# IFORNIA COASTAL COMMISSION.

South Coast Area Office 10 Oceangate, Suite 1000 ong Beach, CA 90802-4302 (562) 590-5071

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6/9/2001

Staff:

CP-LB

Staff Report:

1/23/2001

Hearing Date: February 13, 2001

RECORD PACKET COPY

Commission Action:

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STAFF REPORT: CONSENT CALENDAR

**APPLICATION NUMBER: 5-00-456** 

APPLICANT:

Los Angeles County Fire Department - Lifequard Division

AGENT:

Mike Frazer, Section Chief

PROJECT LOCATION:

Avalon Pleasure Pier, City of Avalon, Los Angeles County.

PROJECT DESCRIPTION: Demolish existing 64 square foot lifeguard booth on pier and

replace with new 144 square foot lifeguard facility.

Pier Area

18,000 square feet (approx.)

**Building Coverage** 

3,000 square feet (approx.)

Pavement Coverage Landscape Coverage

O square feet O square feet

**Parking Spaces** 

0

Zoning

Resort Recreation

Plan Designation

**Resort Recreation** 

Ht above MLLW

40 feet

LOCAL APPROVAL:

City of Avalon Approval in Concept.

SUBSTANTIVE FILE DOCUMENT: City of Avalon Certified Local Coastal Program.

# SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission because the proposed project is located seaward of the mean high tide line on submerged lands within the Commission's area of original jurisdiction. Staff recommends that the Commission grant a permit for the proposed development with conditions to prevent adverse impacts to marine resources, protect public views and recreation space on the pier, and to require the applicant to assume the risks of the development. The applicant agrees with the recommendation.

## STAFF NOTE:

Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. In the City of Avalon, the mean high tide line (MHTL) differentiates the Commission's area of retained (original) jurisdiction for tidelands, submerged lands, and public trust lands from the landward area for which the City of Avalon has accepted coastal development permit jurisdiction pursuant to the City of Avalon certified Local Coastal Program (LCP). The currently proposed project is located on a pier built on state tidelands and/or submerged land. Therefore, a coastal development permit is required from the Commission for the proposed development because the project site is located within the Commission's area of original jurisdiction. 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 proposed project does not conflict with any part of the City of Avalon certified LCP.

#### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to <u>APPROVE</u> the coastal development permit application with special conditions:

#### MOTION:

"I move that the Commission approve with special conditions Coastal Development Permit 5-00-456 per the staff recommendation as set forth below."

Staff recommends a <u>YES</u> vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

#### I. Resolution: Approval with Conditions

The Commission hereby <u>approves</u>, subject to the conditions below, a coastal development permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and will not have any significant adverse effects 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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. Water Quality

Prior to issuance of the coastal development permit, the applicant shall submit a construction and demolition plan, subject to the review and approval of the Executive Director, that includes construction and demolition measures sufficient to prevent the deposition, spill or discharge of any liquid or solid into the waters of Avalon Bay. The applicant shall implement and carry out the construction and demolition plan consistent with the plan approved by the Executive Director during all construction and demolition activities.

## 2. Conformance with the Requirements of the Resource Agencies

The permittee shall 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 marine environment. Any change in the approved project which 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.

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# 3. Demolition and Disposal of Existing Lifeguard Facility

Within ninety days of the commencement of the proposed project, the applicant shall demolish and remove from the pier the existing (former) lifeguard facility as proposed in the December 10, 2000 letter signed by Mike Frazer, Section Chief, Los Angeles County Fire Department (Exhibit #6 of Staff Report dated 1/23/01). All demolished building materials shall be removed from the pier to be disposed of or recycled in compliance with all local, state and federal regulations. No debris or fill is permitted to be placed in coastal waters.

## 4. Replacement of Public Recreational Facilities

Prior to issuance of the coastal development permit, the applicant shall submit a City-approved plan, subject to the review and approval of the Executive Director, for the relocation of the public bench displaced by the proposed project. The public bench shall be relocated to another location on the pier. The applicant shall implement and carry out the public bench relocation consistent with the plan approved by the Executive Director and the City of Avalon within ninety days of the commencement of the proposed project.

# 5. Assumption of Risk

- A) By acceptance of this coastal development 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 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; (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 (iv).
- B) Prior to issuance of the coastal development permit, the applicant shall submit a copy of a written agreement by the applicant, in a form and content acceptable to the Executive Director, accepting all of the above terms of subsection A of this condition.

