

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government: City of Coronado

Decision: Approved with Conditions

Appeal Number: A-6-COR-16-0097

Applicant: City of Coronado

Location: Terminus of Avenida del Sol cul-de-sac on existing rock revetment and sandy beach, Coronado, San Diego County

Project Description: Construction of a 235 sq. ft. public restroom facility with three stalls and storage space, a 1,000 sq. ft. plaza with showers and stairway, a mat foundation, and an approximately 30 ft. deep, steel sheet-pile bulkhead surrounding the project on three sides.

Appellants: Coronado Shores Homeowner's Association #2, Thomas D. Whittington, Commissioners Bochco & Shallenberger

Staff Recommendation: Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing.

If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

Staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

The proposed project is construction of a new 235 sq. ft. public restroom facility with 3 stalls and storage space and an approximately 1,000 sq. ft. plaza area with showers. The project also includes removal and replacement of the existing beach access stairway and the construction of an ADA accessible ramp leading from the sidewalk to the plaza (Exhibit 8). The proposed structure will be supported by a mat foundation and surrounded on three sides by an approximately 30-foot deep, steel sheet-pile bulkhead seawall (Exhibit 9). The project location is seaward of the Avenida del Sol cul-de-sac, which runs between the Hotel del Coronado and the Coronado Shores Condominiums; the site currently consists of sandy beach, a rock revetment, and a beach access stairway (Exhibit 10). The project and its proposed shoreline protection device, a steel sheet-pile bulkhead, will replace the existing rock revetment, which is to be removed as part of the construction of the proposed project. The existing rock revetment was constructed in the early 1970s as part of the development of the Coronado Shores Condominiums.

The City found that the proposed restroom facility is consistent with the City of Coronado certified Local Coastal Program (LCP) as well as the public access and recreation policies of the Coastal Act. Construction of new public facilities such as bathrooms are important support facilities for both visitors and residents, and are generally supported by the public access and recreation policies of the City's certified LCP and Coastal Act. However, the development, as approved by the City, raises several LCP and Coastal Act consistency issues in regards to development in an area subject to present and future coastal hazards, construction of a shoreline protection device, new development on a sandy beach, and obstruction of public views.

The appellants contend that placement of the proposed structure would violate LCP policies regarding: development of a structure that is likely to contribute to beach erosion, permitting of a seawall designed to protect a non-coastal-dependent use, development of a permanent building with insufficient distance from an eroding beach coastline and that requires shoreline protection from natural erosion processes, permitting new development in areas of high flood hazard, permitting a new development that will substantially alter natural landforms, and development of a new structure that would block public views. Other issues raised by the appellants that do not contribute to a substantial issue include: the City's legal interest and right to develop at the site, landscaping requirements, parking requirements, and public prescriptive rights.

Because of the above-described inconsistencies with the LCP and the Coastal Act, staff recommends that the Commission determine that the project raises a substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

Standard of Review: Certified City of Coronado Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

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[Exhibit 5 – City Council Resolution No. 8833](#)

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[Exhibit 7 – Location Map](#)

[Exhibit 8 – Site Plan](#)

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[Exhibit 13 – View from Avenida del Sol](#)

[Exhibit 14 – View from beach](#)

I. APPELLANTS CONTEND

The appellants contend that the project, as approved by the City, does not conform to the City of Coronado's certified Local Coastal Program (LCP). The appellants contend that:

- The project is not sited with an adequate setback from an eroding beach coastline
 - The City authorized the construction of a new non-coastal-dependent development that relies on shoreline protection (seawall)
 - The City failed to account for sea level rise in its study of beach impacts on the facility and the site-specific geotechnical report and wave run-up study for the project is inadequate because it underestimates current beach conditions and the future erosion potential of the site
 - The proposed project has the potential to increase shoreline erosion with the placement of a structure on a sandy beach
 - The City failed to prohibit new development on a sandy beach without determining that adverse impacts to public beaches are negligible and without satisfying the requirement that no less environmentally damaging alternatives exist
 - The City did not fully analyze project alternatives, including alternative locations
 - The proposed project has the potential to create adverse visual impacts on public views
 - The proposed project may negatively impact public access
 - The City does not have sufficient ownership or use rights at the proposed site to authorize development
 - The proposed project does not adequately provide parking
 - The proposed project does not adequately include landscaping
 - The City failed to fully investigate the possibility of prescriptive rights of access and to protect such rights as necessary
 - The City failed to adequately notice interested parties
-

II. LOCAL GOVERNMENT ACTION

The project was approved by the Coronado City Council on November 15, 2016. One condition was attached to require the preparation and implementation of a noise mitigation plan to lessen impacts on nearby residents during construction.

The appellants participated in the local hearing process, although they did not file local appeals because the City of Coronado charges a fee to appeal. Thus, the appellants are aggrieved persons under Coastal Act regulations and have standing to appeal to the Coastal Commission (Cal. Code of Regs., tit. 14 § 13573(a)(4)).

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.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, those allowed to testify at the hearing will have 3 minutes per side to address whether the appeal raises a 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 then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable standard of review for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" 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. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public

recreation policies of Chapter 3 of the Coastal Act (Cal. Code Regs., tit. 14 section 13115(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

The City of Coronado has a certified Local Coastal Program (LCP), and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion to determine that the development approved by the City raises a substantial issue with regard to the appellant's contentions regarding coastal resources.

IV. SUBSTANTIAL ISSUE MOTION AND RESOLUTION

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-COR-16-0097 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION: *The Commission hereby finds that Appeal No. A-6-COR-16-0097 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION

The Commission finds and declares as follows:

1. PROJECT DESCRIPTION/HISTORY

The proposed project is construction of a new 235 sq. ft. public restroom facility with 3 stalls and storage space and an approximately 1,000 sq. ft. plaza area with showers. The project also includes removal and replacement of the existing beach access stairway and the construction of an ADA accessible ramp leading from the sidewalk to the plaza (Exhibit 8). The proposed structure will be supported by a mat (on grade) foundation and surrounded on three sides by a steel sheet-pile bulkhead seawall, which will extend 3 ft. 6 in. above the finish floor elevation of the restrooms and down approximately 30 feet below the finish floor elevation (Exhibit 9). The project location is seaward of the Avenida del Sol cul-de-sac, which runs between the Hotel del Coronado and the Coronado Shores Condominiums; the site currently consists of sandy beach, a rock revetment, and a beach access stairway (Exhibit 10). The project and its proposed shoreline protection device, a steel sheet-pile bulkhead, will replace the existing rock revetment, which is to be removed as part of the construction of the proposed project. The existing rock revetment was constructed in the early 1970s as part of the development of the Coronado Shores Condominiums.

The City determined that there was a need for a public restroom in the South Beach area of Coronado several years ago, and as part of early coordination, Commission staff reviewed the proposed project design phase in early 2013. More recently during the EIR process, staff provided a letter to the City identifying potential concerns with the project that would create inconsistency with the City's LCP (Exhibit 11). However, the City approved the project on November 15, 2016.

The proposed project is the third structure to be sited on the western-facing beaches of Coronado in recent years. In July 2005, the Commission approved the construction of a lifeguard tower and restrooms on Central and North Beach in Coronado, approximately 0.5 mile north of the subject site (CDP #6-04-140) (Exhibit 7). The lifeguard tower was approved with a seawall because of its need to be located on the beach, its important public safety function, and the expanded public health services it would provide, however, the restroom facility was approved with a condition prohibiting any shoreline protection devices. The Commission made the finding that the restrooms should be

deemed expendable and designed to be removed or relocated if threatened and, because they do not have to be on the beach, they do not warrant a seawall.

The standard of review is the certified City of Coronado Local Coastal Program and the public access and recreation policies of the Coastal Act.

2. CONTENTIONS THAT RAISE A SUBSTANTIAL ISSUE:

A. SHORELINE PROTECTION AND COASTAL HAZARDS

Policies in the City of Coronado's adopted LUP include:

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

- 1. Require that new development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.*
- 2. Permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*
- 4. Require that any permanent building, or other structure proposed for construction be setback from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures. The builder, at the discretion of the City, shall provide a certification by a civil engineer that the proposed construction site meets this criteria.*
- 5. Pursue the eventual elimination of the beach erosion problem South of the Hotel del Coronado jetty.*

G. HAZARD AREAS

- 1. Require that new development in areas of high geologic, flood or fire hazard be designed in such a way to minimize risks to life and property.*
- 2. Require that new development be designed in such a way to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

In addition, the adopted IP includes the following:

86.74.030 WATERFRONT DEVELOPMENT SETBACKS

- B. New development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.*

C. Permanent buildings, or other structures proposed for construction (excluding refurbishment, renovation, or addition to existing structures that do not extend the structures seaward or bayward) shall be set back from an eroding beach or coastline a distance sufficient to assure that the development will not require mitigation measures to protect the development from the natural erosion process during the economic lifetime of the structures. The builder, at the request of the City Coastal Permit Administrator, shall provide a certification by a civil engineer acceptable to the City that the proposed construction site meets these criteria.

The appellants contend that placement of the proposed structure would be in violation of the above LCP policies, including: development of a structure that is likely to contribute to beach erosion, permitting of a seawall designed to protect a non-coastal-dependent use, development of a permanent building with insufficient distance from an eroding beach coastline and that requires shoreline protection from natural erosion processes, permitting new development in areas of high flood hazard, and permitting new development that will substantially alter natural landforms.

Development in a Currently Hazardous Area/Shoreline Protection

The appellants contend that the placement of the proposed restroom structure in a hazardous area is not in conformance with the above LCP policies. The appellants also contend that approval of a new development with shoreline protection devices is not consistent with the LCP or the Coastal Act.

The proposed restroom location is known to be vulnerable to coastal flooding and erosion under current conditions; the Avenida del Sol cul-de-sac often floods during large storms and high tide events (Exhibit 12). LCP Policy E.5, underscores the continued and historical erosive conditions at the subject site, south of the Hotel del Coronado jetty. Further emphasizing the hazardous nature of the proposed location, a wave run-up study commissioned for the project states that the subject site is located in a FEMA VE Zone: Coastal High Hazard Area (“Wave run-up Study”, TerraCosta Consulting Group 2013, p. G-7). The study notes that “absent structural measures to accommodate anticipated wave forces, FEMA guidelines do recommend that any new site construction in the VE zone be located landward of the long-term erosion setback and landward of the area subject to erosion during the 100 year coastal flood event” (ibid p. G-8). FEMA recommendations for this area also include providing a minimum floor elevation of at least 11.25 (NGVD 29) without sea level rise, while the subject project includes a finish floor elevation of only 10.6 feet (datum unknown). Therefore, in its design of the proposed facility, the City’s consultant determined that a seawall was needed for protection. The 2014 geotechnical report states, “For long-term protection of the new comfort station against marine erosion, we recommend the installation of a buried sheet-pile bulkhead around the seaward portion of the facility” (“Geotechnical Investigation,” TerraCosta Consulting Group 2014, p. D-22). The report states that including the sheet-pile seawall in the design makes up for the lower than FEMA-recommended floor elevation.

The appellants contend that LCP policies require new development to be sited outside of a hazard zone, instead of creating new development that is reliant on shoreline protection devices. As previously noted, the Commission has allowed the siting of restrooms on sandy beach in Coronado. In 2005, the Commission approved the construction of a lifeguard tower and restrooms on Central and North Beach in Coronado, approximately 0.5 mile north of the subject site (CDP #6-04-140) (Exhibit 7). In the City Council staff report for the subject project, the City states that: “This restroom project is consistent with similarly approved projects in the sandy beach area, including the lifeguard tower at Central Beach, which also includes a seawall as approved by the Coastal Commission.” However, this is not an accurate representation of the Commission’s action. Lifeguard facilities typically have to be on the beach to function, and thus, may require shoreline protection in order to be safe and effectively serve the public. The Commission approved the lifeguard tower with a seawall because of its important public safety function and the expanded public health services it would provide. In addition, the lifeguard building was designed to be the minimum size necessary.

Restrooms, in contrast, do not need to be on sandy beach to serve the public. The Commission approved the restrooms in 2005 with a condition specifically prohibiting any shoreline protection devices, present or future. The Commission made the finding that the restrooms should be deemed expendable and designed to be removed or relocated if threatened, and, because they do not have to be on the beach, they do not warrant a seawall. The Commission found that:

“If, however, beach conditions were ever to change so drastically that in order to maintain the structure, shoreline protection such as riprap or other permanent armoring that could impact coastal resources was required, the structure could, and should be relocated. If the beach were ever so narrow that the restrooms were subject to regular wave action, providing open beach areas would likely be a higher priority than restrooms...”(CDP #6-04-140)

Seawalls have multiple adverse impacts on coastal resources. Hard armoring results in ecological and public access consequences, such as loss of biodiversity and ecosystem services and displacement of recreational beach area with protective structures. Three of the effects from a shoreline protective device which can be quantified are: 1) loss of the beach/bluff area on which the structure is located; 2) the long-term loss of beach/bluff which will result when the back beach/bluff location is fixed on an eroding shoreline; and 3) the amount of material which would have been supplied to the beach if the back beach or bluff were to erode naturally. Thus, the policies of the LCP require that structures be set back from an eroding beach a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures.

The City states that the seawall is not a “shoreline protection device” because it is not intended to protect the shoreline, but rather is included to protect the building. This is a misrepresentation of the term shoreline protection device and stands in contradiction with all other interpretations of the term, both with regards to the City of Coronado’s LCP and the Coastal Act.

Therefore, the proposed restroom, with a seawall incorporated into the seaward portion of the development, is not consistent with the LCP, and thus, a substantial issue is raised with regard to conformity with the LCP.

Sea Level Rise and Future Hazards

The appellants contend that the City did not adequately address sea level rise in their analysis of the project. The certified LCP requires that new development in areas of high geologic, flood or fire hazard be designed in such a way to minimize risks to life and property, and that includes reviewing the development in the context of sea level rise. In addition to known current hazards, future hazards at the site are expected to increase with sea level rise. The City's wave run-up study does include an analysis of beach width change projections with sea level rise, however, the data is based on the beach area north of the proposed restroom site and in front of the Hotel del Coronado. This beach area is much different from the proposed restroom site in that it is significantly wider due to the placement of a jetty. The report states that in April 2012, the beach width at the proposed restroom site was approximately 140 feet (42.6 meters) while the beach width in front of the Hotel del Coronado was approximately 790 feet (240 meters) (assuming the measurement was taken in December 2012). While some of the difference between these widths is due to seasonal fluctuations represented at the time of measurement, the beach in front of the proposed restroom is significantly smaller than the site used for analysis in the wave run-up report. In addition, erosion and shoreline processes at the subject site may be further influenced by the jetty just north. The report notes this difference in size and processes and recommended to the City in 2012 that data should be collected for the proposed restroom site for an accurate projection of future conditions; however, the City did not complete such recommendation. Because of these limitations and the lack of a site-specific analysis, the sea level rise study may be inadequate because it underestimates the erosion potential of the site, and thus, does not demonstrate that the development will be sited in a safe location for the life of the structure so as not to require shoreline protection in the future, as well as it does not adequately address current beach conditions at the site.

Even when considering the most mild of sea level rise projections and using data from a much wider beach, it is projected that the beach width in front of the proposed restroom site will decrease. The subject geotechnical report notes that while sea level rise may significantly reduce beach widths as a force on its own, wave events have the potential to significantly reduce beach widths as well. The report projects occasional 300 to 500 foot beach losses, leading to flooding and damages at the proposed restroom site by 2050.

An additional coastal processes expert, Dr. Dave Revell, was contracted by the Coronado HOA appellant for additional analysis of the site in consideration of future conditions ("City of Coronado Proposed Restroom at Avenida del Sol: Technical Review", Revell Coastal, LLC, 2016). According to the appellant, Dr. Revell states that "the proposed City of Coronado restroom is vulnerable to existing coastal and tsunami hazards and does not adequately consider the life expectancy of the proposed project with respect to

escalating coastal hazards caused by sea level rise.” Because an adequate sea level rise analysis has not been performed, a substantial issue is raised.

B. DEVELOPMENT ON A SANDY BEACH/PUBLIC ACCESS & RECREATION

The City’s LCP specifically prohibits new development on existing public sandy beach areas with limited exceptions. Adopted Action Program B.3. of the LCP mimics Section 86.74.020 PUBLIC SANDY BEACHES of the IP, which states:

No new development shall occur on existing public sandy beach areas. An exception would be allowed for new or expanded permanent lifeguard facilities, restroom facilities, bikepaths or similar public recreation facilities; if it can be determined by the City that adverse impacts to public beaches are negligible or when public safety or health requires it, and provided that no less environmentally damaging alternatives exist. This prohibition shall not be construed to restrict or regulate the maintenance, repair, rehabilitation or replacement of existing public facilities, or the activities of any governmental agency other than the City of Coronado on property under that agency’s jurisdiction.

In addition, the Coastal Act has numerous policies protecting public access and recreation, including the following:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all 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 of the Coastal Act states:

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 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30604(c) of the Coastal Act states:

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.

The subject restroom is a structure that is allowed to occur on sandy beach areas, but only if adverse impacts to the public beach are negligible or if public health requires it, and no less environmentally damaging alternatives exist. The appellants contend that there are less environmentally damaging alternatives, that the CEQA review of the project alternatives is inadequate, and that the subject site had been chosen several years ago without adequate review of alternatives. The appellants further contend that the proposed restroom will negatively impact public access at a prime beach access point.

The EIR analyzed several project alternatives, including a no project alternative and a prefabricated restroom alternative. The EIR also reviewed several alternative locations including along the streets Avenida Lunar, Avenida de las Arenas, and in front of the Hotel del Coronado. The analysis does not reject these alternative locations for environmental reasons, but because the necessary infrastructure is not close by and the City does not own these locations. The EIR concludes that the proposed placement of the restroom at the terminus of Avenida del Sol is not the least environmentally damaging alternative, however, it is the least environmentally damaging alternative that also meets all of the basic requirements of the project. There are very few locations that would meet all of the project requirements, which include: located on city-owned property, have nearby infrastructure to support the facility, have public access from both beach and landsides, have great visibility from both beach and landsides, be centrally located in South Beach, be close to the majority of South Beach visitors, have the widest beach width, be between land and water (if the site were on the sand), and be easily accessible by City maintenance workers (EIR Section 7.2.1).

There are clearly many constraints on the location of a public restroom, but given that building a structure on sandy beach impacts public access and recreation, the LCP requires that the location be the least environmentally damaging alternative, even if it does not result in an “ideal” location that meets every goal of the City’s. As such, the appellants contend that there are feasible alternative sites that may be equally suitable or superior for a public restroom and that would reduce the visual and environmental impacts of the facility. All equally suitable or superior sites must be ruled out as infeasible before the proposed project can be found to be the least environmentally damaging alternative and therefore be in conformance with the City’s LCP.

The EIR identifies the No Project and Prefabricated Restroom Facility alternatives as environmentally superior to the proposed project. In addition, it appears that there are several options for locating a restroom upland, off the sandy beach, that would still serve beach goers, but not impact views or public access as much as the proposed project will. For example, the appellants contend that the City could work with the Hotel del Coronado to incorporate a public restroom into the proposed expansion area immediately

north of the proposed restroom location, or place the restroom at an alternative site in the Las Arenas and Avenida del Lunar parking areas.

While the restrooms are intended to provide a public amenity, they also have the potential to impact public access to the beach area. Placement of a structure on a sandy beach has the potential to impact public access by taking up space on the sand that would otherwise be available for public access and recreation. As discussed above, seawalls fix the back of the beach, ultimately narrowing the beach and impacting public access. With sea level rise, public access may be even more severely impacted.

Furthermore, the public access policies of Chapter 3 of the Coastal Act requires that structures must be located and designed to reduce impacts on public access and shoreline supply. At this time, it is unclear why the 1,000 sq. ft. plaza is necessary for the functioning of the 235 sq. ft. restroom or the showers. Thus, at this time without a more thorough alternatives analysis of the location and the design of the building to consider a more easily relocatable structure, with less concrete on the beach, the proposed project raises a substantial issue.

C. VISUAL RESOURCES & PUBLIC ACCESS

The certified LCP contains policies that protect public views to and of the ocean. Specifically, Section III.B. RECREATION AND VISITOR SERVING FACILITIES states:

- 6. Maintain high standards for visual aesthetics and preserve these scenic qualities as recreational resources.*

In addition, Section III. H. VISUAL RESOURCES AND SPECIAL COMMUNITIES states:

- 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 the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

In its review, the City determined that, while the proposed development would block some public views, it would not *significantly* block views. The EIR prepared for the project states that there will be no significant impacts on views from designated public view corridors or from public viewing areas near the Hotel del Coronado or Coronado Shores. However, the appellants contend that placement of the proposed structure directly in the middle of the street-end at Avenida del Sol will block existing public views towards and of the water from designated public view corridors and a popular coastal access route, and as such, will have a significant visual impact (Exhibit 13).

In addition to the visual impact from the street towards the ocean, the appellants contend that the proposed facility will also create a significant visual impact from the sand. The

proposed project represents a significant addition to the beach area in terms of bulk and scale compared to existing conditions (Exhibit 14). In its current location and configuration, the project would impact public views and may not protect and preserve the scenic qualities of the shoreline as required by the certified LCP. Thus, the project raises a substantial issue regarding consistency with the visual protection policies of the LCP.

3. CONTENTIONS THAT DO NOT RAISE A SUBSTANTIAL ISSUE:

A. LEGAL INTEREST AND RIGHT TO DEVELOP

The public appellants contend that the City does not have sufficient ownership or use rights to the subject property. The City contends that it has the right to develop the proposed facility based on Subdivision Map 5687 and accepted by the City Council by Resolution 3562 in 1966.

The City provided a history of the ownership of the site. Subdivision Map 5687 (which covers the area including Avenida del Sol and the entire Coronado Shores condominium complex) states: “We [Del Coronado Sands Unit No.2] hereby dedicate to public use Avenida del Sol; all as shown on this map within this subdivision. We hereby grant to the City of Coronado, a municipal corporation, the easements with the right of ingress and egress for the construction and maintenance of drainage facilities; all as shown on this map within this subdivision. Reserving, however, to the owner of the fee underlying any easement herein granted the continued use of the surface of said real property; subject, however, to the following conditions: The erecting of buildings, masonry walls, masonry fences, and other structures; or the planting or growing of trees or shrubs; or changing the surface grade or the installation of privately-owned pipe lines shall be prohibited unless written permission is first obtained from the City of Coronado.” This subdivision was accepted via City Council Resolution 3562 on February 1, 1966. In regards to the use of Avenida del Sol, the resolution states: “WHEREAS, the Mayor has been authorized to and has executed an agreement with the Subdividers as required by the Subdivision Map Act of the State of California, and Ordinance No. 707 of the City of Coronado, to improve the streets and easements set out in in said tentative map and to install and construct other additional structures; and WHEREAS, the proposed subdivision consists of a division and improvement of the entire area of the R-6 Multistoried Apartment Zone, which said zone regulates property which is unique, and so located as to require special subdivision provisions for protection of the property rights of the owners thereof, and not result in injury or detriment to the public welfare or other property in the vicinity;...”

