

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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Filed: February 16, 1996
 49th Day: April 5, 1996
 180th Day: August 14, 1996
 Staff: GDC-SD
 Staff Report: March 11, 1996
 Hearing Date: April 9-12, 1996

STAFF REPORT: CONSENT CALENDAR

Th 8b

Application No.: 6-96-22

Applicant: City of Coronado

Agent: Tony Pena

Description: Implementation of a daily beach curfew for North Beach from 11:00 p.m. to 4:00 a.m. and prohibition of parking on Ocean Boulevard between Ocean Drive and Naval Air Station North Island (NASNI) Gate 5 between 11:00 p.m. and 4:00 a.m. The curfew is proposed for a five year period.

Site: Beach area west of Ocean Blvd. excluding the wet sand, from a point north of Ocean Drive to the Naval Air Station North Island, and Ocean Boulevard between Ocean Drive and NASNI Gate 5, Coronado, San Diego County.

Substantive File Documents: Certified City of Coronado Local Coastal Program; State Lands Lease #PRC 3691.1; Government License N687119ORPOPO4; CDP Nos. 6-88-545, 6-91-146-A, 5-93-232 and 6-93-160.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Condition.

The permit is subject to the following condition:

1. Curfew/Parking Restrictions. The approved beach curfew/parking restrictions may be imposed for a period of five years from the date of Commission action. Continuance of the permitted curfew and parking restrictions beyond that date will require a new coastal development permit or permit amendment from the California Coastal Commission.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. The applicant proposes to continue a beach and parking curfew previously approved under Coastal Development Permit #6-93-160. The proposal would impose a curfew on North Beach from 11:00 p.m. to 4:00 am. The curfew area is generally described as the beach located west of Ocean Boulevard from a point north of Ocean Drive to the Naval Air Station North Island (NASNI), and including the portion of NASNI beach currently maintained by the City of Coronado. The proposal would also prohibit on-street parking for approximately 500 feet on the north end of Ocean Boulevard between Ocean Drive and the NASNI Gate 5. The previously approved coastal development permit was limited by special condition to a period of two years. The applicant has requested that the new permit be in operation for a period of five years.

The subject site is located on the western edge of the City of Coronado, south of the Naval Air Station North Island (NASNI). Central and North Beach are located adjacent to Ocean Boulevard, the first public roadway in this location. The proposed beach curfew begins at a point 15 feet seaward of the southwest curb line of Ocean Boulevard, up to but not including the tidal wet sand, and extends north to the fence at NASNI. This area of the beach also contains 8 fire rings. The applicant has indicated that the fire rings were installed prior to 1970. The proposed parking restriction extends from the intersection of Ocean Drive and Ocean Boulevard to the NASNI gate (see Exhibit 2). Signage is posted explaining and describing the curfew which has been in effect for two years under the previous permit.

A rock revetment is located immediately adjacent to and seaward of the western sidewalk along most of Ocean Boulevard preventing a clear view of the beach from much of the street. Access to the beach from Ocean Boulevard is provided at several beach access stairways which traverse the revetment. The revetment terminates near the northernmost stretch of the beach at the intersection of Ocean Drive and Ocean Boulevard, and from this point the view to the beach from the street is unobstructed. The proposed beach curfew begins approximately at the point the revetment ends.

North Beach is a broad, sandy beach year-round except in high wave energy years. The area offers a wide variety of coastal access and recreational activities. There is a life guard tower and restroom facility south of the subject site, and North Beach has 8 fire rings and a dog run. In addition to the beach itself, the area offers Sunset Park, a grassy park immediately inland of North Beach.

