

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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 180th Day: October 30, 1996
 Staff: EL-SD
 Staff Report: May 16, 1996
 Hearing Date: June 12-14, 1996



STAFF REPORT AND RECOMMENDATION ON APPEAL

Th 17a

LOCAL GOVERNMENT: City of Coronado

DECISION: Approved with Conditions

APPEAL NO.: A-6-COR-96-70

APPLICANT: Coronado Shores Enforcement Committee

PROJECT LOCATION: Avenida de las Arenas, west of Highway 75, Coronado, San Diego County.

PROJECT DESCRIPTION: Relocation of an existing entry kiosk, with associated landscaping and signage improvements.

APPELLANTS: Vonne Wolf, Michael D. Dewart, S. Dell Scott, William Hippaka, Marion Allen, Bonnie Fox, and Mr. & Mrs. Glenn Hesselgrave

STAFF NOTES:

SUMMARY OF STAFF'S PRELIMINARY RECOMMENDATION:

Staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Coronado Local Coastal Program; Appeal Applications (7)
 Coronado Planning Commission Resolution No. 2-96
 Coronado Planning Commission and Environmental Design Review Commission Agenda Item Reports

I. APPELLANTS' CONTENTIONS. The appellants contend that the City's decision is inconsistent with those sections of the City's LCP related to preservation of public views and access to the adjacent municipal beach and public parking lot, and inconsistent with the corresponding Coastal Act policies regarding those issues. In addition, some of the appellants list concerns over the adequacy of the public notice process utilized at the local level. A number

of other issues were also raised in the seven individual appeals filed in this matter; however, since these additional issues do not pertain to the proposed development's consistency with the certified LCP or Coastal Act, they are not further described or addressed herein.

II. LOCAL GOVERNMENT ACTION. The coastal development permit was approved, with conditions, by the City's Planning Commission on April 9, 1996. The decision was not appealed to the City Council. However, since the local government charges a fee to appeal a decision, it is not required that local appeals be exhausted before filing an appeal with the Coastal Commission, according to Section 13573 of the California Code of Regulations.

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 any stage of the appeal process 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.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

Staff recommends that the Commission determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION

Staff recommends a YES vote on the following motion:

I move the Commission determine that Appeal No. A-6-COR-96-70 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.

FINDINGS AND DECLARATIONS.

1. Project Description. The applicant proposes to demolish and reconstruct a new main entry kiosk for the Coronado Shores condominium complex, which consists of ten existing, 15-story, residential structures and associated common improvements, including club houses, swimming pools, tennis courts and landscaping. The proposed new kiosk will be a rectangular structure with exterior dimensions of 11 feet x 15 feet, and will be approximately 16 feet in height, similar to the existing structure. The proposed new kiosk will be constructed in a new location that is approximately 75-100 feet east/southeast of the existing kiosk. The stated purpose of the proposed development is to improve service and safety for the complex. In addition to the kiosk relocation, the proposal includes associated landscaping, traffic and signage improvements, which include the demolition of the existing landscape median strip on Avenida de las Arenas and its replacement with three separate median segments, the westernmost of which will include the new kiosk.

The existing condominium complex includes a surface easement in favor of the City of Coronado, leading from Highway 75 to an approximately 100-space public parking lot and public beach accessway. The lot and access are located at the western side of the development, adjacent to Coronado's South Beach, located at the northern end of the Silver Strand. These public facilities, and existing Avenida de las Arenas, separate the three southernmost condominium buildings from the remainder of the complex. There is currently a "Beach Parking" sign located on the southbound side of Highway 75, directing the

public to the parking lot. The existing, westbound, lefthand traffic lane on Avenida de las Arenas is marked for "thru traffic." This is the lane leading to the public parking lot. The applicant initially proposed to add a "free beach parking left lane" sign within the new landscaped median. During discretionary review at the local level, which included both the coastal development permit review at the Planning Commission and site plan review by the Environmental Design Review Commission, conditions requiring additional signage for northbound Highway 75 and surface directional signage were incorporated into the proposed project by the City.

2. Public Access and Recreation. Since this site is located between the first coastal road (Highway 75) and the sea, both the policies of the certified City of Coronado LCP and the public access and recreation policies of Chapter 3 of the Coastal Act are applicable. Several policies and action goals of the certified land use plan are pertinent to the subject development, and state:

Section III. A.