Map No. 5687 was later modified by Map No. 6640, which is a reversion of acreage for portions of Del Coronado Sands, and includes a portion of the subject cul-de-sac. As stated in City Council Resolution 3968 and the meeting minutes, the purpose of this reversion of acreage was to provide greater public access and parking on the south side of the Coronado shores development (not Avenida del Sol) and a lateral accessway along

the shoreline in front of the condominium complex. This lateral easement gave the public the right to walk along the beach front and was wide enough for the passage of emergency vehicles. However, the subject restroom area was reverted back to the developer.

Finally, Map No. 6641 reverts back to the city a portion of the cul-de-sac that had been reverted to the developer Del Coronado Sands as part of Map No. 6640. Map No. 6641 states: “We hereby dedicate to public use a portion of Avenida del Sol...” This is the location of the subject restroom.

In summary, Map No. 5687 dedicates the subject site to the City, Map No. 6640 reverts the site back to the developer, and Map No. 6641 re-dedicates the subject site to the City for public use. Therefore, the issue of legal right to develop does not present a substantial issue with regard to consistency with the certified LCP or public access and recreation policies of the Coastal Act.

B. LANDSCAPING

The public appellants contend that the project does not conform to the landscaping requirements of the LCP. They cite LCP Section H. VISUAL RESOURCES AND SPECIAL COMMUNITIES, which states that for the open space (OS) zone, a minimum of 15% landscaping shall be provided for all new development.

However, the project does fulfill the open-space landscaping requirements with the incorporation of rock facing on the proposed structure and other hardscape features.

86.04.400 Landscaping states:

“Landscaping” means planting, (including trees, shrubs, lawn areas, ground covers, et cetera, provided either in the ground or in containers) and water features suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, ornamental lamp posts, decorative rock or other paved surfaces, decks, fixed seating, fire pits and similar garden hard surface features are considered elements of landscape development.

In addition, the above-cited public access and recreation policies of the certified LCP and Coastal Act promote minimizing the amount of development on sandy beach, and consistent with these policies, only very limited amounts of hardscape or landscape should occur in association with any structure that must be constructed on public beach. Thus, the amount of landscaping associated with the development does not raise a substantial issue.

C. PARKING

No additional parking was approved as part of the proposed project. The Coronado HOA appellants contend this is inconsistent with the certified LCP, which states:

II. ADOPTED POLICIES

A. SHORELINE ACCESS

5. Wherever appropriate and feasible, add public facilities, including parking areas or facilities, to mitigate against the impacts of overcrowding or overuse by the public of any single area.

However, because the restroom serves as a public amenity for an existing need it is not expected to draw more visitors to the area. The proposed restroom will not be the only public restroom in the area as there is an existing restroom at North Beach. In addition, the proposed location is at the end of Avenida del Sol, which has approximately 45 spaces available to the public. There is additional public parking available nearby at the end of Avenue de las Arenas and Avenida Lunar. Therefore, no substantial issue exists in regards to parking.

D. PUBLIC PRESCRIPTIVE RIGHTS

Public prescriptive rights refer to public rights that are acquired over private lands through use. A right of access acquired through *use* is, essentially, an easement over real property that comes into being without the explicit consent of the owner. The acquisition of such an easement is referred to as an “implied dedication”, the right acquired is also referred to as a “public prescriptive easement”.

In this case, the Coronado HOA appellants contend that the City did not apply the proper review procedures in accordance with the Attorney General’s Implied Dedication and Prescriptive Rights Manual as required by the City’s LCP. LCP Adopted Policy II. A.4. states: “Ascertain and preserve public prescriptive rights” and Policy II. A. 12 describes the manner in which projects should be analyzed according to the Attorney General’s Implied Dedication and Prescriptive Rights Manual. However, public prescriptive rights are not relevant in this case, as they only pertain to cases where the public has used private property as if it were public. The subject site was dedicated to the City for public use, as discussed previously. Therefore, the issue of public prescriptive rights does not present a substantial issue.

E. PUBLIC NOTICING

The Coronado HOA appellants contend that inadequate notice was provided by the City for this project and that property owners and occupants from all of the Coronado Shores

condominiums should have been noticed, not just those buildings that lie within 300 or 100 feet of the project site.

Information provided by the City indicates that notice was sent to all owners within 100 feet of the project and occupants within 300 feet of the project. In addition, notice was sent to a list of interested parties which included the building manager of each Coronado Shores development.

Section 86.70.100 of the Coronado Municipal Code states the following in regards to noticing of a coastal permit:

B. Public notice shall be provided at last 10 calendar days prior to the first coastal permit public hearing. Public notice shall consist of notice by first class mail to each applicant, to all persons who have requested to be on a mailing list for the specific project, to all occupants and property owners of property within 100 feet of the perimeter of the project site, and to the California Coastal Commission; and publication of a public notice in a newspaper of general circulation in the City of Coronado.

The City states it complied with these requirements. Furthermore, it is clear that the appellants representing the Coronado Shores residents were aware that the permit was being processed because they participated in the local hearing process, and have provided comments addressing their concerns. Therefore, there is no substantial issue in terms of public noticing.

4. SUBSTANTIAL ISSUE FACTORS

As discussed above, there is inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission usually considers when evaluating whether a local government's action raise a substantial issue also support a finding of substantial issue. In this case, the development, as approved by the City, raises several LCP consistency issues with regard to development in an area subject to present and future coastal hazards, construction of a shoreline protection device, public access, new development on a sandy beach, and obstruction of public views. While the extent and scope of development is for a public restroom, the coastal resources affected are significant; in particular, the shoreline, sandy beach, and public accessway to the South Beach. The local government's approval sets poor precedent for future interpretations of its LCP because it allows for the construction of new shoreline protection, allows for development on a sandy beach when environmentally superior alternatives may exist, allows for development that blocks public views, and contradicts earlier Commission approvals. The objections to the project suggested by the appellants raise substantial issues of regional or statewide significance, due to the intensely debated issues of sea level rise, public access and recreation, and development in the face of coastal hazards.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS:

- Appeal applications by Commissioner Dayna Bochco dated 12/2/2016 and Commissioner Mary Shallenberger dated 12/5/2016; Appeal by Thomas D. Whittington and LaSierra 1503 LLC dated 12/2/2016; Appeal by Coronado Shores Homeowner's Association dated 11/30/2016
- City of Coronado City Council Decision 2016-01 dated November 15, 2016
- CDP 6-04-140
- Attorney General's Implied Dedication and Prescriptive Rights Manual
- "Wave Runup Study, South Beach Restroom Project, Avenida del Sol, Coronado, California" TerraCosta Consulting Group, Inc. 2012 (Revised 2013)
- "Geotechnical Investigation, South Beach Comfort Station, Avenida del Sol, Coronado, California" TerraCosta Consulting Group, Inc. 2014 (Revised 2016)
- "City of Coronado Proposed Restroom at Avenida del Sol: Technical Review", Revell Coastal, LLC, 2016
- City of Coronado certified LCP

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Commissioner Dayna Bochco
Mailing Address: 45 Fremont Street
Suite 2000
San Francisco, CA 94105
Phone Number: 415-904-5202

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Coronado
2. Brief description of development being appealed: Construction of a 235 sq. ft. public restroom facility with three stalls and storage space, a 1,000 sq. ft. plaza with showers, a stairway and beach access ramp, and an approximately 23 ft. deep, steel sheet-pile bulkhead and mat foundation surrounding the plaza facility on three sides. Development will be located on existing rock revetment and sandy beach, seaward of the existing public access stairs.
3. Development's location (street address, assessor's parcel no., cross street, etc.): Terminus of Avenida del Sol cul-de-sac, South Beach area of Coronado
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☒
 - b. Approval with special conditions: ☐
 - c. Denial: ☐
 - d. Other: ☐ _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-COR-16-0097

DATE FILED: 12/2/2016

DISTRICT: San Diego

EXHIBIT NO. 1

APPLICATION NO.

A-6-COR-16-0097

Chair Bochco Appeal



California Coastal Commission

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

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
- b. ☒ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: November 15, 2016

Local government's file number (if any): CPE 2016-01, IS 2013-05

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

City of Coronado
1825 Strand Way
Coronado, CA 92118

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

SECTION IV. Reasons Supporting This Appeal

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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

SEE ATTACHED

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

SECTION V. Certification

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

Signed: _____
Appellant or Agent

Dated: _____ 12/2/16

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Dated: _____

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DEC 02 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Attachment A
City of Coronado -- South Beach Restroom
12/2/2016

The proposed project is construction of a 235 sq. ft. public restroom facility with three stalls and storage space, a 1,000 sq. ft. plaza with showers, a stairway and beach access ramp, and an approximately 23 ft. deep, steel sheet-pile bulkhead and mat foundation surrounding the plaza facility on three sides. The location of the proposed project is on the sandy beach seaward of the existing public access stairs adjacent to an existing rock revetment at the terminus of the Avenida del Sol cul-de-sac, between the Hotel del Coronado and the Coronado Shores Condominiums in the City of Coronado. The existing revetment was built to protect the Coronado Shores condominiums in the early 1970s and would be removed and replaced by the proposed shoreline protection. The restroom is proposed to meet the demands of visitors to the South Beach area.

As a part of early coordination, Commission staff reviewed the proposed development during the project design phase in early 2013, as well as more recently during the EIR process and provided a letter to the City identifying potential concerns with the project that could create inconsistency with the City's LCP (Ref: CCC staff letter dated October 18, 2016). The City found that the subject restroom is consistent with the certified LCP and Chapter 3 public access and recreation policies of the Coastal Act on November 15, 2016. However, the development as approved by the City raises several LCP and Coastal Act consistency issues with regard to protection of public views, development on a sandy beach, and the need for shoreline protection.

Public Views

The certified LCP contains policies that protect public views to and of the ocean. Specifically, Section III.B. RECREATION AND VISITOR SERVING FACILITIES states:

6. Maintain high standards for visual aesthetics and preserve these scenic qualities as recreational resources.

In addition, Section III. H. VISUAL RESOURCES AND SPECIAL COMMUNITIES states:

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 the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In its review, the City determined that, while the proposed development would block some public views, it would not *significantly* block views. The EIR prepared for the project states that there will be no significant impacts on views from designated public view corridors or from public viewing areas near the Hotel del Coronado or Coronado Shores. However, placement of the proposed structure directly in the middle of the street-end at Avenida del Sol, rising at least ten feet above the road terminus, will block existing public views towards and of the water from a major coastal accessway with existing

ocean views, and as such, will have a significant visual impact. In addition, the proposal would introduce a structure along the open expanse of shoreline and thus represent a substantial visual impact along a scenic shoreline.

Development on sandy beach

The City's LCP prohibits new development on existing public sandy beach areas with limited exceptions. Section 86.74.020 PUBLIC SANDY BEACHES of the IP states:

No new development shall occur on existing public sandy beach areas. An exception would be allowed for new or expanded permanent lifeguard facilities, restroom facilities, bikepaths or similar public recreation facilities; if it can be determined by the City that adverse impacts to public beaches are negligible or when public safety or health requires it, and provided that no less environmentally damaging alternatives exist. This prohibition shall not be construed to restrict or regulate the maintenance, repair, rehabilitation or replacement of existing public facilities, or the activities of any governmental agency other than the City of Coronado on property under that agency's jurisdiction.

The proposed project would be located in an area which currently consists of a mix of sand and buried revetment. The City asserts the project would not extend beyond the estimated toe of buried rock, but the project would place concrete in an area that is now a sandy accessway adjacent to an existing stairway leading from the street end to the beach. The EIR concludes that the proposed placement of the restroom at the terminus of Avenida del Sol is not the least environmentally damaging alternative, but that either prefabricated restrooms placed at street level, or the no-project alternative would be superior. However, the City determined that the proposed project is the only alternative that meets all of the objectives of the project. The City concluded that there are very few locations that would meet all of the project requirements, specifically because of the requirement that the restrooms be sited on city-owned property. This stretch of beach in Coronado, South Beach, has a narrower width than other beaches in Coronado and the cul-de-sac at the end of Avenida del Sol is subject to periodic flooding. To place a new structure within an area known for wave attack at the present is not responsive to sea level rise and adaptation strategies. In addition, Commission staff believes that there are feasible alternative sites that may be equally suitable or superior for a public restroom and that would also reduce the visual impact of the facility. All equally suitable or superior sites must be ruled out as infeasible before the proposed project can be found to be the least environmentally damaging alternative and therefore be in conformance with the City's LCP.

Shoreline Protection

In terms of the proposed shoreline protection device, the City's certified LCP does not allow for new development that relies on shoreline protection devices for protection from hazards and erosion.

Policies in the adopted LUP include:

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

1. Require that new development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.

4. Require that any permanent building, or other structure proposed for construction be setback from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures. The builder, at the discretion of the City, shall provide a certification by a civil engineer that the proposed construction site meets this criteria.
5. Pursue the eventual elimination of the beach erosion problem South of the Hotel del Coronado jetty.

G. HAZARD AREAS

1. Require that new development in areas of high geologic, flood or fire hazard be designed in such a way to minimize risks to life and property.
2. Require that new development be designed in such a way to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified IP includes the following:

86.74.030 WATERFRONT DEVELOPMENT SETBACKS

- B. New development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.
- C. Permanent buildings, or other structures proposed for construction (excluding refurbishment, renovation, or addition to existing structures that do not extend the structures seaward or bayward) shall be set back from an eroding beach or coastline a distance sufficient to assure that the development will not require mitigation measures to protect the development from the natural erosion process during the economic lifetime of the structures. The builder, at the request of the City Coastal Permit Administrator, shall provide a certification by a civil engineer acceptable to the City that the proposed construction site meets these criteria.

The LCP policies reflect the Coastal Act limitations on the construction of shoreline protection devices to protect new development because of the adverse impacts these devices can have on coastal resources, including shoreline sand supply and public access, by altering natural shoreline processes, reducing the natural shore material available to nourish offshore sand bars, causing accelerated and increased erosion, increasing beach scour, and occupying sandy beach area with their presence alone.

In 2005, the Commission approved the construction of a lifeguard tower and restrooms on Central and North Beach in Coronado, approximately 0.5 mile north of the subject site. The lifeguard tower was approved with a seawall because of its important public safety function and the expanded public health services it would provide. In addition, the lifeguard building was designed to be the minimum size necessary. The restrooms, however, were approved with a condition prohibiting any shoreline protection devices, present or future. The Commission made the finding that the restrooms should be deemed expendable and designed to be removed or relocated if threatened and, because they do not have to be on the beach, they do not warrant a seawall. In addition, the Commission found that:

“If, however, beach conditions were ever to change so drastically that in order to maintain the structure, shoreline protection such as riprap or other permanent armoring that could impact coastal resources was required, the structure could, and should be relocated. If the beach were ever so narrow that the restrooms were subject to regular wave action, providing open beach areas would likely be a higher priority than restrooms...”(CDP 6-04-140)

As noted in Section 86.74.030, new projects cannot require mitigation measures for protection from natural erosion processes. The City’s EIR references the sheet pile bulkhead as a mitigation measure several times and the geotechnical report (2016) and wave run-up study (2013) prepared by TerraCosta Consulting Group recommend the installation of the bulkhead for protection from marine erosion and wave impacts. The inclusion of shoreline protection for the proposed restroom could make retreat of the structure infeasible, and would fix the back of the beach thereby impacting sand supply, inconsistent with the policies of the certified LCP.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Commissioner Mary Shallenberger
Mailing Address: P.O. Box 354
Clements, CA 95227-0354

Phone Number: 415-904-5202

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Coronado
2. Brief description of development being appealed: Construction of a 235 sq. ft. public restroom facility with three stalls and storage space, a 1,000 sq. ft. plaza with showers, a stairway and beach access ramp, and an approximately 23 ft. deep, steel sheet-pile bulkhead and mat foundation surrounding the plaza facility on three sides. Development will be located on existing rock revetment and sandy beach, seaward of the existing public access stairs.
3. Development's location (street address, assessor's parcel no., cross street, etc.): Terminus of Avenida del Sol cul-de-sac, South Beach area of Coronado
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☒
 - b. Approval with special conditions: ☐
 - c. Denial: ☐
 - d. Other: ☐ _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-COR-16-0097

DATE FILED: 12/5/2016

DISTRICT: San Diego

EXHIBIT NO. 2
APPLICATION NO.
A-6-COR-16-0097
Commissioner
Shallenberger Appeal
 California Coastal Commission

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

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
- b. ☒ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: November 15, 2016

Local government's file number (if any): CPE 2016-01, IS 2013-05

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

City of Coronado
1825 Strand Way
Coronado, CA 92118

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

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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

SEE ATTACHED

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SECTION V. Certification

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

Signed: Mary K Shallenberger
Appellant or Agent

Date: 12/5/16

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

RECEIVED

DEC 05 2016

Attachment A
City of Coronado -- South Beach Restroom
12/5/2016

The proposed project is construction of a 235 sq. ft. public restroom facility with three stalls and storage space, a 1,000 sq. ft. plaza with showers, a stairway and beach access ramp, and an approximately 23 ft. deep, steel sheet-pile bulkhead and mat foundation surrounding the plaza facility on three sides. The location of the proposed project is on the sandy beach seaward of the existing public access stairs adjacent to an existing rock revetment at the terminus of the Avenida del Sol cul-de-sac, between the Hotel del Coronado and the Coronado Shores Condominiums in the City of Coronado. The existing revetment was built to protect the Coronado Shores condominiums in the early 1970s and would be removed and replaced by the proposed shoreline protection. The restroom is proposed to meet the demands of visitors to the South Beach area.

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In addition, Section III. H. VISUAL RESOURCES AND SPECIAL COMMUNITIES states:

1. Consider and protect as a resource of public importance the scenic and visual qualities of the community.
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In its review, the City determined that, while the proposed development would block some public views, it would not *significantly* block views. The EIR prepared for the project states that there will be no significant impacts on views from designated public view corridors or from public viewing areas near the Hotel del Coronado or Coronado Shores. However, placement of the proposed structure directly in the middle of the street-end at Avenida del Sol, rising at least ten feet above the road terminus, will block existing public views towards and of the water from a major coastal accessway with existing

ocean views, and as such, will have a significant visual impact. In addition, the proposal would introduce a structure along the open expanse of shoreline and thus represent a substantial visual impact along a scenic shoreline.

Development on sandy beach

The City's LCP prohibits new development on existing public sandy beach areas with limited exceptions. Section 86.74.020 PUBLIC SANDY BEACHES of the IP states:

No new development shall occur on existing public sandy beach areas. An exception would be allowed for new or expanded permanent lifeguard facilities, restroom facilities, bikepaths or similar public recreation facilities; if it can be determined by the City that adverse impacts to public beaches are negligible or when public safety or health requires it, and provided that no less environmentally damaging alternatives exist. This prohibition shall not be construed to restrict or regulate the maintenance, repair, rehabilitation or replacement of existing public facilities, or the activities of any governmental agency other than the City of Coronado on property under that agency's jurisdiction.

The proposed project would be located in an area which currently consists of a mix of sand and buried revetment. The City asserts the project would not extend beyond the estimated toe of buried rock, but the project would place concrete in an area that is now a sandy accessway adjacent to an existing stairway leading from the street end to the beach. The EIR concludes that the proposed placement of the restroom at the terminus of Avenida del Sol is not the least environmentally damaging alternative, but that either prefabricated restrooms placed at street level, or the no-project alternative would be superior. However, the City determined that the proposed project is the only alternative that meets all of the objectives of the project. The City concluded that there are very few locations that would meet all of the project requirements, specifically because of the requirement that the restrooms be sited on city-owned property. This stretch of beach in Coronado, South Beach, has a narrower width than other beaches in Coronado and the cul-de-sac at the end of Avenida del Sol is subject to periodic flooding. To place a new structure within an area known for wave attack at the present is not responsive to sea level rise and adaptation strategies. In addition, Commission staff believes that there are feasible alternative sites that may be equally suitable or superior for a public restroom and that would also reduce the visual impact of the facility. All equally suitable or superior sites must be ruled out as infeasible before the proposed project can be found to be the least environmentally damaging alternative and therefore be in conformance with the City's LCP.

Shoreline Protection

In terms of the proposed shoreline protection device, the City's certified LCP does not allow for new development that relies on shoreline protection devices for protection from hazards and erosion.

Policies in the adopted LUP include:

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES

1. Require that new development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.

4. Require that any permanent building, or other structure proposed for construction be setback from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures. The builder, at the discretion of the City, shall provide a certification by a civil engineer that the proposed construction site meets this criteria.
5. Pursue the eventual elimination of the beach erosion problem South of the Hotel del Coronado jetty.

G. HAZARD AREAS

1. Require that new development in areas of high geologic, flood or fire hazard be designed in such a way to minimize risks to life and property.
2. Require that new development be designed in such a way to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the certified IP includes the following:

86.74.030 WATERFRONT DEVELOPMENT SETBACKS

- B. New development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.
- C. Permanent buildings, or other structures proposed for construction (excluding refurbishment, renovation, or addition to existing structures that do not extend the structures seaward or bayward) shall be set back from an eroding beach or coastline a distance sufficient to assure that the development will not require mitigation measures to protect the development from the natural erosion process during the economic lifetime of the structures. The builder, at the request of the City Coastal Permit Administrator, shall provide a certification by a civil engineer acceptable to the City that the proposed construction site meets these criteria.

The LCP policies reflect the Coastal Act limitations on the construction of shoreline protection devices to protect new development because of the adverse impacts these devices can have on coastal resources, including shoreline sand supply and public access, by altering natural shoreline processes, reducing the natural shore material available to nourish offshore sand bars, causing accelerated and increased erosion, increasing beach scour, and occupying sandy beach area with their presence alone.

