

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

**Wed 19a**

Staff: EL-SD
Staff Report: November 19, 2001
Hearing Date: December 11-14, 2001

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-112-A2

RECORD PACKET COPY

Applicant: Hotel del Coronado

Agent: Linda G. Landres

Original
Description

(Appeal 52-75): Construction of a rock and earth berm, approximately 250 feet in length, averaging approximately four feet in height, filling behind the berm, landscaping of the berm, installation of an irrigation system, and the sodding of the area between the berm and the existing structures.

First
Amendment

(Appeal 53-75): Landscape and armor face of existing protective berm with stones taken from old seawall in front and to the west of main hotel building.

Second
Amendment

(6-99-112-A1): Move a portion of the 5-6 foot wide permanent public walkway through the Hotel del Coronado property from R.H. Dana Place to Avenida del Sol (that was required as a Special Condition of the original permit) approximately 5 feet southwest, and revise recorded deed restriction to reflect new location.

Proposed
Amendment

(6-99-112-A2): Relocation of the northeastern part of the existing public walkway 21 feet west to an improved sidewalk seaward of a driveway and parking area

Site: 1500 Orange Avenue, Coronado, San Diego County

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed minor realignment of the northern portion of the approved walkway with a special condition requiring that the previously recorded dedication agreement be amended to reflected the revised walkway location. The walkway will remain open to the

the public, will not encroach on any beach area, and will improve views for all users. A second special condition requires the old access to remain open until the realigned one is completed, so there will be no interruption to existing access. There is no known opposition to the project.

Substantive File Documents: Certified City of Coronado LCP; CDPs #2004; F1945; 52-75; 53-75; 6-99-112-A1.

PERMIT AMENDMENT: RECOMMENDATION OF APPROVAL

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-99-112 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of the certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Amended Dedication Agreement. PRIOR TO ISSUANCE OF THE PERMIT AMENDMENT, the applicant shall execute and record, in a form and content acceptable to the Executive Director and the City of Coronado, an amendment to the Dedication Agreement recorded on January 28, 1976, as Instrument No. 76-025423 to indicate that the location of the permanent public walkway through the Hotel del Coronado required under Coastal Development Permit Appeal Nos. 52-75 and 53-75 has been modified to move the northern portion of the walkway approximately 21 feet southwest as shown on Exhibit 2. The recorded document shall include a legal description of the entire public

walkway as modified. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

2. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit Appeal Nos. 52-75 and 53-75 not specifically modified herein, shall remain in full force and effect.

3. Maintenance of Public Access During Construction. Public access shall be maintained throughout construction. The existing public accessway shall remain open for public use until the realigned walkway is complete and open.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description/Project History. The proposed amendment would relocate the northeast portion of an existing public walkway on the seaward side of the Hotel Del Coronado property, to approximately 21 feet southwest of the existing alignment. The existing walkway runs from R.H. Dana Place south to Avenida del Sol in the City of Coronado. The walkway is being relocated to accommodate redevelopment of various hotel facilities and to remove this walkway segment from the edge of an existing parking lot. The redevelopment of the hotel facilities will be reviewed by the City of Coronado. The new walkway would be located on developed hotel property, and would not encroach on any sandy beach area.

The City of Coronado has a certified Local Coastal Program (LCP), and the Hotel del Coronado is located within the City of Coronado's coastal development permit jurisdiction. However, the proposed walkway relocation requires review by the Coastal Commission, since the walkway and its dedication for public use was required as a condition of approval for two past permits approved by the Commission prior to certification of Coronado's LCP. The standard of review for the proposed amendment is the certified LCP and the public access and recreation policies of the Coastal Act.

On November 1, 1974, the San Diego Coast Regional Commission approved coastal development permit #F1945 to landscape and armor the face of an existing protective berm (constructed in part under an emergency permit) with stones taken from the old seawall in front and to the west of the main Hotel Del Coronado building. The permit was approved with a condition requiring that a permanent paved public beach access walkway be provided parallel to and behind the berm, and a "dedicated license" be recorded. The permit was appealed (Appeal #53-75) to the State Commission. The State Commission upheld issuance of the permit, and required that the paved walkway be provided and dedicated to public use.

