for the property located at 948 Neptune Avenue (APN: 254-040-31), also known as Beacon's Beach Access Point;

WHEREAS, the Planning Commission conducted duly noticed public hearings on April 20, 2023, and May 4, 2023;

WHEREAS, the Encinitas Planning Commission approved Case Nos. MULTI-005456-2022, USE-005458-2022, and CDP-005457-2022 based on the following Environmental Determination and Findings:

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311 and Section 15304(e). Section 15311 exempts the construction or replacement of minor structures including small parking lots. The request to authorize the removal and replacement of the existing parking lot pavement to construct a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach meets this exemption. Section 15304(e) exempts the temporary construction staging area for the duration of the project. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project;

WHEREAS, the Planning Commission approved Case Nos. MULTI-005456-2022, USE-005458-2022, and CDP-005457-2022 on May 4, 2023, via Planning Commission Resolution No. PC-2023-06;

WHEREAS, Chandra Slaven, the appellant, filed a timely appeal (Case No. APPEAL-006269-2023) received by the City of Encinitas on May 18, 2023; and

WHEREAS, the City Council conducted a duly noticed public hearing on June 28, 2023, for the appeal pursuant to Chapter 1.12 (Appeals) of the Encinitas Municipal Code

EXHIBIT NO. 5

APPLICATION NO.

A-6-ENC-23-0024

City Resolution Denying
Appeal



California Coastal Commission

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas denies the appeal filed by Chandra Slaven on June 28, 2023, and hereby upholds the Planning Commission's decision via Planning Commission Resolution No. PC-2023-06 for the following reasons:

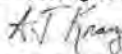
1. The City Council finds that the proposed removal and replacement of the existing Beacon's Beach parking lot and associated improvements and temporary construction parking will not have a significant impact to the surrounding community and is necessary to accommodate the health and safety concerns outlined in the geotechnical reports made a part of the record, to move the parking lot behind the existing failure plane which is approximately seven feet from the bluff edge; and
2. There was insufficient evidence in the record and presented in connection with the appeal to substantiate the issues and arguments raised in the appeal.

BE IT FURTHER RESOLVED that the City Council has considered the comments received during the public review process and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment; and

BE IT FURTHER RESOLVED that the City Council upholds the Planning Commission's determination, and that this decision reflects the City Council's independent judgment and analysis.

PASSED, APPROVED AND ADOPTED at a regular City Council meeting of the City Council of the City of Encinitas, State of California on this 28th day of June 2023.

DocuSigned by:



Tony Kranz, Mayor

ATTEST:

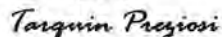
DocuSigned by:



Kathy Hollywood, City Clerk

APPROVED AS TO FORM:

DocuSigned by:



Tarquin Preziosi, City Attorney

CERTIFICATION: I, Kathy Hollywood, City Clerk of the City of Encinitas, California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 28th day of June, 2023 by the following vote:

AYES: **Blackwell, Ehlers, Hinze, Kranz, Lyndes**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

DocuSigned by:

Kathy Hollywood

Kathy Hollywood, City Clerk

RESOLUTION NO. PC 2023-06

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A MAJOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO ALLOW THE REMOVAL AND REPLACEMENT OF THE EXISTING PARKING LOT PAVEMENT IN ORDER TO CONSTRUCT A NEW PARKING LOT AREA BEYOND THE EXISTING FAILURE PLANE ON THE BLUFF AT BEACON'S BEACH AND TEMPORARY CONSTRUCTION STAGING AREA IN THE PARKING LOT FOR THE PROPERTY LOCATED AT 948 NEPTUNE AVENUE

(Case Nos. MULTI-005456-2022; USE-005458-2022; CDP-005457-2022; APN: 254-040-31)

WHEREAS, a request filed by the City of Encinitas for consideration of a Major Use Permit (USE) and Coastal Development Permit (CDP) to authorize the removal and replacement of the existing parking lot pavement in order to construct a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach and temporary construction staging area in the parking lot for the property located at 948 Neptune Avenue (APN: 254-040-31) also known as Beacon's Beach Access Point, and

WHEREAS, the Planning Commission conducted duly noticed public hearings on April 20, 2023, and May 4, 2023, and

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case Nos. MULTI-005456-2022; USE-005458-2022; CDP-005457-2022 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311 and Section 15304(e). Section 15311 exempts the construction or replacement of minor structures including small parking lots. The request to authorize the removal and replacement of the existing parking lot pavement to construct a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach meets this exemption. Section 15304(e) exempts the temporary construction staging area for the duration of the project. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.

