

**CALIFORNIA COASTAL COMMISSION**

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 Staff Report: 2/10/99  
 Hearing Date: March 9-12, 1999  
 Commission Action:



CP

**RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-99-020

**APPLICANTS:** City of Avalon

**AGENT:** Pete Woolson, Assistant City Manager

**PROJECT LOCATION:** 1 Casino Way, City of Avalon, Santa Catalina Island, Los Angeles County.

**PROJECT DESCRIPTION:** Installation of a concrete public stairway with handrail down an existing rock embankment into the ocean (Casino Shoreline Dive Park).

Lot Area	1.93 acres
Building Coverage	0 square feet
Pavement Coverage	510 square feet
Landscape Coverage	0 square feet
Parking Spaces	0
Zoning	Resort Recreational
Plan Designation	Public Park
Ht above final grade	3.5 feet (handrails)

**LOCAL APPROVAL:** City of Avalon Approval in Concept, 1/14/99.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Avalon Certified Local Coastal Program.
2. Coastal Development Permit 5-94-100 (Descanso Pier).

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending that the Commission grant a Coastal Development Permit for the proposed development with special conditions relating to public access and assumption of risk. The applicant agrees with the recommendation.

**STAFF NOTE:**

The site of the proposed project is bisected by the mean high tide line (MHTL). The MHTL differentiates the Commission's area of retained (original) jurisdiction from the landward area for which the City has accepted Coastal Development Permit jurisdiction pursuant to the certified Local Coastal Program. Coastal Development Permit application 5-99-020 has been submitted for the portion of the proposed development located seaward of the MHTL. The standard of review for development proposed in the Commission's area of retained jurisdiction (seaward of the MHTL) is the Chapter 3 policies of the Coastal Act.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**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 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Public Access to Stairway

Public access to the proposed stairway shall be provided and maintained, subject only to those temporary safety limitations necessitated by unsafe conditions resulting from waves, weather or required maintenance activities.

#### 2. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicant 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 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.

#### **IV. Findings and Declarations**

The Commission hereby finds and declares:

##### **A. Project Description**

The City of Avalon proposes to install a public stairway and handrail down an existing rock embankment into the waters of the Pacific Ocean (Exhibit #3). The purpose of the proposed stairway is to improve the safety of water access for divers, snorkelers, and others who visit Casino Shoreline Dive Park. The proposed project and Casino Shoreline Dive Park are located at Casino Point on the north side of Avalon Bay (Exhibit #2).

The proposed stairway will provide an improved public accessway from the existing public walkway down to the extreme low-water line at an elevation of 2.55 feet below the mean low-water line (Exhibit #5). The proposed stairway is 30 feet long and 17 feet wide (Exhibit #4). The installation of the proposed stairway and its supporting foundation involves: 1) working during low tides; 2) excavating the surface of the existing rock revetment to a depth of two to three feet; 3) installing foundation footings and grout into the excavated portion of the revetment; and 4) placing pre-cast concrete stairs and aluminum hand railings onto the foundation.

##### **B. 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 consistent with the following Coastal Act policies which 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 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.

Section 30221 of the Coastal Act states:

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

The proposed stairway will provide the public with improved access into the water, thus improving the public's ability to experience and study the special marine environment off the shores of Santa Catalina Island. The study the marine environment is a popular recreational activity at Santa Catalina Island. In addition, snorkeling is a type of lower-cost recreational activity that is encouraged by Section 30213 of the Coastal Act.

In order to ensure that the public has continued access to the proposed stairway as proposed, the permit is conditioned to require that public access be provided and maintained, subject only to those temporary safety limitations necessitated by unsafe conditions resulting from waves, weather or required maintenance activities. Therefore, as conditioned, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

C. Marine Resources

The proposed project is partially located in coastal waters. The Coastal Act contains policies which address development in or near coastal waters. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230, 30231 and 30233 of the Coastal Act require the protection of biological productivity, public recreation and 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.

Section 30233 of the Coastal Act states, in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
  - (8) Nature study, aquaculture, or similar resource dependent activities.

