

CALIFORNIA COASTAL COMMISSION

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

Filed: 9/30/2011
49th Day: 11/18/2011
180th Day: 3/28/2012
Staff: Charles Posner - LB
Staff Report: 2/22/2012
Hearing Date: March 8, 2012
Commission Action:



Th12a

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-11-133

CO-APPLICANTS: City of Avalon & Santa Catalina Island Company

AGENTS: Fernando Avila (City) & Mark Bradshaw (SCI Co.)

PROJECT LOCATION: Pebbly Beach Road (one-mile segment between Crescent Avenue & Pebbly Beach), City of Avalon, Santa Catalina Island, Los Angeles County.

PROJECT DESCRIPTION: The Pebbly Beach Road Rockfall Mitigation Plan Project involves the installation of rockfall barriers (i.e., k-rails, debris fences and wire mesh draperies) along the inland side of the road and on the hillsides above the road in order to increase public safety and improve public access for pedestrians, bicyclists and vehicles. Some of the native vegetation on the hillsides will be trimmed to a height of eighteen inches. Non-native plants will be removed and replaced with appropriate native plants.

LOCAL APPROVAL: City of Avalon City Council Resolution No. 11-09, April 19, 2011.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions. The special conditions, which begin on Page Four, require the applicants to: a) install the development outside of the bird breeding season, b) implement best management practices to minimize adverse impacts to water quality and marine habitat, c) remove non-native plants and plant appropriate native plants in their place, d) provide a public access easement and restore public pedestrian, bicycle and vehicular access along Pebbly Beach Road, e) maintain the approved development, f) comply with the requirements of the resource agencies, and g) assume the risks of the development.

The applicants agree with the recommendation. **See Page Three for the motion necessary to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Avalon certified Local Coastal Program (LCP), May 21, 1981
2. Biological Review of the Pebbly Beach Road Cliff Stabilization Plan and Rockfall Mitigation Plan, by Catalina Island Conservancy (August 24, 2011).
3. Botanical Survey Report for Pebbly Beach Road Project, by Catalina Island Conservancy (August 24, 2011).
4. City of Avalon certified Mitigated Negative Declaration for the Pebbly Beach Road Rockfall Mitigation Project (SCH# 2011031043), 3/15/2011.
5. Preliminary Geotechnical Evaluation of Rockfall Potential Along Portions of Pebbly Beach Road, City of Avalon, California, by Zeiser Kling Consultants, Inc. (PN)5132-00), 9/22/2006.

STAFF NOTE:

Pursuant to Section 30601.3(a) of the Coastal Act, the Commission may process and act upon a consolidated coastal development permit application if: (1) the proposed project requires a coastal development permit from both the City of Avalon under its certified local coastal program and the Commission AND (2) the applicant, the City of Avalon and the Commission, which may agree through its Executive Director, consent to consolidate the permit application.

The entire project is within the City limits of Avalon and above the high water line. However, one segment of the proposed project is within the City of Avalon's LCP jurisdiction, and another segment is in an uncertified area which the City of Avalon annexed from the County of Los Angeles after the 1981 certification of the City's LCP. In order to allow the permitting of the project to proceed more efficiently, the City and the applicant have requested that the Commission process one coastal development permit for the entire project, including the segment within the City's permit jurisdiction. Pursuant to Section 30601.3(b), the Commission's standard of review under a consolidated coastal development permit application is Chapter 3 of the Coastal Act, with the appropriate local coastal program used as guidance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-11-133 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and the certified City of Avalon Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. 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 on which the Commission voted on the application. 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 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.

III. Special Conditions

1. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Project Timing – Breeding Birds

In order to prevent disturbance to breeding birds, no work shall occur during the period between March 1 and August 31. If an active nest is located, all work within three hundred (300) feet of the nest (or within 500 feet for raptor nests) shall be postponed until such nest is vacated and juveniles have fledged and when there is no attempt of a second nesting.

3. Protection of Marine Resources

In order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Avalon Bay or the sea, the permittees shall implement the following staging and construction (BMPs) best management practices:

- A. Machinery or construction materials are prohibited at all times in the subtidal and intertidal zones.
- B. Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- C. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- D. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the shoreline and work areas and equipment storage areas to prevent any unpermitted material from entering Avalon Bay or the sea.
- E. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Avalon Bay or the sea. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- F. 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.
- G. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to

control runoff and prevent discharges into Avalon Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

- H. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- I. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- J. 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.
- K. In the event that lead-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.
- L. The permittees shall properly dispose of all demolition and construction debris resulting from the proposed project at an appropriate location, either off-island, at the Santa Catalina Island Seagull Sanitation Systems facility, or an on-island location approved by the Executive Director.
- M. At the end of the construction period, the permittees shall inspect the project area and ensure that all debris, trimmings, trash and construction materials have been removed from the area and taken to an appropriate location.

The permittees shall include the requirements of this condition on all plans and contracts issued for the project. The permittees shall implement and carry out the project staging and construction plan during all staging and construction activities.

4. Dedication of an Easement for Public Access

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and in order to implement the landowner's proposal, the co-applicants shall submit to the Executive Director for review and approval evidence that the landowner (Santa Catalina Island Company) has executed and recorded a direct dedication of an easement to the City of Avalon, with evidence that the City has accepted such dedication, for public access which allows the general public uninterrupted and perpetual pedestrian, bicycle and vehicular access along Pebbly Beach Road and its adjacent shoulders within the City limits of Avalon consistent with the terms of its project description as proposed by the Santa Catalina Island Company in its letter to the Commission dated July 27, 2011, attached as Exhibit #6 of the Staff Report dated February 22, 2012.
- B. The dedication of the easement shall be of a form and content approved by the Executive Director, free of prior encumbrances, except for tax liens, that the Executive Director determines may affect the interest being conveyed, and shall provide the public the right to use the dedicated route for pedestrian, bicycle and

vehicular access. The accepted recorded dedication shall include exhibits that provide the legal description and graphic depiction of the entire easement area. The dedicated access easement shall become open for public pedestrian, bicycle and vehicular access immediately after the Commission reviews and approves of the form and content of the recorded easement and issues the coastal development permit for the approved development. Prior to the City's acceptance of the easement, the Santa Catalina Island Company shall not interfere with any rights of public access acquired through use which may exist on the property. Temporary suspension of the public's right to access the easement is permitted for only those temporary safety limitations necessitated by unsafe conditions including, but not limited to, unsafe tidal action, weather hazards or required maintenance activities.

Any future development that is proposed to be located either in whole or in part of the area described in the recorded access easement dedicated to the City shall require a Commission amendment, approved pursuant the provisions of 14 CCR § 13166, to this Permit or a new coastal development permit if the Executive Director determines that a new coastal development permit is legally required. This requirement shall be reflected in the provisions of the recorded easement.

5. Restoration of Native Vegetation - Monitoring

A qualified Resource Specialist shall be on-site to supervise all vegetation trimming. During the installation of the proposed development, all native plants shall be protected in place to the greatest extent possible, and the permittees shall commence the removal of non-native plants from the project area (the area where the k-rails, debris fences and wire mesh draperies are permitted to be installed, as well as the areas in between the draperies). Removal of non-native plants and replacement with appropriate native plants may be done in phases in order to reduce the potential for increased erosion of the hillsides. The removal and planting of vegetation shall occur outside of the bird breeding season that occurs between March 1 and August 31. Non-native plants shall be removed manually; no herbicides shall be used.

For at least five years following the commencement of construction, the permittees shall actively monitor the project site, continue to remove non-native plants and replant the areas where non-natives were removed with native plants appropriate for the site (as described in Botanical Survey Report for Pebbly Beach Road Project, by Catalina Island Conservancy, August 24, 2011). The permittees shall monitor and inspect the project site no less than every quarter during the first year that follows the initial grading and vegetation trimming. Thereafter, the permittees shall monitor the site at least once every six months. Each year, for a minimum of five years from the date of permit issuance, the permittees shall submit, for the review and approval of the Executive Director, an annual vegetation monitoring report prepared by a qualified Resource Specialist which quantifies the percentage of the project area is covered with non-native plants. The annual monitoring report shall include photographic documentation of plant species and plant coverage. At the end of five years, no more than five percent (5%) of the project area shall be covered with non-native plants.

6. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

7. Maintenance Program

By acceptance of this permit, the permittees agree that the development (i.e., k-rails, debris fences and wire mesh draperies) approved by this coastal development permit shall be maintained on an ongoing basis in their approved locations. In the event that any portion of the k-rails, debris fences or wire mesh draperies become damaged or unattached to the hillside, the permittees shall submit a plan for repair or removal to the Executive Director. The Executive Director shall determine if the proposed repairs or removal from the hillside shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

8. Assumption of Risk

By acceptance of this permit, the applicants, on behalf of (1) themselves; (2) their successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledge and agree (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicants 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; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission'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; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

9. Condition Compliance

Within sixty (60) days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good

cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.



Pebble Beach Road – Lover's Cove, City of Avalon, California.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project is the Pebbly Beach Road Rockfall Mitigation Plan. The project involves the installation of rockfall barriers (i.e., k-rails, debris fences, rock bolts, and wire mesh draperies) along the inland side of Pebbly Beach Road, and on the hillsides above the road, in order to increase public safety and improve the safety of public access for pedestrians, bicyclists and vehicles (See Exhibits). The proposed project also includes a restoration component that involves the manual removal of non-native plants from the project area. Under the supervision of a Catalina Island Conservancy biologist, the areas where non-native plants are removed will be planted with appropriate native plants. Also, seeds and cuttings of native plants will be collected for use in the Catalina Island Conservancy Native Plant Nursery.

The purpose of the proposed project is to increase public safety by preventing rocks from tumbling off of the steep hillsides onto the roadway, so that the shoreline road can be opened for use by the general public. Because of the risks to public safety caused by the eroding hillsides, the applicants have restricted the use of Pebbly Beach Road to persons in vehicles with hard tops. No pedestrian, bicyclists or golf carts are being allowed to access the segment of the road east of Cabrillo Mole. The applicants state that the road will be reopened to the public after the implementation of the proposed project (Exhibits #6&7).

The proposed project extends along a one-mile segment of Pebbly Beach Road, between Crescent Avenue and the Pebbly Beach industrial area (Exhibit #2). The Santa Catalina Island Company owns the segment of Pebbly Beach Road that extends eastward from Cabrillo Mole (Exhibit #3). The City owns the right-of-way between Cabrillo Mole and Crescent Avenue. The Santa Catalina Island Company has proposed to grant the City an easement for public access and utilities over their segment of the roadway (Exhibit #6). The proposed project is expected to commence in September 2012 and take about five months to complete. In order to prevent disturbance to breeding birds, no work will occur during the period between March 1 and August 31. The project staging area will be situated in the Pebbly Beach industrial area.