# IV. Findings and Declarations

The Commission hereby finds and declares:

## A. Project Description

The applicant proposes to demolish an existing 64 square foot lifeguard facility on the Avalon Pleasure Pier and replace it by constructing a new 144 square foot lifeguard facility on a different part of the public pier (See Exhibits). The existing 8-foot high lifeguard booth that is proposed to be removed is situated at the mid-point of the 408-foot long public pier. The proposed new 11-foot high lifeguard facility would be added onto an existing structure (boat rental/tackle shop) which is situated about one hundred feet landward of the old facility. Four public telephones and a shaded public seating area would be displaced by the proposed facility.

The proposed one-story lifeguard facility would reach eleven feet above the level of the pier deck, and includes a 36-inch high equipment storage area between the pier deck and the elevated floor of the proposed structure (Exhibit #5). The elevated floor would also provide the lifeguards improved visibility of Avalon Bay (Exhibit #3). A 36-inch wide balcony is proposed to be cantilevered over the water from the proposed facility (Exhibit #3). The proposed facility would be used by the Los Angeles County Lifeguards as a lookout and as an administrative office (Exhibit #6).

Other buildings currently located on the 18,000 square foot City-owned pier include: the two-story Harbor Master Headquarters, a dive shop, a boat rental/tackle shop, the Avalon Chamber of Commerce Building, a food stand with public restrooms, and two small ticket booths.

#### B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located over the coastal waters of Avalon Bay (Exhibit #2). The standard of review development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 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.

The proposed project involves demolition and construction of buildings on an existing pier in Avalon Bay. No new pilings or other types of fill are proposed as part of the project, and no work is proposed in the water. Therefore, there are no anticipated negative impacts to marine resources or water quality.

However, in order to ensure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, the permit is conditioned to require the applicant to submit plans which incorporate specific construction methods within the proposed project to prevent such occurrences. Therefore, Special Condition One requires the applicant, prior to the issuance of the permit, to submit a construction and demolition plan, subject to the review and approval of the Executive Director, that includes measures sufficient to prevent the deposition, spill or discharge of any liquid or solid into the waters of Avalon Bay. The applicant shall implement and carry out the construction and demolition plan consistent with the plan approved by the Executive Director during all construction and demolition activities. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act.

Special Condition Two requires the permittee 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 marine environment. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act.

Special Condition Three requires that all materials removed from the pier shall be taken from the site and out of coastal waters to be disposed of or recycled in compliance with all local, state and federal regulations. No debris is permitted to be placed in coastal waters. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act.

The special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act.

## C. Recreation and Public Access

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 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 public currently has access to the Avalon Pleasure Pier and the site of the proposed lifeguard facility. It is a City-owned pier. Although the proposed new lifeguard facility is larger than the old facility, there is sufficient space on the 18,000 square foot pier for the both the proposed project and the existing public uses on the pier. The proposed lifeguard facility is a necessary and coastal-related public safety use that is appropriate for its proposed location. The 64 square foot area currently occupied by the existing lifeguard booth would be restored to public use after the proposed demolition and removal.

There are, however, potential adverse impacts to public access and recreation that can be mitigated by conditions of approval. These impacts include the use of additional public pier space for a new building and the displacement of a shaded public bench where the new lifeguard facility is proposed (Exhibit #5).

Therefore, in order to minimize the amount of pier area used for buildings and to protect public space on the pier for recreational uses, Special Condition Three requires that the applicants demolish and remove from the pier the existing (former) lifeguard facility as proposed in the December 10, 2000 letter signed by Mike Frazer, Section Chief, Los Angeles County Fire Department (Exhibit #6). All demolished building materials shall be removed from the pier to be disposed of or recycled in compliance with all local, state and

federal regulations. The old lifeguard facility must be removed within ninety days of the commencement of the proposed project. Only as conditioned can the proposed project be found consistent with the public access and recreation policies of the Coastal Act.

In addition, in order to protect the public's ability to continue to access and use the pier for sightseeing, Special Condition Four requires the applicant to relocate the displaced public park bench pursuant to a City-approved plan within ninety days of the commencement of the proposed project. The public bench shall be relocated to another location on the pier. Only as conditioned can the proposed project be found consistent with the public access and recreation policies of the Coastal Act.