Section 2. Discretionary Action(s) Findings

FINDINGS

Based on the findings for a Major Use Permit as per Encinitas Municipal Code Section 30.74.070 and the aforementioned analysis, the Planning Commission has made the following findings to support the approval, with conditions:

Findings for Major Use Permit	Explanation of Finding
1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings,	The proposed request to authorize the removal of the existing 26-stall parking lot including the pavement and a new 15-stall parking lot with a new 15-stall parking lot and a new pathway on the westerly edge of the bluff.

EXHIBIT NO. 6

APPLICATION NO.

A-6-ENC-23-0024

City of Encinitas CDP

MAY 4, 2023

ITEM 8A



California Coastal Commission

<p>structures or natural resources, with consideration given to, but not limited to:</p> <ul style="list-style-type: none"> a. The inadequacy of public facilities, services and utilities to serve the proposed project. b. The unsuitability of the site for the type and intensity of use or development which is proposed. c. The harmful effect, if any, upon environmental quality and natural resources of the city; or 	<p>the existing bluff failure plane, will not be incompatible with and will not adversely affect or be materially detrimental to adjacent uses, residences, buildings, structures, or natural resources.</p> <p>This proposed location is approximately seven feet back from the current bluff edge. The parking lot stalls will be brought up to current code, meeting the current Encinitas Parking Design Manual Standards, including aisleway width, double-haired pinned stripping with wheel stops, parking stall width and Americans with Disabilities Act (ADA) standards. The project will meet the required five-foot top-of-bluff setback from the edge of the existing bluff, with the proposed walkway, parking lot and safety fence reconfiguration. Benches and bike racks will be placed in a configuration that meets current ADA standards along the walking pathway near the bluff edge.</p> <p>The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311 and Section 15304(e). Section 15311 exempts the construction or replacement of minor structures including small parking lots. The request to authorize the removal and replacement of the existing parking lot pavement to construct a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach meets this exemption. Section 15304(e) exempts the temporary construction staging area for the duration of the project. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.</p>
<p>2. The impacts of the proposed project will adversely affect the policies of the Encinitas General Plan or the provisions of the Municipal Code; or</p>	<p>With the approval of the discretionary permits requested, the proposed improvements will comply with applicable policies of the General Plan and provisions of the Municipal Code. No evidence has been submitted or identified to demonstrate that the project will have any adverse impact to the policies of the General Plan or provisions of the Municipal Code.</p>

3. The project fails to comply with any other regulations, conditions, or policies imposed by the Municipal Code.	No evidence has been submitted or identified to demonstrate that the project failed to comply with any other regulations, conditions, or policies imposed by the Municipal Code.
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Based on the findings for a Coastal Development Permit per Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit) and the aforementioned analysis, the Planning Commission has made the following findings to support the approval, with conditions:

Finding for Coastal Development Permit	Explanation of Finding
1. The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas.	The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas. Based upon the information contained in the project materials and scope of work, the City has demonstrated that the proposed parking lot project at Beacon's Beach access point would not create an unnecessary surcharge load on the bluff. The City's third-party geotechnical consultant (Geopacifica) concluded that the project review addressed all site conditions and provided all the necessary information to satisfy the requirements of the Encinitas Municipal Code.
2. The proposed development conforms with Public Resources Code Section 21000 et al. (CEQA) and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment.	The project conforms to Public Resources Code Section 21000 (CEQA). The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311 and Section 15304(e). Section 15311 exempts the construction or replacement of minor structures including small parking lots. Section 15304(e) exempts the temporary construction staging area for the duration of the project. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et seq. of the Coastal Act.	Public access and parking will be maintained and available at Beacon's Beach access point. In accordance with Section 30212 of the Coastal Act, public beach and shore access and recreational opportunities already exist and both are available and will remain available during project construction and the long-term maintenance of the project scope.

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Environmental Determination and Findings hereinbefore adopted by the Planning Commission, Case Nos. MULTI-005456-2022; USE-005458-2022; CDP-005457-2022 is hereby approved subject to the conditions in Exhibit A.