The consulting geologists (Zeiser Kling Consultants, Inc.) state that the rockfall conditions that exist along Pebbly Beach Road are generally controlled by natural fractures and weathering processes within the rock as well as the steep gradient (60 to 80 percent grade) and heights of the slopes. Their report states that rockfall is a condition that progressively worsens over time. The consulting geologists identified several mitigative options, including road closure, rock nets, rock fences, soldier piles and lagging walls, and grading of hillsides. The project currently proposed by the applicants would allow the road to be opened to the public, while at the same time, minimizing adverse impacts to the environment.

In order to reduce the danger of rockfall on the road, the applicants propose to place three-foot high k-rails and six-to-ten foot high barrier fences at the bottom of the slopes along inland side of the road (Exhibit #3). Draperies, consisting of wire mesh, will be bolted to the steep eroding hillsides and rock outcropping where geologists have identified the greatest risk of rockfall (Exhibit #5). In addition, areas with rockfall chutes will be protected with engineered rockfall barriers similar to debris fences (Exhibit #4). The strength and size of each barrier is

dependant on the steepness of the slope and the size of potential boulders. The slopes without risk of rockfall will remain in their natural state. Cranes will be used to lift the draperies and anchors up from the road and onto the steep slopes. Approximately 328 cubic yards of rocks and soil will be removed from various points along the road in order to allow the installation of the rockfall barriers, but landforms will not be modified and no grading will occur on hillsides (Exhibit #3). Approximately 30,600 square feet of vegetated hillside area will be affected by the trimming necessary for the installation of the draperies. The roots and lower twelve-to-eighteen inches of each native plant will remain in place.

B. Environmentally Sensitive Habitat Areas (ESHA)

The hillsides in the project area contain environmentally sensitive habitat areas. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

While there will be temporary impacts to some native vegetation (i.e., trimming), the permit is conditioned to protect sensitive habitat areas while the rockfall hazard mitigation project is implemented. Projects that typically involve a significant disruption of habitat values include, in part, those that propose permanent development within ESHA or in buffer areas that protect ESHA, such that the development would cause a loss of sensitive species or habitat that provides foraging and/or nesting opportunities. In the present proposal, the project will not result in the loss of sensitive species nor will it impact habitat values such as nesting or foraging in the project site. Therefore, as conditioned, the proposed project will not cause any significant disruption of habitat values.

The proposed project will temporarily affect the vegetation on some of the hillsides where the rockfall barriers are proposed to be installed. Approximately 30,600 square feet of vegetated hillside area will be affected. However, most of this area is already subject to disturbance by erosion. Installation of the draperies involves the trimming of woody shrubs that are taller than eighteen inches. The native plants will not be removed in their entirety; the roots and twelve-to-eighteen inches of above ground vegetative growth, including blades and leaves that carry on photosynthesis will remain in place. The Commission's staff ecologist has reviewed the project and based on her review finds that the trimming of the vegetation in this manner will not significantly disrupt any habitat value because the vegetation will be able to grow back through the wire mesh once the draperies are bolted to the hillside. The applicants have provided photographs which show plants that have grown through the wire mesh in other similar projects (Exhibit #8). Commission staff has also observed vegetation growing through wire mesh draperies installed on the inland side of Pacific Coast Highway in Malibu.

In order to reduce adverse impacts to the sensitive habitat in the project area, the applicants have agreed to implement the following mitigation measures:

- In order to prevent disturbance to any birds that may nest nearby, no work will occur between March 1 and August 31.
- A qualified biologist will be present during the vegetation trimming, and workers will be trained to recognize sensitive species.
- Areas that are situated between the authorized construction areas will be marked as “no-entry” to prevent inadvertent disturbance of habitat.
- Construction BMPs will be implemented to prevent deposition, spill or discharge of any liquid or solid into the sea.
- A qualified biologist will identify non-native plants in the project area and direct workers to remove the non-native plants as part of the proposed project.
- Seeds and cuttings of native plants will be collected during the trimming phase. The seeds and cuttings will be planted to re-vegetate the areas where non-native plants have been removed during fall and winter months (September through February) when additional irrigation will not be necessary.

The applicants have submitted two biology reports that have been prepared by the resource specialists at the Catalina Island Conservancy. These reports are entitled: Biological Review of the Pebbly Beach Road Cliff Stabilization Plan and Rockfall Mitigation Plan (August 24, 2011) and Botanical Survey Report for Pebbly Beach Road Project (August 24, 2011). The vegetative communities that were surveyed on the hillsides that will be affected by the proposed project consist primarily of Island Chaparral, Southern Coastal Bluff Scrub habitat, and Coastal Sage Scrub habitat. Southern Coastal Bluff Scrub habitat is identified as rare by the California Department of Fish and Game. No streams or riparian vegetation will be affected by the project. The Catalina Island Conservancy botanists have concluded that the proposed project would have no significant impact on these habitat areas because no trees or other native plants will be removed, no grading is proposed on the hillsides, and the wire mesh drapery will not prevent the native vegetation from re-growing. The botanists state that most, if not all, of the individual native plants are expected to survive and re-grow to eventually cover the draperies with native vegetation because the roots and twelve-to-eighteen inches of above ground vegetative growth will remain in place. Thus, over time, the expectation is that the native vegetation will cover the draperies. Once the non-native plants are removed and the native vegetation grows through the wire mesh, the habitat value will be improved because of the increased stability of the substrate and surrounding vegetation.

The Biological Review also states that no active or inactive bird nesting or roosting sites exist in the areas to be affected by the proposed project. Also, the biology surveys did not find any bats or other protected species of animals on the project site, and no guano has been observed. The Catalina Island Conservancy biologists state that there are no significant risks to nesting birds because the project is being scheduled to avoid bird nesting season (March 1st to August 31st). This timing restriction will also protect bats during their maternity period which runs May through August.

The Commission finds that the proposed project will have only minimal and temporary impacts to ESHA, none of which rise to the level of a significant disturbance of habitat values, and that these temporary impacts can be adequately mitigated by conditions of the coastal development permit. Special Condition One states that no work shall occur during the period between March 1 and August 31 in order to prevent disturbance to breeding birds. Special Condition One also states that if an active nest is located, all work within three hundred feet of the nest (or within five hundred feet for raptor nests) shall be postponed until such nest is vacated and juveniles have fledged and when there is no attempt of a second nesting. As conditioned, the proposed project will not adversely affect breeding birds or bats.

The applicants have already proposed to schedule the project for September through February. The Commission's staff ecologist has reviewed the proposed project and based on her review finds that this time frame also happens to be the best time to trim and plant because it occurs during fall and winter months when temperatures are lower and when Southern California receives the most precipitation. Plants should be trimmed after they have flowered and when growth is minimal; fall trimming is recommended because this is when both of these criteria are best met. Fall planting is also recommended because planting in the fall enables roots to be established throughout the rainy season before plants are stressed from the low-to-no precipitation pattern of Southern California summers.

The proposed project's temporary impacts to the native vegetative communities can be adequately mitigated by the ongoing management and monitoring of the project site as proposed by the applicants and conditioned by this coastal development permit. Special Condition Five requires that a qualified Resource Specialist shall be on-site to supervise all vegetation trimming and that all native plants shall be protected in place to the greatest extent possible. In addition, the applicants, with supervision by the Resource Specialist, are required to enhance the habitat values by removing non-native plants from the project area and then replanting the areas where non-native plants have been removed with appropriate native plants. The non-native plant removal will be done by hand and in phases, outside of the bird breeding season, in order to reduce the potential for increased erosion of the hillsides. No herbicides shall be used. Special Condition Five also requires the project site to be actively monitored for a minimum of five years. Only as conditioned will the environmentally sensitive habitat areas be protected against significant disruption of habitat values as required by Section 30240 of the Coastal Act.

Special Condition Six requires the permittees to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the environment.

The proposed rockfall hazard mitigation project is permitted in ESHA because it involves only minor and temporary impacts that will be fully mitigated by the special conditions of the coastal development permit. Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act because the proposed development, as conditioned, has been sited and designed to prevent impacts which would significantly disrupt sensitive habitat areas, and will be compatible with the continuance of such habitat areas. Thus, no significant impacts will occur to ESHA.

C. Marine Resources – Water Quality

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located near coastal waters at Catalina Island (See Exhibits). No work is proposed in the water. All work will occur on Pebbly Beach Road and on the hillsides inland of the road. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources. Section 30240 of the Coastal Act requires that the proposed project shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas around the island contain environmentally sensitive habitat areas which shall be protected from the adverse impacts of development. The permit is conditioned to protect these marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Due to the project's location near coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect recreation, water quality or marine resources. The potential adverse impacts to water quality and marine resources include discharges of contaminated runoff and sedimentation during construction and as a result of grading along the side of the road and the use of heavy equipment (fuel and oil leaks). The proposed project includes the implementation of specific best management practices to mitigate the potential adverse impacts of the project. The proposed best management practices include provisions to prevent discharges into the water during construction (e.g., sand bagging, runoff diversions, and silt curtains).

In order to prevent adverse impacts to marine waters from construction activities, the Commission is imposing Special Condition Three, which requires that specific mitigation measures be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230, 30231 and 30240 of the Coastal Act.

Special Condition Three requires the permittees to implement the following best management practices in order to minimize potential adverse environmental impacts:

- Machinery or construction materials are prohibited at all times in the subtidal and intertidal zones.
- Staging and storage of construction machinery and storage of debris shall not take place on any beach.
- Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering the water.
- The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the water. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- 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.
- Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Avalon Bay or the sea. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- 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.
- In the event that lead-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 dispose of all demolition and construction debris resulting from the proposed project at an appropriate location.
- At the end of the construction period, the permittees shall inspect the project area and ensure that all debris, trimmings, trash and construction materials have been removed from the area and taken to an appropriate location.

Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230, 30231 and 30240 of the Coastal Act.

D. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

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 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

The purpose of the proposed project is to increase public safety so that Pebbly Beach Road can be opened for use by the general public. Because of the risks to public safety caused by the eroding hillsides, the applicants have restricted the use of Pebbly Beach Road to persons in vehicles with hard tops. The Santa Catalina Island Company owns the segment of Pebbly Beach Road that extends eastward from Cabrillo Mole (Exhibit #3). The City owns the right-of-way between Cabrillo Mole and Crescent Avenue. No pedestrian, bicyclists or golf carts are being allowed to access the segment of the road east of Cabrillo Mole. The applicants state that the road will be reopened to the public after the implementation of the proposed project, which includes the Santa Catalina Island Company granting the City an easement for public access (Exhibits #6&7).

Pebble Beach Road is one of the two primary overland transportation routes out of the City of Avalon. The road runs along the shoreline and provides excellent public access to the water's edge, including Lover's Cove and Pebbly Beach. The road is currently only open to vehicles

with hard tops. The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the completion of the permitted development. The proposed project will take place primarily during the fall and winter when there are fewer visitors to the island, which will further reduce any adverse impacts to access.

