

CALIFORNIA COASTAL COMMISSION

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

Filed: 3/10/2005
49th Day: 4/28/2005
180th Day: 9/6/2005
Staff: CP-LB
Staff Report: 4/21/2005
Hearing Date: May 11, 2005
Commission Action:

**W20e****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-05-092**RECORD PACKET COPY****APPLICANT:** Southern California Edison Company**AGENT:** Simon A. Poulter, Padre Associates, Inc.**PROJECT LOCATION:** 1 Pebbly Beach Road, City of Avalon, Santa Catalina Island, County of Los Angeles.**PROJECT DESCRIPTION:** Demolish and remove 68-foot long concrete and timber pier and associated fuel wharf facilities, remove barge mooring system and recover debris from seafloor.**LOCAL APPROVAL:** City of Avalon Approval in Concept, 4/20/2005**SUBSTANTIVE FILE DOCUMENTS:**

1. Los Angeles County Santa Catalina Island certified Local Coastal Program (LCP), January 9, 1990.
2. Coastal Development Permit A5-SCI-97-129/5-97-108 (SCI Co., Pebbly Beach Revetment).
3. California State Lands Commission Lease No. 6908.1.
4. U.S. Army Corps of Engineers Permit Application, Project No. 2005-00971-JLB.
5. Caulerpa Survey Report Form for Pebbly Beach, by Ray de Wit (Jan. 2005).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to the protection of marine resources and water quality. The applicant agrees with the recommendation. **See Page Two for the motion and resolution necessary to carry out the staff recommendation.**

The mean high tide line (MHTL) bisects the project site. The MHTL differentiates the Commission's area of retained (original) jurisdiction for tidelands and public trust lands from the landward area for which the County of Los Angeles had accepted coastal development permit jurisdiction in 1990 pursuant to the certification of the Santa Catalina Island Local Coastal Program (LCP). The County LCP is no longer applicable to the Pebbly Beach industrial area, however, since the City of Avalon annexed the Pebbly Beach industrial area a few years ago. The City has not submitted a new LCP for the Pebbly Beach area. Therefore, the Pebbly Beach area is currently within the Commission's permit jurisdiction.

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 5-05-092 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the 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 will 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. 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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any 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. Demolition/Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the proposed project shall be conducted in a manner that protects marine resources and water quality pursuant to the implementation of the following BMPs.

- A. No demolition/construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Staging and storage of demolition/construction machinery and storage of debris shall not take place on the beach or intertidal area.
- C. Any and all debris resulting from demolition/construction activities shall be removed from the shoreline and pier area and disposed of at an appropriate location as soon as possible.
- D. Machinery or demolition/construction materials not essential for the project are prohibited at all times in the subtidal or intertidal zones.
- E. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- F. Silt curtains shall be utilized to control turbidity in the offshore project area.
- G. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- H. Netting, tarps and/or other forms of barriers shall be installed between the water and the pier to prevent any unpermitted material from entering the Pacific Ocean.
- I. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- J. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during project staging and demolition. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- K. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- L. At the end of the demolition/construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shoreline or in the water, and that the project has not created any hazard to navigation.

2. 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 marine 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.

3. Caulerpa Taxifolia Pre-Construction Survey

- A. Not earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five business days of completion of the survey, the applicant shall submit the survey:
 - 1. For the review and approval of the Executive Director; and,
 - 2. To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the demolition of a 68-foot long concrete and timber pier and removal of associated fuel wharf facilities from the Pebbly Beach industrial area in southeast Avalon on Santa Catalina Island (See Exhibits). The proposed project includes the removal of an offshore fuel barge mooring system and other debris from the seafloor around the old fuel wharf facility (Exhibit #4). The fuel wharf facility, which is on leased state tidelands, was

constructed sometime prior to 1962 when the applicant purchased the facility from the Santa Catalina Island Company. Most of the facility's pipelines have already been decommissioned and removed from the pier, and the fuel wharf facility has not been used since 1986. The island's fuel supply is now transported from the mainland in fuel tankers strapped onto barges.

The proposed project, which involves about four weeks of work at the site, is scheduled to be completed before the end of 2005. The proposed project will occur in two phases: a terrestrial phase to remove the onshore fuel wharf facilities, and a marine phase for the removal of the items from the seafloor. The terrestrial phase includes the removal of any remaining pipes from state lands and the removal of the pier structure, most of which is located above the low tide line (Exhibit #5). Six 14-inch diameter timber piles with concrete footings support the ten-foot wide pier structure. These piles would be cut off at the rockline (Exhibit #6). The terrestrial phase also includes the removal of the northern mooring chain, which is anchored in the rocky shoreline (Exhibit #4). The marine phase involves the removal of the remaining offshore mooring system components, including the southern mooring chain that is anchored by a deadman on the end of the rocky point two hundred feet south of the old pier (Exhibit #4). This phase also includes the recovery of debris from the seafloor (e.g. tires, boat and airplane parts, anchors, chains, rope, etc.) using marine crews with a barge and a crane. The fuel wharf's pipelines did not extend beyond the pier into the offshore area.