#### D. Visual Resources

Section 3025l 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 is an eleven-foot high addition to an existing ten-foot high building on the Avalon Pleasure Pier. The addition is proposed on a portion of the pier that is currently covered by a nine-foot high roof (Exhibit #4). Therefore, the proposed project will not add significant building bulk to the pier and will not have any adverse impacts on public views of the pier from the shoreline. In addition, the design of the proposed project is compatible with the character of the existing buildings on the pier.

The proposed project, will however, displace a public park bench on the pier that currently provides the public a place to sit and enjoy the views of Avalon Bay (Exhibit #5). In order to mitigate the displacement of this public viewing area, the applicant is required by Special Condition Four to relocate the displaced public park bench elsewhere on the pier within ninety days of the commencement of the proposed project. As conditioned, the public viewing area will be relocated and maintained on the pier.

Secondly, Special Condition Three requires the applicant to restore to public use the portion of the pier that is currently occupied by the existing lifeguard facility. As conditioned, the amount of pier area used for buildings will be minimized while public space for viewing from the pier will be protected. Only as conditioned can the proposed project be found to be consistent with Section 30251 of the Coastal Act.

## E. 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:

- (I) 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, floods, seismic events, storms and erosion. The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. No development in the water can be quaranteed 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 permittee understands and assumes the potential hazards associated with development in or near the water. Therefore, by acceptance of this coastal development 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 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; (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 (iv).

In addition, prior to issuance of the coastal development permit, the applicant shall submit a copy of a written agreement by the applicant, in a form and content acceptable to the

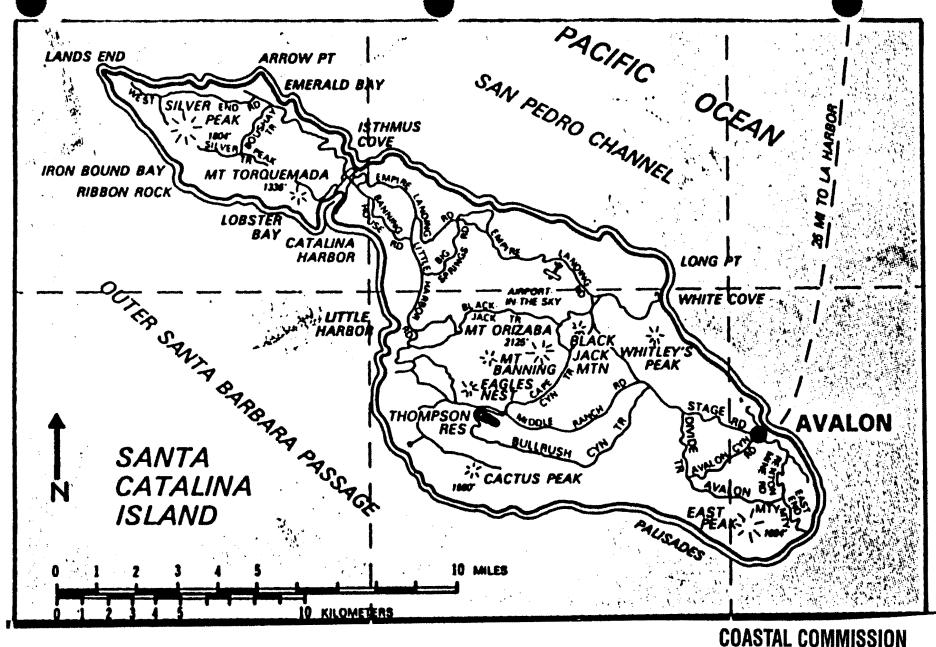
Executive Director, accepting all of the above terms of this condition. Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