In 2005, the Commission approved the construction of a lifeguard tower and restrooms on Central and North Beach in Coronado, approximately 0.5 mile north of the subject site. The lifeguard tower was approved with a seawall because of its important public safety function and the expanded public health services it would provide. In addition, the lifeguard building was designed to be the minimum size necessary. The restrooms, however, were approved with a condition prohibiting any shoreline protection devices, present or future. The Commission made the finding that the restrooms should be deemed expendable and designed to be removed or relocated if threatened and, because they do not have to be on the beach, they do not warrant a seawall. In addition, the Commission found that:

“If, however, beach conditions were ever to change so drastically that in order to maintain the structure, shoreline protection such as riprap or other permanent armoring that could impact coastal resources was required, the structure could, and should be relocated. If the beach were ever so narrow that the restrooms were subject to regular wave action, providing open beach areas would likely be a higher priority than restrooms...”(CDP 6-04-140)

As noted in Section 86.74.030, new projects cannot require mitigation measures for protection from natural erosion processes. The City’s EIR references the sheet pile bulkhead as a mitigation measure several times and the geotechnical report (2016) and wave run-up study (2013) prepared by TerraCosta Consulting Group recommend the installation of the bulkhead for protection from marine erosion and wave impacts. The inclusion of shoreline protection for the proposed restroom could make retreat of the structure infeasible, and would fix the back of the beach thereby impacting sand supply, inconsistent with the policies of the certified LCP.

CALIFORNIA COASTAL COMMISSION

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SAN DIEGO, CA 92108-4402
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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Coronado Shores Homeowner's Association #2
Mailing Address: c/o Josh Chatten-Brown; Chatten-Brown & Carstens; 2200 Pacific Coast Highway, Suite 318
City: Hermosa Beach Zip Code: 90254 Phone: 619-940-4522

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Coronado

2. Brief description of development being appealed:

The development is a restroom project in the City of Coronado at the street-end of Avenida del Sol proposed on the sand on a narrow, eroding beach. The project would use seawalls on three of the four sides of the structure to protect the structure.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

Street-end of Avenida del Sol, southwest of the intersection with Orange Avenue

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-6-COR-16-0097

DATE FILED:

11/30/16

DISTRICT:

San Diego Coast

EXHIBIT NO. 3

APPLICATION NO.

A-6-COR-16-0097

Coronado Shores
Homeowner's Association
Appeal



California Coastal Commission

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

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

- ☐ Planning Director/Zoning Administrator
☒ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision: November 15, 2016

7. Local government's file number (if any): CP2016-01; IS2013-05

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

City of Coronado
1825 Strand Way
Coronado, CA 92118

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

(1) Thomas D. Whittington Jr.
2979 Barley Mill Road
Yorklyn, Delaware 19736

(2) Jim Scanlon
Coronado Shores Homeowners Association #2
1720 Avenida del Mundo
Coronado, CA 92118

(3)

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

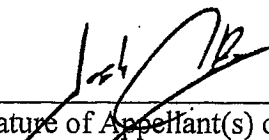
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attached "Reasons Supporting This Appeal."

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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


Josh Chatten-Brown
Chatten-Brown & Carstens LLP

Signature of Appellant(s) or Authorized Agent

Date: November 29, 2016

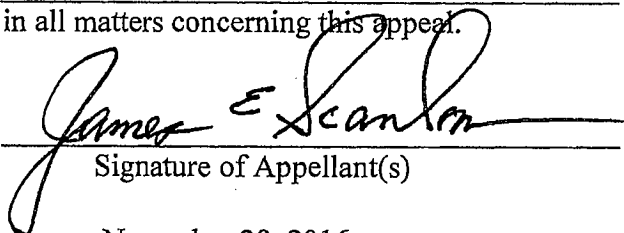
Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize

Chatten-Brown & Carstens LLP

to act as my/our representative and to bind me/us in all matters concerning this appeal.



Signature of Appellant(s)

Date: November 29, 2016

Section IV. REASONS SUPPORTING THIS APPEAL

Background

The City of Coronado has approved the construction of a restroom on the sandy beach at the street-end of Avenida del Sol. This restroom will be armored with a seawall on three of its four sides. (Final Environmental Impact Report (“FEIR”), p. 2-54 [“the restroom structure would now be protected by vertical cantilevered sheet-pile seawalls/bulkheads with wave deflectors on three of the four sides of the proposed facility”].) These seawalls are “[f]or wave and shore protection.” (Draft Environmental Impact Report (“DEIR”), p. 1-4.) The City has provided a simulation of the restroom in the winter, which shows the restroom impacted by waves. (Coronado City Council Agenda for November 15, 2016, p. 148.) This simulation, based on existing conditions, is shown below:



View for 9th Floor Shores Tower – winter view

However, this simulation does not account for additional beach erosion and sea level rise. The State’s California Climate Change Center published a study that analyzed

the impacts of sea level rise in San Diego, and the study includes a map of the project site. (Climate Change-Related Impacts in the San Diego Region by 2050, p. 16, available at <http://www.energy.ca.gov/2009publications/CEC-500-2009-027/CEC-500-2009-027-F.PDF>, p. 16.) This map shows that by 2050, there will be considerable additional beach loss and inundation of the project site from wave events will be common. (*Ibid.*)

Following the preparation of a Wave Runup Study commissioned by the City as part of its Initial Study, the Coronado Homeowners Association #2 ("Association") commissioned its own expert, Dr. David Revell, a coastal geomorphologist, to analyze the Project and the City's Wave Runup Study. Dr. Revell concluded that 1) the City's Wave Runup Study likely underpredicts the exposure of the site to coastal hazards; 2) the potential beach width changes are greater than those discussed in the City's study, and thus the Project site may be more vulnerable to scour and erosion; and 3) the location of the project creates a human health hazard by placing new wastewater infrastructure in an existing hazardous area.

Dr. Revell provided the following Summary of Findings:

The proposed City of Coronado restroom location is vulnerable to existing coastal and tsunami hazards and does not adequately consider the life expectancy of the proposed project with respect to escalating coastal hazards caused by sea level rise.

- Historic wave events have caused substantial damage and inundation at the proposed site.
- Without any coastal armoring, the City should expect the site to be impacted on a regular basis without consideration of sea level rise or El Niño conditions.
- During the 2015/2016 El Niño, beach erosion scoured the beach to an elevation of ~5 feet (NAVD) at the proposed site, which was then subject to routine tidal inundation.
- All of the existing and future coastal hazard modeling developed by California Geological Survey, USGS and SPAWAR, show the site to be susceptible to tsunamis, coastal erosion and coastal flooding under existing conditions. These hazards increase substantially with sea level rise.
- The construction of a seawall, in front of the facility as part of the construction, will lead to long-term loss of the beach, recreational opportunities and will affect lateral beach access.

Recommendation: Revell Coastal recommends than an alternate site be identified for this public serving facility.

(Coronado City Council Agenda for November 15, 2016, p. 170.)

While the Association supports a public restroom near the beach, the Association opposes a restroom on the beach in the current location.

1. The Project Violates Local Coastal Program Policy E.4 Requiring Setbacks from an Eroding Beach Coastline.

The City of Coronado's Adopted Local Coastal Program (LCP) Policy E.4:

Require[s] that any permanent building, or other structure proposed for construction be set back from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures.

(LCP, p. 13.)

The City acknowledges that the beach where the project is proposed to be located is eroding. (FEIR, p. 2-57 ["Erosion will continue regardless of project implementation"; "Consequently, even with dredged sand brought to the beach area near Avenida del Sol, the Wave Runup Study indicates there will continue to be a natural tendency for sediment depletion and for sand to drift to North Island via longshore transport"]; LCP, p. 13 [Coronado's LCP recognizes that there exists a "beach erosion problem South of the Hotel del Coronado jetty," which is where the project is proposed.]

However, the Project does not comply with the requirement that the structure be set back from the eroding beach such that it does not require shoreline protection structures, as the project is sited directly on the beach and uses three seawalls for "wave and shore protection." (DEIR, p. 1-4.) The City acknowledges that the Project was designed with a seawall "[t]o ensure that the proposed facility can withstand strong waves and scouring." (FEIR, p. 2-68 – 2-69.)

2. The Project Violates Local Coastal Program Policy E.2 and Coastal Act Section 30235 Regarding Limitations on the Use of Seawalls.

LCP Policy E.2 authorizes the use of seawalls in only limited situations:

Permit ... seawalls ... and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

(City of Coronado Local Coastal Program ("LCP"), p. 13.) This language is consistent with Coastal Act section 30235.

This restroom is not "required to serve coastal-dependent uses" because the restroom does not have to be located on the beach to serve its function. Additionally, the seawalls are not to protect an existing structure or the beach itself. Even assuming, arguendo, that a restroom was a coastal-dependent use, there is no evidence that the project was designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

The EIR recognizes that the Coastal Commission, in implementing the Coastal Act, "typically discourages the construction of shoreline-altering devices to protect new development along the shoreline because of the potential adverse impact these structures can have on shoreline sand supply." (DEIR, p. 10-2.) The EIR further states:

Construction of shoreline-altering features is typically discouraged by the C[alifornia] C[oastal] C[ommission] because of their potential to adversely impact shoreline sand supply and for reasons that would undermine the features as unusable, including but not limited to sea level rise and significant scour that would undermine the sea wall.

(DEIR, p. 9-2, fn. 1.) Despite recognizing that the Coastal Commission discourages the use of shoreline-altering devices to protect new developments, the City nonetheless approved the project with these elements.

3. The Project Is Inconsistent with Local Coastal Program Goal B.3 Regarding New Development on Existing Sandy Beach Areas.

Under LCP Policy B.3, new development, including restroom facilities, shall only be permitted on existing sandy beach areas “if it can be determined that adverse impacts to public beaches are negligible or when public safety or health requires it, and provided that no less environmentally damaging alternatives exist.” (LCP, p. 21, *emphasis added.*) As Dr. Revell concluded, the construction of a seawall for the Project will lead to long-term loss of the beach, recreational opportunities and will affect lateral beach access. (Coronado City Council Agenda for November 15, 2016, p. 170.) These adverse impacts are not “negligible.”

Additionally, the requirement that “no less environmentally damaging alternatives exist” is not satisfied here. The City failed to analyze additional alternative locations because it concluded the proposed location is “the most feasible on-sand option.” (DEIR, p. 7-11, *emphasis added.*) As previously discussed, locating a restroom on the beach is not necessary, as the restroom is not beach dependent. Therefore, alternative project locations should not have been limited to “on sand” locations. This could include, for example, the location where the portable, prefabricated restrooms were previously located. However, the City did not analyze this potential location.

4. The Project Violates Local Coastal Program Policy H.2 and Coastal Act Section 30251 Regarding Visual Impacts.

Policy H.2 of Coronado’s LCP “[r]equire[s] that permitted development be sited and designed to safeguard existing public views to and along the ocean.” (LCP, p. 16.) Coastal Act Section 30251 contains language that is substantially the same. The City’s placement of the structure in the middle of the street-end of Avenida del Sol will block existing public views of the ocean.

Conclusion

Since the Project does not conform to LCP Policies E.2, E.4, and H.2, conflicts with the Coastal Act, and is inconsistent with LCP Goal B.3, the Association respectfully requests that the Commission grant the Association's appeal and deny the Project as proposed.

RECEIVED

CALIFORNIA COASTAL COMMISSION

DEC 02 2016

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

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: **Thomas D. Whittington and LaSierra 1503 LLC**

Mailing Address: **2979 Barley Mill Road**

City: **Yorklyn, DE**

Zip Code: **19736**

Phone: **302-239-9858**

SECTION II. Decision Being Appealed

1. Name of local/port government: **City of Coronado**
2. Brief description of development being appealed: **South Beach Restroom Project involving the construction seaward of the surf line of a building housing a restroom, showers and storage closet with a building plaza of approximately 1,000 square feet surrounding the structure as it rises 20 feet from the surf line supported by pilings driven approximately 20 feet into the Coronado Shores beach.**
3. Development's location (street address, assessor's parcel no., cross street, etc.): **On the Coronado Shores Beach south of the cul-de-sac which is the southern terminus of Avenida del Sol, Coronado, CA.**
4. Description of decision being appealed (check one.):
 - ☒ Approval; no special conditions
 - ☐ Approval with special conditions:
 - ☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-6-COR-16-0097

DATE FILED:

12-2-16

DISTRICT:

EXHIBIT NO. 4

APPLICATION NO.

A-6-COR-16-0097

Thomas D.

Whittington Appeal



California Coastal Commission

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

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

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: November 15, 2016

7. Local government's file number (if any): CP2016-01; DR2016-23 & IS 2013-05 and SCH#2015031093

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

City of Coronado
1825 Strand Way
Coronado, CA 92118

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

- (1) Thomas D. Whittington
2979 Barley Mill Road
Yorklyn, DE 19736
- (2) Harry DeNardi
harrydenardi@gmail.com
Coronado Planning Commission
- (3) James E. Scanlon
La Sierra, Coronado Shores
1720 Avenida Del Mundo
Coronado, CA 92118
- (4) Richard Brady
Unit 806
1720 Avenida del Mundo
Coronado, CA 92118
- (5) Josh Chatten-Brown
Chatten-Brown & Carstens
2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
- (6) Felicia F. Bell
FeliciaFBell@gmail.com
1720 Avenida del Mundo
Coronado, CA 92118

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

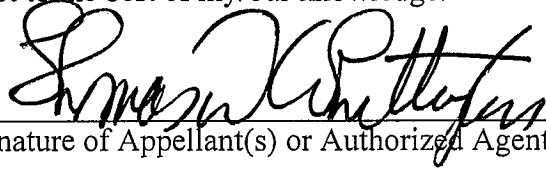
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see the attached reasons supporting this appeal.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date:

12/1/2016

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

Section VI. Agent Authorization

I/We hereby authorize Thomas D. Whittington

to act as my/our representative and to bind me/us in all matters concerning this appeal.

LA SIERRA 1503 LLC



Signature of Appellant(s)

By Thomas D. Whittington, Manager

Date:

12/1/2016

**ATTACHMENT TO APPEAL FROM
COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
SECTION IV. Reasons Supporting This Appeal**

1. The process by which the Restroom site between the Pacific and the cul-de-sac at the Western end of Avenida del Sol (**Site**) was selected violated the required process to the point that it was a sham. Procedurally, the City appeared to follow the various project and hearing requirements, including the Coronado Coastal Permit (CCC) process; but, in reality, the **Site**, based on comments by members of Council and e-mails between members of the staff, was determined as early as 2010 and no genuine effort was undertaken to seriously consider other sites.
2. The City violated its internal procedures and the notice requirements of the CCC in the hearings that preceded the Council hearing and the Council hearing. In the public Staff notes to Council prior to the hearing, at page 97, it is stated: *PUBLIC NOTICE: Notice of this public hearing was published in the Coronado Eagle & Journal on November 2, 2016, and mailed to all property owners within 300 feet and all occupants within 100 feet of the project site.* See Exhibit A. The **Shores**, which owns the beach on which the City wants to locate the restroom/shower facility, consists of 1470 identified real property parcels, each of which has an ownership interest in the **Shores** property including the **Site**, within 300 feet of the **Site** and the walkway and barrier referred to in the establishing documents as the Seawall. See that series of recorded documents filed with the County Recorder of the County of San Diego to create the 10 Coronado Shores Condominium Associations as Amended and Restated.
3. The City failed to follow its required procedures. See the comments of Commission DeNardi attached as Exhibit B.
4. In keeping with the "follow the procedure, but do not deviate from the predetermined site location" process, the City has failed to investigate claims that it does not have sufficient rights in the property where the **Site** is proposed to be located to construct the facility without permission from the State of California and the 10 Coronado Shores Associations, the Enforcement Committee and the L&R Committee (**Shores**). The City was put on notice as early as 2004 that it does not have sufficient ownership or use rights in the **Shores** property to locate a Restroom on **Shores** property without the cooperation of the **Shores**. Inquiries to members of the Coronado Shores L&R Committee, Enforcement Committee and a sampling of the Associations indicate that the City has failed to ask for cooperation or seek permission for the proposed facility.
5. In addition, the City has ignored multiple requests, including a request at a public hearing in January of 2012 which resulted in a promise that title information would be produced, to produce title work, a title search, title insurance or other proof of title. Based on staff e-mails and information provided the relevant Committees and Council, it appears that the totality of the City claim to the **Site** rests on a misconstrued dedication to public use that terminates with the Avenida del Sol cul-de-sac. The staff notes that "...comment

letters question the City's ownership without providing any evidence that some other person owns this land." With all appropriate respect, the inquiry questioned the process by which the City would expend significant public funds without engaging in the well accepted process of engaging a professional Title Company to verify ownership. As we have pointed out the ownership issues to the City instead of simply hiring a Title Company to verify or define its claimed ownership, the City uses our information to buttress its erroneous claim. As we will demonstrate in this process or if required an action to Quiet Title, the City has misunderstood the documentation by applying current standards to various documents. Any claim to fee simple interest in the property terminates with the Avenida del Sol cul-de-sac. A review of the historical photographs of the project construction and correspondence between the developers' attorney and the City will clarify that the right of way dedication terminates with the southern terminus of Avenida del Sol.

6. Even if this body and or the Courts conclude that the City has rights to the proposed **Site**, it still may not build without the approval of the **Shores** and the State. Based on the preliminary sketches submitted with the request for approval, it appears that a portion of the **Site** is subject to the Boundary Agreement between the **Shores** developer, the City and the State of California. The history of the Boundary Agreement is instructive regarding the misunderstanding of the City as to its ownership regarding the Shores beach. In addition, it supports the position advocated above that the City's claim of ownership of the **Site** property is defective.
7. If the prior two claims regarding title do not establish that the City is in error claiming ownership, it will need to explain how its use of the Property under the proposed Site does not violate the Agreements with the State of California and the Shores Developers regarding the Seawall the developers were required to construct as an element of seeking permission for the Shores. A review of the documents appears to show that a portion of the **Site** infringes on the Seawall location and the rights of the various entities establishing the Seawall.
8. The visual impact is negative. The staff and its consultants utilized photographs taken from high floors and failed to consider the lower floors of the La Sierra building, the premium rooms of the Hotel Del Coronado, the persons utilizing the walk on the top of the Seawall and the persons on the beach who are forced to gaze at the 20 foot structure blocking easy access to the Seawall walk.
9. The very narrow beach at the approved **Site** limits use of the beach near the best public access point.
10. Protection of the shoreline will not be well served by the unnecessary construction of the proposed shoreline protection device designed to protect the **Site**. The adverse impacts of the **Site** includes causing accelerated and increased erosion, increasing beach scour, and occupying sandy beach area thus denying its use to the public. The **Site** is in the surf and will require that pilings be driven some 20 feet into the sand incurring significant construction costs, maintenance cost and environmental damage.

The construction supporting the facility will create a scour zone around the base of the **Site**.

11. There are Public Access issues. No parking is provided for the proposed **Site** and, based on observations of Avenida del Sol it yields, only 3 to 8 parking spaces for beach users per day because of workers in the area who take up most of the spots by 6:30 AM each day.
12. Danger to the public may be created by the lack of parking as beach users are attracted to the area and cross the Strand, ignoring the no crossing signs, at locations with limited visual distance for drivers to avoid the families crossing the Strand.
13. The City failed in its obligation to review equally suitable or superior sites in order to rule them out as infeasible before settling on the **Site** as the least environmentally damaging alternative. There are four alternate sites that come easily to mind which were not fully explored that appear to be superior to the **Site** in the surf approved by City Council. These are: (a) A facility integrated into the proposed Hotel Del Coronado conference center and/or into the parking area. The beach is wider at this location and the **Site** would not be subject to action by the surf. The Hotel needs the cooperation of the City and should consider favorably a facility proposed by the City that could be used by its guests; (b) A location behind the Seawall in the corner of the Las Arenas parking area. Given the structure proposed for the **Site**, if the same structure were utilized in the southern corner of the Las Arenas parking area, it would not disrupt current parking and not be offensive visually as it would be below the current Seawall walk railing. Given a location behind the Seawall, the location would be cheaper to install, have greater longevity and not create scour or negative environmental effects. In addition, it would be within view of the Shores security personnel and in an area utilized fully by beach goers and surfers; (c) A similar location in the Avenida del Lunar parking area; and (d) A location at the Amphibious Base Beach adjacent to the Lunar parking area which will serve the military families that use the beach and seem to have been forgotten by the City.

EXHIBIT A

Coronado Municipal Code - Coastal Permit Chapter:----

86.70.100 Application procedure - Hearing, notice.

A. Upon the filing of a complete coastal permit application, the Coastal Permit Administrator shall, in a timely manner, schedule a public hearing on the request before the Planning Commission, and provide public notice of the public hearing.

B. Public notice shall be provided at least 10 calendar days prior to the first coastal permit public hearing. Public notice shall consist of notice by first class mail to each applicant, to all persons who have requested to be on a mailing list for the specific project, to all occupants and property owners of property within 100 feet of the perimeter of the project site, and to the California Coastal Commission; and publication of a public notice in a newspaper of general circulation in the City of Coronado. In the situation of a continued hearing, additional notice in conformance with the procedure for the original notice shall be mailed out (if not previously stated in the first notice provided, nor announced at the hearings as to a time certain). The public notice shall contain the following information:

1. A statement that the proposed project or activity requires a City coastal permit (as per CMC 86.70.050);
2. The date of filing of the application and the name of the applicant;
3. The number assigned to the application;
4. A description of the proposed development and its location;
5. The date, time and place at which the application will be heard by the Planning Commission or City Council;
6. A brief description of the general procedure of local government concerning the conduct of hearing and local actions*; and
7. The system for City and Coastal Commission appeals, including City fees required.*

*Note: Subsections (B)(6) and (7) of this section will not be required for the newspaper public hearing notice. (Ord. 1588)

----These are the noticing requirement for the EIR, as found in the City's CEQA Guidelines:----

5.8 CERTIFICATION OF FINAL EIR

The Final EIR shall be submitted to the decision-making body for the project. (SG 15089) The Staff [or consultant] will prepare a "Notice of Public Hearing to Certify Final EIR" which:

- a. Announces that the Final EIR is on file at the City; and
- b. Sets a date, time and place for a public hearing, to be conducted by the decision-making body for the project to consider the certification of the Final EIR.

The Notice of Public Hearing to Certify Final EIR will be:

- a. Filed with the Office of Planning and Research;
- b. Published at least one time in a newspaper of general circulation within the City;
- c. Posted in the Office of the County Clerk of San Diego County;
- d. Mailed to all Responsible Agencies and Trustee Agencies identified in the Initial Study;
- e. Mailed to anyone requesting such notice who has deposited an amount sufficient to pay the involved costs;
- f. Mailed to landowners, as shown on the latest equalized tax rolls, of property within 300 feet of the project site (SG 15087); and
- g. When a state agency is a responsible/trustee agency or project will have statewide, regional or area wide impact outside the City, the Staff [or consultant] will submit the Notice of Completion and ten copies of the Final EIR to the State Clearinghouse.