The east facing shoreline in the project area is comprised of coarse gravel and armor rock. In January 2005 the project area was surveyed, its biological resources documented, and no noxious algae (*Caulerpa taxifolia*) was found. The proposed project has received approval from the City of Avalon. The applicant has applied for a Section 401 Certification from the California Regional Water Quality Control Board, and has a preliminary approval from the U.S. Army Corps of Engineers (Project No. 2005-00971-JLB). The California Department of Fish and Game is also reviewing the proposed project.

B. Pebbly Beach, City of Avalon

The Pebbly Beach area is a recently incorporated industrial area located approximately one-half mile south of Avalon Bay on Santa Catalina Island (Exhibit #2). The Pebbly Beach industrial area, which has been the primary industrial zone for the City of Avalon since the 1920s, is one of the few large areas of flat waterfront land located on the south end of the island outside of downtown Avalon. The County of Los Angeles Local Coastal Program (LCP), certified in 1990, designates Pebbly Beach as the industrial area for Avalon and allows the continuation and expansion of the existing uses which include: a freight yard, warehouses, repair shops, a helipad, boatyards, light industries, a commercial laundry, gasoline storage, solid and liquid waste facilities, and an electric power generating plant (Exhibit #3). Armor rock has been placed along most of the Pebbly Beach shoreline.

C. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in and over the coastal waters of Catalina Island (See Exhibits). The standard of review for the proposed development 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 of a pier and removal of fuel wharf facilities and a barge mooring system. Due to the project's location in and over coastal waters, it is necessary to ensure that demolition/construction activities will be carried out in a manner that will not adversely affect water quality or marine resources.

The applicant has prepared a thorough plan in order to protect water quality as the proposed project is implemented. The coastal development permit application includes an Oil Spill Contingency Plan and a Contaminated Materials Management Plan, both of which have been reviewed by the Commission's water quality staff and deemed satisfactory. The applicant's proposal also includes the following specific mitigation measures to protect water quality and marine resources:

- The project staging area will be kept within the existing SCE facility in the Pebbly Beach industrial area.
- The pier structure will be dismantled by unbolting or prying off individual timber components, keeping the timber largely intact. There will be no pinching or shattering of the timber.
- All pier materials will be recovered and brought onto the shore. Netting, tarps or similar devices will be placed under the pier to catch sawdust and other debris before it falls into the water or onto the ground. A crane will be used to lift the timber away from the shoreline and into the staging area.
- The piles and the onshore anchor points will be removed to the rockline only to prevent disturbance and erosion.

- All materials collected will be stored at the staging area, and then shipped to the mainland for disposal at a licensed facility.
- The project site, including the offshore debris field, will be surveyed after the project to ensure that all debris from the fuel wharf facility has been removed.

Since the proposed project is located in and over coastal waters and adjacent to the shoreline there is always the possibility that material from demolition or construction may end up in coastal waters. In order to prevent adverse impacts to marine waters from construction and demolition activities, the Commission is imposing Special Condition One, which provides for the safe storage of construction/demolition materials, protection of intertidal areas and the disposal of debris. 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. Special Condition Three requires the permittee to survey the project site for noxious algae (*Caulerpa taxifolia*) prior to the commencement of the approved project. 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.

D. 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 conforms with the following Coastal Act policies that 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, in part:

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

As stated in the above public access policies, the Coastal Act requires that maximum access and recreational opportunities be provided for all people. The Coastal Act also protects the public's right to access the sea and encourages the development of recreational facilities.

Section 30210 of the Coastal Act also states that access shall be provided consistent with public safety needs.

In this case, the site of the proposed project is located on the shoreline of an industrial area that is very limited in regards to public recreation opportunities. The shoreline is currently covered with armor rock. The proposed project is one of limited duration (about four weeks) that will not decrease any existing public recreation opportunities. Therefore, the proposed project will not displace public access or recreational opportunities. The Commission finds that the proposed project, as conditioned, 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 removal of an existing pier and other less visible items from the shoreline. No new visible development is being permitted, and the proposed project will not have any adverse impacts on public views or visual resources. Therefore, the proposed project is consistent with Section 30251 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. Mitigation measures, in the form of special conditions, require the implementation of specific water quality mitigation measures and debris removal responsibilities. 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.