On January 17, 1975, the San Diego Coast Regional Commission approved coastal development permit #F2004 to construct a rock and earth berm, approximately 250 feet

in length, adjacent to the beach and seaward of the "old tennis courts" at the Hotel del Coronado. The permit was approved with a condition that the applicant construct and maintain a public walkway behind the berm connecting with the walkway required under permit #F1945, and "irrevocably guarantee continued public use of the walkway through dedication of a license therefore". This permit was also appealed (#52-75) to the State Commission, which upheld the permit subject to special conditions requiring that a "continuous and permanent public walkway between 5-6 feet in width through the Hotel del Coronado property from R.H. Dana Place to Avenida del Sol and access to the beach shall be provided by appropriate dedication."

One dedication was recorded to satisfy the condition of both Appeals No. 52-75 and 53-75, and the recorded dedication agreement cites both permits, thus, both permits must be amended. The recorded document dedicated the required walkway to the City of Coronado and includes a legal description of the required walkway. Thus, any approved change to the walkway location requires an amendment to the recorded document. Since the City now owns the walkway, the City must agree to and be a party to the amended dedication agreement. The City has indicated that it is in support of the proposed walkway revision.

The Commission reviewed and granted a very similar request approximately a year ago, which was to realign a different segment of the same walkway. Because the two old permits dealt with the same walkway, and one dedication was made in compliance with the permit requirements, the prior amendments to permits 52-75 and 53-75 were combined in one permit and staff report. In order to be consistent with the Commission's current document naming format, the permit amendment was numbered 6-99-112-A1; thus, the current amendment is numbered 6-99-112-A2. The current submittal represents the second amendment to 6-99-112, and addresses the latest proposed walkway alignment; 6-99-112-A1 realigned the more southeast portion of the trail. Another deed restriction amendment must occur, to incorporate the latest plans for the proposed realignment of the public pathway.

2. Consistency with the Certified LCP and Chapter 3 Policies. Section 30604 of the Coastal Act states in part:

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200)...

The City of Coronado's certified LCP contains the following policies relevant to the proposed walkway revision:

VISUAL RESOURCES AND SPECIAL COMMUNITIES

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.

SHORELINE ACCESS

14. That offers of dedication of easements to local or state agencies or private associations for public access along the shoreline (lateral access) shall be required in association with new development fronting on the ocean of bay except for repair and maintenance activities or replacement of structures destroyed by natural disaster....

RECREATIONAL AND VISITOR SERVING FACILITIES

3. That no new development shall be permitted on existing sandy beach areas....

The project site is located between the sea and first coastal road. The proposed project involves rerouting the northeastern portion of an existing public walkway to allow a better flow of traffic and accommodate future revisions to upland development. The new area will replace a portion of the existing walkway that currently runs between a parking lot and a driveway. The new alignment will be approximately 21 feet further seaward, and will lead directly off the southern terminus of Ocean Boulevard. The relocated walkway area will be consistent in appearance with the existing walkway, and those portions of the walkway realigned pursuant to Coastal Development Permit Amendment #6-99-112-A1, and will be visually compatible with the surrounding area. No public views will be blocked, and views from the new portion of the walkway will be better than the existing views.

The revised location is consistent with the intent of the original permits requiring provision of the walkway. Consistent with the terms of the previous permits, Special Condition #1 requires that the applicant amend the dedication agreement to reflect the modified walkway location. Special Condition #2 informs the applicant that all aspects of the prior conditions of approval, (which specified the required hours of operation for the walkway and required public signage) remain in full force and effect. Finally, Special Condition #3 requires that public access be provided at all times, including during construction. Therefore, as conditioned, the project is consistent with all applicable policies of the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

3. No Waiver of Violation. Although development in the form of the realignment authorized in Coastal Development Permit #6-99-112-A1 has taken place prior to release of that permit amendment or submission of this permit application, consideration of the application by the Commission has been based solely upon the City of Coronado certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act. The applicant has submitted the necessary documentation relating to the deed restriction required by CDP #6-99-112-A1 and staff anticipates that that permit amendment will be released shortly. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

4. Local Coastal Planning. Section 30604(a) requires that a coastal development permit amendment 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 case, such a finding can be made.