Section 30233 of the Coastal Act allows filling of coastal waters and wetlands only under very limited circumstances. Under this section, any approved filling of open coastal waters must be for an allowable use, mitigation measures must be provided to minimize adverse environmental effects, and it must be found to be the least environmentally damaging alternative.

The City of Avalon proposes to install a public stairway down an existing rock embankment into the waters of the Pacific Ocean in order to improve the safety of water access for divers, snorkelers, and others who visit Casino Shoreline Dive Park. The proposed filling of coastal waters involves the placement of a concrete stairway within an excavated portion of the existing rock revetment below the mean high tide line. Only the excavated area on the revetment will be impacted by the proposed project. There will be no permanent displacement or loss of marine habitat area as a result of the proposed project.

The divers, snorkelers, and others who visit Casino Shoreline Dive Park do so to study and experience the special underwater marine environment off the shores of Santa Catalina Island. According to Section 30233 of the Coastal Act, the filling of open coastal waters for nature study, aquaculture, or similar resource dependent activities is an allowable use if adverse environmental effects are minimized and if it is the least environmentally damaging alternative. The adverse environmental effects of the proposed project are minimized by excavating an area out of the revetment in order to minimize the displacement of existing marine habitat area with new construction. In addition, the proposed project will protect the adjacent marine resources by designating a specific accessway into the water. Currently,

people cross the revetment at several areas in order to gain access to the water, possibly stepping on marine organisms as they carefully cross the rocks.

The proposed project is an allowable use pursuant to Section 30233(a)(8) of the Coastal Act, the environmental effects have been minimized, and it is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with the marine resource policies of the Coastal Act.

#### **D. Hazards**

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.

Developments located in or near the ocean have the potential for damage caused by wave energy. Projects that are located in the surf zone and are especially susceptible to wave damage. The City of Avalon has documented the wave hazards which exist on its east facing shores in appeal file A-5-AVA-94-257 (City of Avalon). High winds and storm waves regularly strike Avalon Bay and Descanso Bay when high pressure systems generate strong easterly Santa Ana winds. The site may also be susceptible to damage caused by seismic events.

Even if the proposed project is adequately designed for the potential wave and seismic hazards, no development in the water can be guaranteed to be safe from hazard. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicant understands and assumes the potential hazards associated with development in or near the water. Therefore, as a condition of approval the applicant shall acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicant 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 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.

As conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

**E. Local Coastal Program**

The City of Avalon Local Coastal Program was certified by the Commission on May 21, 1981. However, because the project is located seaward of the MHTL, in the Commission's area of original jurisdiction, the standard of review for this project is the Coastal Act.