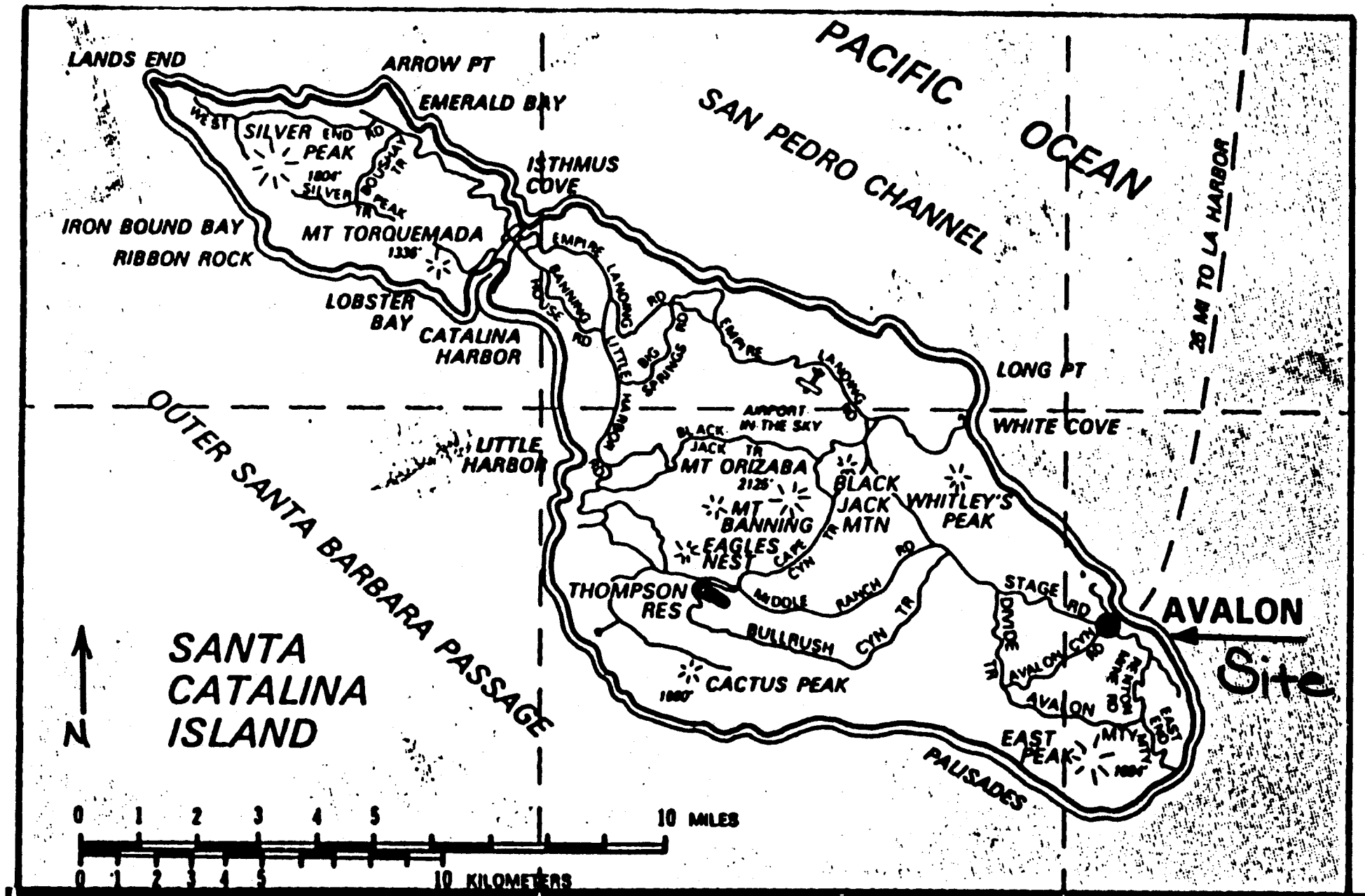
G. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act.

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction, and also within the adjacent upland area where there is not a currently certified LCP. The mean high tide line (MHTL) bisects the project site. The MHTL differentiates the Commission's area of retained (original) jurisdiction for tidelands and public trust lands from the landward area for which the County of Los Angeles had accepted coastal development permit jurisdiction in 1990 pursuant to the certification of the Santa Catalina Island Local Coastal Program (LCP). The County LCP is no longer applicable to the Pebbly Beach industrial area, however, since the City of Avalon annexed the area a few years ago. The City has not submitted a new LCP for the Pebbly Beach area. Therefore, the Pebbly Beach area is currently within the Commission's permit jurisdiction