Special Condition Four requires the applicants to carry out their proposal to dedicate an easement on Pebbly Beach Road, most of which is a privately-owned road, to the City of Avalon, which the City shall accept, for public access to maximize public access and recreation along the coast. The easement will provide the public with perpetual pedestrian, bicycle and vehicular access along the portion of Pebbly Beach Road within the Avalon city limits, thereby providing maximum access to recreational opportunities along the coast. As conditioned, the proposed project is consistent with the public access and recreation policies of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed project involves the installation of debris fences and draperies on the hillsides above Pebbly Beach Road. The proposed project will not block any views to or along the ocean, but the development may be visible from the road and the sea. The visual impact, however, will be minimal because most of the rockfall barriers will be located at the base of the hillsides near the road and next to existing road cuts. The proposed draperies are comprised of wire mesh and are transparent from a distance. Furthermore, the wire mesh draperies allow the vegetation to re-grow and hide much of the wire mesh from view. The applicants have submitted photographs of similar hillside stabilization projects which show that the draperies are obscured by vegetation (Exhibit #8).

The applicants do not propose to treat the wire mesh or rockfall barriers with paint or plastic coverings because they want to avoid the release of such substances into the environment as the structures age. In order to ensure that the structures are properly maintained to prevent unsightly dangling of mesh or damaged barriers on the hillsides, the Commission imposes Special Condition Seven. Special Condition Seven requires that the k-rails, debris fences and wire mesh draperies approved by this coastal development permit shall be maintained in their approved locations. In the event that any portion of the k-rails, debris fences or wire mesh draperies become damaged or unattached to the hillside, the permittees are required to develop a plan for repair or removal and to submit the plan to the Executive Director for approval. Therefore, as conditioned, the proposed project will not block any existing public views or result in any significant change to visual resources, and is consistent with Section 30251 of the Coastal Act.

F. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) 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.

The proposed project is designed to minimize risks to life and property, and it will not create or 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. The project does not involve any landform alteration.

No development in the ocean or near the shoreline can be guaranteed to be safe from hazard. All development located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. In addition, the proposed project will take place on steep hillsides above a road that is endangered by rockfall and erosion. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. Special Condition Eight ensures that the permittees understand and assume the potential hazards associated with the development.

G. Unpermitted Development

After receiving reports of closure of Pebbly Beach Road to pedestrians, Commission enforcement staff sent the City of Avalon letters on March 25, 2010 and June 29, 2010 informing the City that: (1) restriction of public access to Pebbly Beach Road constitutes development under the Coastal Act and City's LCP, (2) pursuant to Coastal Act Section 30600 and provisions of the City's LCP, any person wishing to perform or undertake any development in the coastal zone is required to obtain a coastal development permit authorizing such development, and (3) no coastal development permits have been issued for the development. Staff's letters requested that the City address the road closure through the coastal development permit process. In response to staff's letters, the applicants submitted this application for a coastal development permit to authorize safety measures to be implemented in conjunction with reopening of Pebbly Beach Road to pedestrians and bicyclists, and the formalization of public access on the road.

To ensure that unpermitted restrictions on public access are lifted and public access to Pebbly Beach Road is restored in a timely manner, Special Condition Nine requires that the applicants satisfy all conditions of this permit which are prerequisite to the issuance of this permit within sixty days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development has taken place prior to Commission action on this permit application, consideration of the application by the Commission is based solely upon Chapter 3 policies of the Coastal Act with the City of Avalon LCP used as guidance. Commission action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit or permit amendment.

H. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Avalon is the lead agency for the purposes of CEQA review. On March 15, 2011, the City of Avalon certified a Mitigated Negative Declaration for the Pebbly Beach Road Rockfall Mitigation Project. Furthermore, the proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the applicants to: a) install the development outside of the bird breeding season, b) implement best management practices to minimize adverse impacts to water quality and marine habitat, c) remove non-native plants and plant appropriate native plants in their place, d) provide a public access easement and restore public pedestrian, bicycle and vehicular access along Pebbly Beach Road, e) maintain the approved development, f) comply with the requirements of the resource agencies, and g) assume the risks of the development.

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

I. Local Coastal Program

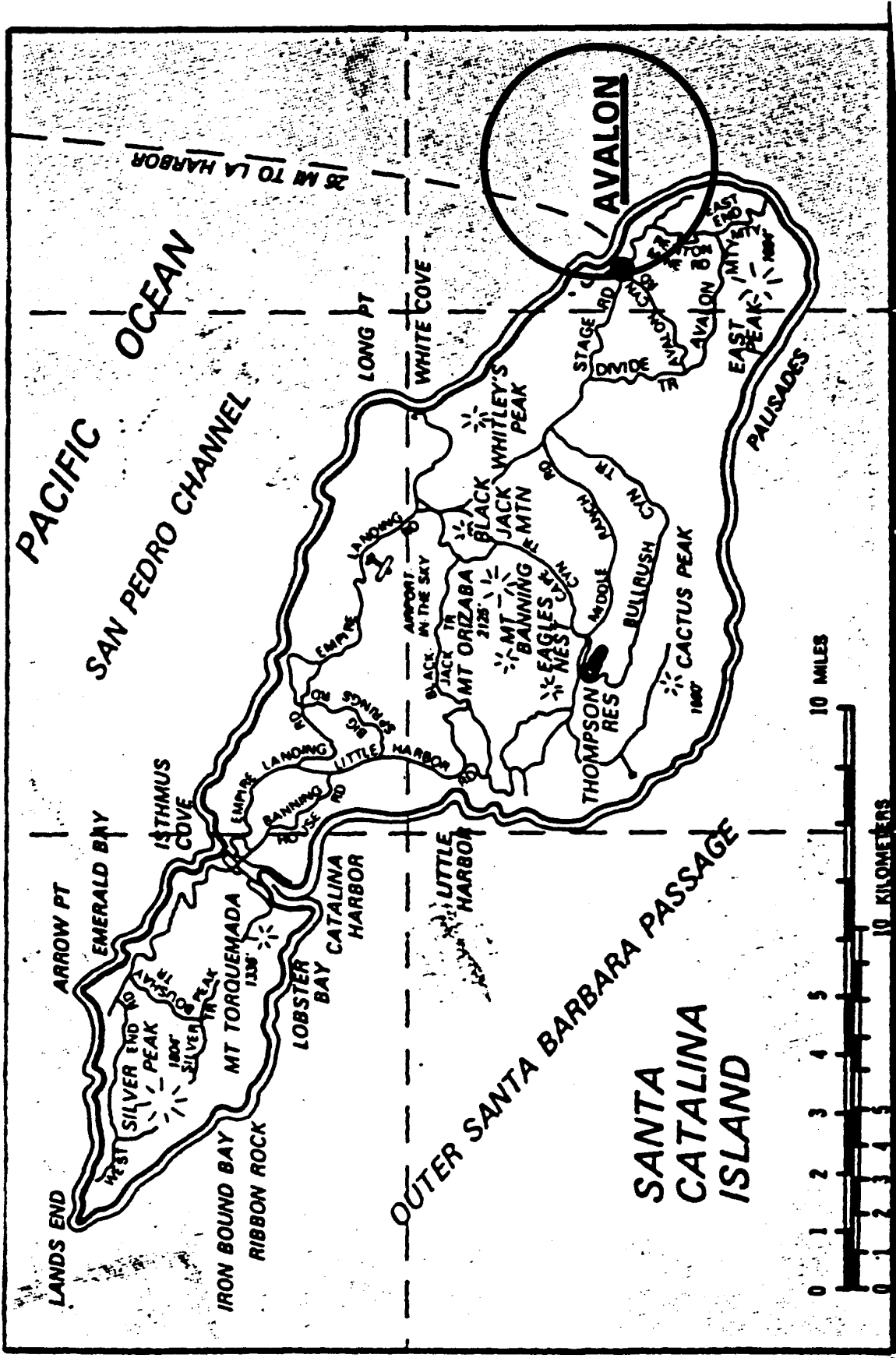
The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP is advisory in nature and may provide guidance.

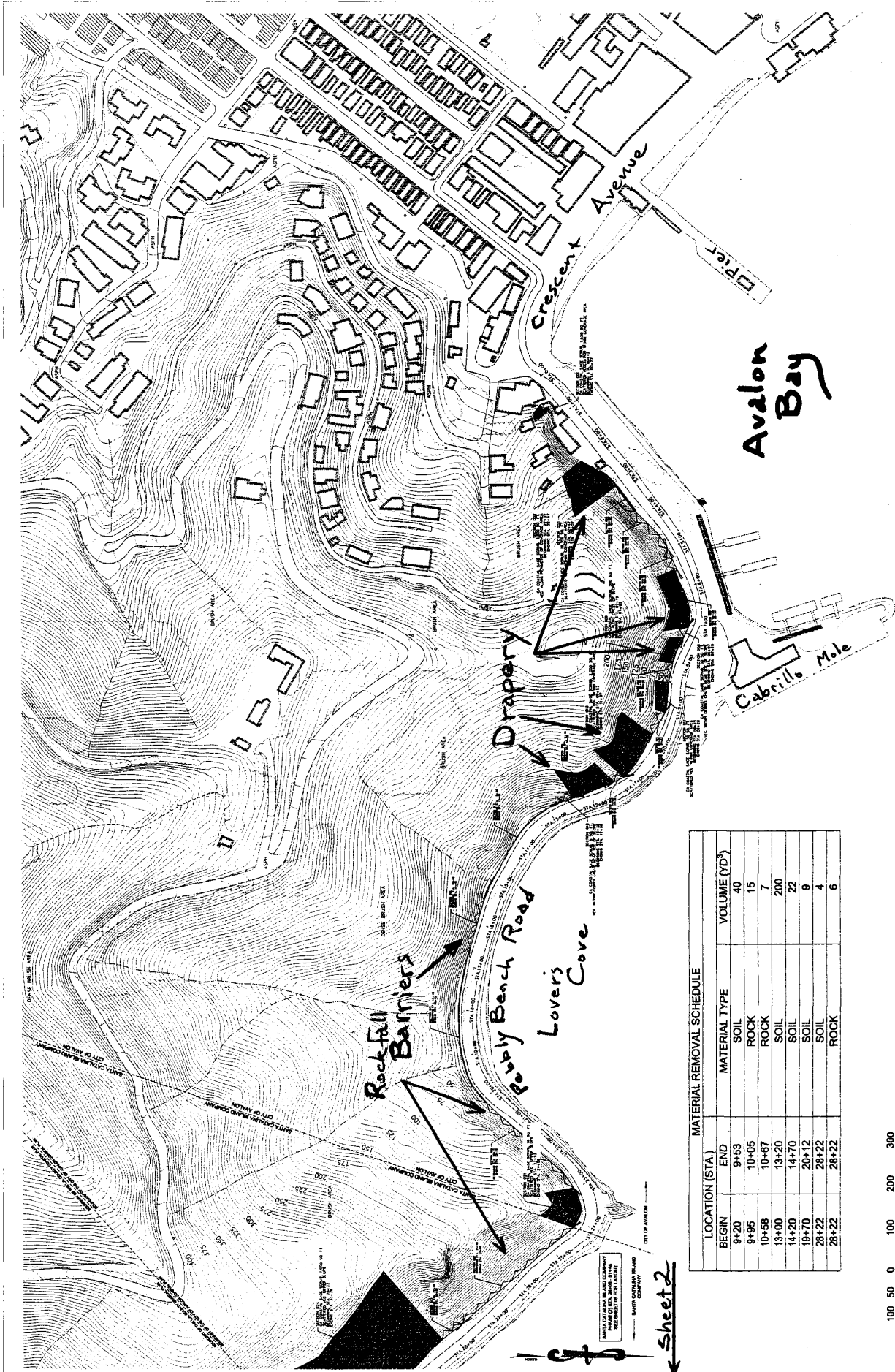
The Commission certified the City of Avalon LCP on May 21, 1981. The proposed project, which supports public access and recreation along Pebbly Beach Road and to Lover's Cove and Pebbly Beach, is consistent with the City of Avalon certified LCP.