1. Preserve existing shoreline access over public lands.
2. Where appropriate, provide and encourage additional shoreline access over public lands.

Section III. B.

1. Preserve existing public recreational facilities for public use.
3. Increase access to and encourage the use of the extensive beach frontage along the Silver Strand.

Section IV. A. 15. (addresses beach access signage)

- (2) Notify of automobile routes to the beach;
- (3) Notify of automobile beach parking;

Finally, the following Chapter 3 policies of the Coastal Act are most pertinent to the subject appeal, and state, in part:

Section 30210

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 the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. ...

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The current Coronado Shores entry kiosk is located within an existing driveway area, part of Avenida del Mundo, the complex's main private street, leading north from Avenidas de las Arenas to the seven northern condominium buildings of the complex. One of the grounds for the subject appeal was that the construction of a new entry kiosk within the median of Avenida de las Arenas, which takes access directly from Highway 75 and provides both private access to the condominium complex and public access to the public beach parking lot would deter the public from using the accessway. It was alleged that the presence of a "guardhouse" with "uniformed security guards" visible from Highway 75 would give the appearance of a private establishment, and thus discourage public use.

As designed, the new entry configuration includes a through public access lane, which is aligned behind the new entry kiosk. Thus, the public is not required to stop at the kiosk, provide identification, or be confronted by guards. In addition, the applicant proposed a new access sign, reading "Public Welcome, Beach Parking Left Lane," to be placed within the landscaped median segment closest to Highway 75, to assure that the public was aware of the availability of the public parking lot.

The City of Coronado was very concerned over the possibility that the proposed entry relocation could affect the public's perception of Avenida de las Arenas as being only a private entry for the condominium complex. Therefore, in

addition to the one new sign proposed by the applicant, the City also required a new directional sign facing northbound Highway 75 (currently there is only a sign facing southbound traffic) and surface signage directing the public into the through lane. Moreover, the City is requiring that the wording on the existing sign facing southbound Highway 75 traffic be modified from "Beach Parking" to "Public Beach Parking" to further clarify the public's right to use Avenida de las Arenas for beach access.

A further contention by several of the appellants was that the new kiosk would cause traffic to back up onto Highway 75, thus potentially interfering with public beach access. However, since there will be through lanes for both beachgoers and complex residents, only complex visitors/tradesmen will be required to stop at the kiosk. The kiosk will be located approximately 200 feet west of Highway 75, allowing a queue of twelve vehicles to be accommodated within the private Avenida de las Arenas visitor lane. Thus, it is very unlikely that any spillover onto Highway 75 would occur, such that beach access would be significantly impacted.

In summary, the proposed traffic configuration allows for free through traffic to the public parking lot. Also, the existing and proposed signage, as augmented in the City's action, is consistent with the cited LCP and Coastal Act policies. Therefore, as proposed by the applicant, and further conditioned by the City of Coronado, the public's use of the existing parking and access facilities will be not only maintained, but enhanced. Thus, the Commission finds that no substantial issue exists with regard to the proposed development's conformity with the public access and recreation policies of the LCP and Coastal Act.

3. Visual Resources/Public Views. With respect to this issue, the following certified LCP Land Use Plan policies and goals are most applicable:

Section III. H.

1. Consider and protect as a resource of public importance the scenic and visual qualities of the community.

2. Require that permitted development be sited and designed to safeguard existing public views to and along the ocean and bay shores of Coronado, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

9. Require preservation, proper care, and planting of the Community's trees in order to maintain coastal views and the Community's character.

Section IV. H.

7. That the city develop a program for preserving and protecting existing public landscaping with particular emphasis on the protection of street trees and the enhancement of public views.

Currently, Avenida de las Arenas includes six travel lanes (three each for ingress and egress), divided by a landscaped median strip running the length of the street up to where it splits into driveways for the north and south condominium buildings and access to the public parking lot. Existing landscaping within the median strip includes grass, shrubbery and several mature palm trees. The existing landscaping will be removed as part of the kiosk relocation, but most, if not all, of the trees will be retained. Six of them will be replanted within existing roadside landscape strips, and others will be incorporated into the new median segment housing the relocated kiosk. The applicant had proposed replanting trees west of the kiosk, but the Coronado Environmental Design Review Committee also required trees on the east side of the kiosk, to soften its appearance from Highway 75, the first public roadway and a major coastal access route. The Design Review Committee approval also included extending the lawn area and shrubbery within this median segment. The remainder of the landscaping plan was approved as proposed, and includes two other landscaped median segments within Avenida de las Arenas, as well as relandscaping of the area where the existing kiosk will be removed.