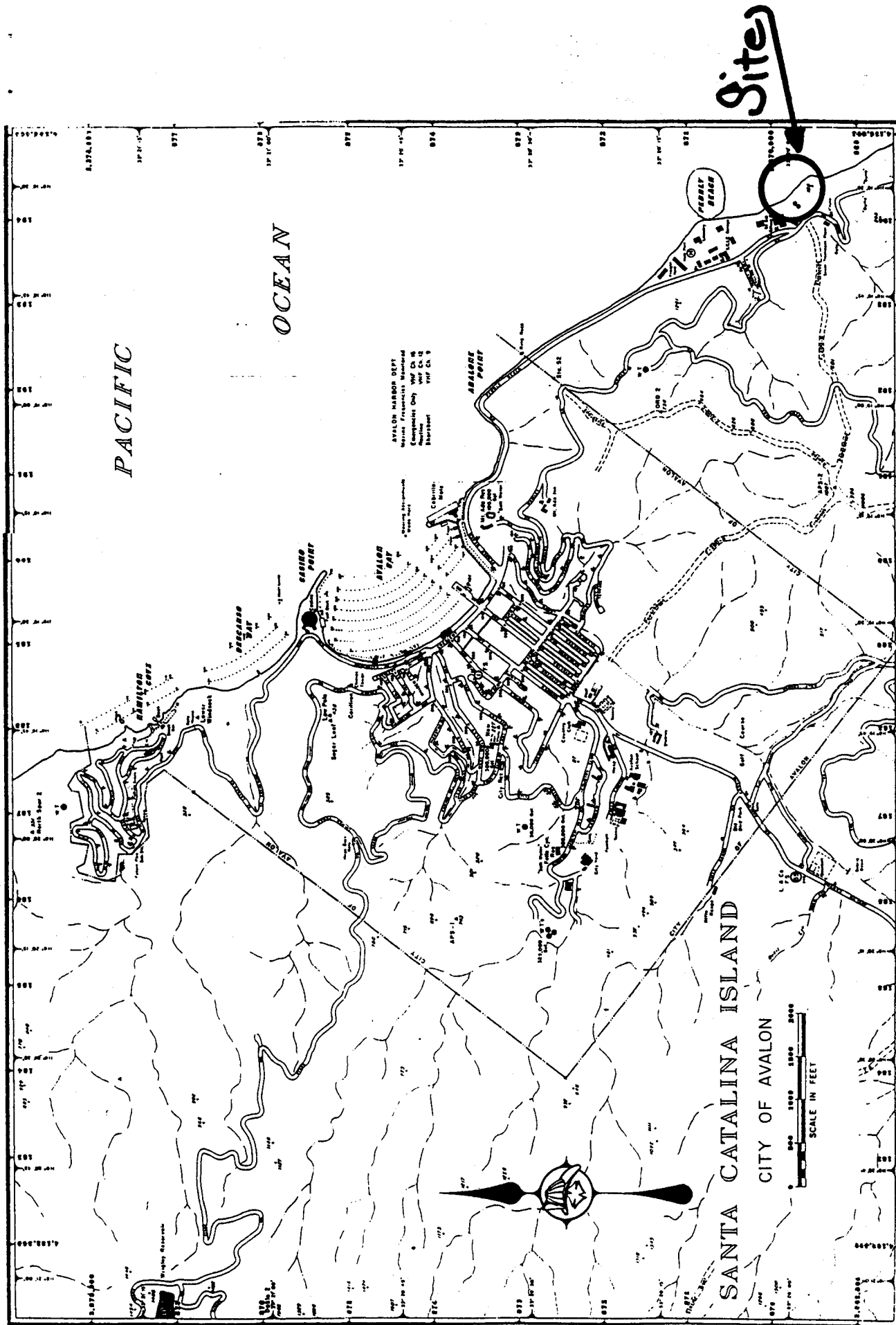
The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The County of Los Angeles certified LCP for Santa Catalina Island is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and does not conflict the LCP that formerly applied to the Pebbly Beach area where the proposed project is located.