EXHIBIT B

LOCAL COASTAL PROGRAM

LAND USE PLAN

On October 27, 2016 your Planning Commission voted on the application for a South Beach Restroom. The issue before the Commission was to determine if the FEIR and compliance with the LCP could be affirmed to the City council. This was motioned and approved.

The LCP is an integral part of the General Plan and the zoning code to define appropriate actions going forward for our City.

My understanding of the Planning Commission's role is to confirm that applicants meet or exceed compliance with respect to the LCP, General Plan and zone code requirements and can withstand a legal challenge.

FIRST - I am in favor of a public restroom supporting the south beach recreational activities.

SECOND - If code compliance is not a high priority, you need not read any further.

THIRD - The following is a list of concerns, in chronological order of the LCP, that I feel fall short of compliance. Some issues are black and white. Some issues are black and white but require an opinion of degree of concern and importance.

FOURTH - Next is a list of comments concerning the written information provided to the Commission stating positions that Team King believes support the FEIR & LCP.

FIFTH - Last are comments on statements included by Team King in the RESOLUTION NO. 7-16.

II. ADOPTED POLICIES pg 6

A. SHORELINE ACCESS pg 6

5. Wherever appropriate and feasible, add public facilities, including parking areas of facilities, to mitigate against the impacts of overcrowding or overuse by the public of any single area.

The King Team states that there is no change in parking required for this project. Private parking (Hotel Del @ \$70 for 3 hrs.) cannot be used to meet LCP standards.

That does not address the compliance required to meet this LCP requirement. No information was provided that supports a position of "no parking required".

E. DIKING, DREDGING, FILLING AND SHORELINE STRUCTURES pg 13

4. Require that any permanent building, or other structure proposed for construction be set back from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures. The builder, at the discretion of the City, shall provide a certification by a civil engineer that the proposed construction site meets this criteria.

The King Team confirms that the restroom facility is not in compliance and requires a shoreline altering devise, which is incorporated in the application.

I agree that the application is not in compliance.

11. Pursue the eventual elimination of the beach erosion problem South of the Hotel del Coronado jetty.

The King Team did not address this LCP statement.

It's clear that our City knows about the erosion issues per this LCP statement, but I find no action as requested by the LCP. The erosion issue is stated under item E. page 13 and again page 26 which I deem as City acknowledgement that erosion south of the jetty is a serious concern. If one tries to connect the dots of this statement against the E.4 statement above which states: " construction be set back from an eroding beach" " Houston we have a problem".

J. LOCATING AND PLANNING NEW DEVELOPMENT pg 17

2. Assure that new development permitted within the City be designed in maintain public access to the coast by:

- a. Providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The King Team position on this requirement is that no parking is required.

The LCP is clear that a new development provide adequate parking. To rely on a private parking option to support of the King Team opinion of no parking required falls far short of compliance. One might pause when considering

"maintain public access" stated above knowing that post construction our residents and guests will access the south beach via a public restroom.

III ADOPTED ACTION PROGRAMS pg 18

A. SHORELINE ACCESS

10. That the City facilitate shoreline access by developing a program to provide additional and to maintain adequate public parking spaces in and near the Orange Corridor and coastal recreational areas of the City.

The King Team has not developed this program.

This is not compliant with the LCP. No program was provided to the Planning Commission.

- a. The City shall develop a survey of the amount and utilization of parking currently available for public recreational use, and current and future demand for such parking for beach and shoreline access in the near shore areas at the northern and southern ends of the Orange Avenue Corridor.

The King Team has not done this survey.

This is not compliant as no survey was provide to the planning commission.

12. Where public prescriptive rights exist in association with development, the review procedures in accordance with the Attorney General's Implied Dedication and Prescriptive Rights Manual shall be utilized to further investigate the possibility of prescriptive rights of access and to protect such rights as necessary.

The King Team did not use the above procedures to answer Planning Commission prescriptive rights questions; in fact, the team has no idea what the manual says!

If you don't know what the manual says (which I have reviewed) it would suggest Team King is not in compliance with LCP section.

H. VISUAL RESOURCES AND SPECIAL COMMUNITIES pg 27

10. The following minimum amount of landscaping shall be provided for new development:

For the OS zone a requirement of 15%.

Team King states that the project is in an UN-ZONED PORTION OF THE CITY AND IN A RIGHT-OF-WAY that does not need to comply with the LCP or other

zone requirements. This position defies all historical rulings and sets a precedent for actions within R-O-W's that will forever haunt us.

Per the zoning map included as part of the LCP this project falls in the OS zone and requires a 15% landscaping component. The project is not in compliance.

I. PUBLIC WORKS pg 29

7. That the number of off-street parking spaces required shall be no less than hereinafter listed:

- a. Non-specified land uses: Where the minimum number of parking spaces for a use are not specifically provided for here-in, the minimum number of parking spaces for such use shall be established by the Planning Commission, and such determination shall be based upon the requirements for the most comparable uses herein described.

The LCP goes on to establish parking requirements for applicants that are similar to existing established standards. The LCP includes a zoning map to define specific zone areas and per this document this project is in the OS zone. This OS parking requirement is not established and needs to be determined by your Planning Commission.

The King Team states that no parking is required and does not need to be in compliance with the LCP.

The project is not in compliance, as the Planning Commission has not defined a parking standard.

CORONADO PLANNING COMMISSION

AGENDA ITEM
Public Hearing

CP2016-01: IS2013-05

II. ADOPTED POLICIES pg 10

E. 4. Require that any permanent building or other structure proposed for construction be set back from eroding beach coastline a distance sufficient to assure the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures

Team King states that the project is consistent with the above policy.

This is not accurate. The project requires a shoreline structure (the wall meets our code definition of a structure).

H. Visual Resources and Special Communities

4. Reaffirm the environmental design Review Commission as an agency to assist in the achievement of "... a beautiful, pleasant, principally residential comment by fostering an encouraging good design, harmonious colors and materials, good proportional relationships and generous landscaping, etc.

Team King states that the project is in compliance with the above statement without complying with LCP 15% landscape requirement.

Project not in compliance.

RESOLUTION NO 7-16

The resolution voted on by the Planning Commission states, in part, that the Commission agrees that LCP policies A.5., E.1., E.4., E.5., H.2. AND H.4. are incorporated and fully compliant for the project.

The project does not comply with E.4.

The project does not comply with H.4.

SUMMARY: It is clear that the proposed project is not in full compliance with LCP. I did not address the FEIP as it seems of reduced value if the project does not comply with our LCP and zone requirements.

Our Mayor, Council, Team King and Commissions have expended substantial energy and resources to provide a first-class facility for our residents and visitors. It would be unfortunate for our City to lose control of the project due to a challenge of compliance.

Thanks Harry DeNardi

RESOLUTION NO. 8833

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CORONADO TO CERTIFY A FINAL ENVIRONMENTAL IMPACT
REPORT FOR A PROPOSED PUBLIC RESTROOM (SOUTH BEACH RESTROOM)
ADJOINING THE CUL-DE-SAC AT THE SOUTHWESTERLY END OF AVENIDA
DEL SOL; ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM;
ADOPT FINDINGS OF FACT; APPROVE A COASTAL PERMIT; APPROVE THE
EXTERIOR DESIGN; AND DIRECT STAFF TO FILE A NOTICE OF
DETERMINATION**

WHEREAS, in accordance with Chapter 86.70 of the City of Coronado Municipal Code, the City of Coronado has been requested to approve a Coastal Permit (CP 2016-01) to allow for the construction of a public restroom, and associated improvements, on City property adjoining the cul-de-sac at the southwesterly end of Avenida del Sol (Project); and

WHEREAS, the City of Coronado 2011/12 Capital Improvements Program included construction of the proposed south beach restroom and the City Council, in March 2011, directed staff to develop conceptual plans for a public workshop; and

WHEREAS, at the February 21, 2012 City Council meeting, the City Council selected the Avenida del Sol site as the preferred location for the proposed restroom; and

WHEREAS, at the March 17, 2015 City Council meeting, the Council considered the environmental Initial Study document prepared for the project and directed that an Environmental Impact Report (EIR) be prepared; and

WHEREAS, a Final EIR (State Clearinghouse No. 2015031093) consisting of the environmental Initial Study (dated March 2015), Draft EIR (dated June 2015), and Final EIR (dated September 2016) has been prepared and conducted in accordance with the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), the State CEQA Guidelines (California Code Regulations, Title 14, Section 15000 *et seq.*), and the City of Coronado CEQA Guidelines; and

WHEREAS, the Final EIR includes all comments received during the public review periods and the City's written responses to those comments; and

WHEREAS, the Final EIR concluded that, with the imposition of mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP), attached hereto as Exhibit A, the Project will not result in any residual significant and unavoidable environmental effects; and

WHEREAS, the City received additional comment letters concerning the Final EIR and the Project after the close of the public review period and oral testimony was given at public hearings at a Design Review Commission Meeting on September 29, 2016 and Planning Commission Meeting on October 27, 2016, and the City has responded to all late comments and testimony; and

WHEREAS, the additional information received concerning the EIR and the the close of the public review period did not constitute significant new information

EXHIBIT NO. 5

APPLICATION NO.

A-6-COR-16-0097

City Council

Resolution No. 8833



California Coastal Commission

require recirculation of the EIR pursuant to Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5; and

WHEREAS, pursuant to State CEQA Guidelines Section 15090, prior to approving the Project, the City Council shall certify the Final EIR; and

WHEREAS, pursuant to State CEQA Guidelines Sections 15091 and 15092, the City Council must make certain findings regarding the Final EIR attached hereto as Exhibit B, and adopt the MMRP; and

WHEREAS, the applicant for the Coastal Permit is the City of Coronado, as described in their application and plans submitted September 16, 2016, which are both made a part hereof and incorporated herein by this reference; and

WHEREAS, the proposed project complies with all policies, goals and standards of the City of Coronado's adopted Local Coastal Program; and

WHEREAS, the Design Review Commission of the City of Coronado did, pursuant to Coronado Municipal Code Section 80.00.040, hold a Public Hearing on September 28, 2016, on the exterior design of the South Beach Restroom and recommended approval of the exterior design; and

WHEREAS, the Planning Commission of the City of Coronado did, pursuant to Coronado Municipal Code Section 86.70.100, hold a Public Hearing on October 27, 2016, on the requested Coastal Permit on October 27, 2016 and recommended approval of the Coastal Permit; and

WHEREAS, the Design Review Commission and Planning Commission has reviewed the Environmental Impact Report prepared for the project under the requirements of the California Environmental Quality Act (CEQA), found that there is no substantial evidence from which it can be fairly argued that the project, as mitigated, will have a significant adverse effect on the environment, and recommended certification of the Final EIR; and

WHEREAS, said Public Hearings were duly noticed as required by law and all persons desiring to be heard at said hearing were heard; and

WHEREAS, evidence was submitted and considered to include, without limitation:

- A. All documentation submitted with and for this application as provided to the City Council;
- B. A Final EIR, including the Draft EIR and initial study and comments received in response and the City of Coronado's responses thereto;
- C. Oral testimony and other materials from staff, applicant, and public made a part of the public record at said Design Review and Planning Commission Public Hearings; and
- D. All documents and records filed in this proceeding by interested parties and the City of Coronado's responses thereto.

NOW, THEREFORE, BE IT RESOLVED that the City Council, after due consideration and at a Public Hearing, finds that:

1. The certification of the Final EIR and adoption of the MMRP satisfy the requirements of CEQA, and there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
2. The City Council hereby certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines.
3. The City Council hereby certifies that the Final EIR has been presented to the City Council, and the City Council has reviewed and considered the information contained in the Final EIR prior to approving the Project.
4. The City Council hereby certifies that the Final EIR reflects the City Council's independent judgment and analysis.
5. The City Council hereby incorporates into the Project all mitigation measures set forth in the Final EIR and authorizes their implementation. The MMRP for the Project, prepared in compliance with the State CEQA Guidelines and presented in Exhibit A incorporated into this Resolution, is hereby approved and adopted.
6. The City Council hereby makes and adopts the findings presented in Exhibit B attached to this Resolution and incorporated herein by this reference as required by State CEQA Guidelines Section 15091.
7. The City Manager or his designee, is directed to take all steps necessary or convenient to carry out the Project in accordance with the Final EIR, the MMRP, the findings incorporated into this Resolution, and such other requirements and approvals as specified by law.
8. The City Manager or his designee, is directed to file a Notice of Determination for the Project in accordance with CEQA and the State CEQA Guidelines.
9. Based on the absence of evidence in the record of these proceedings as required by Public Resources Code Section 21082.2 for the purpose of documenting significant effects on the environment, the City Council finds the Proposed Project will have impacts below the level of significance with regard to wildlife resources and, therefore, is hereby granted a "*de minimis*" exception in accordance with Fish and Wildlife Code Section 711. Additionally, the assumption of adverse effect is rebutted on the basis of the above referenced absence of evidence in the record.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Coronado does hereby make the following findings:

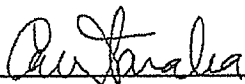
10. The exterior design of the South Beach Restroom is hereby approved as recommended by the Design Review Commission, and building permit plans must be in substantial conformance with the plans presented to the City Council on November 15, 2016.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Coronado does hereby make the following findings

11. The construction of a public restroom, as depicted in the application materials and Final EIR, including the Wave Run Up study and Addendum prepared by Terra Costa Consulting Group, Inc., is found to be consistent with the City of Coronado's adopted Local Coastal Program, including adopted policies A.5., E.1., E.4., E.5., H.2. and H.4.; and adopted action programs A.1.D. and B.3. outlined in the staff report, specifically the adopted action program A.1.D. related to shoreline access that calls for "Construction of additional restroom facilities on City controlled beaches";
12. The City Council approves the Coastal Permit for development of the South Beach Restroom and associated improvements, subject to the following condition of approval:
 - a. Construction of the Project shall be in conformance with the Mitigation Measures identified in the Final EIR and MMRP, and attached to this resolution as Exhibit A.
13. The City will allow the summer beach season to end before starting construction in approximately September 2017. It is anticipated that construction will take nine months to complete, allowing the restroom to be completed before the summer 2018 beach season. Therefore, due to the proposed project's schedule and timeline, the Coastal Permit will be valid for two years from the date of approval due to the ongoing nature of the project.
14. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings upon which the City Council's decision is based are located at the office of the City Clerk of the City of Coronado. The City Clerk is hereby designated as the custodian of all such documents and other materials (Address: 1825 Strand Way, Coronado, CA 92118), which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.
15. The Resolution shall take effect immediately upon its adoption.

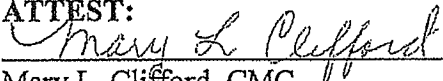
PASSED AND ADOPTED by the City Council of the City Coronado, California, this 15th day of November 2016, by the following vote, to wit:

AYES: BAILEY, DOWNEY, SANDKE, WOIWODE, TANAKA
NAYS: NONE
ABSTAIN: NONE
ABSENT: NONE



Casey Tanaka, Mayor
Coronado City Council

ATTEST:



Mary L. Clifford, CMC
City Clerk

EXHIBIT A

Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>NOISE</p> <p>NOI-1 Prior to the issuance of permits to perform construction, the construction contractor shall prepare a construction noise mitigation plan for review and approval by the City of Coronado Community Development Director and Director of Engineering. The plan shall be implemented during the entire nine-month project construction schedule. The construction noise mitigation plan shall include a combination of the following methods to ensure that construction activities do not exceed 75 dBA L_{eq} during any 1-hour period at the nearest residential area:</p> <ul style="list-style-type: none"> • Post signs clearly visible on the project site and in conspicuous locations throughout the La Sierra complex. The signs shall be posted at least five business days prior to the start of construction activities and shall include a contact name and telephone number of the City's authorized representative to respond in the event of a noise complaint. • Maintain all construction equipment with properly installed and sized mufflers. • Utilize quieter backup alarms that can be manually or automatically adjusted according to ambient noise and to comply with OSHA noise requirements. • To the extent feasible, encase or provide sound curtains around stationary noise sources such as pumps and compressors. • To the extent feasible, locate operating stationary equipment as far away as practical from residences. • In response to a valid noise complaint, investigate potential noise exceedances by measuring noise levels during construction activities at the complainant's location and/or the nearest residential area property line to ensure that noise levels due to construction activity(ies) do not exceed the 75 dBA L_{eq}-1hr noise standard. If noise levels exceed 75 dBA L_{eq}-1hr, the City 	Construction Contractor	Before and during construction	City of Coronado	

Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>and its construction contractors shall investigate the individual equipment or process sources that are causing excessive noise and implement additional measures to comply with the construction noise standards in the Municipal Code. The additional measure(s) may include supplementary muffling on noisy exhausts, additional sound curtains around particularly noisy equipment items, an area-wide sound curtain (to cut off the sound propagation angle to either the residences or the hotel), and/or the use of smaller equipment items (such as trenchers, cranes, or backhoes).</p>				

EXHIBIT B

CEQA FINDINGS OF FACT REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF CORONADO SOUTH BEACH RESTROOM PROJECT STATE CLEARINGHOUSE NO. 2015031093

I. BACKGROUND

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project, pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA and adopted by the City Council of the City of Coronado in Resolution No. 7103.

A. Project Summary

Project Location

The proposed project site is located seaward of an existing rock revetment/riprap at the street-end of Avenida del Sol in an area known as "South Beach" in the City of Coronado, San Diego County. The site is entirely within the City's right-of-way limits on City-owned property.

Project Description

The South Beach Restroom Project involves the construction of a new public restroom to accommodate an existing demand. The project would require the reconfiguration of existing rock revetment/riprap within the project site and the removal of existing stairs that lead to the beach. The new building would be approximately 235 square feet and include three single-accommodation stalls, an American with Disabilities Act (ADA) accessible stall, and a storage closet. A building plaza of approximately 1,000 square feet would adjoin the facility and provide patio area for the building's exterior hand washing sinks, hand dryers, showers, and a new ADA access ramp. The ramp would provide access to the facility from the street, and new stairs would provide access from the patio to the beach. For wave and shore protection, the building would have a mat foundation protected by an underground steel sheet-pile bulkhead (i.e., seawall) seaward of and along the proposed improvements. Construction of the proposed restroom facility would start after Labor Day in 2017—after the summer season—and be completed in one general phase that would last up to nine months.

B. Environmental Review Process

In conformance with CEQA, the State CEQA Guidelines, and the City of Coronado ("City") CEQA Guidelines, the City conducted an extensive environmental review of the proposed project.

- The City determined that an EIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on March 30, 2015. The public review period extended from March 30, 2015, to April 28, 2015.
- Based upon the Initial Study and Environmental Checklist Form, the City staff determined that a Draft EIR (DEIR) should be prepared for the proposed project. The scope of the DEIR was determined based on the City's Initial Study and comments received in response to the NOP. Section 2.3 of the DEIR describes the issues identified for analysis in the DEIR.
- The City prepared a DEIR, which was made available for a 45-day public review period beginning June 25, 2015, and ending August 10, 2015.
- The City prepared a Final EIR (FEIR), including the Responses to Comments to the DEIR, which contain comments on the DEIR, responses to those comments, and revisions to the DEIR.

C. Record Of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The DEIR for the proposed project
- The FEIR for the proposed project
- The reports and technical memoranda included or referenced in the DEIR
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR
- All written and verbal public testimony presented during a noticed public hearing for the proposed project and comments received after the close of the comment period and responses thereto
- The Mitigation Monitoring and Reporting Program
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and FEIR
- The Resolutions adopted by the City in connection with the proposed project, and all exhibits and documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings

- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

D. Custodian and Location Of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project on which these findings are based are maintained at the City of Coronado office, 1825 Strand Way, Coronado, California 92118. The City Clerk of the City of Coronado is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the front desk at City Hall. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. FINDINGS AND FACTS AND OVERRIDING CONSIDERATIONS

The City, as lead agency, is required under CEQA to make written findings concerning each alternative and each significant environmental impact identified in the DEIR and FEIR.

Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.
- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially

lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The "changes or alterations" referred to in Section 15091(a)(1) may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

III. FINDINGS AND FACTS REGARDING IMPACTS

A. Impacts Determined to Be Less Than Significant

Initial Study

An Initial Study was prepared by the City to identify the potential significant effects of the project. The Initial Study was completed and distributed with the Notice of Preparation for the proposed project, dated March 30, 2015, and is included in the EIR as Appendix A. The Initial Study determined that the proposed project would not have the potential to result in significant impacts to the following resources:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing

- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Service Systems.

All other topical areas of evaluation included in the Environmental Checklist (Aesthetics and Noise) were determined to require further assessment in an EIR.

Final EIR

This section identifies impacts of the proposed project which the FEIR determined to be less than significant without implementation of project-specific mitigation measures. This determination assumes compliance with Existing Regulations as detailed in Chapter 5 of the FEIR.

1. Aesthetics

Impact 5.1-1: The proposed project would not substantially alter public views of the Pacific Ocean.

The proposed restroom structure would be 235 square feet and would not exceed the height limits specified in the Coronado Municipal Code. The proposed project will be developed between the Pacific Ocean and the private views from the surrounding uses such as Hotel del Coronado, Coronado Shores, and La Sierra. Public viewing areas of the Pacific Ocean near the project site include those from the Avenida del Sol right-of-way, and public easements/accesses between the beach and Hotel del Coronado and Coronado Shores, located to the west and east of the project site, respectively. Visual simulations of the proposed project from these public viewing areas have been prepared (DEIR, 5.1-10).

View from Public Access near Hotel del Coronado. The proposed improvements are constructed south and east of the emergency access driveway and rock riprap. The final floor elevation of the proposed plaza would be slightly below the top of rock riprap adjacent to the emergency access driveway, and the roof of the proposed restroom structure would be slightly above the rock riprap near Coronado Shores. (Draft EIR Figure 5-1) Although the building would slightly block existing views of the beach and ocean, as viewed from this public viewing area, most of the restroom structure would be situated near the rock riprap near the La Sierra condominium tower. The level of effort that would be required by a viewer to retain the view of the ocean, looking southwest from the public access along the hotel's waterfront, would not be considerable, and views of the ocean would not be substantially obstructed.

View from Public Access near Coronado Shores. Due to the higher elevation in front of Coronado Shores (compared to the project site's elevation), only a small portion of the proposed restroom structure's rooftop would be seen from this public viewing area. As shown in Figure 5-2 of the Draft EIR, the exterior of the structure would be finished with a natural rock veneer, containing similar features of that of the adjacent riprap, and the color of the rooftop would blend in with the surrounding beach sand. The color of the architectural cap of the bulkhead/seawall would also blend in with the sand and appear similar to the seawall along the Coronado Shores public access. While the rooftop of the building would slightly cover existing views of the shoreline (i.e., intertidal zone) in front of the Hotel del Coronado, the obstruction would be minimal, and the level of effort required by a viewer to retain the view of the ocean, looking toward the project site at the public access in front the La Sierra tower, would not be extensive. The proposed improvements would not substantially block public views of the ocean, as viewed near the Coronado Shore's public access.

