

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Permit Application No. **5-12-187**

September 20, 2012

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Th5a

ADMINISTRATIVE PERMIT

APPLICANT: Santa Catalina Island Company

PROJECT DESCRIPTION: Renovation of an existing 3,050 square foot commercial structure on the waterfront for the establishment and operation of a new 250-seat restaurant and bar.

LOCATION: 302 Crescent Avenue, City of Avalon, Santa Catalina Island, County of Los Angeles.

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Thursday, October 11, 2012, 9:00 a.m.
Oceanside City Council Chambers
300 North Coast Highway
Oceanside, CA 92054

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER
Executive Director

By: Charles R. Posner
Title: Coastal Program Analyst

SPECIAL CONDITIONS: See Page Five.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The proposed project is the renovation of an existing 3,050 square foot commercial structure on the Avalon waterfront for the establishment and operation of a new 250-seat restaurant and bar.



Pleasure Pier and waterfront, Avalon, CA (2012) Copyright © 2012 Microsoft Corp.

The proposed project will convert two existing restaurant spaces in the structure into one new restaurant space (See Exhibits). The building footprint is not being changed. No additional floor area is being added. The City of Avalon Planning Commission approved the proposed project on August 22, 2012, finding that the building's occupancy will be substantially the same (Site Plan/Conditional Use Permit Case No. PC#2490). The zoning for the project site is Resort/Recreational.

About half of the commercial structure overhangs Avalon Bay and is supported by timber piles. The building straddles the high tide line and the jurisdictional line between the Commission's retained jurisdiction and the City's Local Coastal Program (LCP) permit jurisdiction. The City and the applicant have both requested that the Commission process one coastal development permit for the entire project (i.e., the City has agreed to concede its coastal development permit jurisdiction in this case to the Commission).

The proposed project includes the renovation of the interior and exterior of the existing 3,050 square foot commercial structure. The existing clay tile roof will be removed (along with the center cupola and turrets) and replaced with a standing seam metal roof, thus altering the building's roofline and lowering overall height of the top of roof from 28 to 23 feet (Exhibit #3). The buildings exterior stucco will be replaced with horizontal lap siding. The existing outdoor patio will also be renovated but not expanded. A trellis/shade structure is proposed to be added over the patio, and a new outdoor fire pit will be installed if approved by the City Fire Department. The safety railings on the building's waterside will be brought up to code using the existing pilasters with new cables. The proposed repair of the vertical concrete seawall under the structure is a separate project that is the subject of Coastal Development Permit Application 5-12-188 (Santa Catalina Island Co.).

The structure is not included in the list of "Significant Structures" contained in the City of Avalon certified LCP. The proposed land use (restaurant/bar) is a visitor-serving use, which is an allowable use on City Tidelands. The approval of the permit includes special conditions to reduce the potential for adverse impacts on the water quality of Avalon Bay. The proposed restaurant renovation project does not: a) obstruct a significant view to or along the coast; b) adversely impact public access to and use of the water; c) adversely impact public recreational use of a public park or beach; or d) otherwise adversely affect coastal resources. Therefore, the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

B. Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction and post-construction related impacts on water quality, the Executive Director imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Executive Director determines that the development conforms with Sections 30230 and 30231 of the Coastal Act.

C. Public Access and Recreation

The proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the Executive Director determines that the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in the area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP, and the public access and public recreation policies of Chapter 3, is the standard of review for the proposed development in the area inland of the high tide line. The Commission certified the City of Avalon LCP on May 21, 1981. As conditioned, the Executive Director determines that the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

E. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Executive Director determines that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. **Approved Development - Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for the permit, subject to the special conditions of this permit. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether a permit amendment is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a permit amendment unless the Executive Director determines that no permit amendment is required.
2. **Construction Responsibilities.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
 - A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
 - B. Any and all construction material shall be removed from the site as soon as possible (within two days of completion of construction) and disposed of at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
 - C. All trash generated by construction activities within the project area shall be disposed of at the end of each day, or sooner if possible.
 - D. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
 - E. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
 - F. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: silt fencing and/or sandbags shall be installed between work areas and the water to prevent runoff/sediment transport into the bay.
 - G. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
 - H. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any bay, harbor, street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
 - I. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-

site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

The permittee shall undertake the approved development in accordance with this condition.

3. **Water Quality.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
 - A. The permittee shall, on a weekly basis, sweep the outdoor dining areas and other impervious surfaces to remove sediment and debris. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
 - B. The permittee shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
 - C. Wash down areas for restaurant equipment and accessories shall be designed as follows: i) The area shall be self-contained, equipped with a grease trap or grease interceptor, or other BMP that prevents grease from reaching the sewer system, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it shall be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittee shall undertake the approved development in accordance with this condition.