PASSED AND ADOPTED this 4th day of May, 2023, by the following vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kevin Doyle, Chair

ATTEST:

Anna Colamussi
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

EXHIBIT "A"
RESOLUTION NO. PC 2023-06
Case Nos. MULTI-005456-2022; USE-005458-2022; CDP-005457-2022

CONDITIONS OF APPROVAL

Applicant: The City of Encinitas
Location: 948 Neptune Avenue (APN: 254-040-31)

SPECIFIC CONDITIONS:

SCA The following conditions shall be completed and/or fulfilled to the satisfaction of the Development Services Department:

1. Prior to final approval, a final inspection shall be completed and approved by the Development Services Department.
2. All watering and planting methods for bluff hydroseeding or landscaping shall be consistent with the Beacon's Beach Landscape and Restoration Plan (Case No. MULTI-003977-2020; PC-Resolution No. 2021-04).
3. A grading permit and building permit shall be required with the Development Services Department prior to installation of the proposed plan.
4. Both the Bike Share docking station racks and the standard bike racks shall be placed back in the parking lot, maintaining ADA path of travel and accessibility.

STANDARD CONDITIONS:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- A 01 **Approval - General:** At any time after two years from the date of this approval, on **May 4, 2025** at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date.
- A 02 **Approval - General:** This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- A 03 **Approval - General:** This project is located within the California Coastal Commission's Appeal Jurisdiction of the Coastal Zone and may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.04 of the City of Encinitas Municipal Code. An appeal of the City's decision must be filed with the Coastal Commission within 10 working days following the Coastal Commission's receipt of the Notice of Final Action. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the Coastal Commission, San Diego Coast District office.
- A04 **Approval - General:** This project is conditionally approved as set forth on the application and project plans received by the City on February 10, 2023, consisting of nine sheets, including Title Sheet (Sheet 1), Notes (Sheet 2), Existing Site Plan (Sheet 3), Proposed Site Plan (Sheet 4), Proposed Grading Plan (Sheet 5), Sections

(Sheet 6), Details (Sheets 7 and 8), and Erosion Control (Sheet 9) dated February 10, 2023, AECOM Geotechnical Reports dated June 1, 2022 and AECOM Hydrology Reports dated June 1, 2022, all designated as approved by the Planning Commission on May 4, 2023, and shall not be altered without express authorization by the Development Services Department.

- A 08 **Approval - General:** Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
- A09 **Approval - General:** Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.
- CT/SO 01 **Approval - General:** Any and all temporary construction trailers or construction related fencing or equipment, used during the course of development, shall be removed prior to the issuance of Certificate of Occupancy to the satisfaction of the Development Services Department.
- P02 **Parking:** Parking lot layout and improvements shall meet the standards of the Municipal Code and the Off-Street Parking Design Manual.
- SIGN 01 **Signs:** Any signs proposed for this development shall be designed and approved in conformance with Encinitas Municipal Code Chapter 30.60.
- USE 01 **Use Permit:** At all times during the effective period of this permit, the responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of the authorized activity.
- USE 03 **Use Permit:** Upon a showing of compelling public necessity demonstrated at a noticed hearing, the City of Encinitas, acting through the authorized agency, may add, amend, or delete conditions and regulations contained in this permit.
- USE 04 **Use Permit:** Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit.
- USE 05 **Use Permit:** Nothing in this permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this permit.
- USE 07 **Use Permit:** Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a use permit contained in Section 30.74.105 of the Municipal Code. Modifications beyond the scope described therein will require submittal of an amendment to the use permit and approval by the authorized agency.
- USE 08 **Use Permit:** All project grading shall conform with that shown on the approved project plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a Use Permit Modification for such grading shall be obtained from the authorized agency of the City prior to issuance of Grading or Building Permits.