The City of Avalon certified LCP sets forth the following relevant policies:

- Access Policy 1: Constantly monitor and improve transportation from the mainland to Avalon to assure affordable and efficient transportation to residents and visitors alike and continue to minimize private automobile use in Avalon.
- Access Policy 8: East slope development shall be restricted to 150' above mean high tide line to insure public access of Lover's Cove.
- ESHA Policy 3: Existing air and water quality in Avalon shall be a primary concern in any new development or potentially impacting activity.
- ESHA Policy 4: Streams, canyons and riparian, and other environmentally sensitive areas shall be protected, and where possible shall be designated as a park.
- Marine Resource Policy 1: Identify and control existing sources of runoff into the harbor and surrounding coves.
- Marine Resource Policy 2: Require new developments adjacent to the water to use the best mitigation measure available for controlling runoff.
- Hazard Policy 3: Locate new developments to avoid hazards.
- Visual Resource Policy 1: Establish pedestrian walkways to scenic vista points and identify them with tiled inlays, flags or the like.
- Visual Resource Policy 4: Allow no development along the shoreline which in any way restricts the view of the water from the adjacent pedestrian walk.
- Visual Resource Policy 6: Identify scenic roadways for preservation of view scapes.
- Public Works Policy 5: Require stringent runoff mitigating measures in any new development.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LCP for the area.



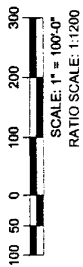


CITY OF AVALON
 STA. 0+00 - 24+06
 VEGETATION AND EARTHWORK PHASE (1)

EXHIBIT # 3
 PAGE 1 OF 2

MATERIAL REMOVAL SCHEDULE

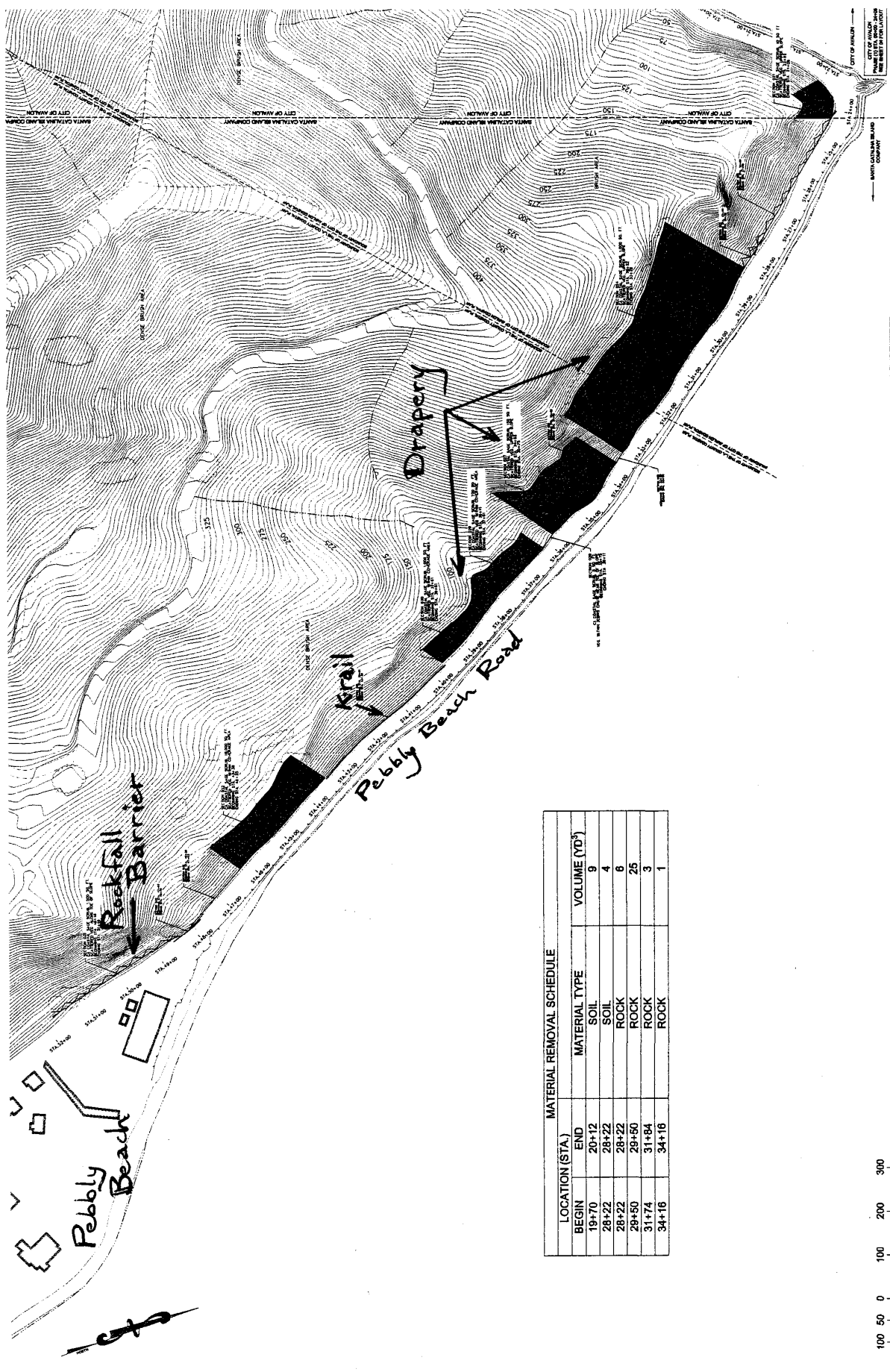
LOCATION (STA.)		MATERIAL TYPE	VOLUME (YD ³)
BEGIN	9+20	SOIL	40
END	9+63	ROCK	15
BEGIN	10+05	ROCK	7
END	10+67	SOIL	200
BEGIN	13+20	SOIL	22
END	14+70	SOIL	9
BEGIN	19+70	SOIL	4
END	28+22	ROCK	6



COASTAL COMMISSION

5-11-133

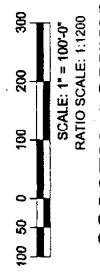
Sheet 2



SANTA CATALINA ISLAND COMPANY
 STA. 24+06 - 51+46

SANTA CATALINA ISLAND COMPANY

VEGETATION AND EARTHWORK PHASE (2)



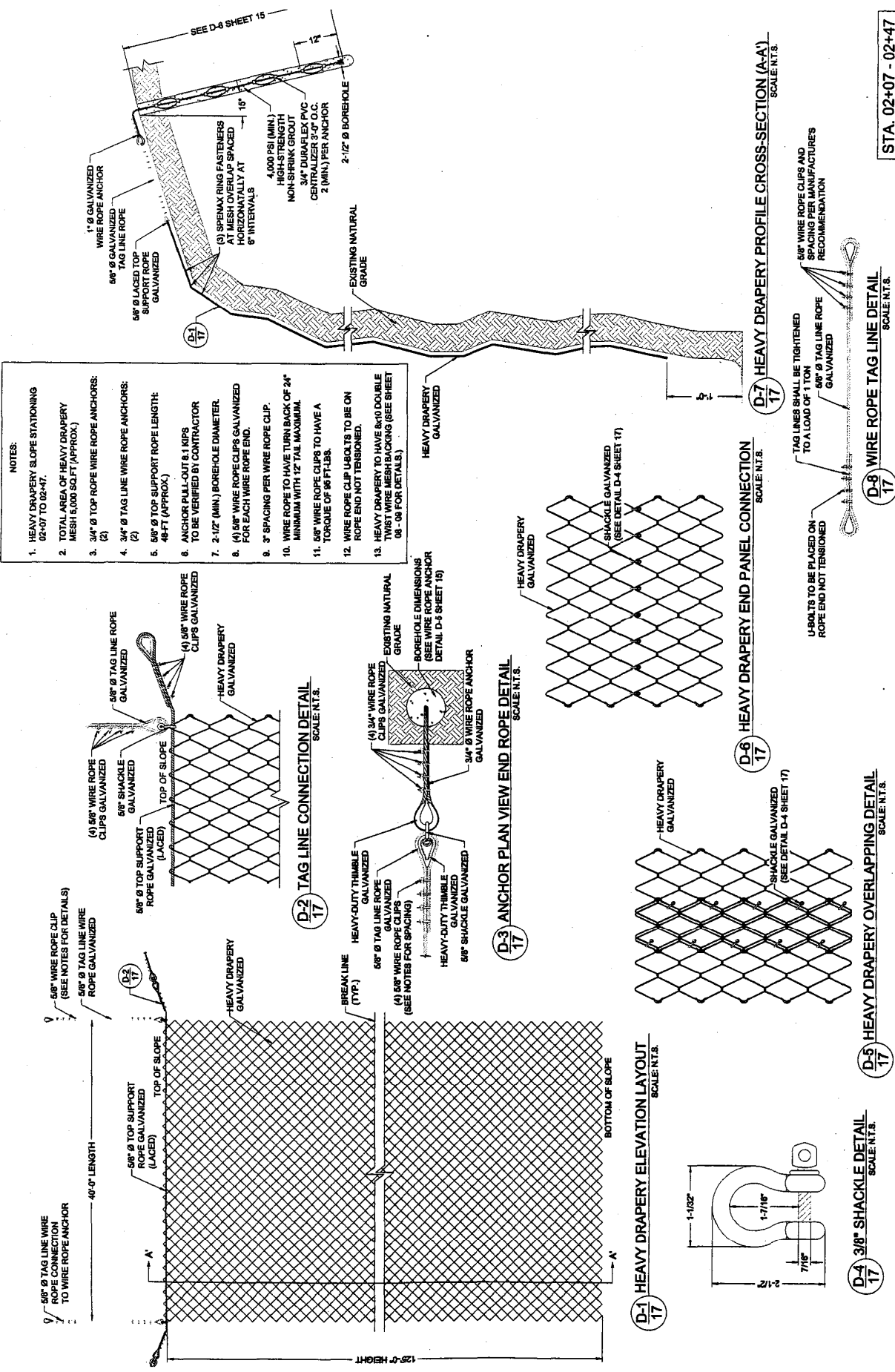
COASTAL COMMISSION

Sheet 1

EXHIBIT # 3
 PAGE 2 OF 2

5-11-133

MATERIAL REMOVAL SCHEDULE		
LOCATION (STA.)		VOLUME (YD ³)
BEGIN	END	
19+70	20+12	9
28+22	28+22	4
28+22	28+22	6
29+50	29+50	25
31+74	31+84	3
34+16	34+16	1



