

**CALIFORNIA COASTAL COMMISSION**

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Filed: 10/11/2012  
180th Day: 4/9/2013  
Staff: Charles Posner - LB  
Staff Report: 11/20/2012  
Hearing Date: December 12, 2012  
Commission Action:



# W19b

## STAFF REPORT: REGULAR CALENDAR

**Application Number:** 5-12-188

**Applicant:** Santa Catalina Island Company

**Agent:** Shawn Melendez

**Project Location:** 302-306 Crescent Avenue, City of Avalon, Santa Catalina Island, Los Angeles County.

**Project Description:** Repair an existing vertical concrete seawall (re-establish base support and fill voids and cracks) in Avalon Bay.

**Local Approval:** City of Avalon Planning Department, Site Plan Approval, Case No. 2494, 9/19/2012.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The proposed project is a seawall repair project in Avalon Bay on Santa Catalina Island. A coastal development permit is required from the Commission because the proposed development is located within the Commission's area of original jurisdiction.

Staff is recommending **APPROVAL** of the coastal development permit with special conditions that require the permittee to: a) implement best management practices during construction in order to minimize adverse impacts to marine habitat and water quality, b) prevent adverse impacts to public access and recreation, c) comply with the requirements of the resource agencies, and d) assume the risks of the development. The applicant agrees with the recommendation. **See Page Two for the Motion to approve the permit application.**

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**EXHIBITS**

- Exhibit 1 – Santa Catalina Island, CA Map
- Exhibit 2 – Project Location (Avalon) Map
- Exhibit 3 – Site Plan – East and West Seawall Segments
- Exhibit 4 – Site Plan – East Seawall Segment
- Exhibit 5 – Site Plan – West Seawall Segments
- Exhibit 6 – Site Plan – Seawall Repairs – Elevation and Section

**I. MOTION AND RESOLUTION**

**Motion:**     *"I move that the Commission **approve** Coastal Development Permit 5-12-188 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution:**

*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

This permit is granted subject to the following 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

This permit is granted subject to the following special conditions:

1. **Approved Development - Permit Compliance.** All development must occur in strict compliance with the proposal as set forth in the application for the permit, subject to the special conditions of this permit. Any proposed change or deviation from the approved plans shall be submitted to the Executive Director to determine whether a permit amendment is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a permit amendment unless the Executive Director determines that no permit amendment is required.
2. **Construction Responsibilities.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs:
  - A. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion or dispersion.
  - B. Beach sand and cobbles shall not be used for construction material.

- C. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones. Machinery and construction materials shall not be stored overnight on the beach.
- D. Silt curtains shall be utilized to control turbidity during construction. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
- E. Any and all construction material shall be removed from the site as soon as possible (within two days of completion of construction) and disposed of at an appropriate location (e.g., the Pebbly Beach Landfill). 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.
- F. All trash generated by construction activities within the project area shall be disposed of at the end of each day, or sooner if possible.
- G. 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.
- H. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
- I. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: silt fencing and/or sandbags shall be installed between work areas and the water to prevent runoff/sediment transport into the bay and a pre-construction meeting to review procedural and BMP guidelines.
- J. All construction equipment and materials shall be stored and managed in a manner to minimize the potential for discharge of pollutants. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- K. During construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any bay, harbor, street or drainage unless specifically authorized by the California Regional Water Quality Control Board.
- L. In the event that hydrocarbon-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- M. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the shore or in the water, and that the project has not created any hazard to navigation.

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

3. **Public Access and Recreation.** By acceptance of this coastal development permit, the permittee agrees that the permitted development shall be conducted in a manner that minimizes adverse impacts to public beach users as follows:
  - A. No construction activities shall occur on the beach (i.e., on the seaward side of the seawall) on Saturdays and Sundays.
  - B. The proposed project shall not interfere with the use of the beach access stairs or public walkways situated in the vicinity of the project.
  - C. Loose armor rock in the project area shall be removed from the sandy beach. The armor rock removed from the sandy beach may be placed in the area under the restaurant structure (302 Crescent Avenue) that overhangs the shoreline.