BUILDING CONDITION(S):

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- BLDG 01** The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

FIRE CONDITION(S):

CONTACT THE FIRE PREVENTION DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- FIRE 20** **Road Access -Road Minimum Dimensions:** Fire apparatus access roads identified as Circulation Element Roads and areas within the Very High Fire Hazard Severity Zone shall have an unobstructed improved width of not less than 24 feet and all other roads shall be not less than 20 feet; curb line to curb line. Exceptions: Single-Family residential driveways; serving no more than TWO single-family dwellings, shall have minimum of 16 feet, curb line to curb line, of unobstructed improved width. Access roads shall be designed and maintained to support the imposed loads of not less than 75,000 pounds and shall be provided with an approved paved surface to provide all-weather driving capabilities and provide a vertical clearance of not less than 13 feet six inches.
- FIRE 22** **Fire Access Roadway Exception:** Gated entrances with card readers, guard stations or center medians, which have separated lanes of one-way traffic, shall be not less than 14 feet wide per lane.
- FIRE 24** **Obstruction of Roadways During Construction**
All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Encinitas Fire Department.
- FIRE 25** **Posting or Striping Roadway "No Parking Fire Lane"**
Fire Department access roadways, when required, shall be properly identified as per Encinitas Fire Department standards. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times, and be replaced or repaired when necessary to provide adequate visibility.

SAN DIEGUITO WATER DISTRICT (SDWD):

CONTACT SAN DIEGUITO WATER DISTRICT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

SDWD BF 03 Backflow – Landscape:

A backflow preventer shall be installed on the dedicated landscape water meter meeting SDWD standards. The location of the proposed backflow preventer shall be shown on the plans for SDWD approval.

SDWD EWS 03 Existing Water Service – SFR/Miscellanies Improvements:

The subject property is currently being served by a one-inch water meter. If the existing water meter needs to be upsized, the cost of upgrading the meter and/or service shall be the responsibility of the developer.

SDWD WS 02 Water System – Fees/Charges:

The developer shall comply with SDWD's fees, charges, rules, and regulations.

SDWD WS 04 Water System – Grading/Improvement Plans:

The developer shall show all existing and proposed water facilities on improvement and/or grading plans for SDWD Approval.

SDWD WS 07 Water System – Water Agencies' Standards:

The developer shall install the water system according to Water Agencies' (WAS) standards.

ENGINEERING CONDITIONS:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

Grading

- GRD 01 Grading – Regulations:** All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- GRD 02 Grading – Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.
- GRD 03 Grading – Plan:** The applicant shall submit a Grading Plan for review and obtain a Grading Permit prior to the commencement of any clearing or grading of the site. The Grading Plan shall include, but not be limited to, the design for site grading, drainage improvements, erosion control, stormwater pollution control, and on-site pavement.
- GRD 04 Grading – Responsible Charge:** The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil and geotechnical engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Development Services

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Department and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.

- GRD 05** **Grading – Offsite Authorization:** No grading shall occur outside the limits of the project boundary and easements unless a letter of permission is obtained from the owners of the affected properties and provided to the Development Services Department.
- GRD 06** **Grading – Borrow/Disposal Sites:** Separate grading plans shall be submitted and approved, and separate grading permits issued for borrow or disposal sites if located within the city limits. Import material shall be free of organic material, trash, debris, and environmental contaminants.
- GRD 09** **Grading – Reports:** Geotechnical, Drainage/Hydrology, Stormwater Quality, and Traffic studies/report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The reports shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading or improvement permit for the project.
- GRD 10** **Grading – Haul Route:** Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Development Services Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and requirements the Development Services Department may impose with regards to the hauling operation.
- GRD 11** **Grading – Drainage Plan:** The project's building plan(s) shall include an engineered drainage and stormwater quality treatment BMP site plan prior to approval of building permit. The plan shall provide at a minimum the design for precise grading, drainage improvements, erosion control, stormwater pollution control, and impervious surfaces.

Drainage Conditions

- DRAIN 01** **Drainage – Erosion Control:** An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.
- DRAIN 02** **Drainage – Drainage System:** A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Development Services Department to properly handle the drainage.
- DRAIN 03** **Drainage – Flood Control Fee:** Pursuant to Municipal Code Chapter 23.96, the applicant shall pay the current adopted Flood Control Fee for the creation of new impervious surfaces prior to issuance of the building or grading permit for this project to the satisfaction of the Development Services Department.
- DRAIN 05** **Drainage – Concentrated Flows:** Concentrated flows across driveways and/or sidewalks shall not be permitted.

- DRAIN 06 Drainage – Flow Rate:** The drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm underdeveloped conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the mitigation necessary to accomplish the desired results.