- NOTES:**
1. HEAVY DRAPERY SLOPE STATIONING 02+07 TO 02+17.
 2. TOTAL AREA OF HEAVY DRAPERY MESH 5,000 SQ.FT. (APPROX.)
 3. 3/4" Ø TOP ROPE WIRE ROPE ANCHORS: (2)
 4. 3/4" Ø TAG LINE WIRE ROPE ANCHORS: (2)
 5. 5/8" Ø TOP SUPPORT ROPE LENGTH: 48-FT. (APPROX.)
 6. ANCHOR PULL-OUT 5.1 KIIPS TO BE VERIFIED BY CONTRACTOR
 7. 2-1/2" (MIN.) BOREHOLE DIAMETER.
 8. (4) 5/8" WIRE ROPE CLIPS GALVANIZED FOR EACH WIRE ROPE END.
 9. 3" SPACING PER WIRE ROPE CLIP.
 10. WIRE ROPE TO HAVE TURN BACK OF 24" MINIMUM WITH 12" TAIL MAXIMUM.
 11. 5/8" WIRE ROPE CLIPS TO HAVE A TORQUE OF 96 FT.-LBS.
 12. WIRE ROPE CLIP BOLTS TO BE ON ROPE END NOT TENSIONED.
 13. HEAVY DRAPERY TO HAVE 8x10 DOUBLE TWIST WIRE MESH BACKING (SEE SHEET 08-08 FOR DETAILS).

SECTION (002) HEAVY DRAPERY

STA. 02+07 - 02+47

Drapery

COASTAL COMMISSION

5-11-133

EXHIBIT # **5**
PAGE **1** OF **1**



SANTA CATALINA ISLAND COMPANY

July 27, 2011

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RE: Coastal Permit Application No. 5-11-133 – Reason for the Project

Dear Mr. Posner:

Pebbly Beach Road (Road) has historically served as a personal vehicle route and the main commerce delivery route going into and back out of the City of Avalon (City) from the Pebbly Beach industrial and residential areas, as the main route to the only gas station located in the Pebbly Beach industrial area, and as a tourist route.

The Santa Catalina Island Company (SCICo) owns and maintains the portion of the Road from Abalone Point to the heliport. The City owns and maintains the portion from Abalone Point through Lovers' Cove to Crescent Avenue.

Rockfall has been an ongoing problem along the Road between its intersection with Crescent Avenue within the City and the heliport area. Most of the rockfall tends to be relatively small, but large rocks have fallen on occasion, particularly after rain storms.

In November 2006 SCICo contracted with Zeisler Kling Consultants to perform a study of rockfall risk to the public and provide recommendations for mitigating public safety concerns. Based on the consultant's recommendations, K-rail was placed at various locations and pedestrian, bicycle, golf cart and open vehicle use was restricted on SCICo's portion of the Road which was also closed periodically during periods of heightened rockfall risk.

The use restrictions on the Road have caused inconvenience to local residents, economic losses to businesses located along the Road, an unwanted increase in traffic on the alternate route, and a reduction in tourist use of the Road for sightseeing which is believed to have negatively impacted visitor interest generally and hence the local economy. The Project would mitigate the public safety risk and thereby allow reopening of the Road to the public without restriction except when heightened rockfall risk conditions exist. In addition to expected beneficial effects on local businesses and the enhanced convenience of residents and visitors, reopening the Road will improve coastal access.

SCICo will grant the City an easement over the roadway and adjacent shoulders for public street and highway purposes and for underground utilities. The City will also obtain an easement on adjacent hillsides for maintenance and stabilization.

COASTAL COMMISSION

5-11-133

EXHIBIT # 6

PAGE 1 OF 2

13193/000000/00202062-165059.00300\6788571.1

PO BOX 737, AVALON, CALIFORNIA 90704 • 310-510-2000 • FAX 310-510-2300

Please let me know if you require further information concerning the benefits of the Project.

Sincerely,



Mark Bradshaw
Architect/Project Manager

cc: Randall Herrel
John Anglin

COASTAL COMMISSION

5-11-133

EXHIBIT # 6

PAGE 2 OF 2

RESOLUTION NO. 11-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AVALON ADOPTING A NEGATIVE DECLARATION FOR THE PEBBLY BEACH ROAD ROCKFALL MITIGATION PROJECT

WHEREAS, Pebbly Beach Road is a road owned by the Santa Catalina Island Company extending east and south from the developed portions of the City of Avalon ("City"); and

WHEREAS, the slopes immediately adjacent to Pebbly Beach Road are vulnerable to erosion, which periodically causes rocks to tumble onto the roadway; and

WHEREAS, the falling of rocks presents a potential public safety hazard, which led to the closure of Pebbly Beach Road to pedestrian and golf cart traffic; and

WHEREAS, the City and the Santa Catalina Island Company desire to re-open the roadway in order to provide benefits including, but not limited to, recreational opportunities and easing access by residents and tourists alike to the facilities located at the southern terminus of Pebbly Beach Road; and

WHEREAS, in order to re-open the roadway, the Pebbly Beach Road Rockfall Mitigation Project (the "Project") proposes to install various rockfall mitigation devices on the slopes adjacent to the roadway, thereby reducing public safety hazards; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Pub. Res. Code, § 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs, tit. 14 § 15000 et seq.), the City is the lead agency for the proposed Project; and

WHEREAS, City staff reviewed the Project and prepared an Initial Study pursuant to CEQA; and

WHEREAS, on the basis of the Initial Study, which concluded that the Project will not have significant impacts on the environment with mitigation, the City determined that a Negative Declaration ("ND") should be prepared for the Project, and an ND was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, the City distributed a Notice to Intent to Adopt a Negative Declaration on March 16, 2011; and

WHEREAS, the City provided copies of the draft ND and Initial Study to the public and the State Clearinghouse for a thirty-day review and comment period beginning on March 16, 2011 and ending on April 15, 2011 pursuant to Public Resources Code section 21091(b); and

WHEREAS, as contained here, the City has endeavored in good faith to set forth the basis for its decision on the proposed Project; and

COASTAL COMMISSION
5-11-133

EXHIBIT # 7
PAGE 1 OF 3

WHEREAS, all of the findings and conclusions made by the City pursuant to this Resolution are based upon the oral and written evidence before it as a whole; and

WHEREAS, the City Council has reviewed the ND, Initial Study, and all other relevant information contained in the record regarding the Project; and

WHEREAS, on April 19, 2011, at its regularly-scheduled meeting, the public was afforded an opportunity to comment on the Project and the ND/Initial Study, and the City Council discussed and considered the Project and the ND/Initial Study; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

NOW THEREFORE, the City Council does hereby resolve as follows:

SECTION 1. Compliance with the California Environmental Quality Act. As the decisionmaking body for the Project, the City Council has reviewed and considered the information contained in the ND, Initial Study, and administrative record, on file with the City and available for review at City Hall, 410 Avalon Canyon Road, Avalon, California. The City Council finds that the ND and Initial Study have been completed in compliance with CEQA and the State CEQA Guidelines.

SECTION 2. Findings on Environmental Impacts. In the City's role as the lead agency under CEQA, the City Council finds that the ND and Initial Study contain a complete and accurate reporting of the environmental impacts associated with the Project. The City Council further finds that the documents have been completed in compliance with CEQA and the State CEQA Guidelines. The City further finds that all environmental impacts of the Project are not significant. The City Council further finds that there is no substantial evidence in the record supporting a fair argument that the Project may result in significant environmental impacts, and that any comments received regarding the Project have been examined and determined to not modify the conclusions of the ND or the City Council. The City Council finds that the ND contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment of the City Council.

SECTION 3. Adoption of Negative Declaration. The City Council hereby approves and adopts the ND prepared for the Project.

SECTION 4. Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at City Hall for the City of Avalon, located at 410 Avalon Canyon Road, Avalon, California. Mr. Steven Hoefs, City Manager, is the custodian of the record of proceedings.

SECTION 5. Notice of Determination. Staff is directed to file a Notice of Determination with the County of Los Angeles and the State Clearinghouse within five (5) working days of approval of the Project.

COASTAL COMMISSION

5-11-133

EXHIBIT # 7

PAGE 2 OF 3

SECTION 6. Execution of Resolution. The Mayor of the City of Avalon shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 19th day of April, 2011.

Ayes: Rikato, Winslow, and Ponce

Noes: None

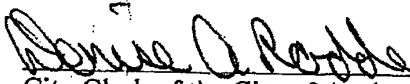
Absent: None

Abstain: Kennedy and Morrow



Mayor of the City of Avalon

ATTEST:



City Clerk of the City of Avalon

COASTAL COMMISSION

5-11-133

EXHIBIT # 7

PAGE 3 OF 3

SANTA CATALINA ISLAND COMPANY

RECEIVED
South Coast Region

AUG 31 2011

CALIFORNIA
COASTAL COMMISSION

Aug 15, 2011

Mr. Charles Posner
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

RE: Coastal Permit Application No. 5-11-133 – Visual Treatments

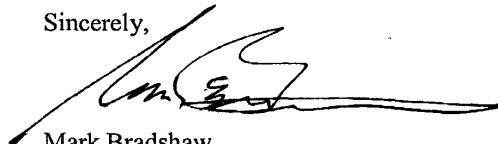
Dear Mr. Posner:

We wish not to paint any of the netting along Pebbly Beach Road but leave it in its manufactured state. It is our belief that due to the harsh conditions with the ocean directly on one side of the road and direct sun and direct weather exposure on the face of the hillsides on the other side of the road, within the first year after installation any finish application on the metal mesh will be totally lost. Leaving the wire mesh unfinished would save on installation time and unnecessary expenditures to the project which the local harsh elements will achieve the desired end results in a very short period of time. Add to that the expected plant growth through the netting and the mesh will disappear completely making the hillsides look natural again.

Attached are photos taken from various netting projects around the nation that show how well plant growth and exposure to the outdoor elements will blend the metal mesh naturally. We expect nothing less than that type of occurrence to take place after we install similar netting along our roadside.

Please let me know if you require further information concerning the visual treatments of the Project.