View from Public Right-of-Way at Avenida del Sol (Existing Roadway Elevation). The proposed improvements would be developed seaward of existing rock riprap. The exterior wall of the restroom

building and the roof would blend in with the surrounding rock riprap and beach sand, and the architectural cap of the bulkhead/sea wall would generally align with where the surf breaks. As shown in Figure 5-3 of the Draft EIR, the height of the building would be approximately the same height as the existing rock riprap, and the level of effort required by a viewer on Avenida del Sol to retain the view of the ocean would not be extensive. Therefore, public views of the ocean would not be substantially blocked.

View from Public Right-of-Way at Avenida del Sol (Future Elevated Roadway). This viewpoint will be improved from Avenida del Sol after the roadway is elevated by approximately 4.5 feet; once the roadway is elevated, the restroom structure would appear to be situated lower on the beach when compared to the current roadway elevation, and less of the building would be visible as shown in Figure 5-4 of the Draft EIR. The elevated roadway would further reduce the level of effort required by a viewer on Avenida del Sol to retain the view of the Ocean. Under future conditions at Avenida del Sol, the proposed improvements would not substantially block public views of the ocean.

The various views from both private and public property have been analyzed for impacts on views of the Pacific Ocean. Although the building would obstruct public views of the Pacific Ocean, as substantiated, the blockage is not extensive, and little effort would be required by the viewer to retain a view of the ocean from public vantage points.

Impact 5.1-2: The proposed project would alter the visual appearance of the site, but would not substantially degrade its visual character or quality or that of the surrounding area.

The project site consists of rock revetment/riprap with a height of up to 12 feet, a stairwell that provides street access to the beach, and 1,135 sf of beach sand. Project implementation with a 235 sf building, an approximate 1,000 sf patio, a 215 sf ADA access ramp, and a seawall and stairs along the southern portion of the site would change the visual appearance of the site.

However, the proposed design of the restroom facility—from the height, bulk, orientation, and location of the structure to the exterior building colors and materials, including the roof and walls—takes into consideration the visual character and quality of the surrounding area. Community input was also taken into account through a series of public meetings on the project, and many alterations to the project design have been applied to conform to existing visual character as expressed by the community.

Determination of a significant impact on visual quality and character is highly subjective. Identifying how a proposed development would fit or blend with the existing scale and character of the surrounding developed and natural environment is key to determining significance. A project could potentially meet all design standards and zoning requirements but still have a significant impact on the visual quality and character within the site surroundings.

The City of Coronado does not have significance thresholds for visual character and quality impacts. For the purposes of this project's visual character and quality impact analysis, the City of Coronado has elected to apply the City of San Diego's significance threshold, which includes five conditions (San Diego 2011). Projects that severely contrast with the surrounding character may result in a significant impact if one or more of the conditions apply.

A. The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.

B. The project would have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town).

C. The project would result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historic landmark) which is identified in the General Plan or local coastal program.

D. The project is located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk, signage, or architectural projections.

E. The project would have a cumulative effect by opening up a new area for development or changing the overall character of the area (e.g., rural to urban, single-family to multi-family). Analysts should also evaluate the potential for a project to initiate a cumulative effect by building structures that substantially differ from the character of the vicinity through height, bulk, scale, type of use, etc., when it is reasonably foreseeable that other such changes in neighborhood character will follow.

Following the analysis conducted in the DEIR, potential impacts of implementation compared with the established significance thresholds for aesthetics would result in less than significant impacts. While the proposed project would alter the visual appearance of the site from beach sand to a restroom facility, the proposed improvements would not severely contrast with the character of the surrounding development, as substantiated in the DEIR analysis. The visual quality and character would not be significantly compromised.

2. Noise

Impact 5.2-1: The project would not create substantial groundborne vibration and groundborne noise.

The project has potential to generate groundborne vibration and noise in varying degrees of short-term ground vibration, depending on the construction procedures, the equipment used, and the proximity to vibration-sensitive uses. Construction equipment generates vibrations that spread through the ground and diminish in amplitude with distance from the source. The effect on buildings near a construction site varies depending on soil type, ground strata, and receptor building construction. The generation of vibration can

range from no perceptible effect at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight damage at the highest levels.

Groundborne Vibrations

Groundborne vibrations from construction activities can potentially generate two types of impacts—architectural damage and annoyance. For the former, the analysis considers maximum levels from equipment that is at the closest point to potential receptors (i.e., at the property line of the construction site), since this is the situation most likely to induce damage. For the latter, energy-average vibration levels are considered over the spatial average of the overall construction zone. Thus, the two assessments use different criteria, metrics, and distances to receptors.

For damage effects, there would be no substantial vibration impacts that could cause architectural damage to the nearest receptors—approximately 80 feet from the boundary of the project site—since projected vibration levels would be well below PPV 0.2 in/sec. at that distance. This result includes the use of a vibratory hammer (upper range) for the installation of the bulkhead/seawall. Other equipment would consist of typical earthmoving equipment, such as backhoes, excavators, and trucks, none of which generate vibration levels that cause architectural damage to buildings.

While no architectural damage is predicted as a result of construction activities, vibration could reach levels that cause annoyance at nearby receptors. The FTA sets a level of 78 VdB for residential uses during the daytime hours that are commonly used by local jurisdictions to assess vibration impacts. The soil type in the area is emplaced fill or loose shoreline sediments, which transmit vibration levels less effectively than most soil types. In these soil types, obtrusive vibration levels seldom occur more than 50 feet from the construction equipment (FTA 2006). Therefore, at the nearest residential buildings, approximately 145 feet away from the center of the construction zone, vibration levels would be generally imperceptible, even for typical use of a vibratory hammer for the installation of the bulkhead/seawall. Occasional peak excursions of vibratory energy may be noticeable at times, but such occurrences are expected to be rare, intermittent, and short-lived. Additionally, the use a vibratory roller would be sporadic and short term during the two weeks of the finishing phase. Therefore, short-term impacts from groundborne vibration during construction—relative to both architectural damage and annoyance effects—would be less than significant, and no mitigation measures would be required.

Following the completion of construction, the ongoing operations of the proposed project would not use any equipment items or processes that would generate meaningful groundborne vibration. Thus, long-term operations would also create less than significant groundborne vibration, and no mitigation measures would be required.

Groundborne Noise

Title 41 of the Coronado Municipal Code has provisions to regulate noise during construction. According to Section 41.110.040, "Construction noise curfew," it is unlawful to perform construction activities between 7 PM and 7 AM on any day, or to create disturbing, excessive, or offensive noise on legal holidays and Sundays. Section 41.10.050 sets a one-hour noise limit of 75 dBA Leq (Leq-1hr) for construction occurring between 7 AM to 7 PM at or within the property line of any property zoned residential.

Sensitive receptors that may be affected by project construction noise include the La Sierra condominium tower at Coronado Shores (approximately 145 feet from the center of construction activities), the Coronado Shores condominiums beach entrance (290 feet to the northeast of the site), the Ocean Towers at Hotel del

Coronado (265 feet northwest of the site), and the Ocean Towers beach entrance (390 feet to the northwest of the site).

Operational noise levels associated with most construction equipment range between 80 and 88 dBA at 50 feet. Noise from localized point sources (such as construction equipment) decreases by approximately 6 dB with each doubling of distance from the source to receptor. Because equipment operates intermittently and moves around the site, noise from construction equipment would be variable and sporadic on any given day. Prior to constructing the proposed structure, the site preparation, grading, and trenching subphases of construction are project to last a total of 15 days. The building construction would last approximately nine months, some part of which would include the installation of the sheet-pile bulkhead/seawall.

During grading, which is typically the loudest phase of construction, the noise levels at the nearest condominiums would be 79 dBA Leq, and 71 dBA Leq at the southernmost pool on the Hotel del Coronado property. The noise levels during building construction, the longest phase, would be 75 dBA Leq and 67 dBA Leq, respectively. However, it should be noted that the noise levels from building construction would be intermittent and would occur only when large equipment pieces (such as drill rigs or cranes) or power tools would be used outside the building. During building construction, perceptible noise would be variable and sporadic, ranging from periods of notable noise production to long periods in which noise levels are barely perceptible to nearby uses. Following completion of construction, operational noise impacts would be from pedestrian and automotive sources.

B. Impacts Mitigated to Less Than Significant

The following summaries describe impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the EIR, these impacts would be considered less than significant.

1. Noise

Impact 5.2-2: Construction activities would result in temporary noise increases in the vicinity of the proposed project.

During periods of highest construction activity, it is possible that construction activities could exceed the City of Coronado Municipal Code noise standard of 75 dBA Leq-1hr at the nearest La Sierra building. Construction of the proposed project would start after Labor Day 2016 and would last for approximately nine months. Construction equipment may include a single loader, backhoe, vibratory roller, compactor, heavy trucks for soil haul and deliveries, and an impact or vibratory hammer to install the sea wall. The construction staging area would be on-street, at the Avenida del Sol cul-de-sac, between the stairwell to the project site and public access in front of the adjacent condo development. An alternative staging area is proposed at the southwest corner of the Hotel del Coronado property; the use of this alternative site is contingent upon the hotel's approval.

Noise generated during construction is based on the type of equipment used, the location of the equipment relative to sensitive receptors, and the timing and duration of the noise-generating activities. Each stage of construction involves the use of different kinds of construction equipment and, therefore, has its own distinct noise characteristics. Noise levels from construction activities are dominated by the loudest piece of construction equipment. For example, impact hammer activities would generate the highest noise levels,

followed by diesel engine noise. Given the relatively small construction site, there would be little spatial distinction for this project between "stationary" sources (such as an air compressor) and "mobile" sources (such as backhoes or loaders).

Noise levels from project-related construction activities were calculated for the simultaneous use of all applicable construction equipment during each phase. These calculations were made to the closest property line of the nearest sensitive receptors. The nearest potentially affected sensitive receptors are the La Sierra condominium tower at Coronado Shores (approximately 145 feet from the center of construction activities), the Coronado Shores condominiums beach entrance (290 feet to the northeast of the site), the Ocean Towers at Hotel del Coronado (265 feet northwest of the site), and the Ocean Towers beach entrance (390 feet to the northwest of the site). Noise levels during construction of the restroom were calculated using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) and the list of equipment for the different phases of the project. Prior to constructing the proposed structure, the site preparation, grading, and trenching subphases of construction are projected to last a total of 15 days. The building construction would last approximately nine months, some part of which would include the installation of the sheet-pile bulkhead/seawall.

During grading, which is typically the loudest phase of construction, the noise levels at the nearest condominiums would be 79 dBA Leq, and 71 dBA Leq at the southernmost pool on the Hotel del Coronado property. The noise levels during building construction, the longest phase, would be 75 dBA Leq and 67 dBA Leq, respectively. However, it should be noted that the noise levels from building construction would be intermittent and would occur only when large equipment pieces (such as drill rigs or cranes) or power tools would be used outside the building. During building construction, perceptible noise would be variable and sporadic, ranging from periods of notable noise production to long periods in which noise levels are barely perceptible to nearby uses.

Title 41 of the Coronado Municipal Code has provisions to regulate noise during construction. According to Section 41.110.040, "Construction noise curfew," it is unlawful to perform construction activities between 7 PM and 7 AM on any day, or to create disturbing, excessive, or offensive noise on legal holidays and Sundays. Section 41.10.050 sets a one-hour noise limit of 75 dBA Leq (Leq-1hr) for construction occurring between 7 AM to 7 PM at or within the property line of any property zoned residential. This would apply at the La Sierra buildings to the east and Hotel del Coronado to the northwest.

Because construction activities are predicted to exceed the 75 dBA Leq-1hr noise standard, Mitigation Measure NOI-1 would be required to ensure that quieter construction methods are used to reduce construction noise levels to 75 dBA Leq-1hr at a distance of 145 feet (i.e., distance to closest sensitive receptor, La Sierra Building). With implementation of the mitigation measure, noise levels during project construction would be reduced below the City's standard. Further, construction noise would be short term and would cease when project construction is completed. Therefore, with this mitigation measure, and because construction would be consistent with the allowable construction hours in the noise curfew, noise impacts during construction would be less than significant.

Mitigation Measures:

The following mitigation measures were included in the DEIR and the FEIR, and are applicable to the proposed project. The measures as provided include any revisions incorporated in the FEIR.

NOI-1

Prior to the issuance of permits to perform construction, the construction contractor shall prepare a construction noise mitigation plan for review and approval by the City of Coronado Community Development Director and Director of Engineering. The plan shall be implemented during the entire nine-month project construction schedule. The construction noise mitigation plan shall include a combination of the following methods to ensure that construction activities do not exceed 75 dBA Leq during any 1-hour period at the nearest residential area:

- a. Post signs clearly visible on the project site and in conspicuous locations throughout the La Sierra complex. The signs shall be posted at least five business days prior to the start of construction activities and shall include a contact name and telephone number of the City's authorized representative to respond in the event of a noise complaint.
- b. Maintain all construction equipment with properly installed and sized mufflers.
- c. Utilize quieter backup alarms that can be manually or automatically adjusted according to ambient noise and to comply with OSHA noise requirements.
- d. To the extent feasible, encase or provide sound curtains around stationary noise sources such as pumps and compressors.
- e. To the extent feasible, locate operating stationary equipment as far away as practical from residences.
- f. In response to a valid noise complaint, investigate potential noise exceedances by measuring noise levels during construction activities at the complainant's location and/or the nearest residential area property line to ensure that noise levels due to construction activity(ies) do not exceed the 75 dBA Leq-1hr noise standard. If noise levels exceed 75 dBA Leq-1hr, the City and its construction contractors shall investigate the individual equipment or process sources that are causing excessive noise and implement additional measures to comply with the construction noise standards in the Municipal Code. The additional measure(s) may include supplementary muffling on noisy exhausts, additional sound curtains around particularly noisy equipment items, an area-wide sound curtain (to cut off the sound propagation angle to either the residences or the hotel), and/or the use of smaller equipment items (such as trenchers, cranes, or backhoes).

Finding:

The City of Coronado hereby finds that implementation of Mitigation Measure NOI-1 is feasible, and is therefore adopted (Public Resources Code § 21081[a][1], Guidelines § 15091[a][1]). Therefore, the City of Coronado hereby finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

C. Significant Unavoidable Adverse Impacts

The FEIR did not identify any significant and unavoidable adverse impacts that would result from implementation of the proposed project.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to less than significant by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated.

The FEIR determined that all of the potentially significant impacts of the project can be avoided or reduced to a level below significance by the implementation of feasible mitigation measures. The potentially significant impacts and the mitigation measures that can avoid or reduce them below significance and the City of Coronado's findings concerning them are set forth in section III above. The mitigation measures also are set forth in the Mitigation Monitoring and Reporting Program adopted by the City of Coronado pursuant to Public Resources Code Section 21081.6 and State CEQA Guidelines Section 15097.

The FEIR examined a reasonable range of alternatives to determine whether they could meet the project's objectives while avoiding or substantially lessening one or more of the project's significant impacts. The alternatives analyzed in Chapter 7 of the FEIR included the No Project Alternative and the Prefabricated Restroom Facility Alternative. However, the FEIR determined that all of the potential significant impacts of the project can be reduced or avoided to a level below significance by the implementation of feasible mitigation measures set forth in the Mitigation Monitoring and Reporting Program. Accordingly, no findings regarding the feasibility of project alternatives are required.

PUBLIC HEARING: CONSIDERATION OF AN ENVIRONMENTAL IMPACT REPORT AND REQUEST FOR APPROVAL OF A COASTAL PERMIT FOR A PROPOSED PUBLIC RESTROOM ADJOINING THE CUL-DE-SAC AT THE SOUTHWESTERLY END OF AVENIDA DEL SOL (CP2016-01; IS2013-05 – SOUTH BEACH RESTROOM PROJECT)

RECOMMENDATION: Hold the public hearing; consider testimony and recommendations from the City’s Design Review and Planning Commissions; and adopt “A Resolution of the City Council of the City of Coronado to Certify a Final Environmental Impact Report for a Proposed Public Restroom (South Beach Restroom) Adjoining the Cul-de-Sac at the Southwesterly End of Avenida Del Sol; Adopt a Mitigation Monitoring and Reporting Program; Adopt Findings of Fact; Approve a Coastal Permit; Approve the Exterior Design; and Direct Staff to File a Notice of Determination” (Attachment 1).

FISCAL IMPACT: The Capital Improvements Program budgeted \$841,500 for this project in prior fiscal years. No additional funding would be required to complete the design. Staff will return to the Council and request to bid the project once the design has been fully completed and provide a more accurate cost estimate at that time. Once the project is bid, staff will seek the Council’s approval to award the project and will provide a revised cost for the project based on actual bid prices.

Spent to date		
Design		\$ 36,500.00
Civil Engineer		\$ 9,900.00
Coastal Engineer		\$ 31,142.00
EIR/Attorney		\$ 153,810.00
Pemits		\$ 3,893.00
Simulations		\$ 8,820.00
Newspaper ads		\$ 623.00
Subtotal		\$ 244,688.00
Final Design		
Design		\$ 116,000.00
Construction Cost Est		\$ 570,000.00
Contingency	20%	\$ 114,000.00
Construction Management		\$ 40,000.00
Testing Inspection		\$ 14,000.00
Subtotal		\$ 854,000.00
Total		\$ 1,098,688.00

The funding sources listed in the Capital Improvement Program are General Fund and Hotel del Coronado Development Agreement contribution. The 2002 Hotel Del Development Agreement and its 2008 amendment provide \$1 million for the construction of public improvements. One hundred fifty thousand dollars was paid to the City at the time the second amendment was in 2008; \$250,000 will be paid at the time the building permits are issued for the South Beach Guestrooms; and \$500,000 will be paid at the time building permits are issued for the South Beach

11/15/16

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City Council Staff
Report
 California Coastal Commission

Conference Center, if the project is pursued. But, as page 35 of the September 28, 2010, Coastal Commission staff report for revisions to the Hotel Del Master Plan shows, “The money given to the City is not required to be used for improvements to public access and recreation, or for improvements in the vicinity of the hotel.” In other words, the contribution to the City is General Fund money and can be used at the discretion of the City Council for any project. The construction of the proposed restroom is, therefore, using General Funds. The City is not required to construct the project nor is the project a condition or mitigation of the Hotel Del Master Plan.

CITY COUNCIL AUTHORITY: Certification of an Environmental Impact Report (EIR) per the California Environmental Quality Act (CEQA) is an administrative decision on the part of the City Council. Administrative decisions, sometimes called “quasi-judicial,” or “quasi-adjudicative” decisions, involve the application of existing laws or policies to a given set of facts. Under CEQA, the Council’s role for this City project is that of the “Lead Agency.” As the Lead Agency, the City Council determines whether a Negative Declaration, Mitigated Negative Declaration, an Environmental Impact Report, or some other level of environmental analysis is appropriate for a “project” and whether that analysis, once completed, is adequate per CEQA.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION: The California Environmental Quality Act (CEQA) requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects. For the South Beach Restroom Project, the City Council determined that an EIR be prepared to satisfy CEQA requirements and the State and local CEQA Guidelines. The EIR is a public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project on the surrounding environment, to indicate possible ways to reduce or avoid environmental damage, and to identify alternatives to the project.

The EIR for the South Beach Restroom Project focuses on impacts determined to be potentially significant in the Initial Study completed for this project: Aesthetics and Noise (related to construction activity). The EIR did not identify any significant and unavoidable adverse impacts that would result from implementation of the proposed project. One impact, construction noise, was found to be less than significant after implementation of mitigation measures. A condition of approval is included to ensure compliance with the Mitigation Measures identified in the EIR related to potential construction noise impacts.

The Draft EIR was released on June 24, 2015, with the public comment period extending to August 10, 2015. Public comments were received and those comments, as well as responses to those comments, have been provided in the Final EIR. The Final EIR was previously provided to the Councilmembers for their consideration. Due to the voluminous nature of the Draft EIR, hard copies are available for review at City Hall in the City Clerk’s Office, at the Community Development counter, and at the Library reference center. All related environmental documents including the Draft and Final EIRs are available for review on the City’s website at:

https://www.coronado.ca.us/government/departments_divisions/community_development/planning_and_zoning/current_projects/.

The EIR should be considered and certified with the required findings prior to approving the project.

PUBLIC NOTICE: Notice of this public hearing was published in the *Coronado Eagle & Journal* on November 2, 2016, and mailed to all property owners within 300 feet and all occupants within 100 feet of the project site.

BACKGROUND: The South Beach Restroom Project (Attachment 2) is proposed to address the existing demand for public restrooms along South Beach between Central Beach and the northern boundary of the Naval Amphibious Base. The restroom addresses both environmental and property trespassing concerns. Coronado beaches are popular recreational locations. When the weather is favorable, as it often is in Coronado, South Beach has many beachgoers. With no public restroom to serve them, people use the surrounding landscape, the ocean and restrooms on private property to relieve themselves. The City Council has discussed the need for a new restroom at South Beach for a number of years and, in June 2010, included it in the 2011/12 Capital Improvement Program. In March 2011, the City Council confirmed its commitment to the project and directed staff to develop conceptual plans for a public workshop. In the summer of 2011, a Request for Qualifications was issued for the preparation of a conceptual design and the architectural firm of Hanna Gabriel Wells was selected. A public workshop was held with Coronado Shores residents and their Landscape and Recreation Committee in December 2011, and a meeting for the general public was held in January 2012.

The City Council discussed the results of the public workshops, and the project's conceptual design and potential site locations at its February 21, 2012 meeting. At that meeting, the Council endorsed the Avenida del Sol site as the preferred location for a facility. On March 5, 2013, the findings of a wave run-up analysis, sea level rise, fault zones, and beach scour were presented to the City Council. The Council accepted the report and directed staff to proceed with environmental analysis. In November 2013, the City Council awarded a contract to The Planning Center (renamed later to PlaceWorks) to complete the environmental (CEQA) study for the project. At the March 17, 2015 City Council meeting the Council considered the environmental Initial Study document and directed that an Environmental Impact Report (EIR) be prepared.

The City's Design Review Commission held a public hearing on the proposed South Beach Restroom on September 28, 2016, that was focused on the EIR and the exterior design of the restroom structure. After hearing staff presentations and public testimony, the Design Review Commission voted 4-0 to recommend the City Council certify the EIR, and voted 3-1 to recommend the City Council approve the exterior project design (Attachment 3).