Street Conditions

- ST 01 Street – Right-of-Way Permit:** Prior to any work being performed in the public right-of-way or City easement, a right-of-way construction permit shall be obtained from the Development Services Department and appropriate fees paid, in addition to any other permits required.
- ST 21 Street – ADA General:** All paths of travel, sidewalks, curb ramps, pedestrian ramps, driveway aprons, etc. shall be designed and constructed in compliance with ADA standards. Prior to completion of the project, each and every facility shall be inspected against the City's Public Right-of-Way Curb Ramp Inspection form.
- ST 23 Street – Improvement Plans:** All required public improvements shall be designed on a Public Improvement Plan approved by the City and permitted with a Public Improvement Permit. Adequate financial surety shall be posted prior to issuance of a Public Improvement Permit.
- ST 25 Street – Public Improvement Repairs:** Any portion of the existing sidewalk or any other public improvements damaged during construction shall be repaired and/or replaced to the next joint to the satisfaction of the Development Services Department.
- ST 26 Street – Public Facility Protection:** All street signs, lights, lamps, utilities, etc. located within the public right-of-way shall be protected in-place during construction or replaced to the satisfaction of the Development Services Department.
- ST 27 Street – Street Trees:** The removal of any and all City trees shall be consistent with Encinitas Municipal Code Chapter 15.02 and the City's Urban Forest Management Program. Trees located within City Street right-of-way, on City property, or within City easements are referred to as City trees and shall be protected in place during construction unless specifically approved otherwise. No grading, excavation, or disturbance of city tree root systems shall occur within the City tree drip line area (the area from the trunk of a tree to the outermost edge of the tree canopy projection on the ground). If a City tree is not clearly labeled to be removed, it must be protected in place. Even if approved improvements conflict with a city tree, it must not be disturbed unless the plan is revised to address the tree removal.
- ST 30 Streets – Traffic Control Plan:** Prior to commencement of any work in the public right-of-way or other work that may cause a traffic disturbance, the applicant shall obtain approval of a Traffic Control Plan from the City's Traffic Engineering division, as necessary.
- ST 31 Streets – Striping Plan:** A street striping plan shall be prepared and included with the public improvement plans.

Stormwater Pollution Control Conditions

- STORM 02 Stormwater – LID BMP's:** Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Development Services Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.
- STORM 06 Stormwater – Green Streets:** The project proposes utilizing the "Green Streets" exemption for Priority Development Projects permitted by the BMP Design Manual. A Green Streets PDP Exempt SWQMP shall be prepared and on file with the Development Services Department prior to permit issuance.

Coastal Bluff Conditions

- CB 02 Bluff – Automatic Irrigation:** If an automatic irrigation system is proposed for this project, it shall be designed to avoid any excess watering. The system shall also be designed to automatically shut off in case of a pipe break. Automatic shut-off system, moisture shut-off sensors, and other advanced controls will be required for the installation of an automatic irrigation system.
- CB 04 Bluff – Landscaping:** If landscaping is required for erosion control, projects shall incorporate native, drought-tolerant and/or naturalizing plant material appropriate for the exposed coastal bluff area. All plant material shall have the ability to naturalize without supplemental irrigation after an establishment period of three years or less, unless a qualified and certified landscape and irrigation professional demonstrates that continued water would not be a factor in bluff erosion.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DR., SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370
SANDIEGOCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: San Diego Coast

Appeal Number: A-6-ENC-23-0024Date Filed: July 10, 2023Appellant Name(s): Michael Conway**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the San Diego Coast district office, the email address is SanDiegoCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

EXHIBIT NO. 7

APPLICATION NO.

A-6-ENC-23-0024

Appeal Forms



Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Michael Conway

Mailing address: 575 Arden Dr Encinitas Ca 92024

Phone number: 1 760 753 6864

Email address: mikeconwaymcs@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: I submitted written comments to the Encinitas Planning Commission
hearing on 5-4-23. I presented pictures and written comments and spoke
in favor of the appeal before the Encinitas City Council
on 6-28-23.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Encinitas City Council denied the appeal of the approval of
Beacons Parking Lot project on 6-28-23.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed2

Local government name:	City of Encinitas
Local government approval body:	Encinitas City Council
Local government CDP application number:	0055457-2022
Local government CDP decision:	<input checked="" type="checkbox"/> CDP approval <input type="checkbox"/> CDP denial ³
Date of local government CDP decision:	6-28-23

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 948 Neptune Ave Leucadia Ca 92024. APN 254-040-31.