# 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.

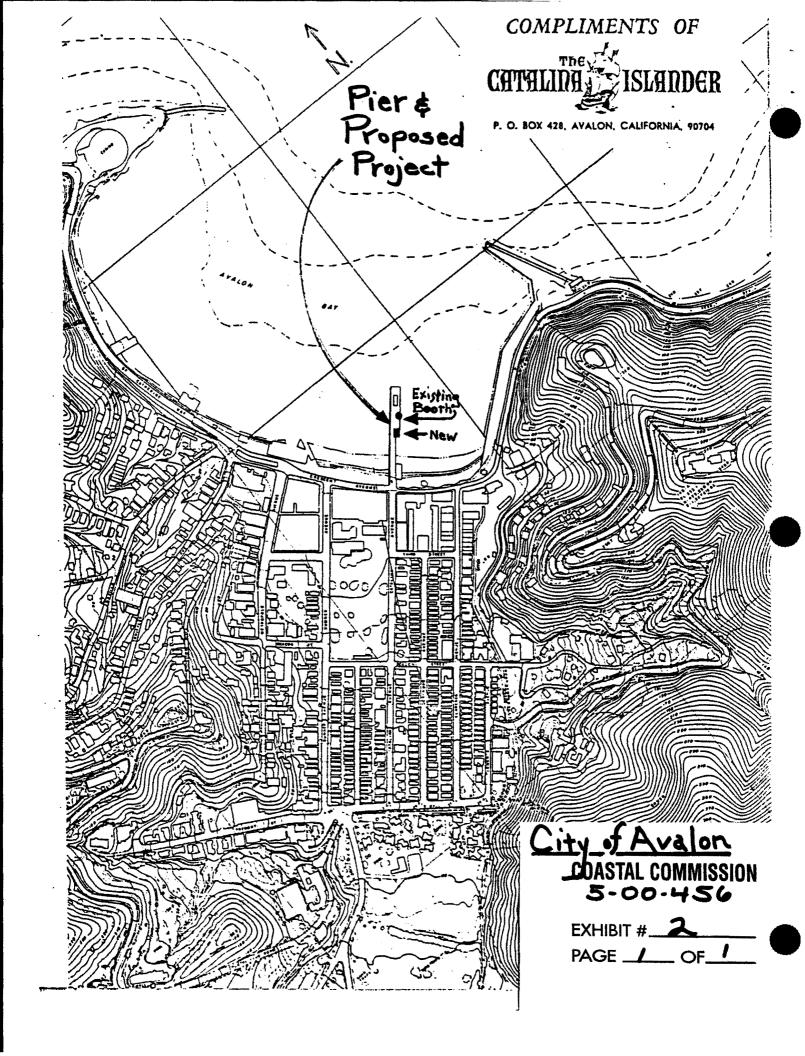
The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity 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.