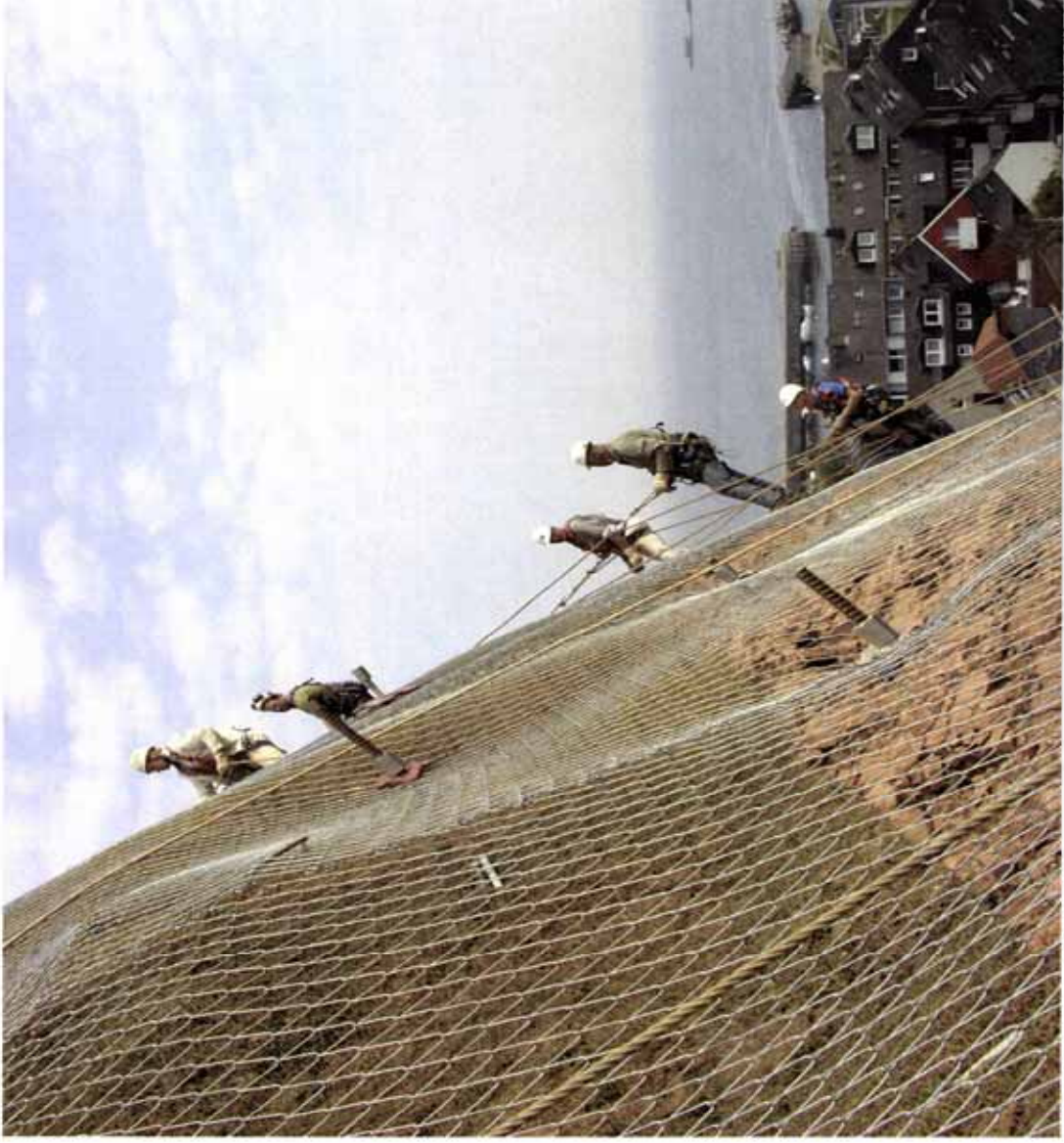
Sincerely,



Mark Bradshaw
Architect/Project Manager

cc: Randall Herrel
John Anglin

COASTAL COMMISSION
5-11-133
EXHIBIT # 8
PAGE 1 OF 16



Helgoland Island, Germany

Installation of netting material, note existing vegetation cut back but not required to be completely removed.



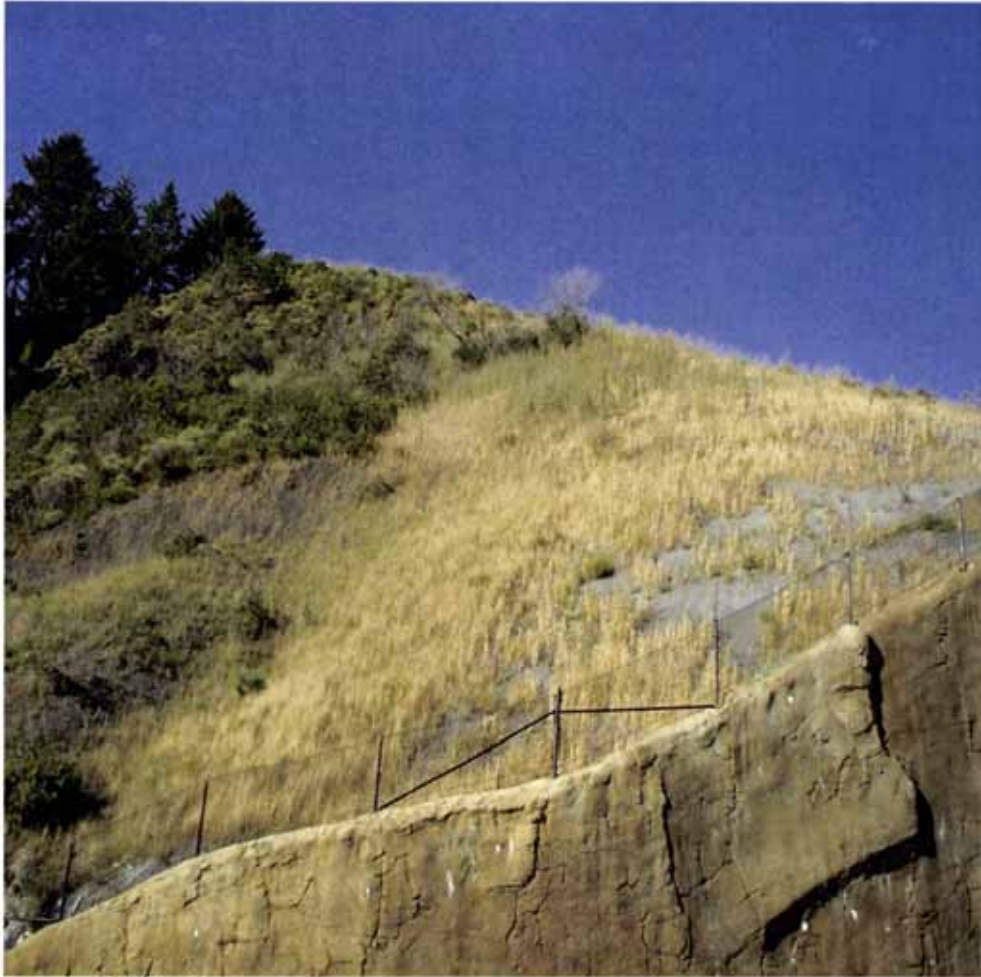
COASTAL COMMISSION

Helgoland Island, Germany

Next summer after installation, vegetation starting to grow back and in areas that previously didn't have growth.