The City's Planning Commission held a special public hearing on the proposed South Beach Restroom on October 27, 2016, that was focused on the EIR and the Coastal Permit request. After hearing staff presentations and public testimony, the Planning Commission voted 4-1 to recommend the City Council certify the EIR and approve the Coastal Permit (Attachment 4).

The proposed public restroom will address an existing public need. The City of Coronado maintains three, high use, recreational beaches: North, Central and South Beaches. Of the three, South Beach is the only beach where public restroom facilities are not available. Accordingly, the project is consistent with the Coastal Act that encourages local agencies to distribute public facilities for beach users to mitigate against overcrowding and overuse in any one single area of the beach. Pub. Res. Code § 30212.5. This public restroom facility will provide well engineered and appropriately sized facilities for the sanitary and environmentally safe disposal of human waste and associated by-products, thereby enhancing the public's beach experience.

ANALYSIS: A Coastal Permit is required for the proposed development in accordance with Coronado Municipal Code (CMC) Chapters 86.70: Coastal Permits and 86.74: Waterfront

Development, which are intended to implement the City's adopted Local Coastal Program. The purpose of the Coastal Permit is to ensure that development is consistent with the City's Local Coastal Program Land Use Plan and Local Coastal Policies.

Coastal Permit Jurisdiction

The project is located within the Coastal Commission's appeal jurisdiction and not the Coastal Commission's direct jurisdiction (Attachment 5). This authorizes the City to determine whether the project is consistent with the adopted Local Coastal Program and issue the Coastal Permit, meaning that the Coastal Permit shall be reviewed for compliance with the City's adopted Local Coastal Program. A Coastal Permit issued by the City would be appealable to the Coastal Commission.

Conformance with adopted Local Coastal Program

Staff has reviewed the proposed restroom project for conformance with the City's Local Coastal Program Land Use Plan and has determined that it is not in conflict with any of the Local Coastal Policies as the project was designed to comply with and further the following adopted action programs and policies as described below:

III. ADOPTED ACTION PROGRAMS (ADOPTED GOALS)

A. Shoreline Access

1. That the City develop a capital improvement priority list specifically for projects that would preserve, regulate, provide, or encourage shoreline access. That this list include at least the following projects:

D. Construction of additional restroom facilities on City controlled beaches

B. Recreation and Visitor Serving Facilities

3. That no new development shall be permitted on existing sandy beach areas. An exception would be allowed for new or expanded permanent lifeguard facilities, restroom facilities, or bike paths if it can be determined that adverse impacts to public beaches are negligible or when public safety or health requires it, and provided that no less environmentally damaging alternatives exist.

The proposed restroom project is consistent with the above action programs/goals as the restroom would serve those recreating and visiting the South Beach area. Specifically, the City's adopted Local Coastal Program calls for additional restroom facilities to be constructed on the City-controlled beaches, and this project proposes just that. While Section III.B.3 of the Local Coastal Program states that no new development be permitted on existing sandy beaches, there is an exception specifically for restroom facilities. This exception for restroom facilities is also provided in CMC Section 86.74.020. As outlined in the Final EIR response to comment F-37, there would be no adverse impacts to public beaches and no less environmentally damaging alternative exists.

II. ADOPTED POLICIES

A. Shoreline Access

5. Wherever appropriate and feasible, add public facilities, including parking areas or facilities, to mitigate against the impacts of overcrowding or overuse by the public of any single area.

E. Diking, Dredging, Filling and Shoreline structures

1. Require that new development shall assure coastal stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability.

4. Require that any permanent building, or other structure proposed for construction, be set back from an eroding beach coastline a distance sufficient to assure that the development will not be threatened by natural erosion processes during the lifetime of the structure without requiring shoreline protection structures. The builder, at the discretion of the City, shall provide a certification by a civil engineer that the proposed construction site meets this criteria.

5. Require that shoreline structures be planned and constructed so that they serve the purpose intended, and do not result in a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

The proposed restroom project is consistent with the above policies. The proposed project would add a public restroom facility to the South Beach area which consistently attracts beach visitors but does not provide restroom or shower accommodations. Providing these accommodations, similar to those that are currently provided at both Central and North Beaches, will address potential impacts created by beach visitors without access to a restroom. The Wave Run-Up addendum explains FEMA Guideline recommendations to locate structures landward of the area subject to erosion, and shows how the sheet-pile wave barrier will address the potential for flooding from the 100-year design event. Additionally, the sheet-pile wall and mat foundation, as recommended in the geotechnical investigation prepared for this project, will assure structural integrity, and will not significantly contribute to erosion or geologic instability. The sheet-pile wave barrier is of the same type and design as that approved by the Coastal Commission for the Central Beach lifeguard tower in July 2005. Similarly, the proposed seawall will be protecting a coastal dependent use consistent with the Coastal Act (Pub. Res. Code § 30235). The seawall is designed to not contribute to erosion and only to protect the restroom area. No additional protection measures are anticipated for the project. Therefore, the project is also consistent with Public Resources Code Section 30253. This topic is further discussed in detail in Attachment 9 and in the Final EIR in response to comments F-32 and F-36.

The construction of the proposed restroom and associated improvements will serve the purpose intended, which is providing beach-goers with a restroom to use in the South Beach area, and will not result in a substantial change of the physical conditions within the area as the construction of the restroom, will not induce scour or sea level rise, will not have significant aesthetic impacts, and will not significantly increase ambient noise.

H. Visual Resources and Special Communities

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.

4. Reaffirm the Environmental Design Review Commission as an agency to assist in the achievement of "...a beautiful, pleasant, principally residential community by fostering and encouraging good design, harmonious colors and materials, good proportional relationships and generous landscaping, and to protect the health,

safety, comfort and general welfare of the citizens of Coronado by providing for an environmental design review process.”

The proposed restroom project is in compliance with the above policies as the proposed restroom structure is perpendicular to the coastline, thereby safeguarding public views to and along the ocean. The design process also included input from adjacent residents, was designed by a licensed architect, and was presented to and approved by the City of Coronado’s Design Review Commission. Potential aesthetic impacts were also evaluated in the EIR and found to be less than significant.

These policies and action programs were achieved through the engineering and design of the proposed restroom structure, confirmed by a Wave Run-Up study and addendum included in the EIR, evaluated by the City’s Design Review Commission, and confirmed that there is no less environmentally damaging alternative as outlined in the EIR. More specifically, this project is exactly the type of facility that the City’s adopted Local Coastal Program anticipated and encouraged along the beach area to ensure shoreline access as called for in Action Program A.1.D, which calls for “Construction of additional restroom facilities on City controlled beaches.”

Additionally, the proposed improvement has been designed, and would be constructed, in accordance with Section 86.76.010(C) of the Municipal Code, for the protection of natural ocean and bay processes, which includes measures to limit erosion and water pollution, ensure there is no substantial adverse physical change, ensure public access and public vistas are maintained, to minimize projections into the ocean, and to mitigate any adverse environmental impacts. Through project design and mitigation measures identified in the project EIR, the requirements of this code section are met. Moreover, the project design is consistent with the Coastal Act in having been sited and designed to protect public views to and along the beach and in having been designed to be visually compatible with the surrounding area. Pub. Res. Code § 30251.

Exterior Project Design

The project’s exterior design was recommended for approval by the City’s Design Review Commission on September 27, 2016, and no changes were recommended to be consistent with the City’s design review standards. The exterior building materials will be similar to the restrooms at Central and North beaches. The exterior walls of the proposed building will be composed of concrete block and finished with a natural rock veneer, with similar characteristics and colors as the adjacent riprap, the other City beach restrooms, and design elements of the adjacent Coronado Shores buildings. The concrete roof of the building will be sealed with a tan colored waterproof membrane that blends in with the sand color of the beach when viewed from above. Doors to four restrooms and a storage closet will be located only on the north side of the building. The doors will be fiberglass painted a reddish brown color (Dunn Edwards Deep Crimson #DEA 152). Stainless steel mesh panels will be located above each of the doors providing ventilation to the restrooms.

Interior lighting will be recessed within the roof structure of each restroom stall. Exterior lighting would also be recessed within the roof structure and shielded in such a way as to not stray beyond the immediate building overhang. Water, sewer, and power lines will be underground and tied into existing lines within Avenida del Sol, using flexible connections with automatic shut-off valves.

Public Correspondence

Comments received during the EIR comment period are included in and responded to in the Final EIR. Since the close of the public comment period on the Draft EIR and release of the Final EIR,

staff has received additional correspondence related to the project from Chatten Brown & Carstens, LLP; Whittington & Aulger; the California Coastal Commission; and two Coronado Shores residents (Attachment 6). Issues brought up by Chatten Brown & Carstens in their August 5, 2016, letter include encouraging the City to look at alternate locations and questioning potential health impacts should the structure be flooded. These comments are addressed in a letter from the City's consultant, Terra Costa (Attachment 7), and in a memo from the City's Director of Public Services & Engineering (Attachment 8).

At the Design Review Commission hearing held for the subject project, a representative of Chatten Brown & Carstens pointed out that the City did not fully respond to their comment letter included in the Final EIR, which was an oversight. A memo in response to the oral testimony that the City did not fully respond to their comments has been prepared by the City's CEQA consultant and is included as attachment 9.

Chatten Brown & Carstens submitted an additional comment letter on October 26, 2016, outlining their belief that the project violates Coronado Municipal Code Sections 86.74.020 and 86.74.030. They also purport that the City failed to adequately consider the need for a public restroom in the proposed location. These code sections are related to Waterfront Development, including development on sandy beaches and setbacks from an eroding beach. Consistent with LCP Policy III.A, CMC Section 86.74.020 states that no new development shall occur on existing public sandy beach areas, but goes on to state "*an exception would be allowed for new or expanded permanent lifeguard facilities, restroom facilities, bikepaths, or similar public recreation facilities.*" Therefore, and as substantiated in Response to Comment F-37 in the Final EIR, a restroom facility at the proposed location would be a permitted development on the City's public sandy beach.

Section 86.74.030 calls for "*Permanent buildings... to be setback from an eroding beach or coastline a distance sufficient to assure that the development will not require mitigation measures to protect the development from the natural erosion process during the economic lifetime of the structures.*" and also states that "*The City Coastal Permit Administrator may request, through the City Council, the opinion of the Corps of Engineers, Scripps Oceanography Institute, or other qualified experts with regard to the possible erosion of beach area in the vicinity of the proposed construction in making a determination of required setbacks.*" The author argues that the seawalls incorporated into the project design are considered mitigation measures to protect the structure from the natural erosion process, and that the City may want to request the opinion of the Corps of Engineers or Scripps. The design and location of the restroom, which was prepared and selected in consultation with a qualified expert as called for in Section 86.74.020, included seawalls on three sides as an extension of the project's foundation, not as a mitigation measure. This restroom project is consistent with similarly approved projects in the sandy beach area, including the lifeguard tower at Central Beach, which also includes a seawall as approved by the Coastal Commission. For this project, the only mitigation measures proposed to be placed on this project are to reduce construction noise to less than significant levels. There is no mitigation related to erosion.

The City has substantiated the need for a public restroom in the South Beach area in the Final EIR in response to comment F-39. For the purposes of CEQA and the Coastal Permit, there is no requirement to adequately consider the need of the proposed improvements. CEQA exists to prevent or minimize substantial impacts to the environment. A coastal permit is issued under a city's LCP and consistent with the Coastal Act to ensure the Coastal Act policies concerning environmental protection, visitor access, and development are met. The City determines the need and then designs the project consistent with these state laws.

The letters received from Whittington and Aulger question whether the City has the right to construct a restroom at the proposed location and asks to see the Title showing the City has ownership of the proposed restroom location. These comment letters question the City's ownership without providing any evidence that some other person owns this land. The area in question was dedicated to the City for public use by Subdivision Map 5687 and accepted by the City Council by Resolution 3562. The property remained the City's through the two subsequent map changes to the Coronado Shores in Map 6640 and Map 6641. Map 6641 merely added back to the City a portion of the cul-de-sac that had reverted back to the developer in Map 6640. Property owners may dedicate to a city land for any public purpose or a specific public purpose through the map approval process (e.g., Gov't Code §§ 66439, 66477). "Considering a dedication as a voluntary transfer of an interest in land, it partakes both of a nature of a grant and of a gift, and is governed by the fundamental principles which control such transactions." *Inyo Cty. v. Given*, 183 Cal. 415, 418 (1920). Accordingly, the final map (Map No. 5687) granted and gifted fee title of Avenida del Sol to the City of Coronado for any public purpose, and no other document is required to demonstrate the City's ownership of the project site.

The California Coastal Commission did not comment on the Draft EIR during the 45-day public comment period in 2015, but on October 18, 2016, they submitted a letter to the City regarding the proposed South Beach Restroom project. It outlined four basic concerns with the project; 1) that the project substantially blocks views from the public right-of-way; 2) that four specific alternative sites should be analyzed in the EIR; 3) that the use of a sheet-pile seawall would have adverse impacts on the area; and 4) that the Paseo del Mar improvements associated with the Hotel del Coronado Master Plan could be accommodated after construction of the proposed restroom. A response to this letter from the California Coastal Commission has been provided as attachment 10. City staff met with California Coastal Commission staff early on in the process to receive direction on the proposed project. California Coastal Commission staff requested the building be reoriented 90 degrees to be in line with Avenida del Sol instead of its original, perpendicular orientation, opening up views to and along the coast. The City made that change.

Staff received a comment letter from a resident of the Coronado Shores on October 25, 2016, who believes that the proposed location is prone to flooding, which may cause environmental impacts, and that two alternate locations (Hotel del Coronado parking lot and the Avenida de las Arenas parking lot) would be more appropriate. The flooding concern has been extensively addressed in the design of the restroom facility, in the EIR, and in the attachments to this staff report. As mentioned above in response to the California Coastal Commission letter regarding alternative locations, the City believes that a reasonable range of alternatives has been considered as required by CEQA, one of which was suggested by this comment letter, and no further alternatives analysis needs to be completed. Staff received an additional letter from a Coronado Shores resident on October 27, 2016, that outlined concerns related to view protection, flooding, and questioned why the City chose the subject site. A view impact analysis was prepared and included in the EIR showing no significant impacts. And, as previously addressed in this staff report and in the EIR, flooding and alternative sites have been adequately analyzed.

Coastal Permit Expiration

Coronado Municipal Code Section 86.70.130 states that a Coastal Permit shall expire one year after the date of issuance, unless a finding of the ongoing nature of the activity is incorporated into the Resolution approving the Coastal Permit. It is recommended that the City Council incorporate said finding into the resolution due to the proposed project construction timeline. After certification of the EIR by the City Council, the City will allow the summer beach season to end before starting construction in approximately September 2017. It is anticipated that construction will take nine months to complete, allowing the restroom to be completed before the summer 2018

beach season. Therefore, due to the project schedule and timeline, it is requested that the Coastal Permit be valid for a minimum of two years from the date of issuance.

Staff Recommendation

As outlined in this staff report and the project EIR materials, the proposed South Beach Restroom will not result in any significant and unavoidable adverse impacts, construction noise will be less than significant after implementation of mitigation measures, the project is consistent with the City's Local Coastal Program and Coronado Municipal Code Chapters 86.70, 86.74 and 86.76, and the exterior design meets the City's design review standards. Therefore, staff recommends that the City Council adopt the attached resolution to:

1. Certify the Final Environmental Impact Report for a proposed public restroom (South Beach restroom) adjoining the cul-de-sac at the southwesterly end of Avenida del Sol;
2. Adopt a mitigation monitoring and reporting program;
3. Adopt the required findings of fact pertaining to the Final EIR;
4. Direct staff to file a notice of determination;
5. Approve the exterior design for the South Beach Restroom; and
6. Approve the Coastal Permit for the South Beach Restroom project.

Submitted by: Community Development Department/Brown
Attachments:

1. Draft Resolution
2. Project Plans
3. September 28, 2016, Design Review Commission Meeting Minutes
4. Draft October 27, 2016, Planning Commission Meeting Minutes
5. Coastal Permit Jurisdiction Map
6. Public Correspondence
7. Terra Costa Response Letter Dated September 14, 2016
8. Director of Public Services & Engineering Response Memo dated September 13, 2016
9. Placeworks Response Memo to Design Review Commission Hearing Public Testimony
10. Placeworks Response Memo to October 18, 2016, California Coastal Commission Letter

Enclosures Under Separate Cover

1. Final Environmental Impact Report for the South Beach Restroom

CM	ACM	AS	CA	CC	CD	CE	F	L	P	PSE	R/G
BK	TR	N/A	RRS	MLC	RAH	EW	N/A	N/A	N/A	CMM	N/A



MEMORANDUM

DATE November 4, 2016

SUBJECT Response to CCC Comment Letter on the South Beach Restroom Final EIR, dated October 18, 2016

This memorandum provides responses to comments submitted by Kaitlin Carney, Coastal Planner of the California Coastal Commission (CCC), dated October 18, 2016. The letter is attached; the individual comments are bracketed and assigned numbers for reference purposes.

CCC-1 The comment states that the CCC provided feedback on the proposed project in early 2013, that a primary tenet of the Coastal Act is to protect and enhance public access to the coast, and that the proposed public beach restroom project represents such an opportunity. However, the comment states that CCC staff continues to be concerned with the potential visual impacts caused by the proposed improvements at the project site and the proposed shoreline protection feature (i.e., bulkhead/seawall).

The City values input from the CCC and agrees that its staff and consultants contacted the CCC as early as 2013. The City continued to consult with the CCC at meetings in 2014 and by US Certified Mail throughout the proposed project's environmental process. The notice of preparation of the environmental impact report (EIR) and the notice of availability of the EIR were mailed to the CCC on March 24, 2015, and June 23, 2015, respectively; the City did not receive any responses from the CCC to these notices. The CCC did not submit any comments to the City on the Draft EIR during the public and agency review periods provided by CEQA. Therefore, the City's understanding of the meetings with the CCC remained that the CCC agreed with the City that the proposed project would have a beneficial visitor-serving use; that the proposed improvements, including the steel sheet-pile wall, could be removed relatively easily; that the project would not significantly affect shoreline sand supply; and that the CCC remained concerned with the potential loss of public views. Please see the City's response to Comment F-35 in the Final EIR, which summarizes the City's understanding of the CCC's outstanding concerns.

The CCC's concerns related to visual impacts are addressed in responses to Comments CCC-2 through CCC-9; concerns related to the proposed bulkhead are addressed in responses to Comments CCC-10 through CCC-12.

CCC-2 The commenter appreciates that the proposed restroom structure is oriented perpendicular to the shoreline and that this orientation reduces impacts on public views of the Pacific Ocean. The commenter further asserts that the building is directly in the middle of the street-end at Avenida del Sol and blocks public views of the water, which will have a significant visual impact.

As documented in Section 5.1, *Aesthetics*, of the Draft EIR and further explained below, the EIR determined that the proposed improvements would not result in a significant visual impact. The City agrees that the *original* orientation of the restroom building, which was parallel to the shoreline, would have substantially blocked views of the ocean. Immediately after its initial consultation with the CCC and pursuant to its discussions with the CCC, the City reduced the number of restroom stalls from 6 stalls and 3 sinks to 4 stalls and 2 sinks, changed the building's orientation to be perpendicular to the shoreline, and relocated the structure to the eastern

perimeter of the City's right-of-way. These changes reduced the mass of the structure and shifted it to the side of the street-end, away from the direct line-of-sight from Avenida del Sol.

These changes formed the project description of the EIR (see Initial Study Figure 6 and Draft EIR Figure 3-3) and are the basis of the visual impact analysis. Section 5.1.4 of the Draft EIR (pages 5.1-7 through 5.1-14) analyzes the proposed project's impact on public views of the ocean. Neither the City nor the CCC has established significance thresholds for view impacts, and in an effort to be as objective as possible, the City used the City of San Diego's significance threshold for view impacts. As documented in the Draft EIR analysis of Impact 5.1-1, the City of Coronado determined that the proposed project would not substantially alter public views of the Pacific Ocean. Consequently, as the lead agency of the proposed project, the City respectfully disagrees with the comment that the project will cause a significant visual impact. The City has determined that visual impacts on public views of the ocean are less than significant, and no additional alterations to the design of the proposed project or project alternatives are warranted, as suggested by the commenter.

- CCC-3 The comment consists of partial quotes of Policies B.6, H.1, and H.2 of the City's Adopted Local Coastal Program (LCP) concerning the protection of scenic public views. Section 5.1.2.3 of the Draft EIR (pages 5.1-4 and 5.1-5) lists the applicable City goals and policies concerning the protection of public views and visual resources and includes LCP Policies B.6, H.1, and H.2 mentioned in the comment. Impact 5.1-1 of the Draft EIR (page 5.1-7) and the City's response to Comment CCC-4 substantiate why the proposed project would not result in a significant impact on public views of the ocean. The project is consistent with the listed LCP policies that protect the visual qualities of the City and scenic views of the ocean.
- CCC-4 The comment states that although Avenida del Sol is not designated a public view corridor in the LCP, its view should still be considered an important resource because it is an important coastal access route for visitors. The City agrees that Avenida del Sol has not been designated a public view corridor and also agrees that views from the public right-of-way are nonetheless important. This is the reason why Impact 5.1-1 of the Draft EIR (page 5.1-13) evaluates view impacts from Avenida del Sol from its existing and future-raised elevations. View simulations are provided in Figures 5-3 and 5-4 (pages 5.1-15 and 5.1-17). The analysis concluded that the proposed structural improvements would not substantially block public views of the Pacific Ocean from Avenida del Sol and that the level of effort required by a viewer to retain the view of the ocean would not be extensive. Therefore, view impacts are not significant, and further alterations to the design of the proposed project are not required, nor are additional mitigation measures or project alternatives.
- CCC-5 The comment states that CCC staff's opinion is that not all measures have been taken to eliminate impacts on views from Avenida del Sol, public access ways, and the beach. However, where an impact is reduced to a level below significance by changes in the project design, as occurred here, CEQA does not require the City to consider or adopt additional mitigation measures or alternatives. In addition, the comment does not identify any other measures that could be taken to eliminate impacts on views from Avenida del Sol other than the alternative locations discussed below.
- CCC-6 The comment quotes Coronado LCP Program Goal B.3 concerning the allowed uses on sandy beach areas only if a use's impacts to public beaches are negligible or public health and safety require the development, and when no less environmentally damaging alternatives exist. The comment cites Coronado Municipal Code Section 86.74.020, which is the corresponding regulation. The City responded to a similar comment concerning CMC Section 86.74.020 in response to Comment F-37 of the Final EIR. As demonstrated in the City's response to Comment

F-37 and the whole of the record, the proposed public beach restroom facility, as mitigated, would not result in any significant, adverse impacts on the environment. There are no beach restroom facilities in South Beach, and the proposed project would address observed public health issues related to beach visitors relieving themselves in public areas. Finally, as documented in Draft EIR Section 7, *Alternatives to the Proposed Project*, there is no less environmentally damaging alternative that also meets the objectives of the project. Therefore, the proposed project is consistent with Coronado LCP Program Goal B.3 and Coronado Municipal Code Section 86.74.020.