Although several of the appellants contend that the new kiosk location will interfere with public ocean views, neither motorists nor pedestrians travelling along Highway 75 have any ocean view at this time. Looking west along Avenida de las Arenas, the available view corridor includes the existing landscaping on both sides of the street and down the median, portions of some condominium structures, portions of the public parking lot, and a view of the existing seawall and a railing which runs along the top of the seawall, which also serves as a public walkway. The ocean itself is not visible from Highway 75; thus, the proposed development will not impact any existing public ocean views.

The development will, however, modify the content of the existing viewshed, by inserting the new kiosk in a location where only landscaping now exists. The kiosk is a relatively small, approximately 150 sq.ft., one-story structure, which will be situated lengthwise with respect to the street. Thus, the structure will only occupy 11 feet of the viewshed from Highway 75. In addition, there will be landscaping around the perimeter of the building (which will be constructed of stone and wood, with dark brown roof tiles), including trees and shrubbery on both the east and west sides, to buffer it from public views. Although the coastal development permit issued by the City authorized a structure sixteen feet tall (as proposed by the applicant), the Environmental Design Review Committee required a lesser roof pitch, which will result in a somewhat shorter building. Moreover, there will be two other landscaped median segments between the kiosk and the highway. In any case, since the public viewshed also includes portions of the existing 15-story condominium buildings, the kiosk structure cannot be considered a significant component of the overall view corridor.

One of the appellants further contends that the proposal is inconsistent with the certified LCP because it removes existing public landscaping in the form of the mature trees in the existing landscaped median. However, most, if not all, of those trees are being incorporated into the new landscaping or into

other landscaped areas within the complex. More importantly, although there is a public surface easement within the right-of-way, Avenida de las Arenas is a private street; thus the existing trees are not "public landscaping" as identified in the LCP.

With respect to views eastward from the public beach and especially from the walkway atop the existing seawall, the closest component of the viewshed is the existing public parking lot, then Avenida de las Arenas with its existing landscaped median, the signalized intersection at Highway 75, the Coronado City Hall building and possibly small glimpses of Glorietta Bay beyond that structure. Again, portions of the 15-story condominium buildings, and their associated accessory improvements and landscaping, are part of the view corridor from the west, as well as from the east. Although neither the appellants nor the City addressed views from this perspective, it is one that should be considered, since Coronado's South Beach area sees a fairly high level of public use, especially during the summer months and "public views to and along the ocean" are identified as a resource worthy of protection in the cited LCP policies. However, the presence of the new kiosk and a modified landscaping configuration within the Avenida de las Arenas right-of-way would be an insignificant component of the overall viewshed.