The project site is located within the City of Coronado, which has a certified Local Coastal Program. However, the proposed project requires amending a special condition of two past permits issued by the Commission prior to certification of the LCP, therefore, the amendment must be reviewed by the Commission. The certified LCP is the standard of review. The subject site is planned and zoned "Hotel/Motel" in the certified LCP. The proposed public walkway revision is consistent with this designation. As discussed above, the proposed project will not result in any additional encroachment on the beach. Therefore, as conditioned, the proposed project can be found consistent with all of the zoning and planing designations of the City of Coronado. Thus, approval of the project will not prejudice the ability of the City of Coronado to continue to implement its certified LCP.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permit Amendments to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access and recreation policies of the Coastal Act. Mitigation measures will minimize all adverse environmental impacts. As conditioned, 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 is consistent with the requirements of the Coastal Act to conform to CEQA.

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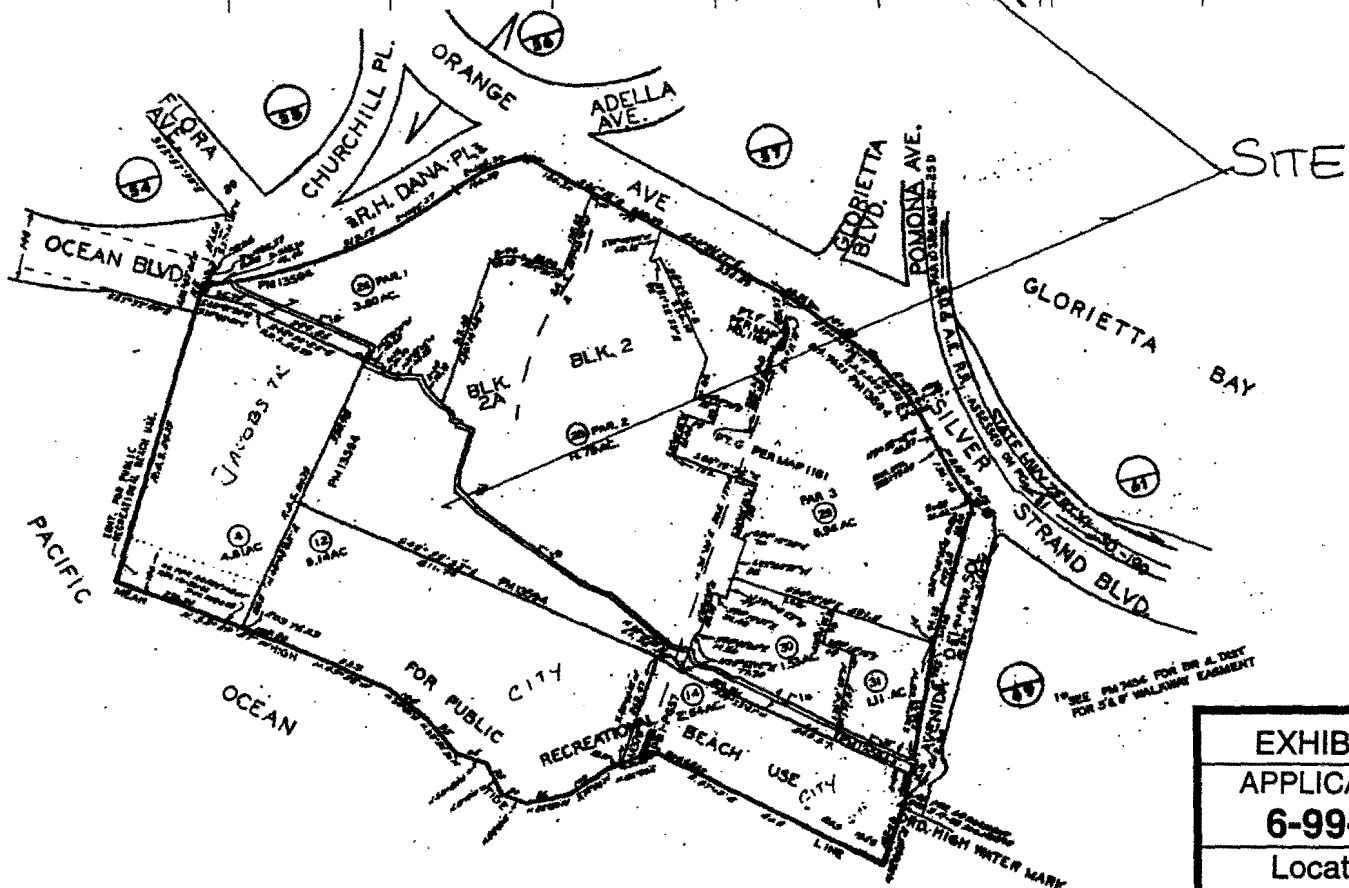
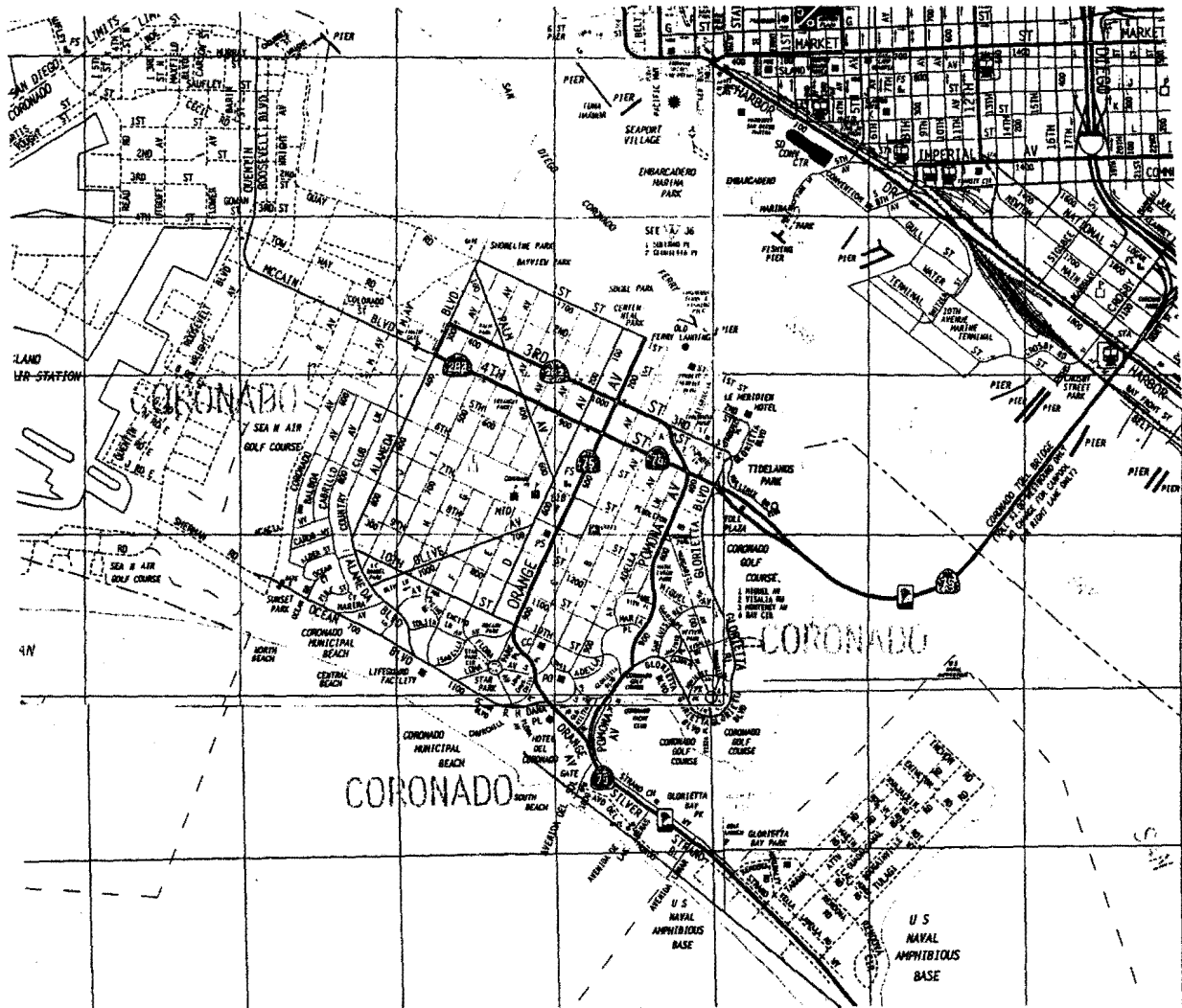
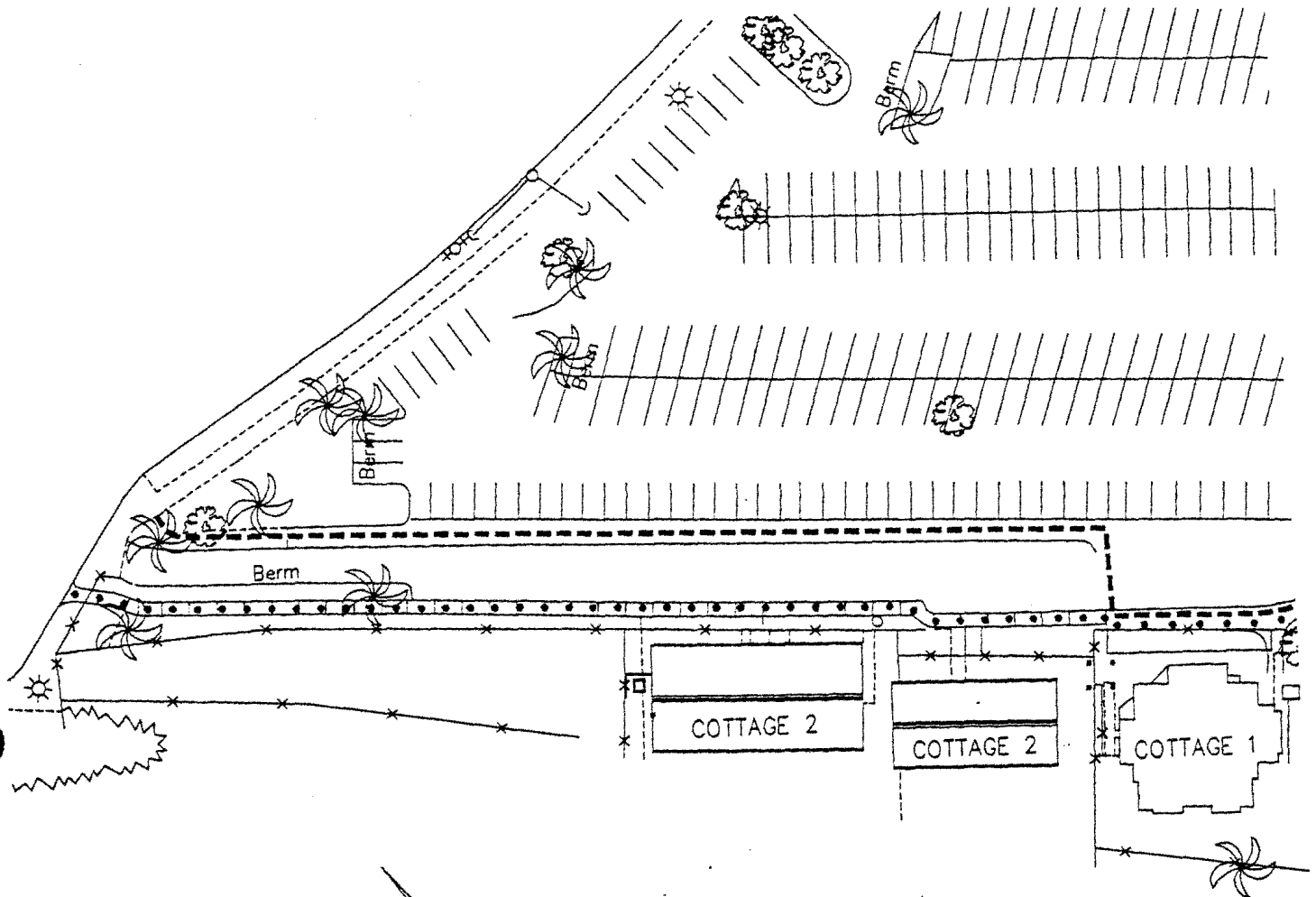


EXHIBIT NO. 1
APPLICATION NO.
6-99-112-A2
Location Map

6-99-112-A2



BEACH AREA

LEGEND

CURRENT PATH -----

PROPOSED PATH

EXHIBIT NO. 2
APPLICATION NO.
6-99-112-A2
Site Plan
California Coastal Commission