EXHIBIT # **8**

PAGE **3** OF **16**



Jenner California
Photo's taken 6 years after installation

COASTAL COMMISSION

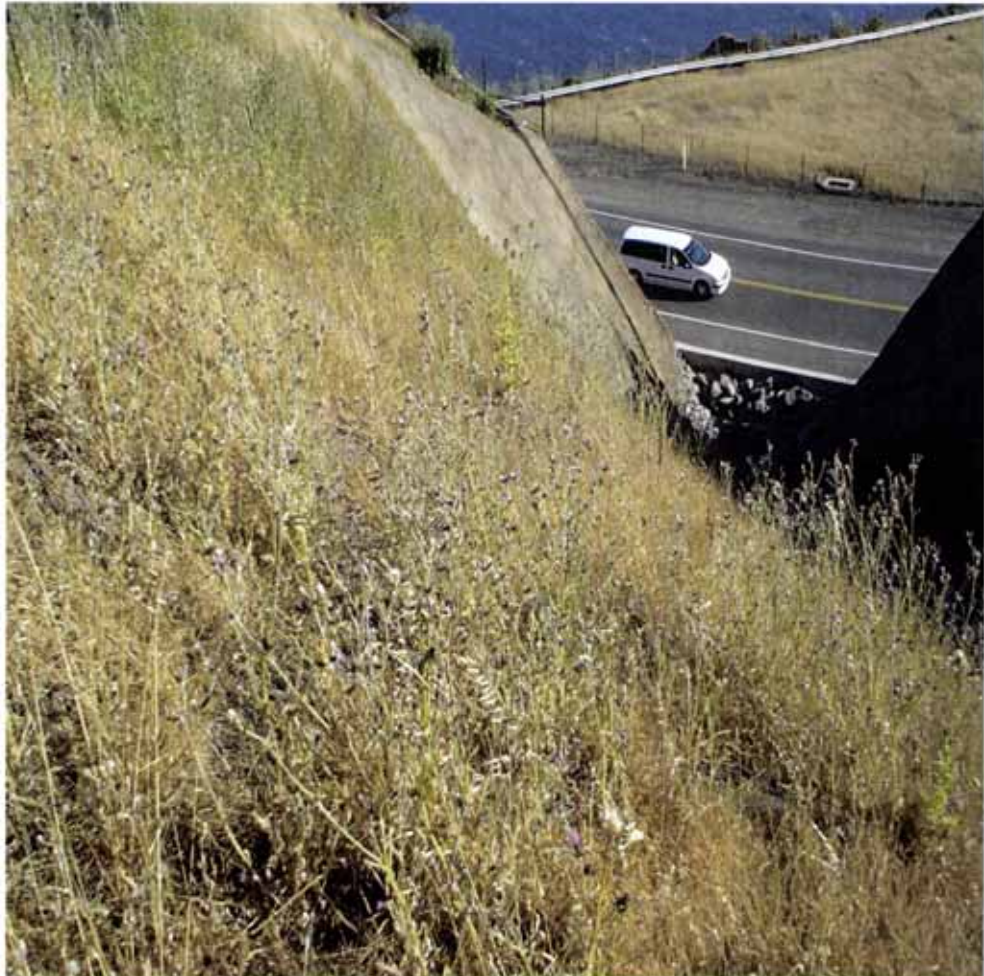
EXHIBIT # 8
PAGE 4 OF 16



Jenner California
6 years after installation

COASTAL COMMISSION

EXHIBIT # 8
PAGE 5 OF 16

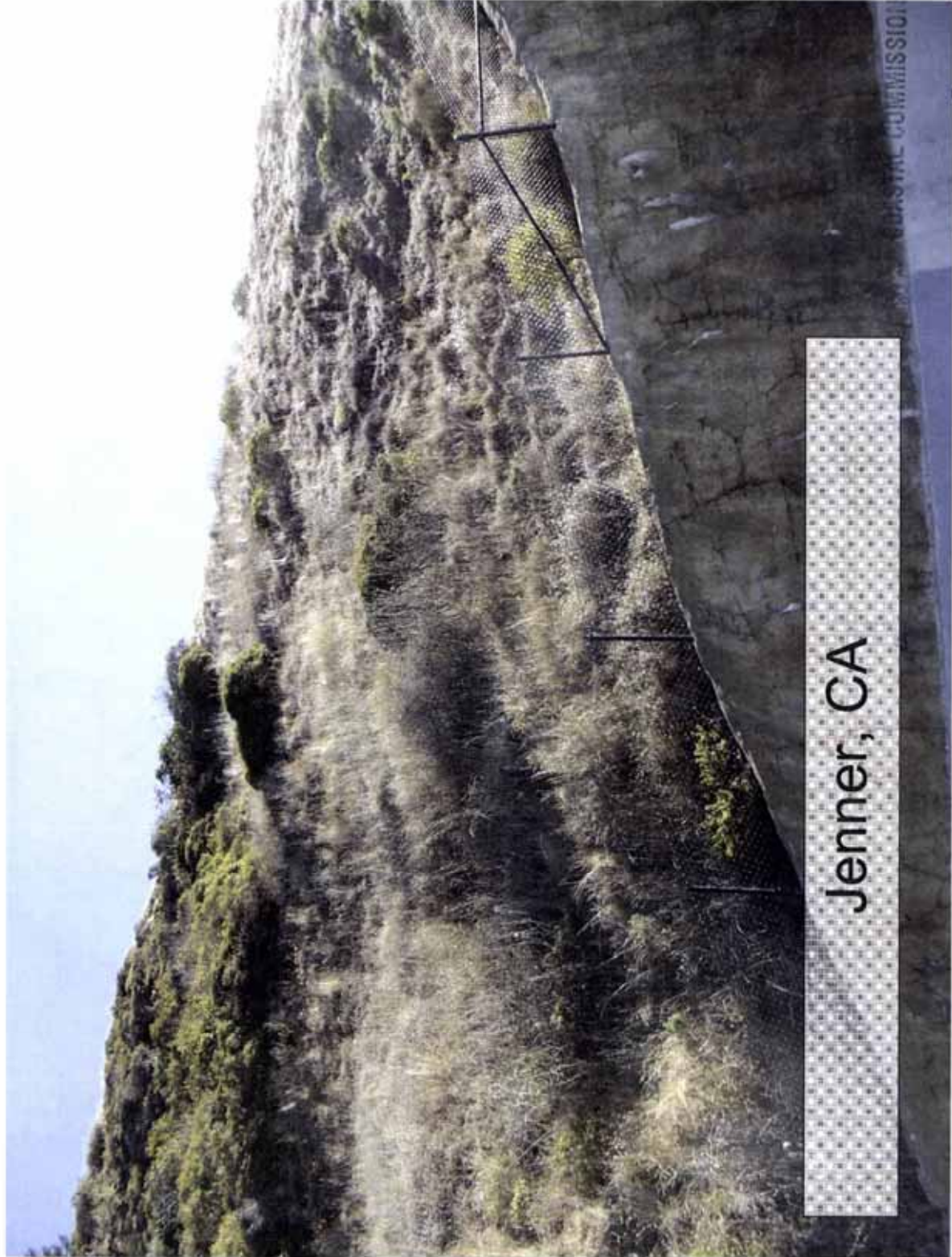


Jenner California
6 years after installation

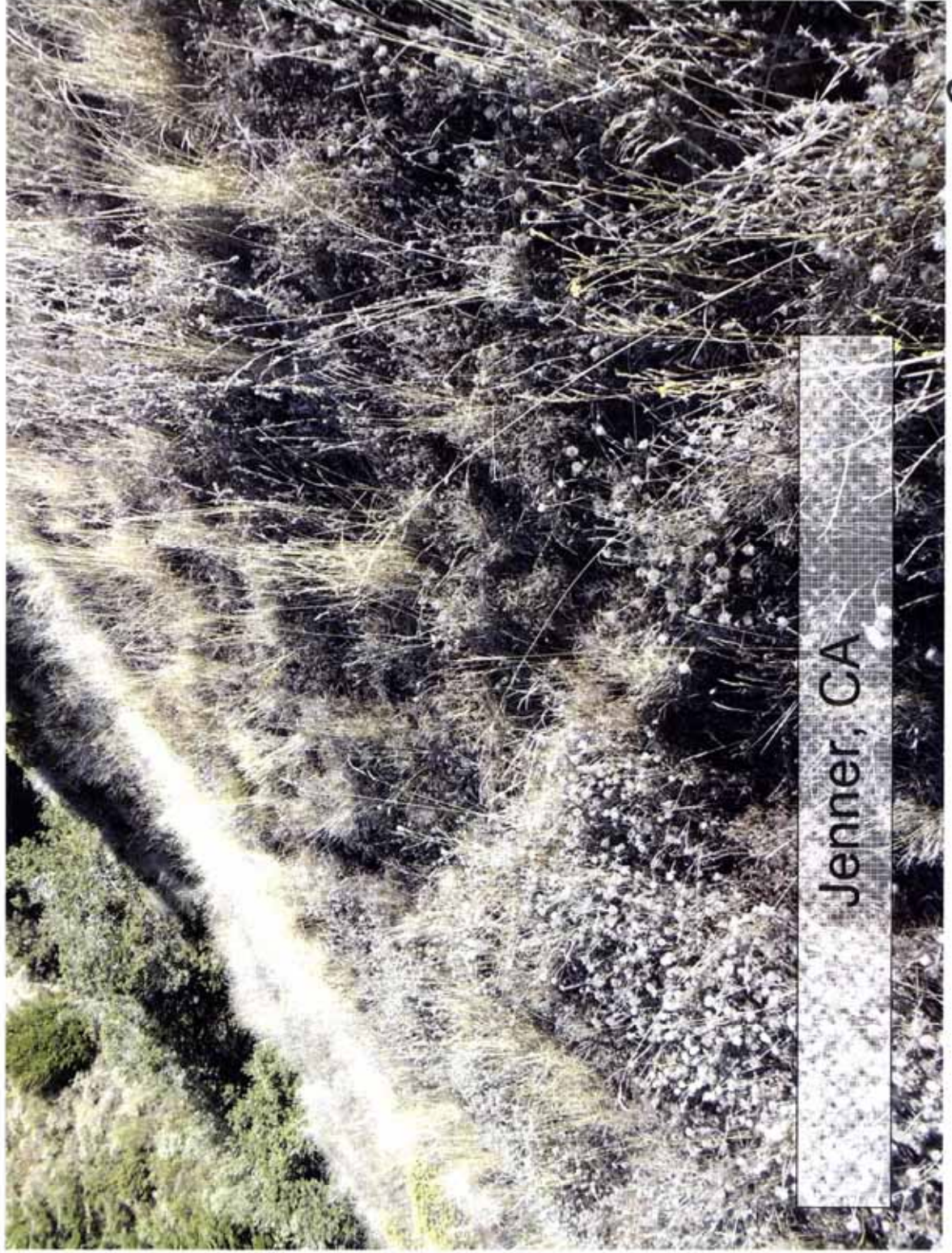
COASTAL COMMISSION

EXHIBIT # 8
PAGE 6 OF 16

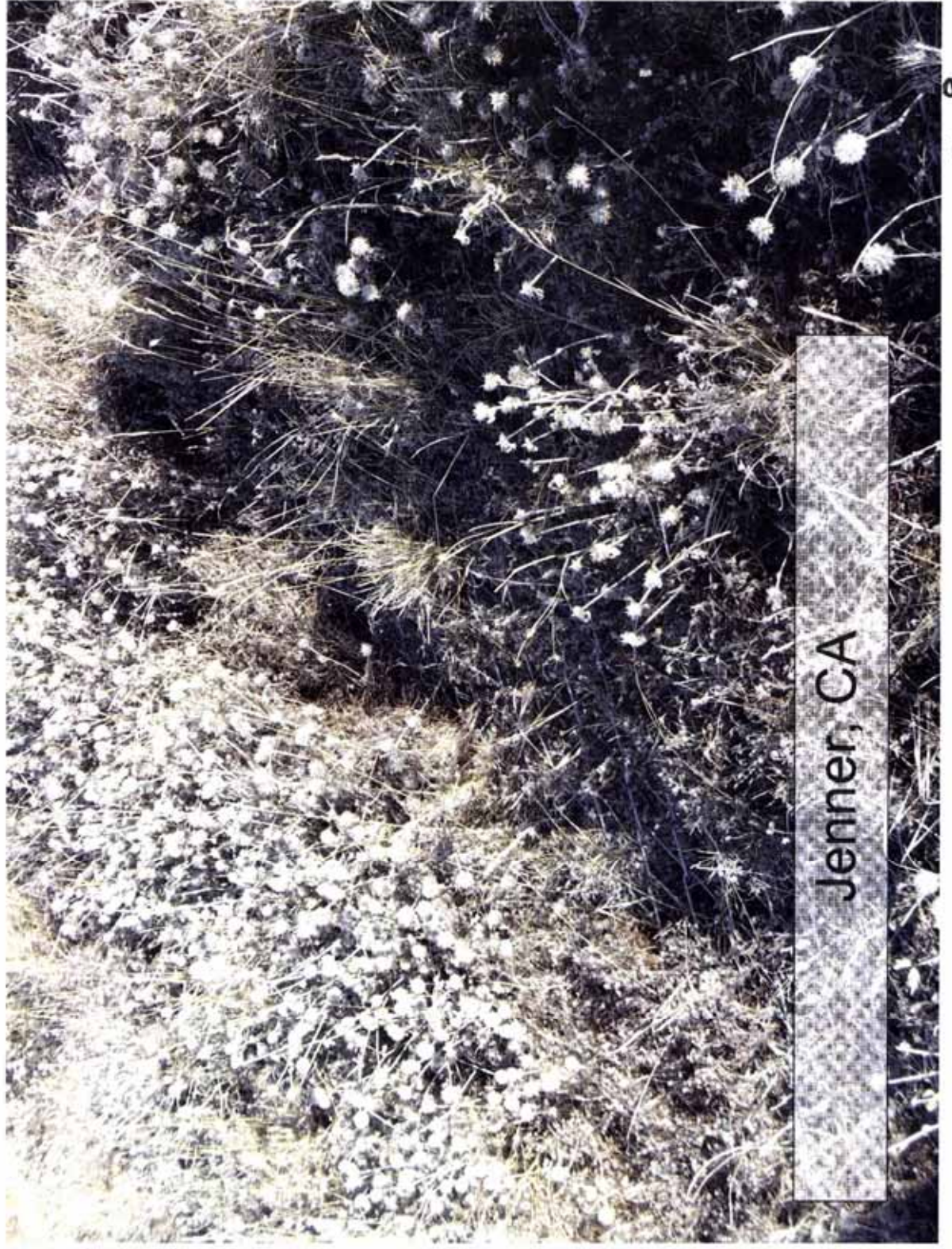
2
N



Jenner, CA



Jenner, CA



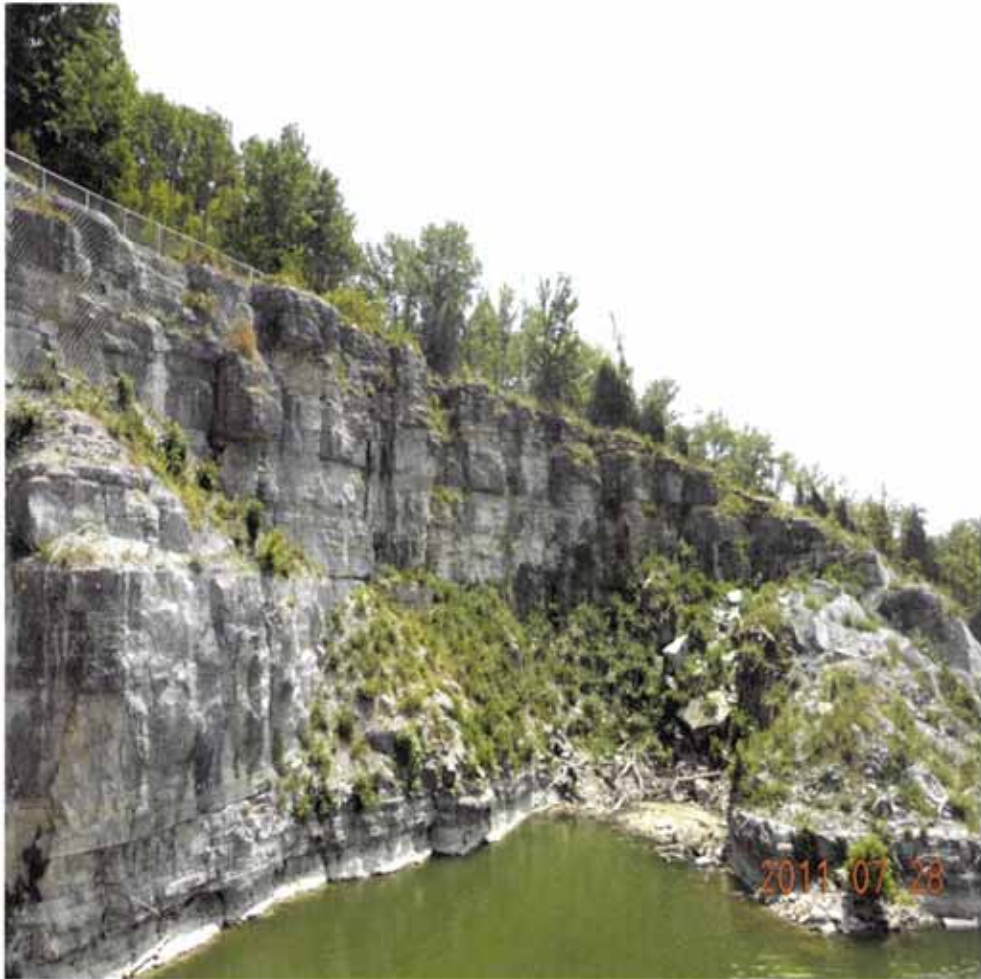
Jenner, CA



Daville Kentucky
Draping and anchoring metal netting material over the rock cliff

COASTAL COMMISSION

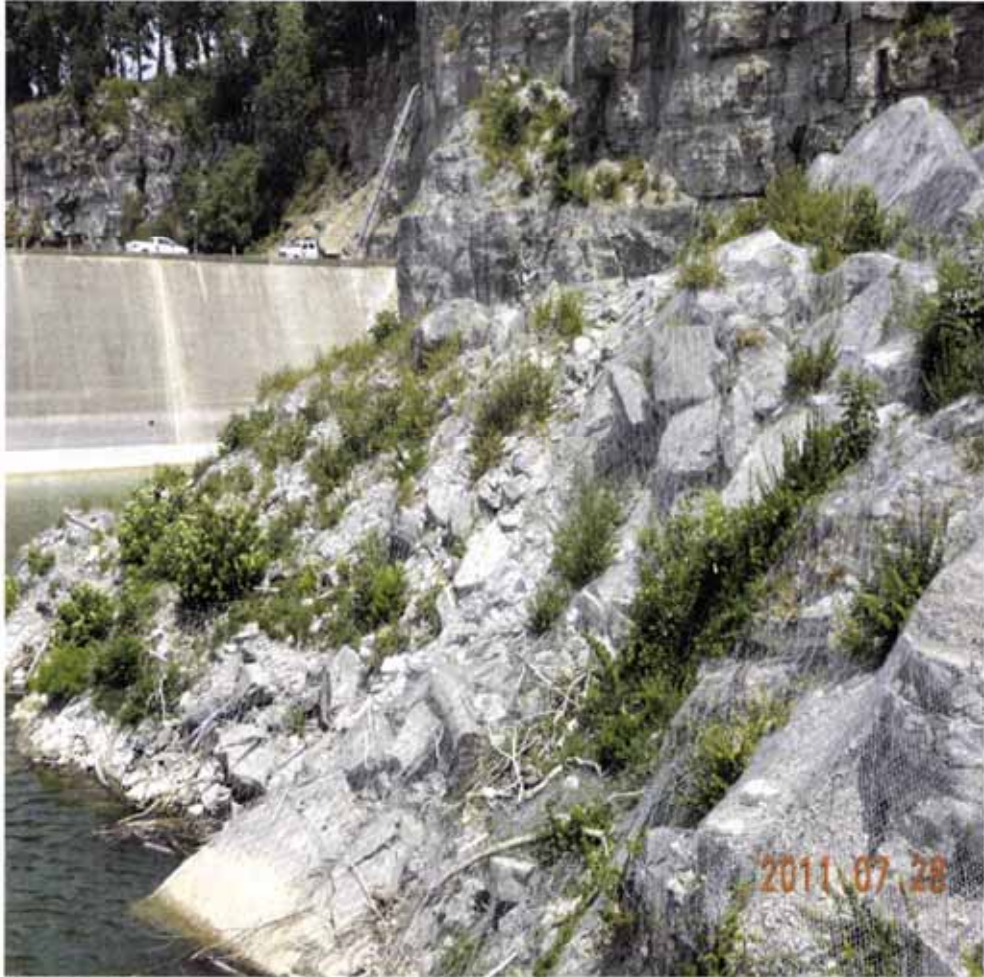
EXHIBIT # 8
PAGE 10 OF 16



Daville Kentucky