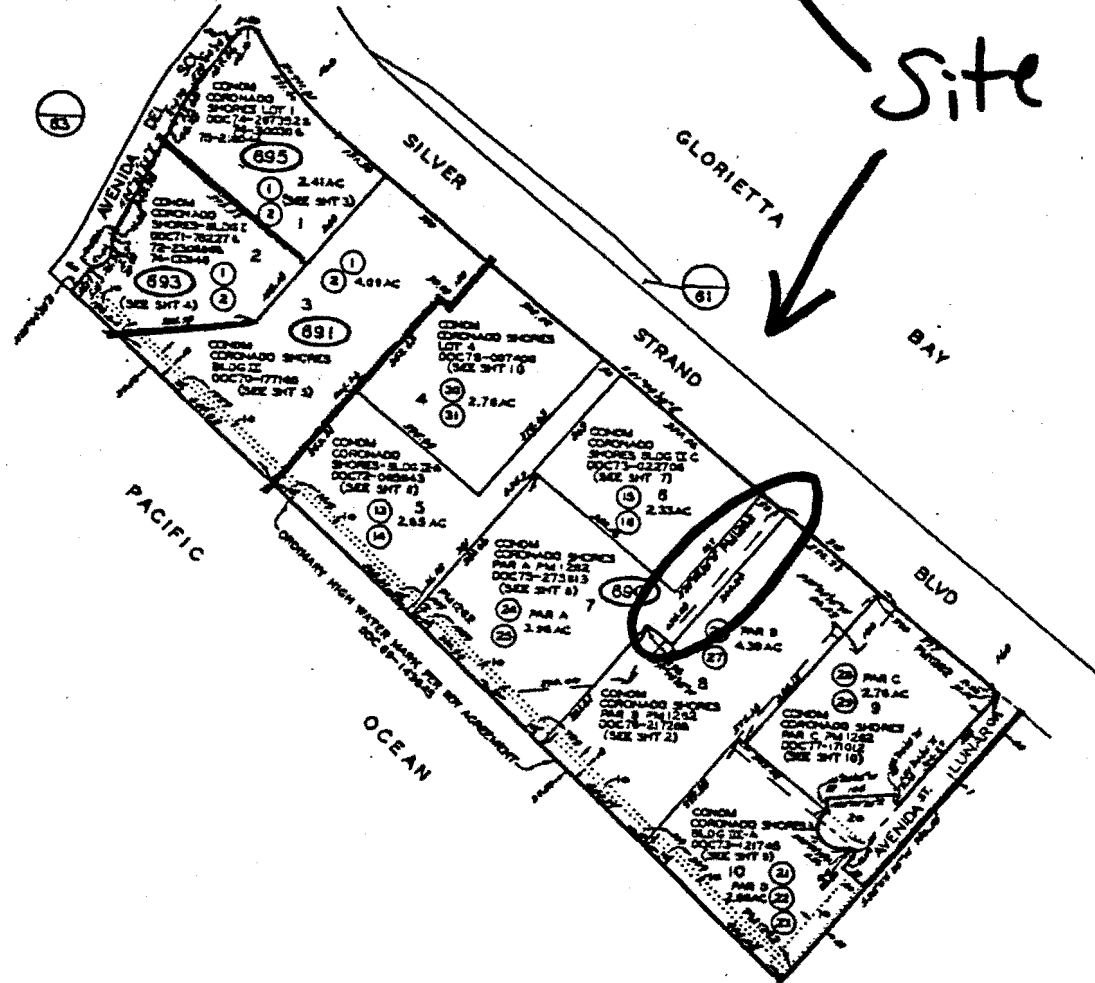
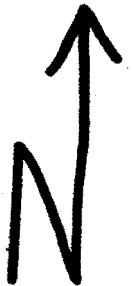
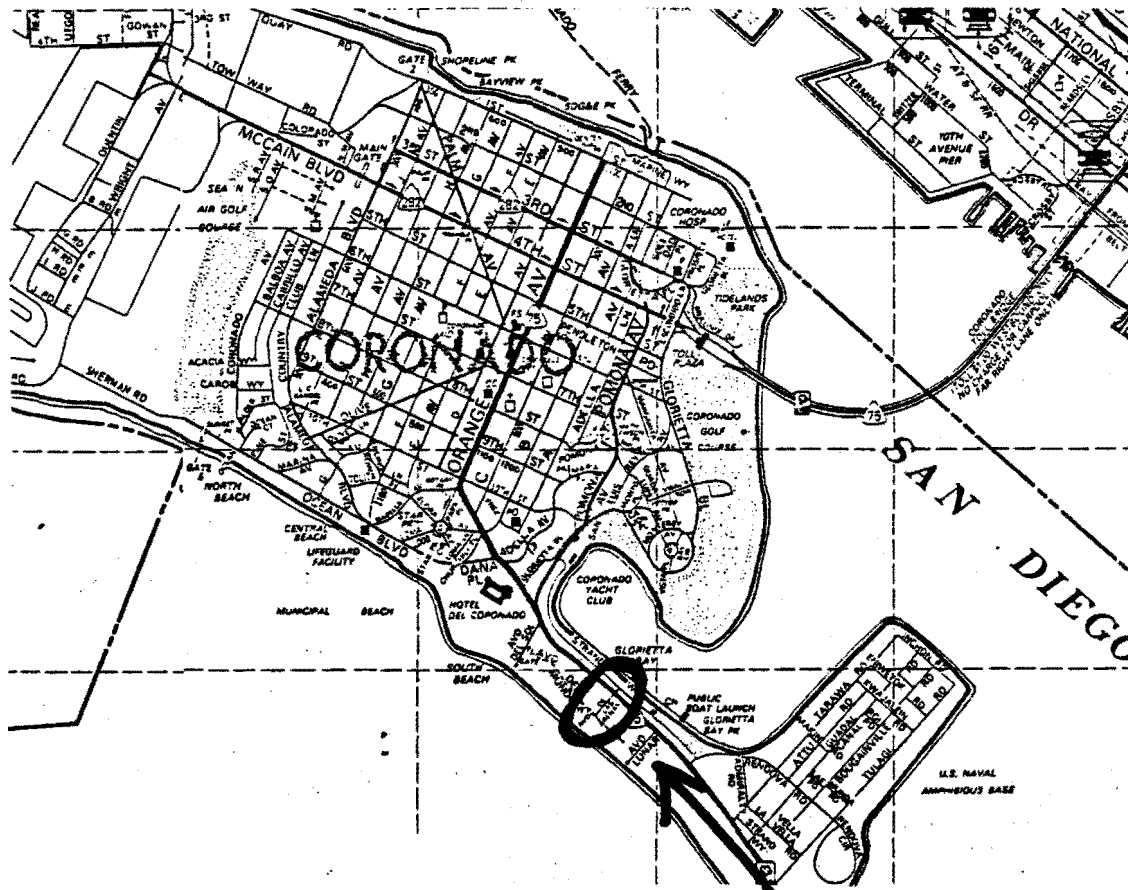
In summary, the Commission finds the proposed development, as conditioned in the City's actions, is consistent with the cited LCP policies addressing public views. The completed project will only insignificantly modify the existing viewsheds, and there is no existing ocean view from Highway 75, the major coastal access route to local beaches and parks. Therefore, no substantial issue is raised with respect to public view blockage.