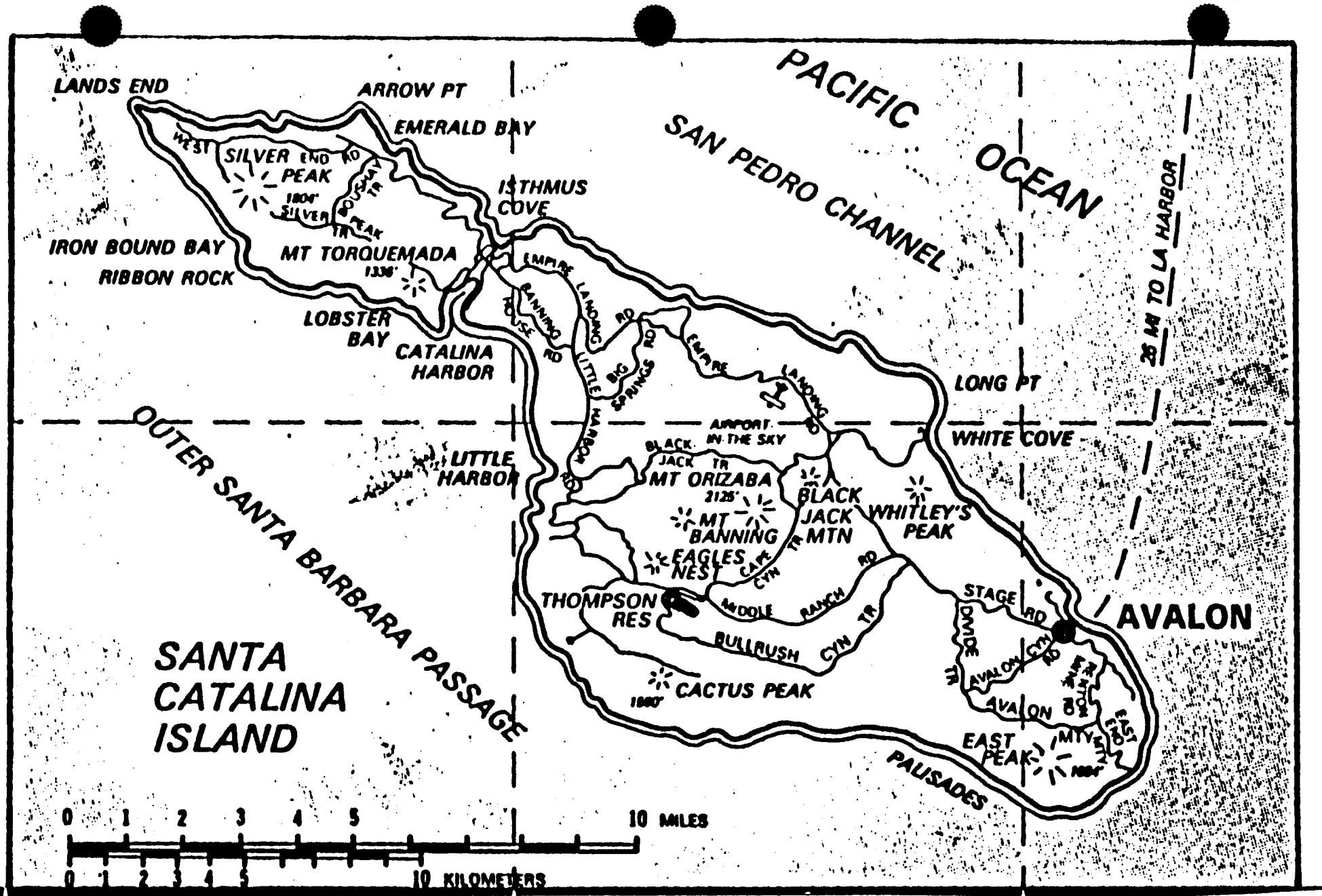
In any case, the certified LCP provides the following guidance for development of the proposed project site. The proposed project is a permissible use in the site's LCP land use designation of Resort/Recreation. The proposed project also complies with the policies of the certified LCP. The LCP states that "Casino Point shall be set aside as a public park and for scuba and swim areas". The proposed public accessway will improve the ability of the public to use Casino Point as a public park for diving and swimming as called for in the certified LCP. The LCP also states that all development on City tidelands shall be restricted to visitor-serving or recreational uses. The proposed stairway will provide visitor-serving and recreational uses. Therefore, the proposed development is in conformity with the certified LCP.