The City has indicated that the reason for the curfew and parking restriction is to reduce criminal activity associated with the large crowds which regularly gather during the summer months to use the fire rings. At the time of the previously approved Coastal Development Permit #6-93-160, the City reported that the beach area surrounding the fire rings had been a high frequency area for undesirable or criminal activity including loud noise and music, litter, public intoxication, possession and use of weapons, alcohol and illegal drugs, and assaults. The City reported that use of the fire rings had shown a steady increase in previous years; often during the summer months crowds of 300-400 people gathered and all fire rings were utilized. Residents reported having a general fear of using the beach during the evening due to criminal activity and a concern for their personal safety. During the last summer prior to implementation of the curfew (1993), this area experienced one robbery, one felonious assault, four auto thefts, seven burglaries and five cases of vandalism. Since the implementation of the two-year beach curfew, the City reports that criminal activity at this location has been significantly reduced. In 1995, the second year of curfew, only one felonious assault and two petty thefts occurred within the area.

Since most of the problems have occurred in the North Beach area near the fire rings, the City has proposed that the beach curfew apply to the area generally around the fire rings, including enough of a "buffer" area to allow for effective enforcement of the curfew. The curfew will not apply to the wet sand area parallel to the ocean. The proposed project is identical to the beach curfew and parking restrictions previously approved except for the five-year term.

Central Beach and North Beach are operated by the City of Coronado under a lease from the State Lands Commission (Lease #PRC 3691.1) and a lease by the Navy for a small strip of land in North Beach (License N687119ORPOPO4). Because the site is located on State tidelands, the site is under the Commission's original jurisdiction and has been designated as such on the City of Coronado's Post-Certification and Appeals Map.

2. Public Access and Recreation. Many Coastal Act policies address the provision, protection and enhancement of public access to and along the shoreline, in particular Sections 30210, 30211, 30212, 30212.5, 30214(a), 30221 and 30223. These policies address maintaining the public's ability to reach and enjoy the water, providing adequate parking for public use and protecting suitable upland recreational sites. In addition, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case such a finding can be made.

The applicant is requesting closure of a portion of the public beach from 11 p.m. to 4 a.m. and restriction on parking on the north end of Ocean Boulevard from 11 p.m. to 4 a.m. In past actions in other areas, the Commission has agreed to reasonably limit public access opportunities, as in the Mission Beach/Mission Bay and Long Beach areas. These limitations have usually taken the form of limitations on the hours of entry (not exit) into public parking lots, and in most cases, the term of the restrictions has been limited to a specific time period so the impact of the restricted parking hours could be re-evaluated in the future. Direct pedestrian access to the beach has not

been altered or abridged in these areas. The fact that night-time pedestrian access opportunities were not prohibited was viewed as a means to off-set the adverse effect of the parking lot closures.

In October, 1993, (CDP #5-93-232, Long Beach parking lots) the Commission found that closing public beaches in response to crime problems was an inappropriate abridgment of public access opportunities. However, in the case of the subject proposal, the majority of problems have occurred in a small, very specific area around the fire rings. Only this small, relatively isolated portion of the beach, approximately 500 feet in length, would be affected by the curfew. The beach ends just north of the subject site, so there is no potential that access to a larger area of the beach would be reduced. The proposed curfew area is the smallest possible area that, if closed, would be effective in keeping people most associated with unlawful activities from the area. The boundaries of the curfew also take into account the need to use easily identifiable landmarks; in this case, the curfew begins on the beach area across from Ocean Drive where the revetment ends. In addition, the proposed curfew area stops at the tidal wet sand area parallel to the water. Therefore, lawful beach activities that currently occur on the beach such as night fishing, strolling and swimming would not be affected by the curfew.

The applicant is also proposing to close to parking approximately 500 feet of Ocean Boulevard from its intersection with Ocean Drive north to the gate of the Naval Air Station. As mentioned above, the Commission has previously approved restrictions on the hours of operation of certain beach parking lots in the City of Long Beach and the City of San Diego in Mission Beach, La Jolla and Mission Bay Park. The Commission found that there were several mitigating factors that led to the approval of these parking lot closures. First, alternative parking facilities and access opportunities were available nearby. Second, in some cases approval of the restricted hours was conditioned upon installation of one-way pavement devices which would prevent cars from entering the lots after the curfew hours, but would allow cars already in the parking lot to exit at any time.