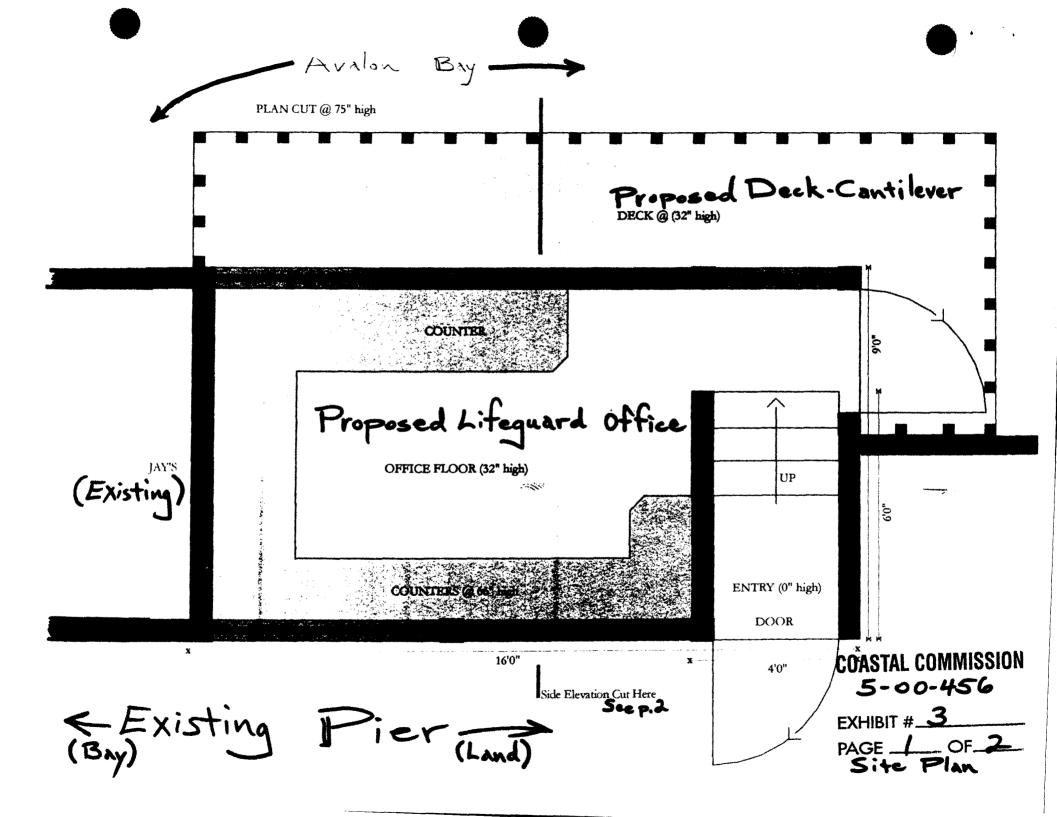
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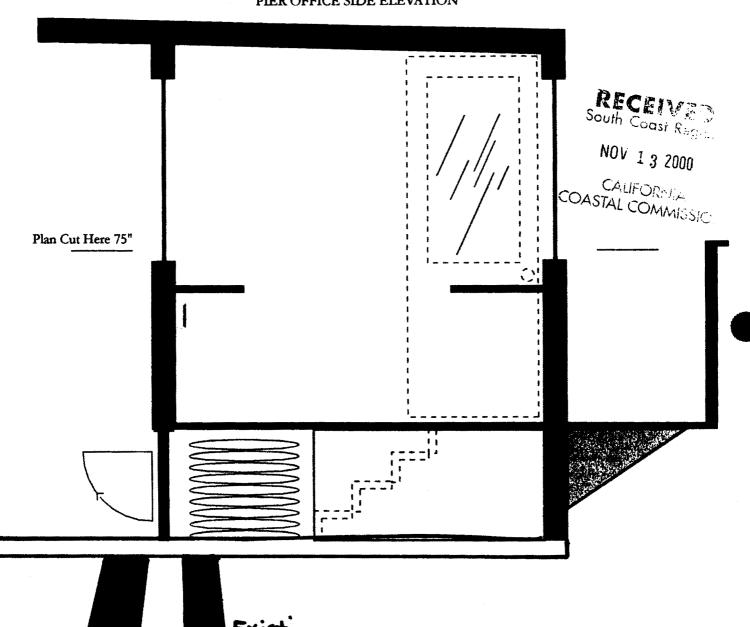
**COASTAL COMMISSION** 5-00-456

**EXHIBIT** # OF\_ PAGE \_\_





PIER OFFICE SIDE ELEVATION

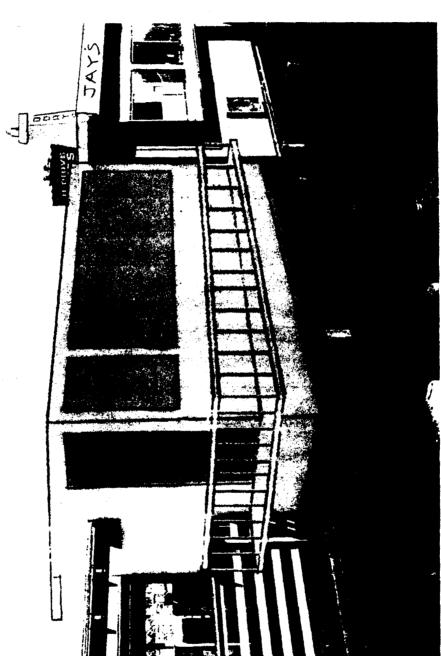


**COASTAL COMMISSION** 5-00-456

EXHIBIT # 3
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Artist rendering of proposed new construction

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EXHIBIT # 4

Existing Site

of Proposed New
Construction



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EXHIBIT # S

COASTAL COMMISSION 5-00-456



Artist rendering of proposed new construction

# COUNTY OF LOS ANGELES



#### FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE LOS ANGELES, CALIFORNIA 90063-3294

(310) 457-9616

P. MICHAEL FREEMAN **FIRE CHIEF** FORESTER & FIRE WARDEN South Coast Region

DEC 1 1 2000

CALIFORNIA COASTAL COMMISSION

December 10, 2000

Chuck Posner, Staff Analyst California Coastal Commission South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302

LOS ANGELES COUNTY FIRE DEPARTMENT, LIFEGUARD DIVISION, RE: **AVALON PLEASURE PIER LIFEGUARD STATION COASTAL PERMIT** 

APPLICATION - APPEAL # 5-00-456

Dear Mr. Posner:

Thank you for your quick response on our coastal permit request. As indicated in your status letter, the following additional information may assist you in granting our permit.