4. **Public Access along the Waterway.** The proposed project shall not interfere with public access and use of the public walkways situated in the vicinity of the project.
5. **Signs.** Rooftop signs and signs that exceed the height of the structure are prohibited. Freestanding signs are not permitted.
6. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Executive Director's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

STANDARD CONDITIONS:

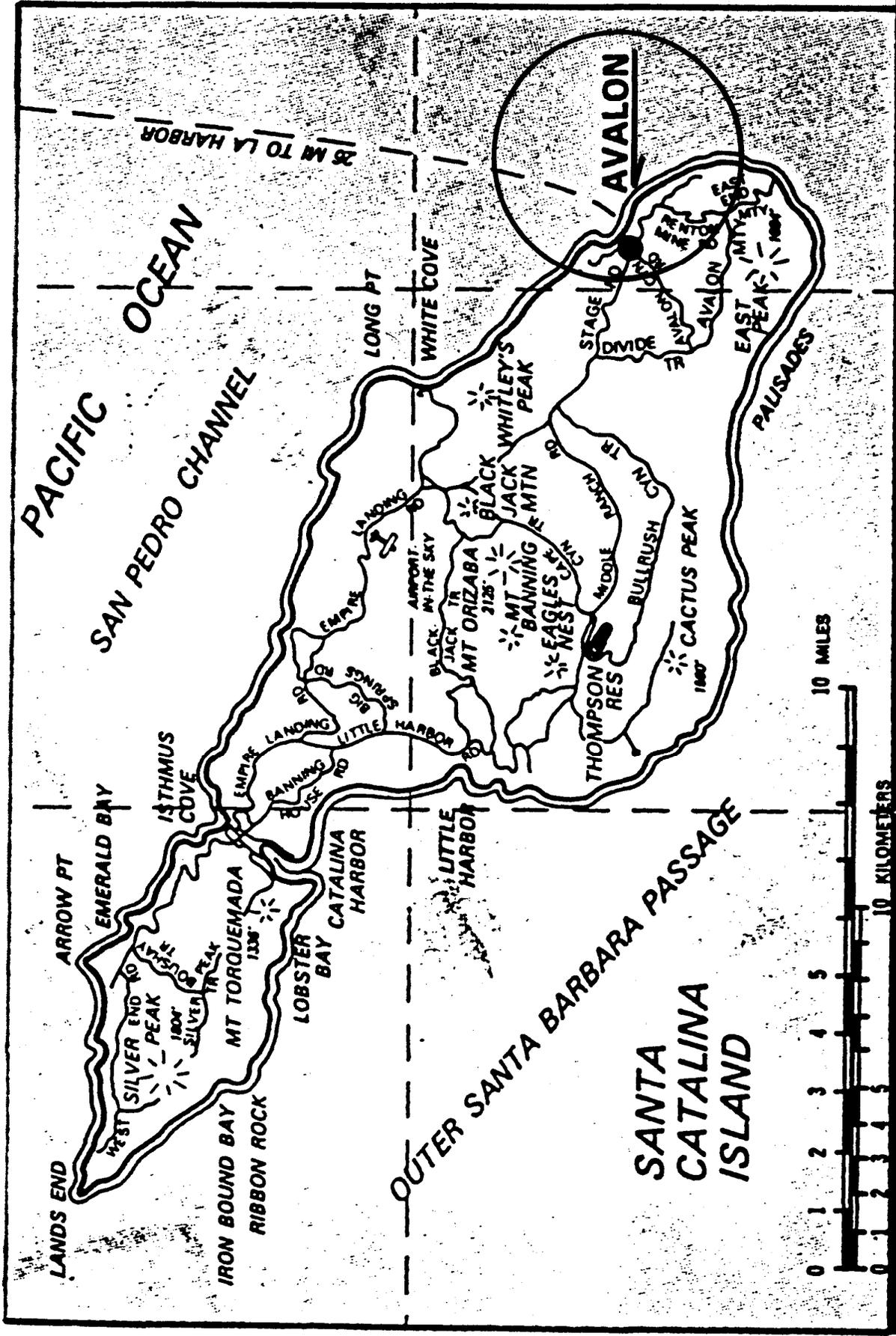
1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

