



# CITY OF CORONADO

## CITY COUNCIL STAFF REPORT

November 7, 2023

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### **REVIEW ENCROACHMENT PERMIT APPLICATION NUMBER E2309-017 FOR INSTALLATION OF PRIVATE IMPROVEMENTS AT 1300 ORANGE AVE IN THE PUBLIC RIGHT-OF-WAY AND CONSIDER APPROVAL OF AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT COVERING SAID PRIVATE IMPROVEMENTS**

#### **RECOMMENDATION:**

Approve encroachment permit application E2309-017 by authorizing the City Engineer to execute the associated Encroachment Maintenance and Removal Agreement for the proposed private improvements in the public right-of-way at 1300 Orange Avenue.

#### **BACKGROUND:**

A new restaurant, By the Sea, is completing improvements that include the replacement of two second-story awnings on The Plaza at 1300 Orange Ave that extend over the sidewalk along Churchill Place. Design elements, including the replacement of the awnings, were approved by the Design Review Commission (DR2023-016) at its regularly scheduled meeting on September 13, 2023. The remodeling work will replace existing awnings, slightly increasing their size and encroachment over the Public Right of Way from existing conditions (see Attachment 1).

#### **ANALYSIS:**

There are two existing awnings at the subject location that were part of the now-closed Maretalia Restaurant. This proposed encroachment permit includes private improvements consisting of two second-story awnings. One awning is approximately seventeen feet, four inches (17' 4") above the sidewalk and ten feet, four inches (10' 4") in length; the second awning is approximately eighteen feet nine inches (18' 9") above the sidewalk and thirty-nine feet (39') in length. The combined area of public right-of-way being encroached upon is approximately eighty-three square feet (83 s/f).

The increases in awning size extend the new awnings over the public right of way approximately one foot (1') further than currently exist. This new design does not interfere with pedestrian traffic along Churchill Place and does not appear to pose a hazard or impact public infrastructure. (Refer to Attachment 2 – Proposed Encroachment Maintenance and Removal Agreement for additional design details).

Terms of the Encroachment Maintenance and Removal Agreement with Madison-Desplaines, LLC include appropriate indemnification and insurance requirements, reserve the ability to revoke the permit, and describe that maintenance responsibilities are assigned to Madison-Desplaines, LLC.

Considering all of the above, it is recommended that the City Council approve the encroachment request and authorize the execution of the proposed Encroachment Maintenance and Removal Agreement.

**FISCAL IMPACT:**

The applicant has paid the City a non-refundable encroachment permit fee of \$400 and, if approved, will be required to maintain the encroachment and required insurance at their expense.

**ALTERNATIVE:**

The Council may opt to deny the private enhancements being proposed on public property.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The project is categorically exempt pursuant to Class 1 of Section 15301 (existing facilities) and Class 2 of Section 15302 (replacement or reconstruction).

**PUBLIC NOTICE:**

Property owners and residents within 300' of the proposed improvement were notified of this item.

**ATTACHMENTS:**

1. Renderings From DRC Review Of Proposed Improvements
2. Proposed Encroachment Maintenance and Removal

Submitted By: Public Services and Engineering Department / David Eastlick and Jim Newton