In the case of the proposed development, a small cul-de-sac would be closed to parking during the curfew hours. Although all of the parking available for the beach area is on-street parking, since the parking restriction would apply from the intersection of Ocean Drive to what is essentially the termination of Ocean Boulevard (through traffic can continue through the Naval Air Station gate), the situation is not dissimilar to a parking lot. The area is isolated and clearly defined. The curfew area is at the far north end of Ocean Boulevard, and parking would still be available on the majority of Ocean Boulevard adjacent to where the beach would remain open. Access to the southern portion of the beach would not be affected. Therefore, alternative parking facilities and access opportunities are present in this case.

The existing 8 fire rings are considered support facilities which increase recreational opportunities on public beaches. The fire rings are a popular, high use activity at North Beach and are the only fire rings present in the area. As previously discussed, heavy use of the fire rings has been associated with a number of violent and non-violent crimes. Under the previously approved coastal development permit, the City decreased the number of fire rings from 18 to 8 and increased the distance between the remaining fire rings. The City's intent was to reduce the public safety problems

associated with large crowds congregating around the fire rings, while still maintaining an adequate number as recreational support facilities for general public use. Removal of 10 fire rings and increasing the distance between the remaining 8 fire rings has not hindered access to the other public beach facilities in the area.

In recognition of previous Commission concerns over permanent beach curfews, the applicant is proposing to limit this request to five years. The previous approval was limited by special condition to two years to allow the Commission an opportunity to review the project to determine if the beach and parking restrictions are still appropriate and consistent with the Coastal Act. In the two years of implementation of the beach curfew, neither the City nor the Commission have received any written or verbal comments concerning the beach curfew. With the reduction in criminal activity in the area, public access opportunities in surrounding non-curfewed beach areas have been enhanced. Special Condition #1 has been attached to accommodate the City's request for a limited five year approval. This limitation will allow the City and the Commission to once again review the need, appropriateness and consistency with the Coastal Act of the subject proposal after five years.

In summary, the subject proposal does not represent a significant decrease in the public's ability to use and gain access to the shoreline. The Coastal Act requires that existing public access opportunities be protected and enhanced when possible. The majority of the beach will remain accessible to the public at all hours, and the wet sand area parallel to the water will not be impacted at all. On-street parking will remain available along the majority of Ocean Boulevard, and 8 fire rings will remain available for public use during non-curfew hours. Therefore, the Commission finds that the subject proposal is consistent with Sections 30210, 30211, 30212, 30212.5, 30213, 30214(a), 30221, 30223, and 30604(c) of the Coastal Act.

3. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this particular case, such a finding can be made.

The City of Coronado has a certified LCP and has assumed permit issuing authority for the majority of the City's coastal zone. The site of the subject proposal, however, is located in an area that is subject to the Commission's original permit jurisdiction because it is located on public trust lands; thus, Chapter 3 of the Coastal Act is the standard of review.