**F. 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 proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.





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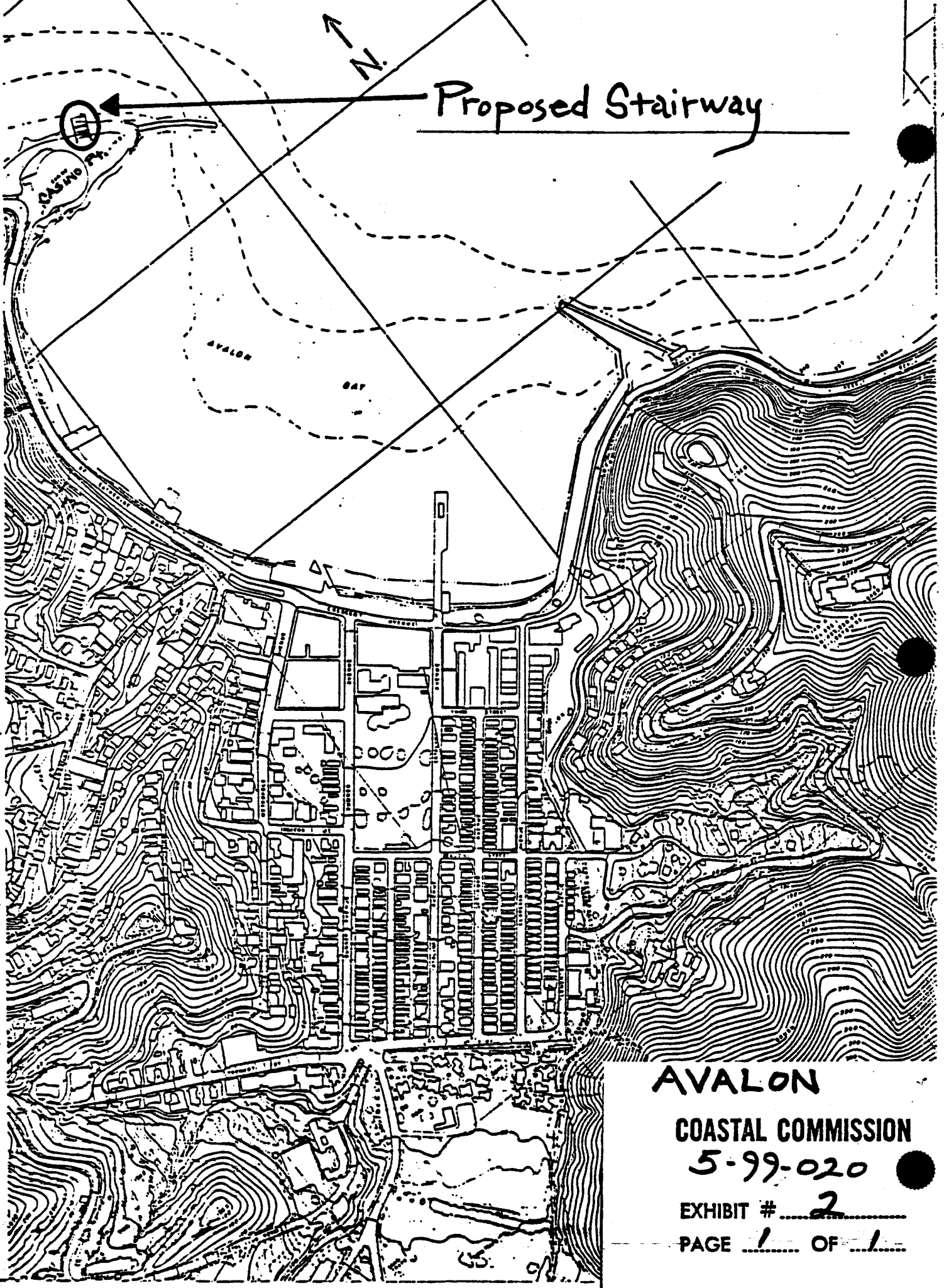
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EXHIBIT # 1