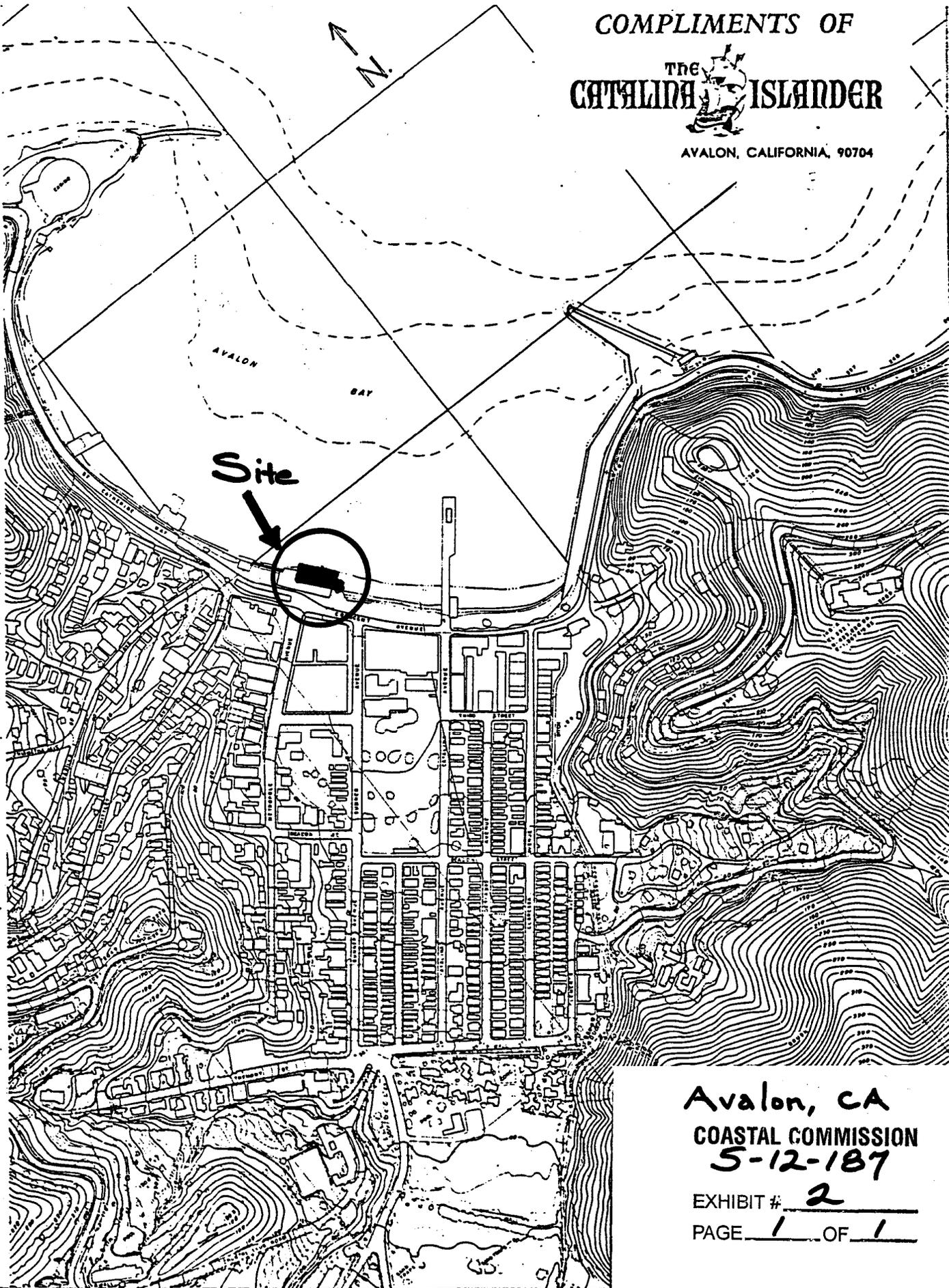
Applicant's Signature

Date of Signing



COMPLIMENTS OF
THE
CATALINA ISLANDER