End/cp



COASTAL COMMISSION
5-05-092

EXHIBIT # 1
PAGE 1 OF 1

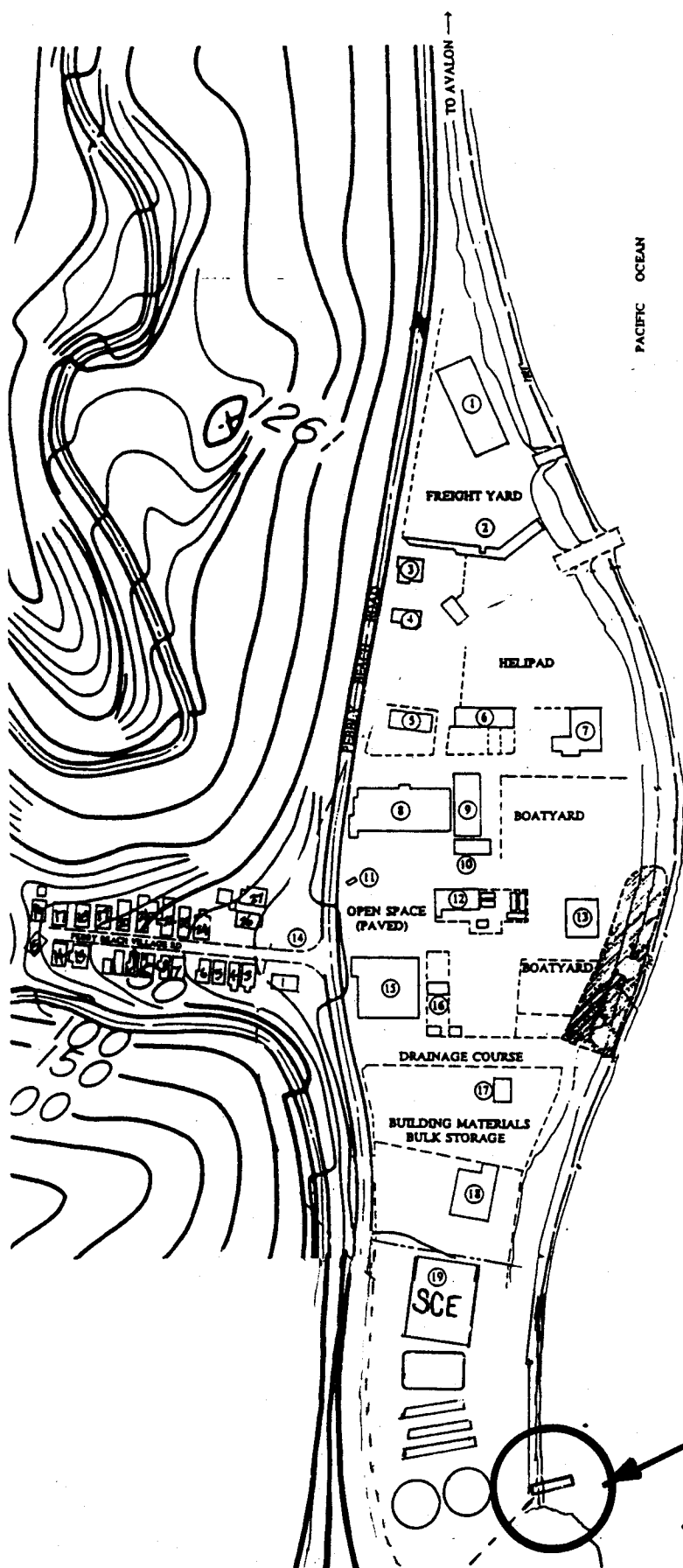


COASTAL COMMISSION
5-05-092

EXHIBIT # 2

PAGE 1 OF 1

PEBBLY BEACH INDUSTRIAL AREA-AVALON



LEGEND- Existing Uses

- ① Freight line warehouse and freight yard. Warehouse is a 9,300 s.f. pre-fab metal building.
- ② Mini-storage units (3,500 s.f. total) leased to individuals from Freight line.
- ③ Light industrial/ storage building (1,180 s.f.) with a small public restroom (400 s.f.).
- ④ Restaurant building housed in (1,410 s.f.) unreinforced masonry building.
- ⑤ Single-story light industrial metal building used as mooring slip (1980 s.f.).
- ⑥ Single-story light industrial metal building used as miscellaneous.
- ⑦ Commercial laundry service housed in a wood framed warehouse building (4,200 s.f.).
- ⑧ Bus garage housed in a pre-fab metal building (11,500 s.f.).
- ⑨ Maintenance warehouse building (4,000 s.f.).
- ⑩ Drive through vehicle wash rack, roof structure only, no walls.
- ⑪ Public gas pumps
- ⑫ Bulk fuel storage facility. Fuel is purchased from the mainland and delivered to this facility for distribution
- ⑬ Boatyard repair shop housed in metal building (3,000 s.f.).
- ⑭ Pebbly Beach Village. Used by the Santa Catalina Island Company for employee housing. 24 units total.
- ⑮ Beverage warehouse which is housed in a pre-fab metal building (10,000 sf).
- ⑯ Proposed and existing leased yard areas with small structures and storage containers.
- ⑰ Building supply yard which retails bulk building supplies. No permanent structures exist.
- ⑱ Beverage warehouse housed in a metal sided building (4,800 s.f.).
- ⑲ Southern California Edison power generation plant.

Pebbly Beach



COASTAL COMMISSION
5-05-092

EXHIBIT # 3

PAGE 1 OF 1

PIER-
Project
Site
See Exhibit #4

The fuel wharf facilities included a mooring system that was used to anchor barges just offshore of the fuel pier in a designated barge berth. The barge berth boundaries extended from the end of the pier located in approximately 5 feet of water, northeast for a distance of 120 feet where it terminated in approximately 25 feet of water. The barge berth was 30 feet in width.

The barge mooring consisted of a three-point mooring system that held the barge inside the barge berth. This three-point mooring system consisted of two onshore anchor points and one offshore anchor point (see Figure 2-12 - Original Mooring System and Barge Berth Schematic).