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Proposed Stairway



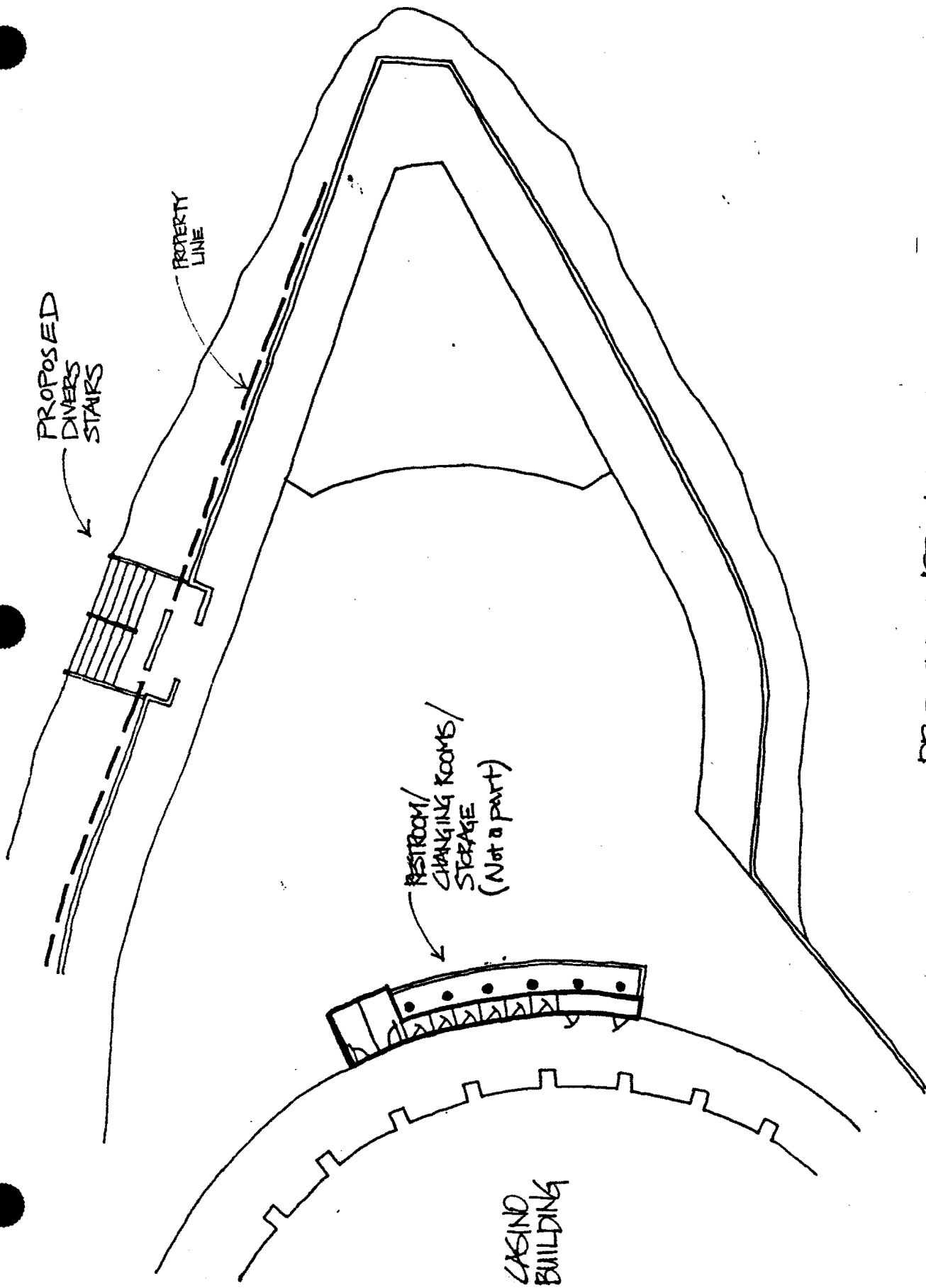
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EXHIBIT # 2