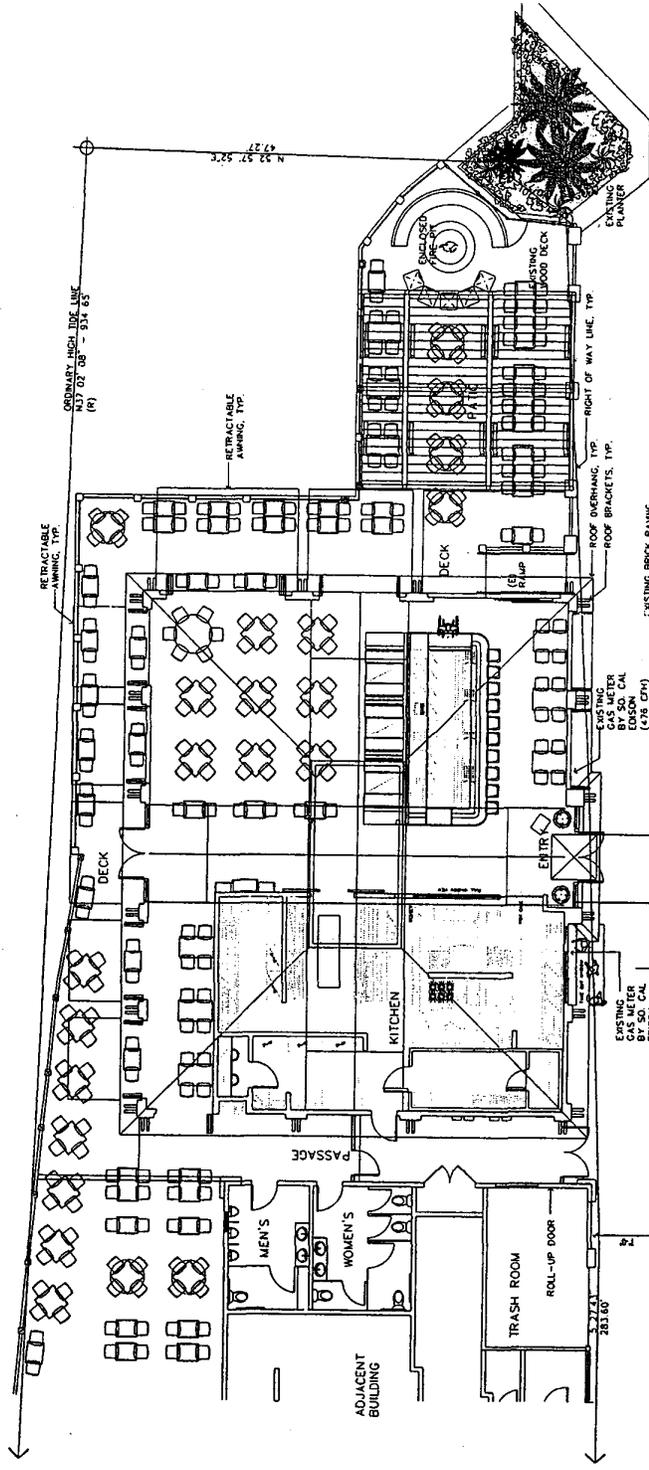
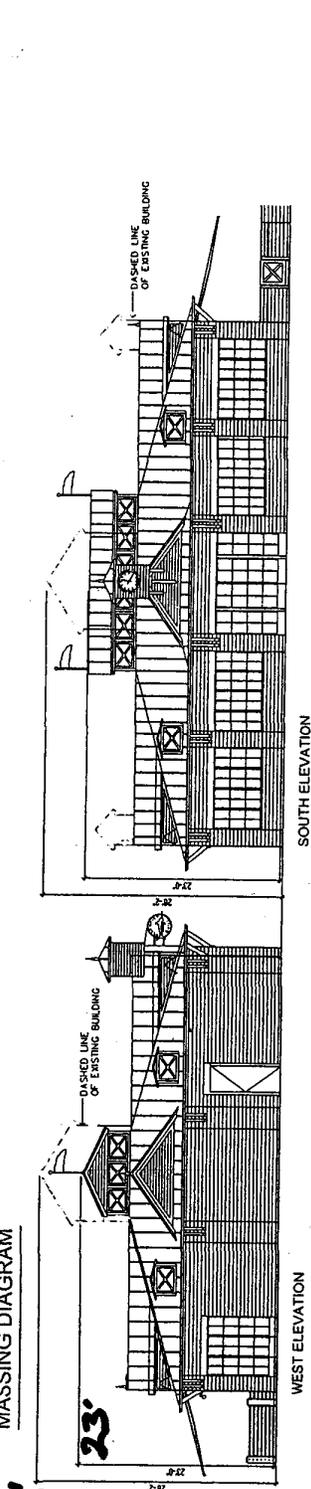
AVALON, CALIFORNIA, 90704