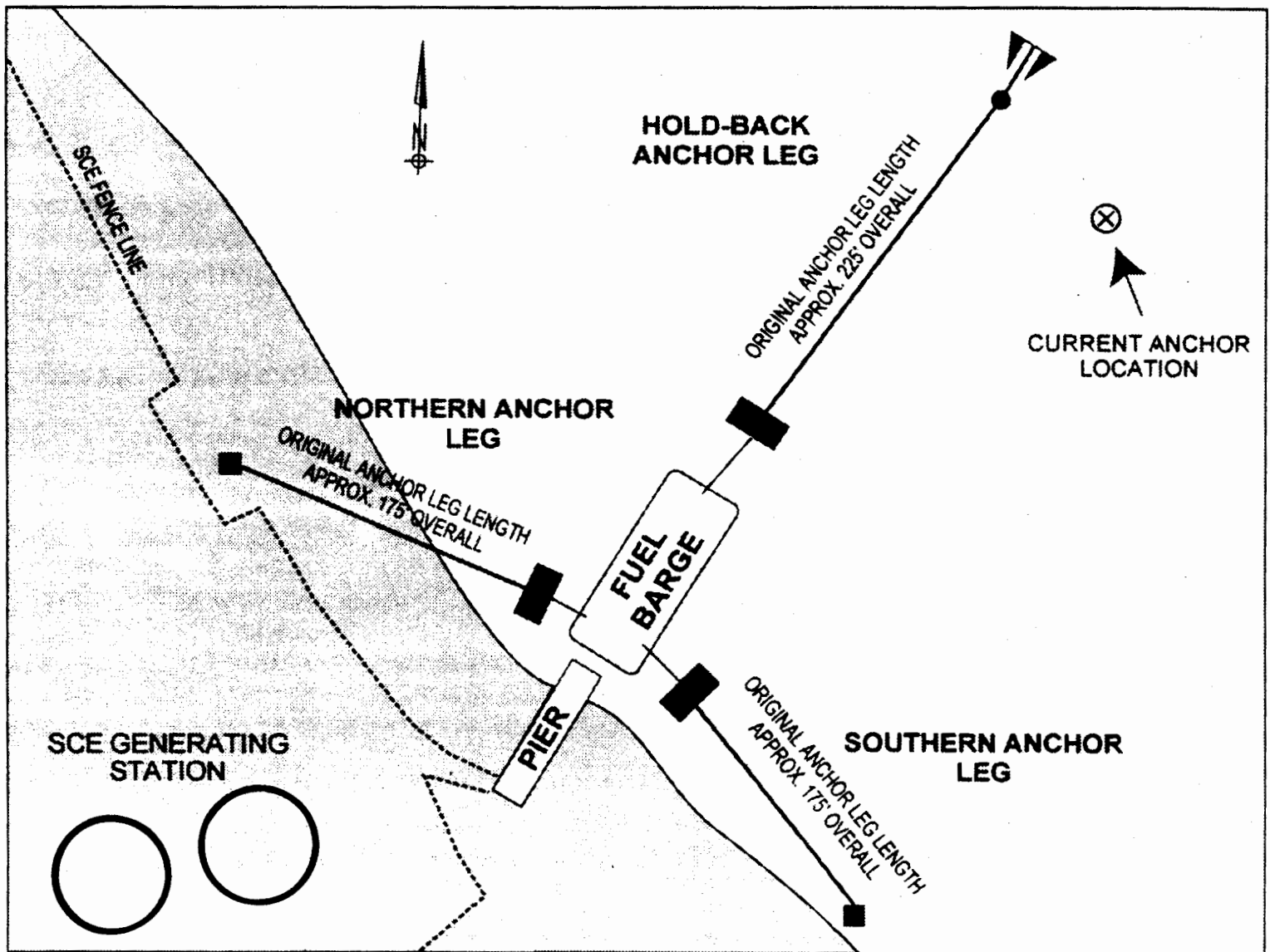
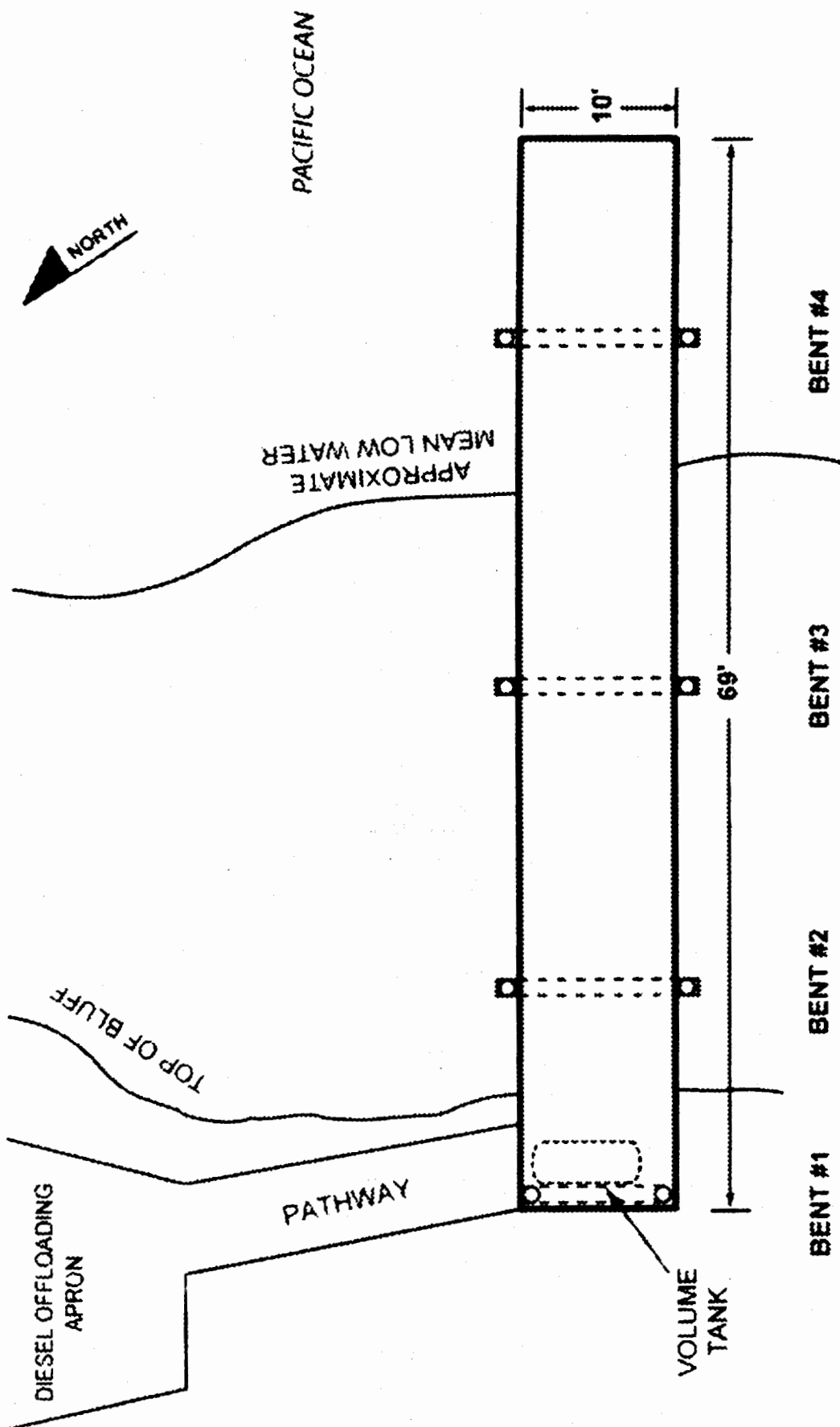