4. Adequacy of Public Notice. Only one of the seven appellants objected to the proposed development at the City's public hearing. Section 30801 of the Coastal Act provides that a person may appeal a city coastal development permit only if they informed the City of the nature of their concerns or for good cause were unable to do so. The appellants contend that they were not notified of the local hearing, and thus had good cause for failing to address the Planning Commission or appeal the development at the local level. The Coronado Shores condominium complex consists of ten separate buildings, each on its own legal lot, and each represented by a separate homeowners association. The project applicant, the Coronado Shores Enforcement Committee, is a committee made up of representatives from each homeowners association, and charged with the maintenance of the complex's streets and seawall. Since the project applicant was considered to represent all homeowners and tenants of the entire complex, the City did not consider it necessary to notify each individual unit. It did, however, notify each unit in the three condominium buildings located within 100 feet of the proposed development, as required in the certified LCP. Only one of the appellants lives within one of those buildings. Although that party indicates that no notice was received, the City's mailing lists do include that individual, and the notice addressed to that party was not returned to the City by the Post Office. One appellant did become aware of the local Planning Commission hearing, and delivered written objections to the City planner on the day of the hearing. The minutes from the Planning Commission hearing note that written objections were received.

The Commission agrees with the City that six of the appellants were not legally entitled to receive notice. However, the Commission finds that all seven submitted appeal applications are valid because the appellants had good cause for not informing the City of the nature of their concerns. In addition, written correspondence stating objections to the project was received by Coastal Commission staff prior to the local hearing from two of the parties that have now appealed the local permit. Thus, the Commission will accept all appeal applications, and allow all appellants to make their views known at the Commission hearing on substantial issue.