Avalon, CA
COASTAL COMMISSION
5-12-187

EXHIBIT # 2
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MASSING DIAGRAM



FLOOR/SITE PLAN

VICINITY PLAN

SEATING COUNTS

INTERIOR SEATING:	68
BAR SEATING:	92
EXTERIOR SEATING:	160
TOTAL SEATING:	250

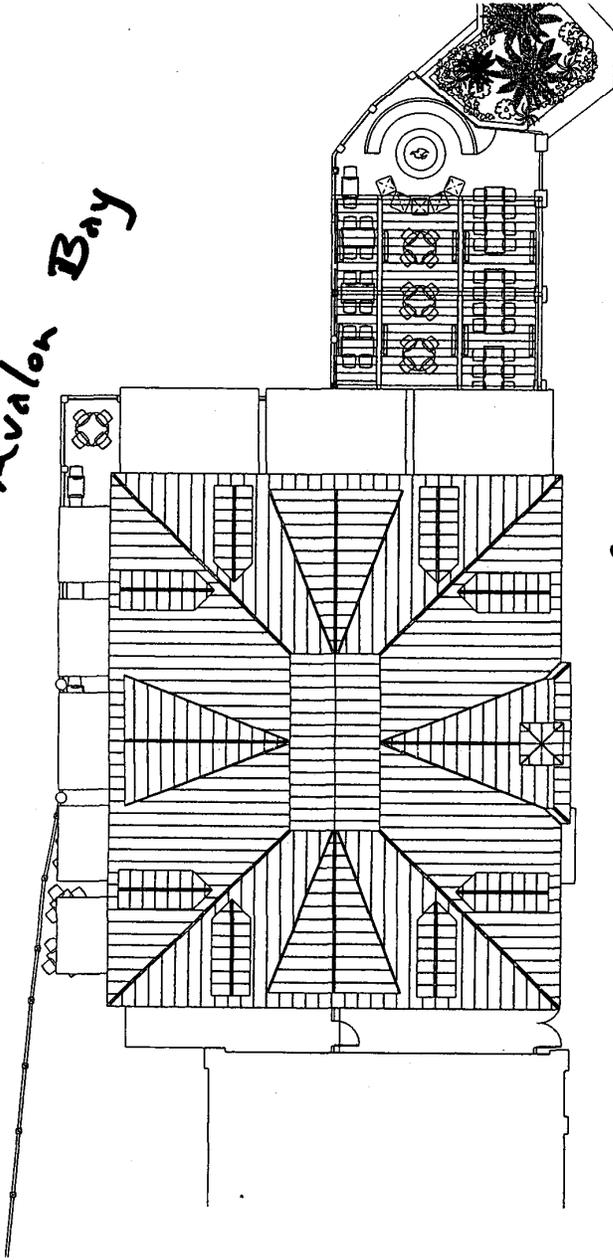
SQUARE FOOTAGES

RESTAURANT:	3050 SQUARE FEET
RESTROOMS:	316 SQUARE FEET
TRASH ROOM:	222 SQUARE FEET
LOT AREA:	+/- 20,000 SQUARE FEET

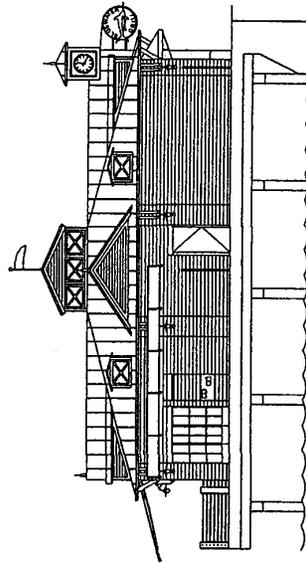


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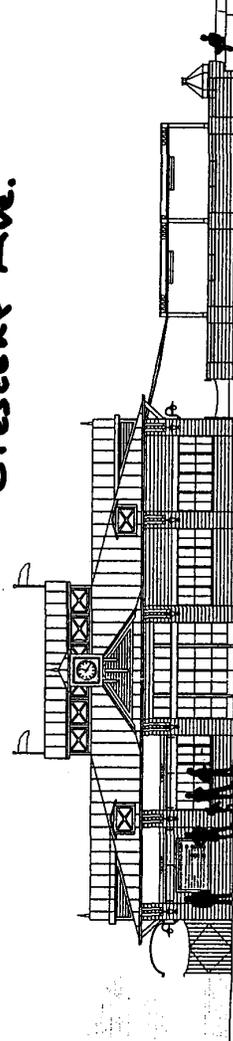
Avalon Bay



Crescent Ave.



Street View



Bay View

LAP SIDING

FABRIC AWNINGS

AWNINGS

WOOD OUTLOOKERS

EXHIBIT # 3

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