This is a beach access parking lot overlooking the ocean.

The City intends to remove the existing sidewalk, guardrail and striped asphalt parking area and relocate the entire parking lot approximately 7 ft to the east.

2 Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

#4 ATTACHMENT: GROUNDS FOR THIS APPEAL Beacons parking lot CDP-005457-2022

The Beacons Parking Lot proposed project removes 11, long established (50+yrs), public parking spaces (going from a total of 26 to 15 spaces) and will therefore severely restrict use of the public beach. The travel lane which circulates through the lot will also be narrowed which will cause traffic congestion and blockages every time anyone stops to load or unload with no room to pass. In addition, moving the lot easterly will result in a de factor abandonment of publicly owned ocean view property. A strip of land along the bluff top will be fenced off to the public, and given the cities past history, will then be allowed to erode down the face of the bluff. "Oceanfront land suitable for recreational use shall be protected". (Sec.30221). The city has failed in it's responsibility to properly maintain the parking lot and beach access trail and they are now using this failure as a justification for this project. Please see the accompanying pictures of current "maintenance work" which is being done by the city. The city's own geotechnical studies and past repair projects have demonstrated that the parking lot and bluff can be saved through proper maintenance and stabilization.

I believe this unique coastal parking and overlook area to be a "Sensitive coastal resource area" due to it's "significant recreational value" and it's "highly scenic" attributes (Sec.30116). The city intends to proceed with this project with no Environmental Impact Report as required by the California Environmental Quality Act. They claim they are exempt from CEQA because this is a "small" parking lot. The parking lot could be considered small in comparison to Home Depot or some other chain store but it is the largest ocean front, environmentally sensitive, parking lot in Leucadia and deserves to be treated as a unique natural resource.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Michael Conway

Michael Conway
Signature

Date of Signature 7-10-23

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

7-10-23

INTERESTED PARTIES BEACONS PARKING LOT PROJECT

Mathew & Robin Gordon
878 Neptune Ave
Encinitas Ca 92024
gordon.matthew@gmail.com

Chandra Slaven
Coastal Land Consultant
chandraslaven@gmail.com

John Wigmore
870 Neptune Ave
Encinitas Ca 92024

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DR., SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370
SANDIEGOCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: San Diego Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

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Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: Matthew Gordon

Mailing address: 878 Neptune Avenue, Encinitas CA 92024

Phone number: 760-632-6665

Email address: gordon.matthew0@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☐ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Filed Attached Appeal of Planning Commission Approval
of MULTI-005456-2022; USE-005458-2022; CDP-005457-2022
Dated May 18, 2023 with the City Clerk's Office.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: City of Encinitas City Council denied appeal on
June 28, 2023

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 3

2. Local CDP decision being appealed²

Local government name:

City of Encinitas

Local government approval body:

City Council

Local government CDP application number:

CDP-005457-2022

Local government CDP decision:

☐

CDP approval

☒

CDP denial³

Date of local government CDP decision:

June 28, 2023

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

To allow the removal and replacement of the existing parking lot pavement to construct a new parking lot area beyond the existing failure plane on the bluff at Beacon's Beach and temporary construction staging area in the parking lot located at 948 Neptune Avenue.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision**Page 5****5. Identification of interested persons**

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.



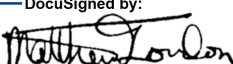
Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Matthew Gordon

Signature

DocuSigned by:

A06A4AE9412F44E...