CCC-7 The comment states that the EIR *concludes* that Avenida del Sol is the best placement for a public restroom (emphasis added). To the contrary, the EIR identifies the No Project and Prefabricated Restroom Facility alternatives as environmentally superior to the proposed project. As required by CEQA Guidelines Section 15002, the EIR discloses the environmental effects of the restroom facility at the preferred project site of Avenida del Sol and analyzes potential project alternatives, despite the project not having any significant and unavoidable environmental impacts. Notwithstanding, while project alternatives have been analyzed, the decision makers may approve the proposed project or any of the alternatives considered.

CCC-8 The comment identified four additional alternative project locations. Evaluation of each suggested alternative is provided below. It should be mentioned that the project will not result in any significant aesthetic impacts that would warrant project alternatives designed to eliminate or reduce impacts to public views. Notwithstanding the additional information provided below, the EIR has already provided a reasonable range of alternatives, as required by CEQA Guidelines 15126.6 (a).

A) Immediately north of the proposed project site, tucked into the existing revetment.

This alternative location is likely to result in a greater view impact than the proposed project and would either require modification to the existing emergency vehicle access or require the placement of the restroom structure farther seaward than currently proposed in order to accommodate the existing access. The below photograph is a view of the Avenida del Sol street-end, and the suggested alternative location would be behind the street light and between the stairs and emergency vehicle access.



Photo Credit: Google Earth, July 2015.

As shown, the portion of the rock revetment and berm to the left of the stairs (i.e., project site) currently blocks views of the water. The high point of the rock revetment to the north or right of the stairs (i.e., alternate site) is lower, and there is a wider unobstructed view of the ocean at the alternate site. If the restroom building were placed to the right of the stairs, as suggested, and designed with a similar final floor elevation as the proposed project (to address wave runup and still limit view obstructions), the building would be more visually prominent and likely to block a larger viewing area of the ocean than at the proposed location. For comparison, please see the visual simulation in Figure 5-3 of the Draft EIR; as shown, the structure's rooftop in its currently proposed elevation and location is approximately the same height as the riprap and blends in with it. The restroom structure in its proposed location would obstruct less of the ocean view than if it were constructed to the right of the stairs, where the view of the ocean is currently wider. Therefore, view impacts at the suggested location would be greater than the proposed project's and this alternative would not meet the project objective to "design a facility that will minimize visual obstructions of the Pacific Ocean, as viewed from public vantage points."

Furthermore, as indicated in Section 5.1.4 of the Draft EIR (page 5.1-7) and illustrated in the aerial photomap in Figure 4-1 of the Draft EIR, Avenida del Sol hooks slightly westward from the intersection of State Route-75/Silver Strand Boulevard, an officially designated State Scenic Highway (Caltrans 2014) and Coastal View Area (Coronado Local Coastal Plan). As shown in the lower site photo in Figure 4-3 of the Draft EIR, the proposed facility at this alternative location would likely be more noticeable from SR-75 than at the proposed project site. Therefore, this alternative may result in a greater view impact from an officially designated scenic highway than the proposed project.

Also, it is possible that the proposed facility at the suggested location would need to be placed closer to the ocean to accommodate the existing public safety vehicle access from Avenida del Sol to the beach (further explained in response to Comment CCC-14). This would place the restroom structure and associated improvements closer to the sea than the proposed project. For the reasons provided, City staff have determined that this alternative would likely have greater impacts than those of the proposed project.

- B) Farther north of the proposed site, seaward of the Hotel del Coronado, outside of the Avenida del Sol viewshed.

The City previously considered a variation of this alternative—please see response to Comment B-4 of the Final EIR. This site would be approximately 500 feet west of the preferred site and seaward of the Hotel del Coronado; it was considered because it would be protected from wave action by an existing rock groin. In its analysis, the City determined that placement of the restroom facility at this alternate site would, however, result in greater environmental effects than the proposed project; see analysis provided in the City's response to Comment B-4. Additionally, this alternative location would not meet the three project objectives below.

- Maximize limited public funding sources for the construction, maintenance, and operation of the public restroom facility.
- Select a site with nearby infrastructure to support the public restroom facility.
- Design a facility that will minimize visual obstructions of the Pacific Ocean, as viewed from public vantage points.

C) Southeast of the proposed project site, tucked into the existing revetment.

While visual simulations of this alternative would be required to confirm, it is possible that the proposed structure could be constructed with a finished roof elevation hidden or nearly hidden behind the existing revetment, as viewed from Avenida del Sol. This alternative could further reduce view blockage of the ocean when compared to the proposed project. However, the suggested site is on private property, owned by the La Sierra Tower Homeowners Association of the Coronado Shores condominium development. As currently designed, the restroom structure is proposed at the edge of the City's right-of-way, and the revetment location suggested by the commenter is not owned by the City. Moreover, it is unknown whether the homeowners' association would be willing to sell land necessary to support the restroom project, as several residents of the La Sierra Tower and the homeowner's association have submitted written and verbal testimony in opposition to the proposed project. Therefore, it is reasonable for the City to assume that the homeowners' association would be unwilling to sell the property to the City or otherwise cooperate in locating the proposed structure even closer to the condominium development.

The suggested alternative to tuck the facility into the existing revetment may also hinder law enforcement surveillance of the facility, which in turn could encourage vandalism. For these reasons and because this alternative would not meet the following project objectives, this alternative is not feasible.

- Provide a public beach restroom facility consistent with the City's Local Coastal Program: Land Use Plan Section IV, A, 1.D, Construction of additional restroom facilities on City-controlled beaches.
- Select a site within the City's ownership.

D) Farther inland on Avenida del Sol than the location of the existing portable restroom facilities (for the prefabricated restroom kiosks).

This alternative location would require construction of the restroom facility in the street or on private property adjacent to the street. The City does not own the property on either side of Avenida del Sol. Unlike the proposed project, the entire building under this alternative would be above the existing ground level and would likely result in greater view obstructions of the ocean, as viewed from the intersection at SR-75 (and officially designated scenic highway) and the sidewalk and roadway along Avenida del Sol. Additionally, one of the main purposes of the proposed restroom facility is to serve beach visitors on the sandy beach. The farther the restrooms are from the beach, the more inconvenient they would be for the beach visitors to use. A restroom facility farther inland of the existing temporary facilities would be out of the view from the sandy beach and unlikely to be considered part of the beach amenities. Placing new facilities farther inland may also encourage more of the public to use restrooms at either the Hotel del Coronado or the adjacent Coronado Shores property, since these restrooms would be closer to the sandy beach.

The comment also suggests the installation of prefabricated restroom kiosks. Although one of the project alternatives included in the EIR is the construction of prefabricated restroom kiosks, since the release of the Draft EIR, the City has determined that this alternative is no longer feasible. Based on further evaluation conducted during the preparation of the Final EIR and the City of San Diego's experience with their "Portland Loos," the City of Coronado has determined that the prefabricated restroom kiosks are not feasible because they do not meet

California electrical and seismic standards and may require more maintenance than previously thought.

As this suggested alternative could result in a greater visual impact and is far away from the intended users, and the construction of a prefabricated facility may require more maintenance than the proposed project, the City has rejected this alternative. Additionally, this alternative would not meet the below project objectives:

- Provide a public beach restroom facility consistent with the City's Local Coastal Program: Land Use Plan Section IV, A, 1.D, Construction of additional restroom facilities on City-controlled beaches.
- Provide a public restroom facility in the South Beach area in order to accommodate a demonstrated need and eliminate unsanitary and unlawful activities in landscape areas.
- Maximize limited public funding sources for the construction, maintenance, and operation of the public restroom facility.
- Select a site with public access from the beach and land sides that is visible from the beach.
- Select a site within the City's ownership.
- Design a facility that will minimize visual obstructions of the Pacific Ocean, as viewed from public vantage points.

CCC-9 The comment states that equally suitable or superior sites must be ruled out as infeasible before the project can be found to be the least environmentally damaging alternative. Including the four alternative locations suggested in Comment CCC-8, the City has considered a total of ten alternative projects. As documented in the EIR and the administrative record, all of them have been found to either have greater environmental effects and/or do not meet some of the project objectives. Additionally, as provided in the City's response to Comment F-37 of the Final EIR, there is no less-damaging project alternative that also meets the basic project objectives.

CCC-10 The comment states that the CCC typically does not allow construction of shoreline protection devices because of their potential adverse impacts. The comment further cites Coastal Act Section 30235, Construction Altering Natural Shoreline:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The proposed project is in response to a need for restroom facilities in the South Beach area and is considered a coastal-dependent use. The project site does not have any natural shoreline. The site consists of Avenida del Sol's street-end, rock riprap, and beach-filled sand atop a rock revetment apron installed by Coronado Shores; these features eliminate any potential upland sand supply. Additionally, the construction of the proposed bulkhead/seawall is not for the protection of the shoreline. Rather, it is for engineering purposes to minimize wave action impacts on the proposed

improvements. The proposed seawall would not exacerbate the loss of transient beach sand that occurs seasonally. As further discussed in the City's response to Comments F-21 and F-34 in the Final EIR, there is no natural sand from adjoining bluffs and cliffs at the site. Therefore, the proposed project is consistent with Coastal Act Section 30235.

CCC-11 The comment states that Chapter 3 of the Coastal Act requires that structures be the minimum size necessary and located and designed to reduce impacts on public access and shoreline supply. As described below and substantiated throughout the EIR, the project conforms with the City's adopted LCP, which is consistent with Coastal Act requirements.

- **Size.** The proposed restroom facility was originally designed with 6 stalls and 3 sinks, similar to the other restroom facilities in North and Central beaches. However, based on comments from the Coronado City Council and CCC, the number of stalls has been reduced to 4 unisex stalls, including one that is ADA-compliant. The City believes that this number is sufficient to accommodate the demand. As discussed in the City's response to Comment F-39 of the Final EIR, the temporary portable restroom trailer (PRT) on Avenida del Sol has 3 unisex stalls, including an ADA-compliant stall. Use of the PRT ranges from 350 daily equivalent uses on a slow day to 900+ daily equivalent uses on a busy day. On extremely busy days, the City has observed people waiting in line. Based on the observed uses of the PRT, the City believes that the fourth stall would alleviate some of the observed queuing, and the proposed 4 unisex stalls would be the minimum required to handle the demand in South Beach.
- **Public Access.** The proposed restroom facility at the street-end of Avenida del Sol has been designed to comply with ADA requirements, and the facility would not physically block access to the beach. Pedestrian access to the sandy beach is currently provided by stairs over a rock riprap, and vehicular access is provided by a driveway west of the project site. These beach access points would remain post-construction. As noted on page 2 of TerraCosta Consulting's "Response to 'City of Coronado Proposed Restroom at Avenida del Sol: Technical Review' by Dr. David Revell," dated September 14, 2016, the proposed restroom and sheet-pile protection would be constructed entirely inside the footprint of the existing rock revetment or within the revetment gap. "Any long-term loss of beach width, recreational opportunity, and lateral beach access will be the same with or without the proposed restroom facility. Furthermore, the configuration of the proposed sheet-pile seawall would provide for additional protection and safer beach access and egress, especially during occasional narrow beach and high wave conditions."
- **Shoreline Sand Supply.** Impacts to shoreline sand supply are discussed in the EIR and in the City's response to Comment CCC-10. As mentioned, the site consists of man-made materials, including stairs, rock riprap, and a rock revetment installed by the adjacent residential development; these features eliminate any potential upland sand supply. The only natural feature of the site is fill-sand brought in by the City when the beach is renourished. As provided in the Addendum Report to the Wave Runup Study, "the width of the sandy beach will diminish over time... whether or not the restroom facility is constructed. The [proposed] structure has no effect on how much sand loss will occur or how fast it will occur." Impacts, if any, would be negligible.

CCC-12 The comment states that structures such as restrooms should be considered expendable and designed to be removed or relocated if threatened. The City believes the proposed restroom facility is expendable. If it became infeasible to operate for reasons ranging from sea level rise to increased maintenance costs at the end of its useful life, the City would be able to easily remove

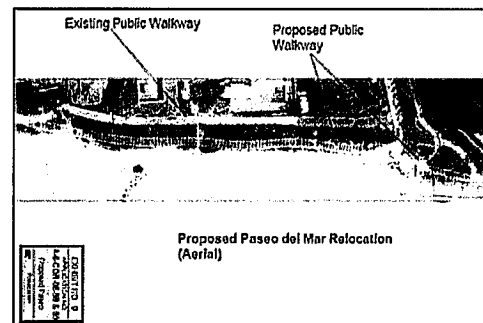
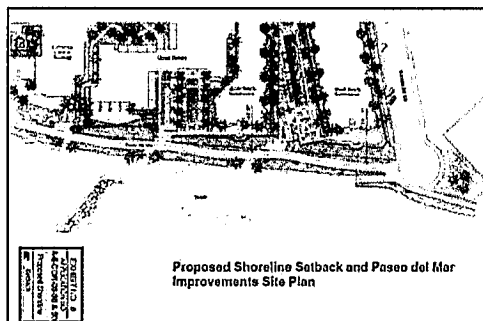
the proposed improvements. Although it is permanent, removal of the proposed facility—including the steel sheet-pile seawall—would be relatively quick and simple, taking no more than a week.

It should also be noted that the CCC's suggested Alternatives A and C (see response to Comment CCC-8) would likely require a seawall of similar design and magnitude as the proposed seawall. The removal of such a seawall and improvements at the alternative locations would be similar to removal of the proposed project. Notwithstanding, the City agrees with the CCC that the restroom facility is expendable and is willing to remove or relocate the facility if it is threatened.

CCC-13 The comment states that the project should be in conformance with the public walkway and Avenida del Sol improvements associated with the adopted Hotel del Coronado Master Plan (CDP#A-6-COR-08-98 & 99) in order to ensure the Master Plan's benefits and requests clarification on how the project would accommodate the Paseo del Mar relocation and the new vehicle access ramp identified in the approved Hotel del Coronado Amended Master Plan.

The City has reviewed the adopted CDP#A-6-COR-08-98 & 99. As designed, the proposed restroom facility would accommodate the approved continuation of the Paseo del Mar public easement between the Hotel del Coronado and Coronado Shores development. The paseo extension could be developed north of the proposed project's decorative rocks, stairway, and ADA ramp and continue toward the existing walkway, seaward of the La Sierra Tower, as envisioned in the approved Amended Master Plan. Therefore, no conflict exists between the proposed restroom facility and the Paseo del Mar relocation.

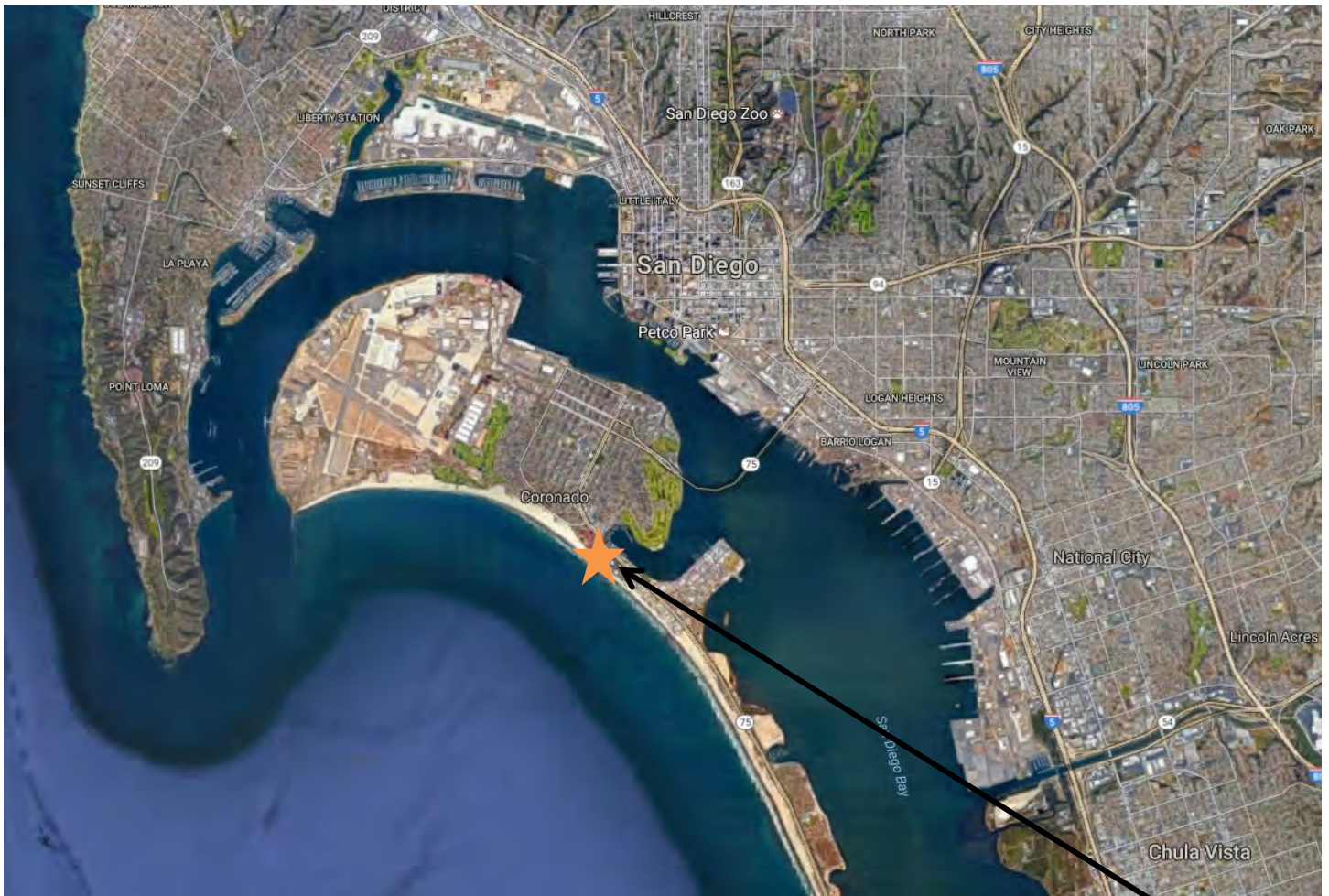
Page 21 of the September 28, 2010, CCC staff report states that "a new concrete ramp for pedestrians and lifeguard vehicles would be constructed from the cul-de-sac to the beach in the same location where access is available today." Corresponding Exhibit Nos. 8 and 9 of the September 28, 2010, CCC staff report also show the existing emergency vehicle access to the west of the project site as being maintained and improved (see below). Because the existing vehicle access would remain and since the proposed improvements would not encroach into the improved concrete ramp required by the Master Plan, emergency public safety vehicles would be able to continue accessing the sandy beach from Avenida del Sol. Therefore, there would be no conflict between the proposed project and the approved Master Plan. The proposed project would maintain both pedestrian and vehicle access from Avenida del Sol, and the benefits envisioned for the approved Master Plan would still be provided.



Source: California Coastal Commission. Addendum to Item 8 a & b for Commission Meeting of October 15, 2010.



CCC-14 The comment states that the CCC is in the process of confirming its boundaries and jurisdictional area and will submit the final determination to the City when it is available. The comment does not address the adequacy of the South Beach Restroom EIR. No response is required at this time.