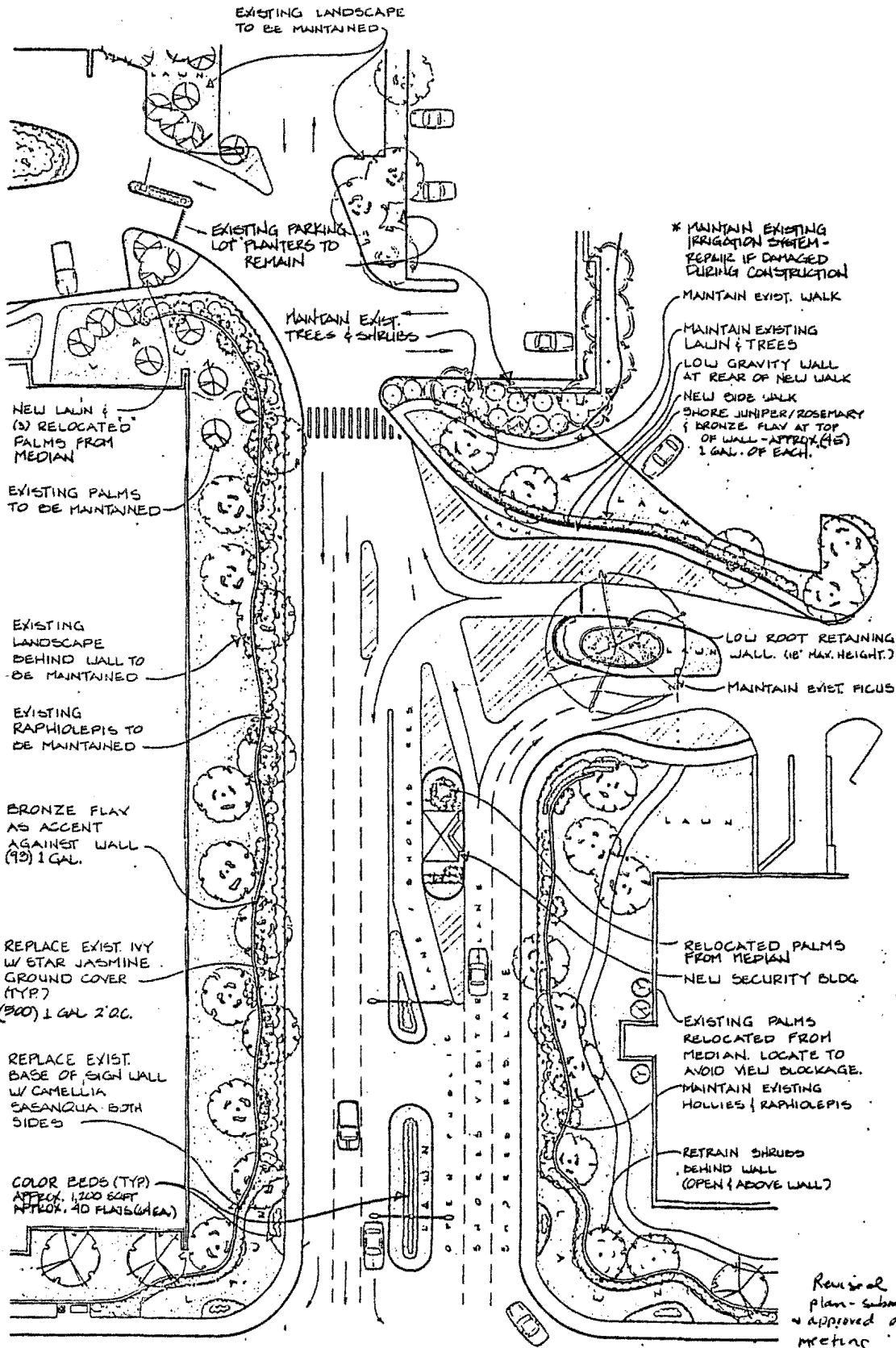
In summary, based on the preceding findings, the Commission finds that no substantial issue exists with respect to the grounds upon which the appeals were raised. Therefore, the proposed development, as conditioned by the local government, can be found fully consistent with the City of Coronado certified LCP and the public access and recreation policies of the Coastal Act.

(6070R)



Site

EXHIBIT NO. 1
 APPLICATION NO.
 A-6-COR-96-70
 Location Maps
 California Coastal Commission