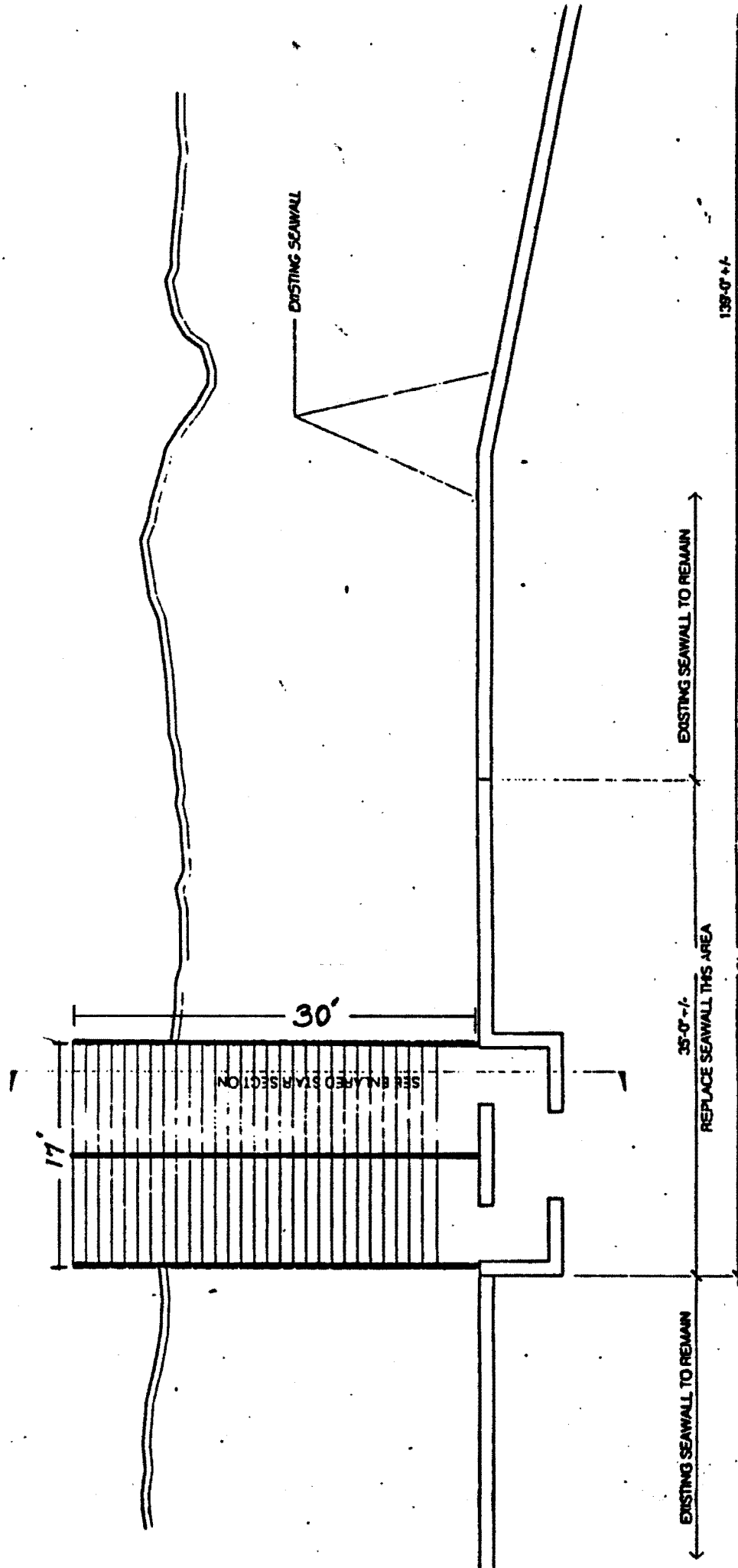
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PROPOSED IMPROVEMENTS  
@ CASINO POINT