SITE

**Existing Lifeguard Tower
and Restrooms**

EXHIBIT NO. 7
APPLICATION NO.
A-6-COR-16-0097
Location Map

Figure F-3 - Site Plan with Mean High Tide Line

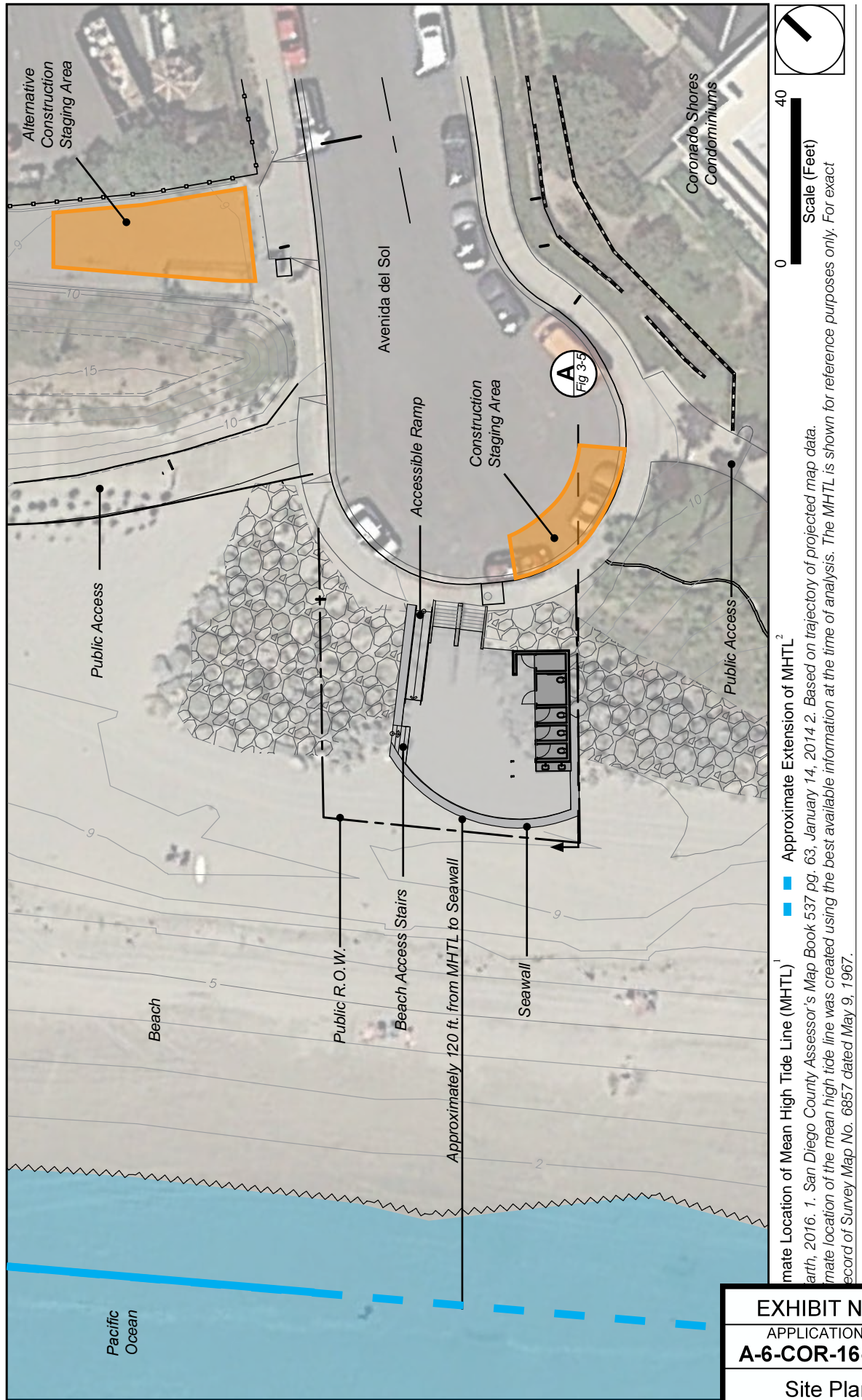
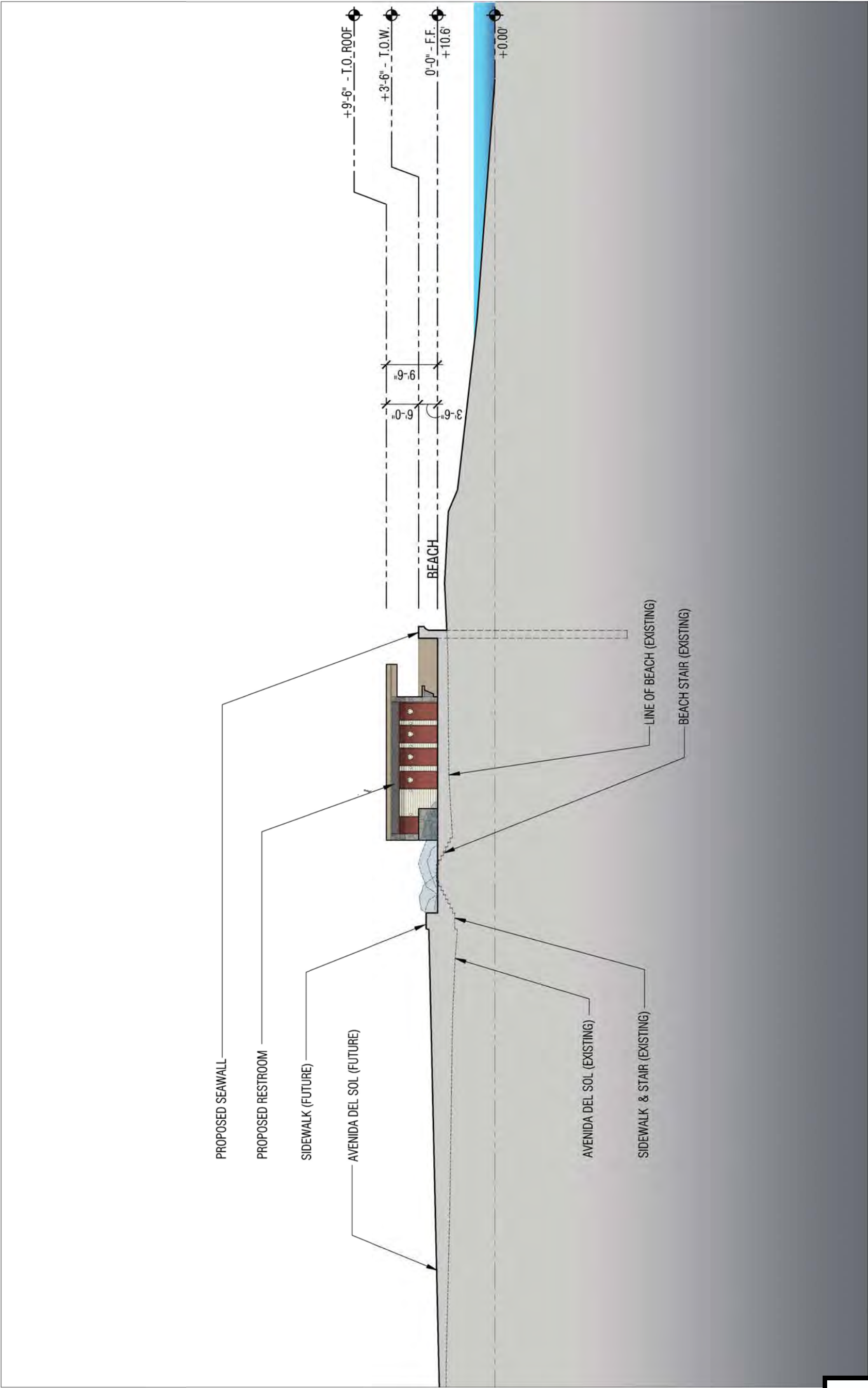


EXHIBIT NO. 8

APPLICATION NO.

A-6-COR-16-0097

Site Plan



site section – proposed street elevation

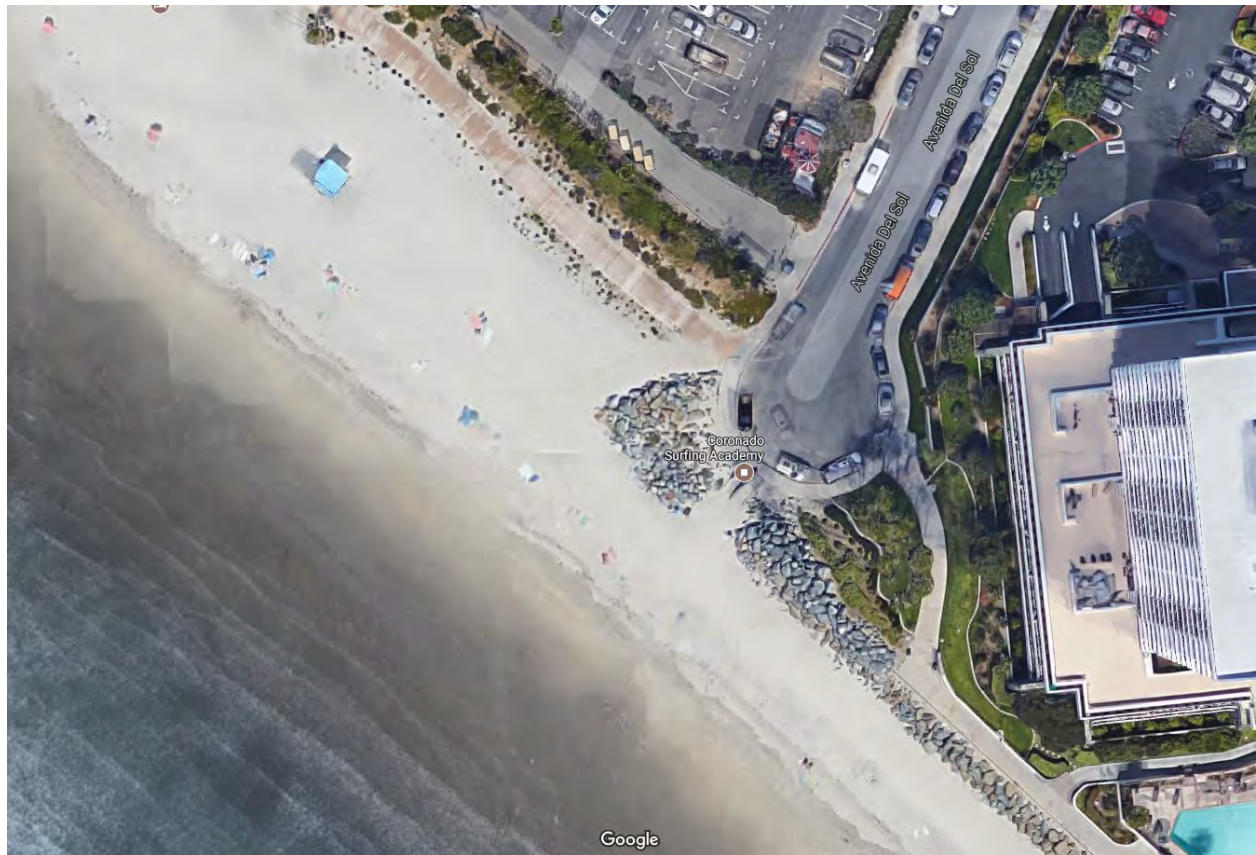


EXHIBIT NO. 10

APPLICATION NO.

A-6-COR-16-0097

Existing Site Photo



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



October 18, 2016

City of Coronado
Community Development Department
Attn: Jesse Brown, Senior Planner
1825 Strand Way
Coronado, CA 92118

Re: Final Environmental Impact Report for the South Beach Restroom Project

Dear Mr. Brown:

We appreciate the opportunity to comment on the environmental review process for the South Beach Restroom Project and to provide feedback on the project. Commission staff first met with City staff to discuss this project and provide feedback in early 2013. One of the primary tenets of the Coastal Act is to protect and enhance public access to the coast and the proposed project represents an opportunity to provide an enhanced public experience along the South Beach of Coronado. However, staff continues to have concerns with the visual impact that the new restroom would have in the proposed location, as well as the shoreline protection component of the project.

Staff appreciates that the project has changed over time to reduce impacts to public views, specifically by reorienting the structure to be perpendicular to the shoreline rather than parallel to it. Nevertheless, the placement of the structure directly in the middle of the street-end at Avenida del Sol will block existing public views towards and of the water, and as such, will have a significant visual impact. As acknowledged in the EIR, the City's LCP has several policies that encourage the "protection as a resource of public importance the scenic and visual qualities of the community" and "require that permitted development be sited and designed to safeguard existing public views to and along the ocean and bay shores of Coronado" (Policy Group B.6, H.1, H.2). The EIR states that there will be no significant impacts on views from designated public view corridors or from public viewing areas near the Hotel del Coronado or Coronado Shores. However, while Avenida del Sol may not be a designated public view corridor, it is an important coastal access route for visitors to the South Beach. And even if a view has not been specifically designated in the LCP, it is still considered an important resource under the policies of the Coastal Act. At this time, staff believe that not all measures have been taken to eliminate impacts on views from Avenida del Sol, from public accessways, and from the beach.

Analysis of alternatives is especially important in this case as the project concerns construction on a sandy beach. Coronado's LCP prohibits new development on existing public sandy beach areas with exceptions made for lifeguard facilities, restroom facilities, bike paths or similar public recreation facilities. However, these exceptions may only be made when it can be determined that adverse impacts to public beaches are negligible or public health and safety requires the development, *and* when no less environmentally damaging alternatives exist (86.74.020). While the EIR concludes that Avenida del Sol is the best placement for a public restroom when compared to other street-end locations, Commission staff believe that there are alternative sites that may be feasible and that would

EXHIBIT NO. 11

APPLICATION NO.

A-6-COR-16-0097

Staff Correspondence



California Coastal Commission

reduce the visual impact of the facility. Specifically, the following locations must be analyzed:

- Immediately north of the proposed project site, tucked into the existing revetment
- Further north of the proposed site, seaward of the Hotel del Coronado, outside of the Avenida del Sol viewshed
- Southeast of the proposed project site, tucked into the existing revetment
- Further inland on Avenida del Sol than the location of the existing portable restroom facilities (for the prefabricated restroom kiosks)

We understand that the city's preferred location is on city property, however, equally suitable or superior sites must be ruled out as infeasible before the proposed project can be found to be the least environmentally damaging alternative.

In terms of the proposed shoreline protection device, as we have previously advised the City, the Commission does not typically allow the construction of shoreline protection devices to protect new development because of the adverse impact these structures can have. Coastal Act Section 30235 acknowledges that shoreline protection could have an adverse impact on coastal resources, including shoreline sand supply and public access, by altering natural shoreline processes, reducing the natural shore material available to nourish offshore sand bars, causing accelerated and increased erosion, increasing beach scour, and occupying sandy beach area with their presence alone. While staff recognizes the important function of a public restroom, Chapter 3 of the Coastal Act requires that structures must be the minimum size necessary and located and designed to reduce impacts on public access and shoreline supply. Contrary to the statement in the EIR, staff has not expressed support for a shoreline protection device associated with the proposed restroom. Structures such as restrooms should be considered expendable and designed to be removed or relocated if threatened.

In addition to ensuring consistency with the City's certified Land Use Plan and the Coastal Act, this project should ensure conformance with the public walkway and the Avenida del Sol improvements associated with the approved Hotel del Coronado Master Plan. While the EIR does consider future scenarios associated with the raising of Avenida del Sol, there are other aspects of the Master Plan that must be considered in light of this project as well. Specifically, it is not clear how the proposed restroom will accommodate the required Paseo del Mar relocation and the new beach vehicle access ramp approved in the most recent revisions to the Hotel del Coronado Master Plan (CDP#A-6-COR-08-98 & 99). Relocating Paseo del Mar to provide a continuous ocean front pathway along the Hotel and Coronado Shores property is an important component of the Master Plan. The path is intended to provide improved views of the ocean in exchange for the loss of some views from halfway down Avenida del Sol following the Hotel's expansion. In addition, the approved beach ramp would provide important emergency vehicle access and was meant to replace the existing stairway, thereby reducing material on the beach. It is important that the proposed project addresses these conflicts and ensures that the benefits associated with the Master Plan improvements are still provided.

The EIR states that the project is within the City's coastal development permit jurisdiction, in an area appealable to the Coastal Commission. Because the subject site is right at the border of the two jurisdictions, the Commission's mapping unit is in the process of conducting a formal boundary determination for the project and it appears that the project

October 18, 2016

Page 3

is bisected by the Commission's permit and appeal jurisdiction boundary, such that a significant portion of the project may be located within the Commission's retained permit jurisdiction, with the remainder within the Commission's appeal jurisdiction. When we have a final boundary determination, we will provide it to the City.

We look forward to continuing to work with staff on determining the right location for this public amenity. If you have any questions or concerns, please do not hesitate to contact me at our San Diego District Office.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kaitlin Carney', written over the printed name.

Kaitlin Carney
Coastal Planner

Communication Avenida del Sol Restrooms.txt

From: Barbara Heyman <bheyman@planningcenter.com>
Sent: Wednesday, February 12, 2014 3:22 PM
To: Sackett, Amanda@Coastal
Subject: RE: Project Description

Amanda, Thank you for your response. Barbara

Barbara Wu Heyman
Associate Principal

THE PLANNING CENTER | DC&E
501 W. Broadway, Suite 800 | San Diego CA 92101
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bheyman@planningcenter.com
www.planningcenter.com

From: Sackett, Amanda@Coastal [mailto:Amanda.Sackett@coastal.ca.gov]
Sent: Wednesday, February 12, 2014 3:15 PM
To: Barbara Heyman
Subject: RE: Project Description

Hi Barbara,

Thank you for sending the draft project description and drawings. The revised alignment of the building to be roughly parallel with the street end should reduce the visual impacts of the proposed structure compared to previous alternatives that placed the building perpendicular to the street end. However, there are still likely to be some visual impacts. Therefore, the environmental analysis should include a comprehensive visual analysis that assesses the impacts to public views from various public vantages, including the top of the street, the street end, the public walkway, and the beach.

It is unclear from the submitted draft plans whether the project includes any shoreline protection or foundation structures designed to protect the structure from wave action and undermining. The environmental analysis should include a geotechnical report evaluating the risk to the structure from wave erosion. Typically, the Coastal Act does not permit the construction of shoreline altering devices to protect new development, because of the adverse impact these structures can have on shoreline sand supply. Structures such as restrooms should be considered expendable, and designed to be removed or relocated if threatened. I have attached a copy of the staff report for the restroom approved by the Commission at Coronado's North Beach area, so you can get a feel for the types of issues the Commission must consider, and potential conditions that might be placed on the proposed restroom.

A needs/alternatives analysis should also be included. While the proposed restrooms would provide a beach amenity at this portion of the beach, the Commission must weigh the benefit of new recreational support facility against the loss of sandy beach area that would result from the new construction. The analysis should explore other nearby possible sites that do not place the structure directly on sandy

beach.

If you have any questions feel free to contact me.

Thank you,

From: Barbara Heyman [mailto:bheyman@planningcenter.com]
Sent: Monday, January 27, 2014 1:32 PM
To: Sackett, Amanda@Coastal
Subject: RE: Project Description

Hi Amanda,

Thanks for getting back to me so quickly. We're still working on the project description, but below is a very rough draft. Attached are the preliminary schematic drawings. Feel free to call me if you want to further discuss.

Thanks,
Barbara
619.400.4927

The City of Coronado proposes to construct and operate a public restroom facility on South Beach near the end of Avenida del Sol to serve beachgoers in the South Beach area. The proposed building would be oriented in a north-south orientation behind an existing riprap at the end of Avenida del Sol. The building would be approximately 220 square feet, with three standard single-accommodation stalls; one ADA (American with Disabilities Act) accessible restroom; and a storage closet for an electric meter, equipment for closed circuit security camera equipment, electronics for access control, toilet supplies and cleaning equipment. The exterior of the restrooms would include two sinks for hand washing; two showers; and two hand dryers, one on each side of the sinks. All fixtures would be resistant to vandalism and corrosion. The facility would be similar to two other beach restroom facilities in Central and North beaches in that it would be composed of concrete block and finished with a natural rock veneer, with similar characteristics as the adjacent riprap. The roof of the building would be sand-colored and have a waterproof membrane so that it blends with the surrounding beach as viewed from above. Lighting would be recessed within the roof structure of each restroom stall. Exterior lighting would also be recessed within the roof structure and shielded in such a way to not stray beyond the immediate building overhang. The roof would be sloped such that stormwater runoff would spill directly into the sand. Signage will be provided on the proposed building to identify it and as required for ADA compliance. Restroom signs may also be posted at Avenida de las Arenas near a beach public parking lot on an existing guardrail ramp from the parking lot to the beach to inform visitors and near the

Communication Avenida del Sol Restrooms.txt

entrance to the Hotel Del to guide people to the public restroom. The proposed signage would be mounted on existing sign poles and structures. No other structures (e.g., sign posts, fencing) would be constructed as a part of the proposed project.

Barbara Wu Heyman
Associate Principal

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bheyman@planningcenter.com
www.planningcenter.com

From: Sackett, Amanda@Coastal [mailto:Amanda.Sackett@coastal.ca.gov]
Sent: Monday, January 27, 2014 1:24 PM
To: Barbara Heyman
Subject: Project Description

Hi Ms. Heyman,

Thank you for your call this morning regarding the pending construction project of restrooms on the beach near the Hotel Del Coronado. I have spoken with the staff at the Coastal Commission who were aware of previous preliminary discussion about the project. At this point, we have determined it would be most helpful if you could send us the project description and any plans associated in order for us to give you a good idea of any potential issues or concerns.

Please let me know if that would be possible.

Thank you,

Amanda Sackett
Coastal Program Analyst
California Coastal Commission
San Diego District Office
(619) 767 2370



View for 9th Floor Shores Tower – winter view



View for 9th Floor Shores Tower – summer view

EXHIBIT NO. 12

APPLICATION NO.

A-6-COR-16-0097

**Seasonal Conditions
Simulation**

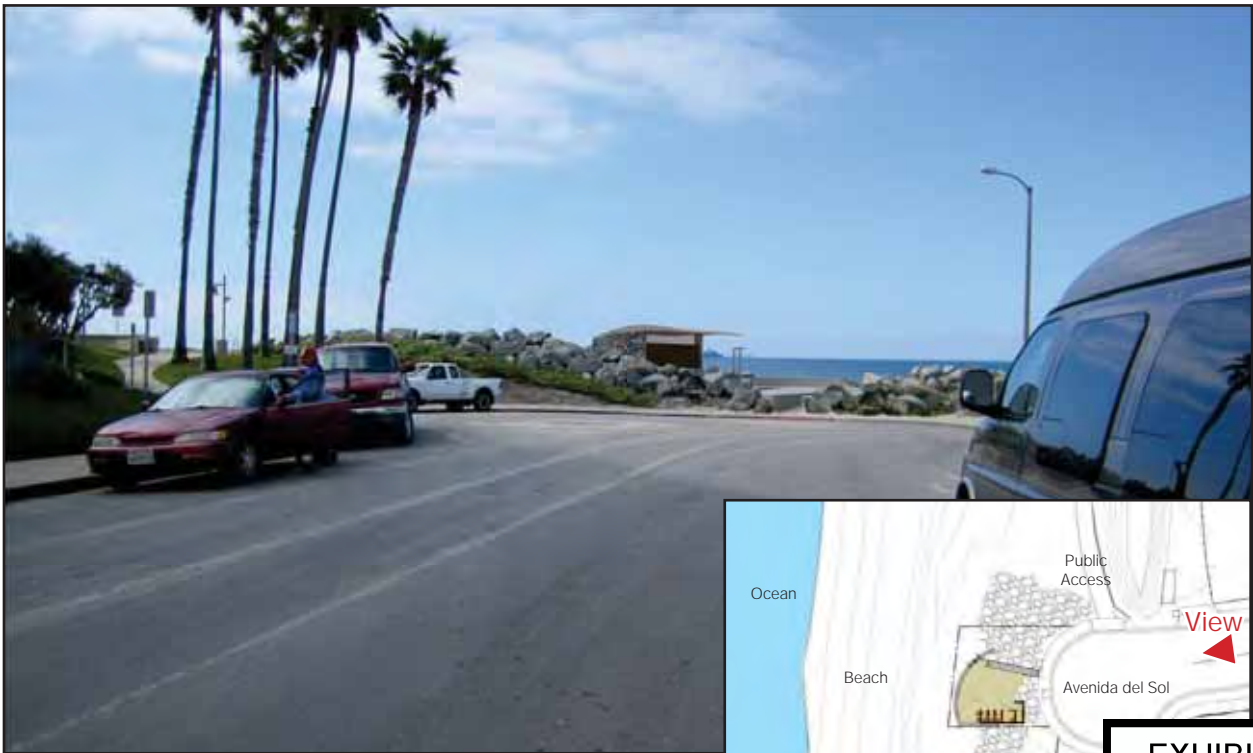


California Coastal Commission

Figure 5-3 - Visual Simulation - North, Existing Elevation



Existing view of the project site from Avenida del Sol, north of the site.



Simulated view of the restroom from the same location, assuming Avenida del Sol is at its current elevation.

Source: Hanna Gabriel Wells Architects, February 2015.

June 2015

EXHIBIT NO. 13
APPLICATION NO.
A-6-COR-16-0097
View from
Avenida del Sol
 California Coastal Commission



beach view - proposed structure