Date of Signature 07.12.2023

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Matthew Gordon

CDP Application or Appeal Number CDP-005457-2022

Lead Representative

Name Matthew Gordon
Title _____
Street Address. 878 Neptune Avenue
City Encinitas
State, Zip California 92024
Email Address gordon.matthew0@gmail.com
Daytime Phone 619 572-3556

Your Signature Matthew Gordon Digitally signed by Matthew Gordon
Date: 2023.07.12 15:02:48 -07'00'

Date of Signature Matthew Gordon Digitally signed by Matthew Gordon
Date: 2023.07.12 15:03:15 -07'00'

Additional Representatives (as necessary)


Name Chandra Slaven
Title Coastal Land Use Consultant
Street Address. 1750 S El Camino Real, K206
City Encinitas
State, Zip CA 92024
Email Address chandraslaven@gmail.com
Daytime Phone 619-316-7645

Name Steven I Ostrow Esq
Title attorney
Street Address. 668 Canyon Dr
City Solana Beach
State, Zip California 92075
Email Address steveostrow@gmail.com
Daytime Phone 7606131863

Name Paul Metsch Esq
Title Partner of Metsch & Mason , LLP
Street Address. 5060 north Harbor Drive Suite 275
City San Diego
State, Zip California 92106
Email Address Pmetsch@metschmason.com
Daytime Phone 6199914923

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature Matthew Gordon  Digitally signed by Matthew Gordon
Date: 2023.07.12 15:09:40 -07'00'

Date of Signature Matthew Gordon  Digitally signed by Matthew Gordon
Date: 2023.07.12 15:09:49 -07'00'

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: South Coast

Appeal Number: A-6-ENC-23-0024Date Filed: July 10, 2023Appellant Name(s): John Wigmore**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

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Appeal of local CDP decision

Page 2

1. Appellant information¹

Name: John Wigmore

Mailing address: 870 Neptune Avenue

Phone number: 917 690-0024

Email address: john@johnwigmore.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe: I submitted a letter to the City of Encinitas on April 30, 2023 which
was recorded by the City in opposition to the plan for the
reconfiguration of the Beacon's Beach parking.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I am a resident owning a home three houses south of the Beacon's
Beach parking lot and I am concerned about the community's
unimpaired access to Beacon's Beach.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Page 3

Local government name:	City of Encinitas
Local government approval body:	Encinitas City Council
Local government CDP application number:	CDP - 005457-2022
Local government CDP decision:	<input checked="" type="checkbox"/> CDP approval <input type="checkbox"/> CDP denial ³
Date of local government CDP decision:	June 28, 2023

Describe: Beacon's parking lot reconfiguration. Located at the end of Leucadia Blvd and Neptune Avenue.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

3 Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s):	<u>JOHN WIGMORE</u>
Applicant Address:	<u>870 Neptune Ave</u> <u>Encinitas CA 92024</u>

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: **Please see attached letter.**

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

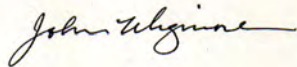
☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name JOHN WIGMORE

Signature



Date of Signature 7.09.23

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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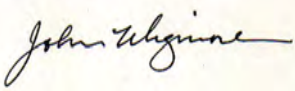
Additional Representatives (as necessary)

Name John Wigmore Jr.
Title Son/Family
Street Address. 1082 West Kensington Rd.
City Los Angeles
State, Zip CA 90026
Email Address john@johnwigmore.com
Daytime Phone 917 690-0024

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature _____  _____

Date of Signature 7.09.23

*JOHN WIGMORE
870 Neptune Avenue
Encinitas, CA 92024*

California Coastal Commission
San Diego District Office
7575 Metropolitan Drive Suite 103
San Diego, CA 92108
(619) 767-2370
sandiegocoast@coastal.ca.gov

July 9, 2023

Appeal of the City of Encinitas Approval to Regrade Beacons Beach Parking Lot

I oppose the approved plan by the city of Encinitas to regrade Beacon's Beach parking lot, which was set forth and approved by the city council. The city's plan will result in a 40% reduction in parking capacity for Beacon's Beach. Considering the high volume of beachgoers, surfers, and tourists, implementing this plan would likely lead to increased traffic on both Neptune Avenue and Leucadia Blvd, thereby creating unsafe conditions for pedestrians. Moreover, the City of Encinitas has not provided any alternative plan for additional parking to accommodate beachgoers. Additionally, removing the existing parking lot could exacerbate the stability of the bluff.

The current Beacon's Beach parking lot has been in existence for many decades, and I believe that the city should focus on stabilizing and maintaining it in its present form. The city's current plan for the Beacon's Beach parking lot does not serve the best interests of the community. Instead, the City of Encinitas should prioritize supporting and maintaining the existing bluff and parking lot, while also acquiring more parking spaces to accommodate visitors to Beacon's Beach. Thank you.

John Wigmore