COASTAL COMMISSION  
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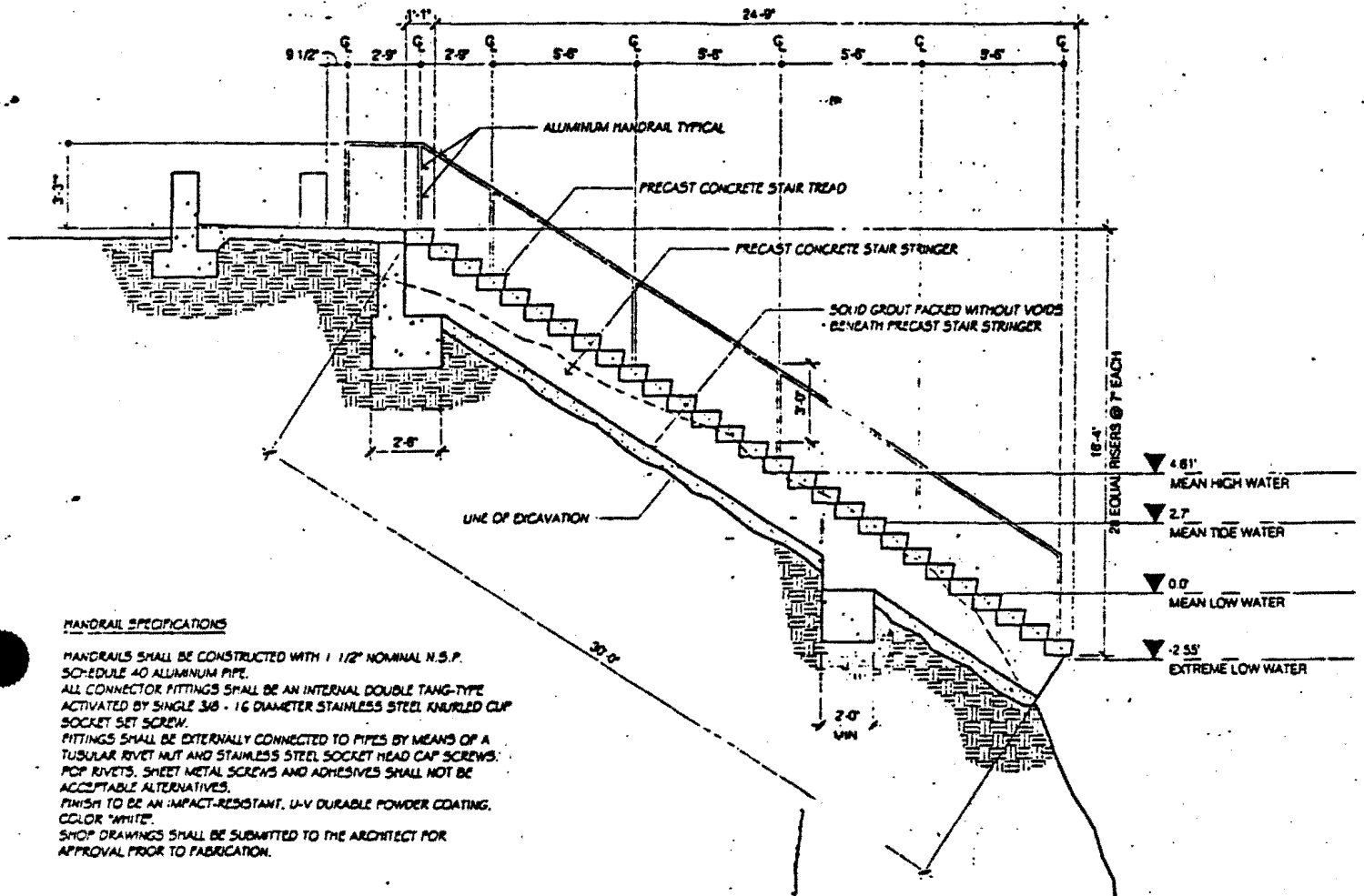
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EXHIBIT # 4

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SITE PLAN



**HANDRAIL SPECIFICATIONS**

HANDRAILS SHALL BE CONSTRUCTED WITH 1 1/2" NOMINAL N.S.P. SCHEDULE 40 ALUMINUM PIPE. ALL CONNECTOR FITTINGS SHALL BE AN INTERNAL DOUBLE TANG-TYPE ACTIVATED BY SINGLE 3/8 - 16 DIAMETER STAINLESS STEEL KNURLED CLIP SOCKET SET SCREW. FITTINGS SHALL BE EXTERNALLY CONNECTED TO PIPES BY MEANS OF A TUBULAR RIVET NUT AND STAINLESS STEEL SOCKET HEAD CAP SCREWS. PCP RIVETS, SHEET METAL SCREWS AND ADHESIVES SHALL NOT BE ACCEPTABLE ALTERNATIVES. FINISH TO BE AN IMPACT-RESISTANT, U-V DURABLE POWDER COATING, COLOR "WHITE". SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL PRIOR TO FABRICATION.

**ENLARGED STAIR SECTION**

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EXHIBIT # 5

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