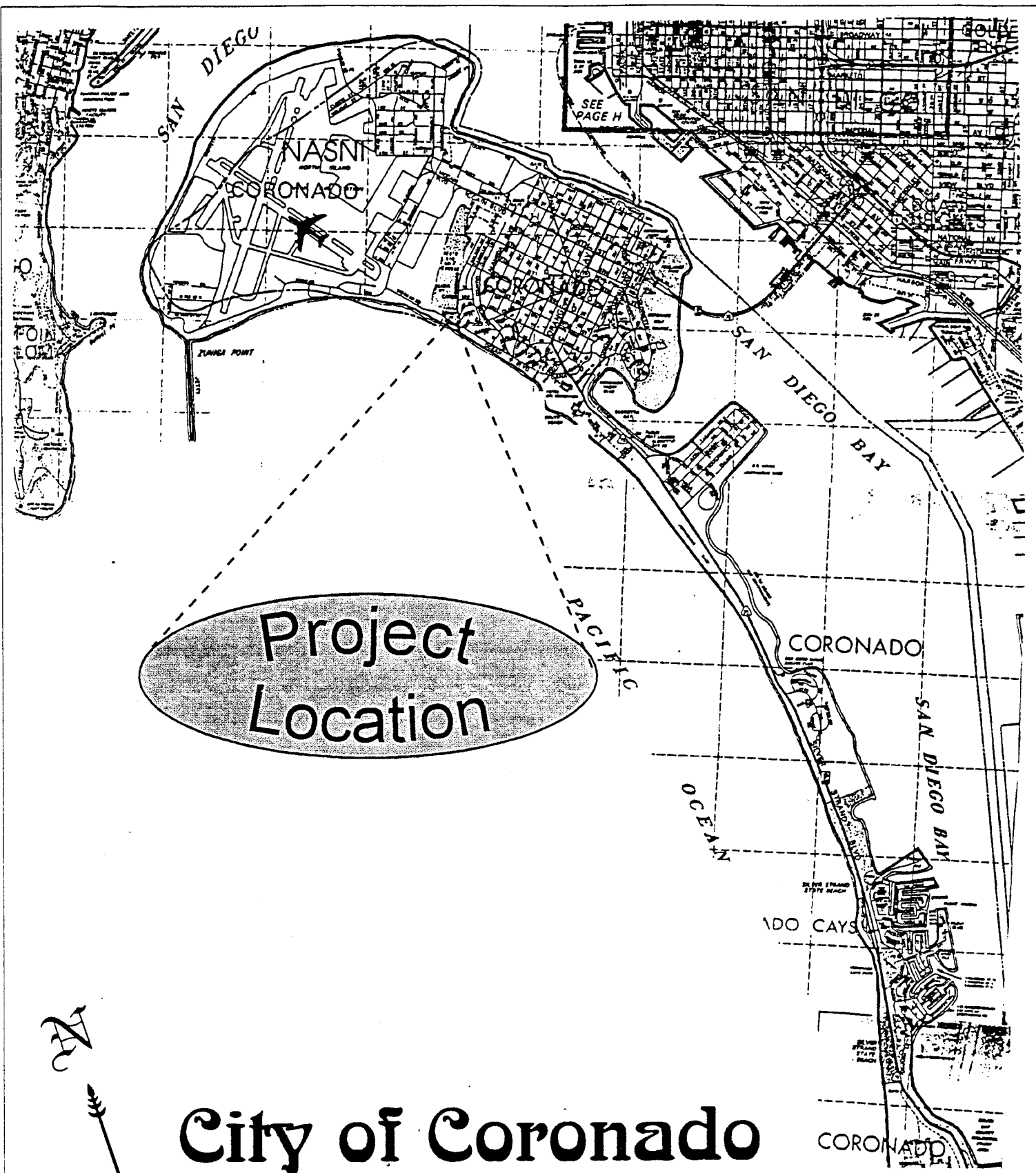
However, the City of Coronado Local Coastal Program, which designates the project site as "beach" in the certified LUP, contains an adopted policy for shoreline access which states the intent to "preserve existing shoreline access over public lands." Shoreline access will remain available at all hours for the majority of the beach. In no case will the public be prevented from walking along the wet sand of the surf line. Therefore, the Commission finds the proposed project is consistent with the intent of the LCP's access policies.