- 1. Provide two sets of plans of the existing Avalon Pleasure Pier and location of current and proposed Lifequard station/office - ATTACHED.
- 2. Indicate the proposed future use of existing lifequard station – The existing station/office will be demolished and removed once the new station is built and made operational. The Pier will be restored to its original condition.
- 3. Please explain why the proposed office/station and storage areas proposed are to be located on the pier. Have alternative project locations been considered?

In regards to the Baywatch Avalon Lifeguard Station/Office, I would like to illustrate the effects and impact of this relocation to public safety and to the existing pier footprint. Currently, we are located between two commercial offices, both providing trips and tours for visitors to Avalon. Our station is commonly confused to be a similar type business, which quite often results in public frustration and unnecessary inquiries that

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE COASTAL COMMISSION 5-00-456

AGOURA HILLS RTESIA ZUSA BALDWIN PARK BELL BELLFLOWER **BELL GARDENS**  RRADBURY CALABASAS CARSON CERRITOS CLAREMONT COMMERCE COVINA

CUDAHY DIAMOND BAR DUARTE **EL MONTE** GLENDORA HAWAIIAN GARDENS

HAWTHORNE

HIDDEN HILLS HUNTINGTON PARK INDUSTRY IRWINDALE. LA CANADA FLINTRIDGE LAKEWOOD LA MIRADA

LANCASTER LA PUENTE LAWNDALE LOMITA MALIBU MAYWOOD NORWALK

PALOS VERDES ESTATES PARAMOUNT PICO RIVERA **POMONA** RANCHO PALOS VERDES ROLLING HILLS

PALMDALE

EXHIBIT # PAGE \_\_\_\_ detract from of our primary mission. Furthermore, in our current location, we are somewhat disguised to the public. One of our goals is to make us more noticeable to the public. A readily recognizable Lifeguard Station is critical to public safety and our ability to respond to patrons in need of medical attention or other incidents requiring our attention.

Our proposal is to position the station closer to the land end of the pier in a location that is currently open. The new structure would fit flush with the existing buildings and not impinge upon the foot traffic or other businesses currently operating on the pier. The benefits to our operation are numerous from a functional standpoint. Being closer the beach provides better visibility of the swimming areas and decreases the distance of travel to effect a rescue or to provide medical treatment. Because the proposed location is away from other businesses and closer to the beach, the new location would be more accessible and recognizable to the public.

Alternative project locations have been examined and determined impractical. Since the Avalon Pier shore area is so congested, there is no shoreline location that would facilitate a Lifeguard Station/Office. Furthermore, since swimming areas are located on either side of the pier, a station on the pier is the best location to provide surveillance of both sides.

In summary, this project will improve public safety and accessibility to emergency services. If you have any other questions, please do not hesitate to call me at (310) 457-9616.

Thank you,

Mike Frazer Section Chief

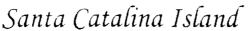
> COASTAL COMMISSION 5-00-456

EXHIBIT # 6

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# City of Avalon





July 26, 2000

John McKay, Captain LA County Fire Dept. Lifeguard Division P.O. Bcx 385 Avalon CA 90704

Re: Lifeguard Booth on Avalon Pier

Dear Captain McKay:

The City of Avalon agrees to provide space adjoining Avalon Boat Stand on the Pleasure Pier to at no charge for the Los Angeles County Lifeguards to construct an office that satisfies the building codes and requirements of the Avalon Planning Commission.

It is mulually understood that once approval is received and the new office is built, the current Lifeguard booth on the pier will be removed.

Sincere y,

Pete Woolson Planning Director

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CALFORNA 4 COASTAL COMMISSION

Administration ' Finance/Fire PO Box 707 Avalon, CA 90704 370 570-0220 310,510-0901 Fox

Harber Patrol P.O. Box 1085 Avalon, CA 90704 3/0-5/0-0535 310:510-2640 Fax Community Services P.O. Box 1980 Avalon, C.1 90704 310-510-1987 310 516-9528 Fax

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**COASTAL COMMISSION** 

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