Figure 2-12. Original Mooring System and Barge Berth Schematic



PIER
PLAN VIEW

5-05-092

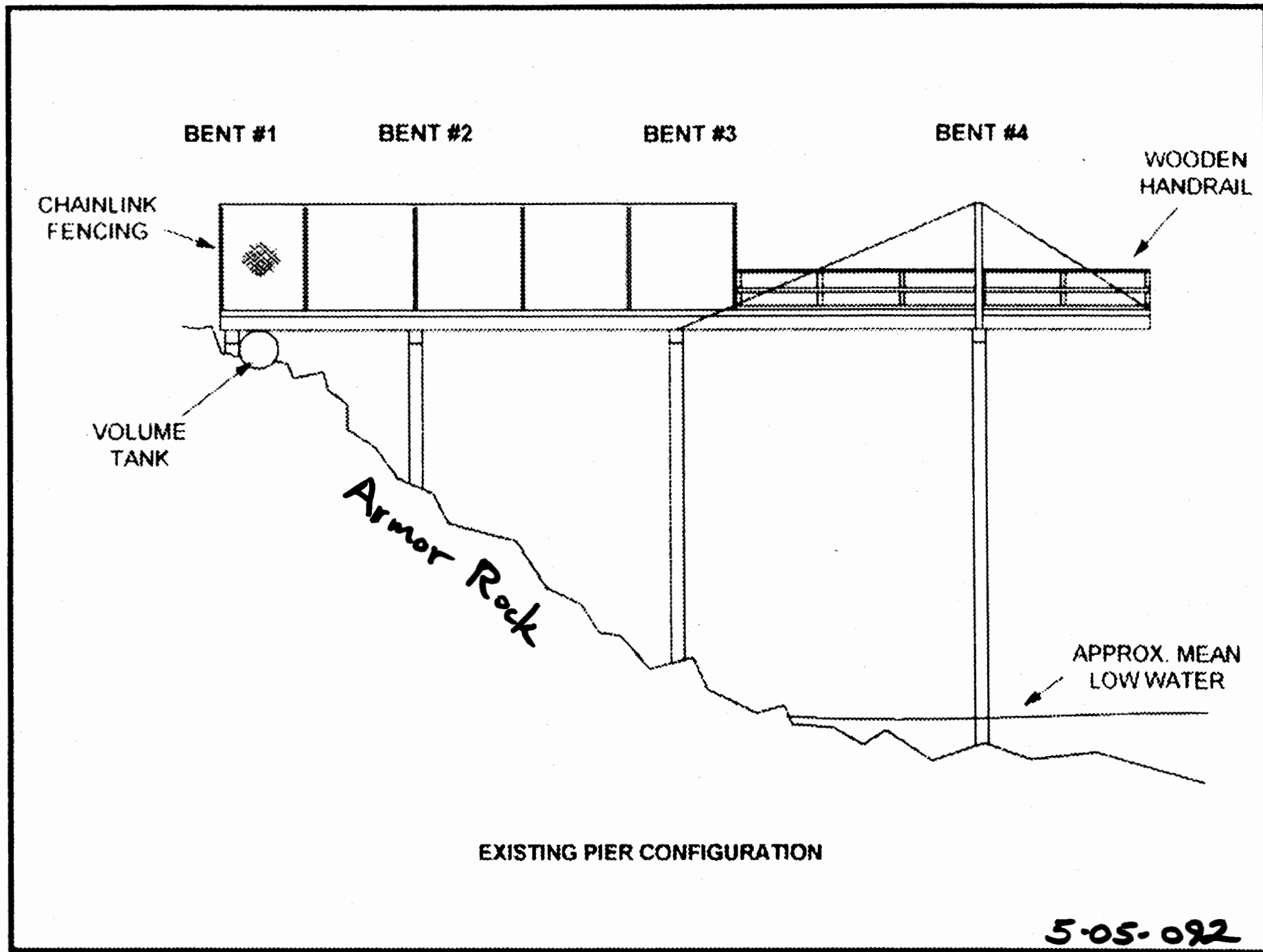
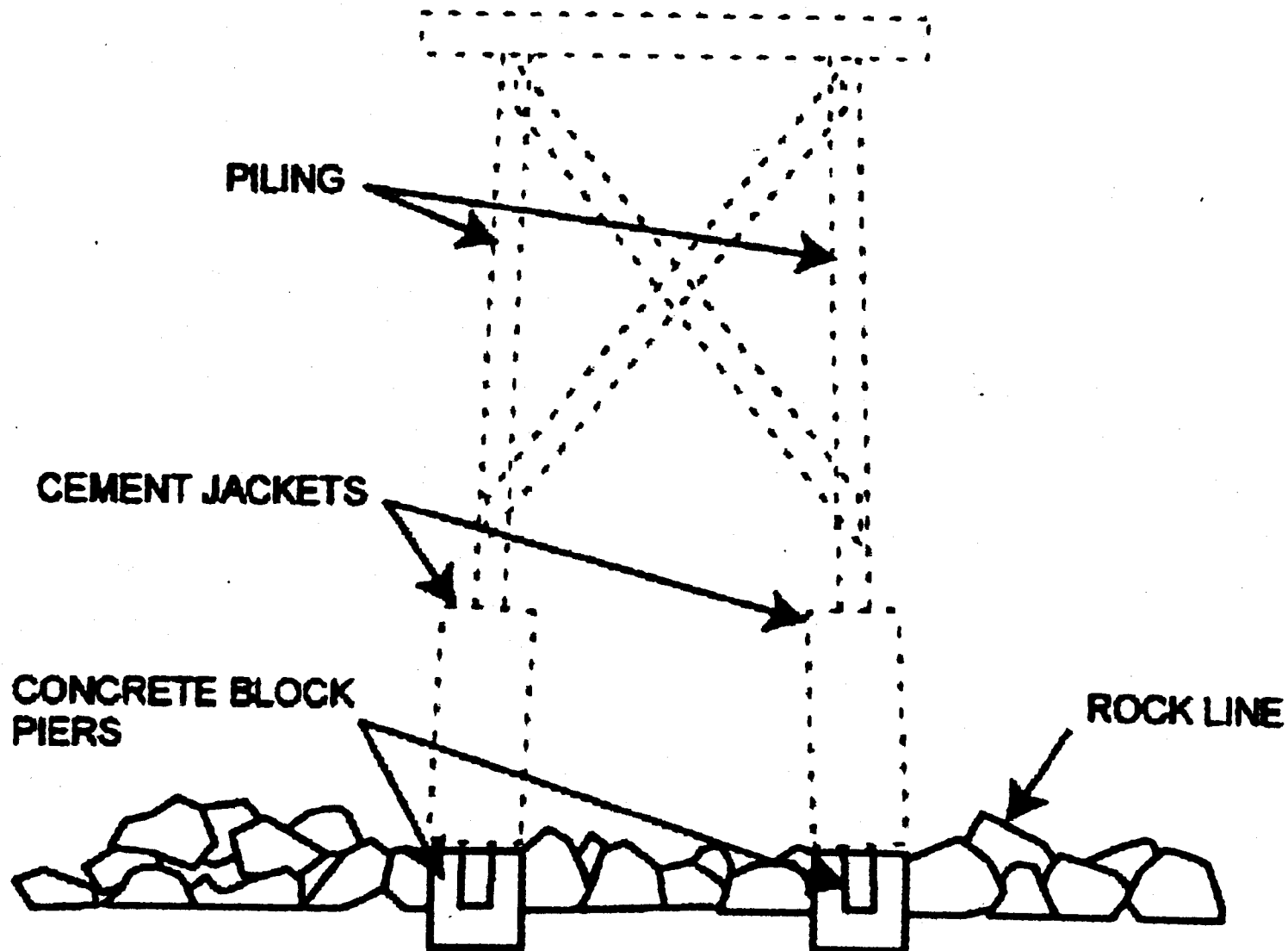


Figure 1-4. Existing Pier Configuration

PILING, CEMENT JACKETS AND CONCRETE
BLOCK PIERS WILL BE REMOVED DOWN TO
ROCK LINE.



PIER DEMO

COASTAL COMMISSION
5-05-092

EXHIBIT # 6

PAGE 1 OF 1