4. California Environmental Quality Act Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public safety and public access and recreation policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

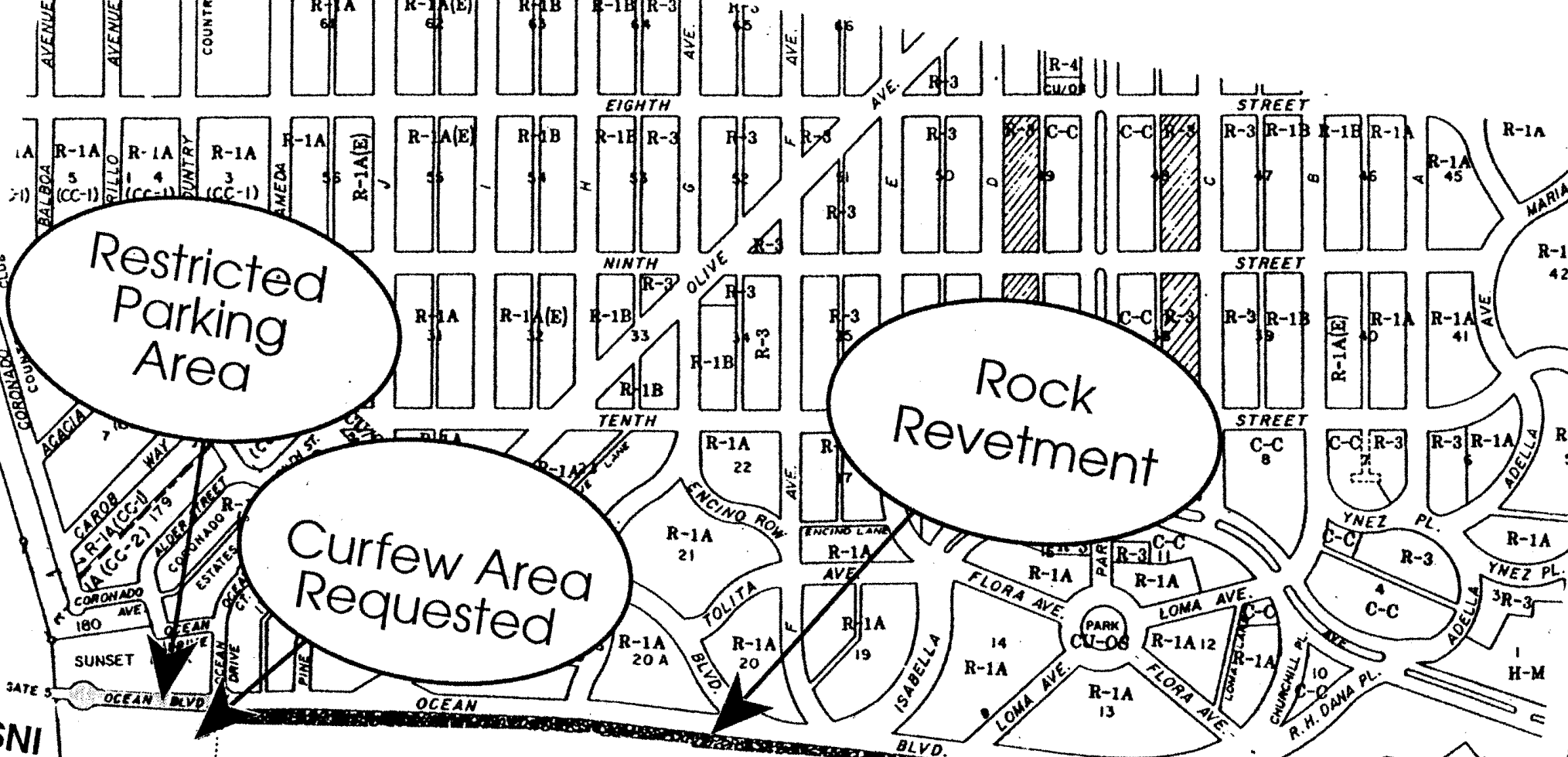
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



City of Coronado Vicinity Map

EXHIBIT NO. 1
APPLICATION NO. 6-96-22
Location MAP
California Coastal Commission



North Beach

Central Beach

- Central Beach Restroom
- Life Guard Tower



Coronado's beaches accessible to the public continue south along the ocean for approximately 8.3 miles and along the bay for 9.8 miles

Pacific Ocean

California Coastal Commission
 Curfew Area
 APPLICATION NO. 16-96-82
 EXHIBIT NO. 2