6 months after installation, metal netting is practically invisible

COASTAL COMMISSION

EXHIBIT # 8
PAGE 11 OF 16

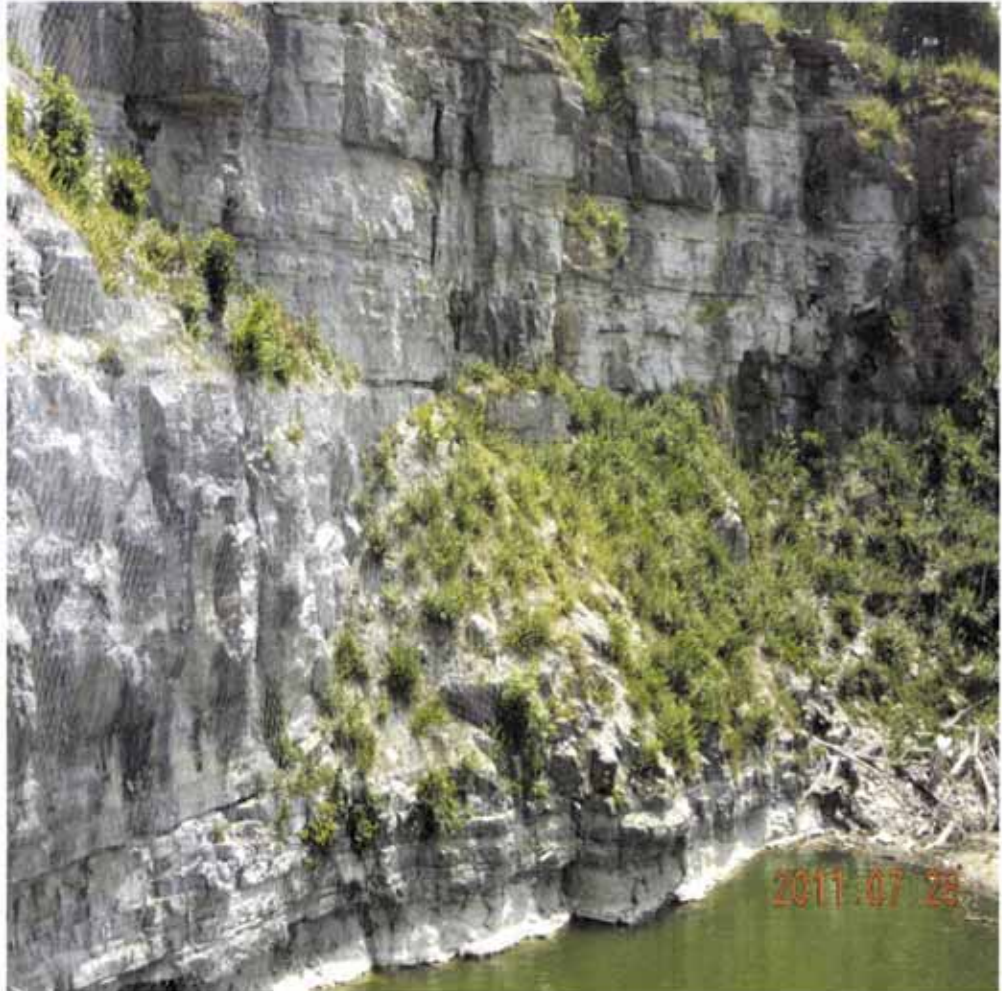


Daville Kentucky

6 months after installation vegetation is starting to grow through metal netting

COASTAL COMMISSION

EXHIBIT # 8
PAGE 12 OF 16



Daville Kentucky
Additional views of cliff side after 6 months

COASTAL COMMISSION

EXHIBIT # 8
PAGE 13 OF 16



Gwynedd Pennsylvania
Constructed in March 2010, photo taken June 2010

COASTAL COMMISSION

EXHIBIT # 8
PAGE 14 OF 16



Gwynedd Pennsylvania
Close up of vegetation growing through metal netting by June 2010

COASTAL COMMISSION

EXHIBIT # 8
PAGE 15 OF 16



Gwynedd Pennsylvania
Metal net staked along top of ridge and netting conforming to cliff side

COASTAL COMMISSION

EXHIBIT # 8
PAGE 16 OF 16