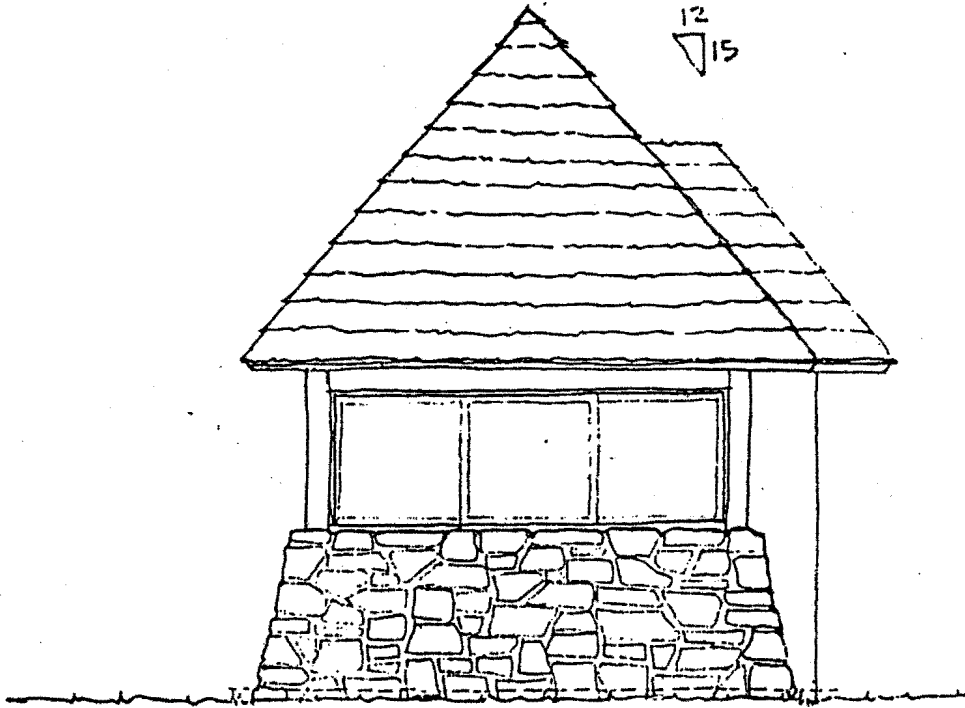


SILVER STRAND BOULEVARD
CORONADO SHORES ENTRY

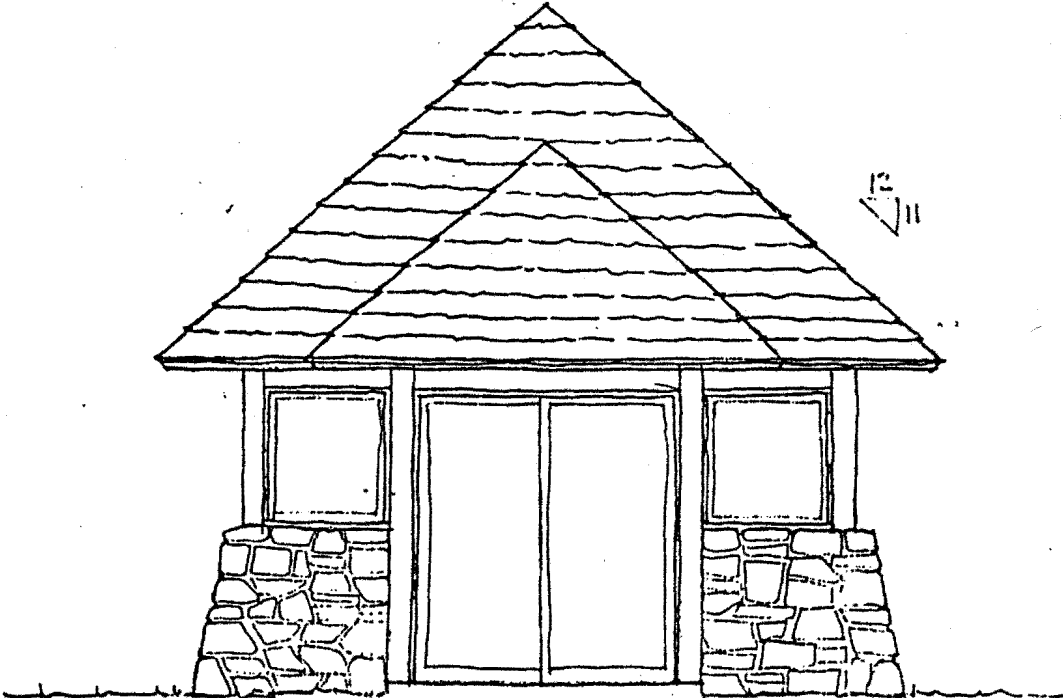


Revised plan - submitted & approved at meeting


EXHIBIT NO. 2
APPLICATION NO. A-6-COR-96-70
Site & Landscaping Plan
California Coastal Commission



EAST



NORTH
SCALE - 1/4" = 1'

EXHIBIT NO. 3
APPLICATION NO. A-6-COR-96-70
Kiosk Elevations
 California Coastal Commission