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

4. **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.
5. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the permittee, on behalf of a) itself; b) its successors and assigns and c) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees: i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; ii) to assume the risks to the 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; 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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

The proposed project is the repair of an existing vertical concrete seawall in Avalon Bay on Santa Catalina Island (See Exhibits). A coastal development permit is required from the Commission because the proposed development is located within the Commission's area of original jurisdiction. The proposed repairs will occur along two segments (herein referred to as the east segment and west segment of the proposed project) of the concrete seawall that exists between the waters of Avalon Bay and Crescent Avenue (Exhibit #3). The seawall will not be enlarged or extended seaward, and no new fill or dredging is proposed. The applicant has submitted a Marine Biological Survey which indicates that the proposed project will not result in any significant adverse impacts to marine resources.



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

The east segment of the seawall (seventy linear feet) that is proposed to be repaired is partially located on the public beach, and partially located under the restaurant structure that overhangs the shoreline at 302 Crescent Avenue (Exhibit #4). The restaurant structure is supported by timber piles. The repair of

the east segment includes the excavation of the shoreline at the foot of the existing seawall in order to strengthen the wall's base support by pumping in grout (Exhibit #6). Loose armor rock will be removed from the sandy beach and placed under the restaurant structure at 302 Crescent Avenue. Heavy machinery will be driven onto the beach (from the east) in order to move the armor rocks and excavate a trench under the seawall. Additional repairs include the filling of voids and cracks in the seawall with grout. Grout will also be pumped into any voids found behind (landward side) the seawall.

The west segment of the seawall that is proposed to be repaired is 79 feet long and partially submerged, except at low tide (Exhibit #5). The only repairs proposed for the west segment is the filling of voids and cracks in the seawall with grout. No heavy machinery will be needed to be driven into the intertidal zone to repair the west segment of the project.

## **B. MARINE RESOURCES AND WATER QUALITY**

The proposed project is located in coastal waters. The Coastal Act sets forth policies that require the protection of marine resources and water quality from adverse environmental effects.

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.*

Sections 30230 and 30231 of the Coastal Act protect water quality and biological of coastal waters. The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. The marine resource policies of the Coastal Act require that the proposed project, which is located in Avalon Bay, shall be carried out in a manner that will sustain the biological productivity of coastal waters. The intertidal and subtidal areas of Avalon Bay contain habitat areas which shall be protected from the adverse impacts of shoreline development. The permit is conditioned to protect these marine resources.

The applicant has provided a Marine Biological Survey which indicates that the proposed project will not result in any significant adverse impacts to marine resources [Marine Biological Survey and Assessment of Potential Project Effects on Marine Life, City of Avalon Bluewater Grill Seawall Repair Project, By Coastal Resources Management, Inc., 6/26/2012]. The Marine Biological Survey concludes that the proposed project will have minor, short-term impacts on intertidal plants and invertebrates resulting from disturbances to rip rap (armor rock) that will be moved and repositioned against the seawall (under the restaurant), and that the proposed project will not affect any listed or otherwise sensitive species of marine plants or animals. The Marine Biological Survey recommends that BMPs (Best Management Practices) be implemented to limit potential adverse impacts.

In order to reduce the potential for construction related impacts on water quality, the Commission imposes Special Condition Two requiring the implementation of specific BMPs during construction, including the appropriate storage and handling of construction equipment and materials and the use of silt curtains to minimize the potential of silt and pollutants to enter coastal waters. As conditioned, the proposed project conforms with Sections 30230 and 30231 of the Coastal Act

Special Condition Four requires the permittee to 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. Therefore, as conditioned, the proposed project conforms with the marine resource policies of the Coastal Act.

### **C. PUBLIC ACCESS AND RECREATION**

The public access and recreation policies of the Coastal Act require that maximum access and recreational opportunities shall be provided and that development shall not interfere with such access.

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 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 project will temporarily interfere with public access to the public beach in front of the east segment of the seawall repair project. Therefore, Special Condition Three imposes a project timing restriction to reduce conflict between beach goers and construction activities on weekends when visitors typically use the Avalon beach: no construction activities shall occur on the beach on Saturdays and Sundays. Special Condition Three also prohibits the project from interfering with the public's use of the beach access stairs and public walkways situated in the vicinity of the project. Finally, in order increase the usable portion of the sandy beach, Special Condition Three requires that the loose armor rock in the project area shall be removed from the sandy beach and placed in the area under the restaurant structure (302 Crescent Avenue) that overhangs the shoreline.

As conditioned, the proposed development will not have any significant adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the public access policies of the Coastal Act.

#### **D. LOCAL COASTAL PROGRAM (LCP)**

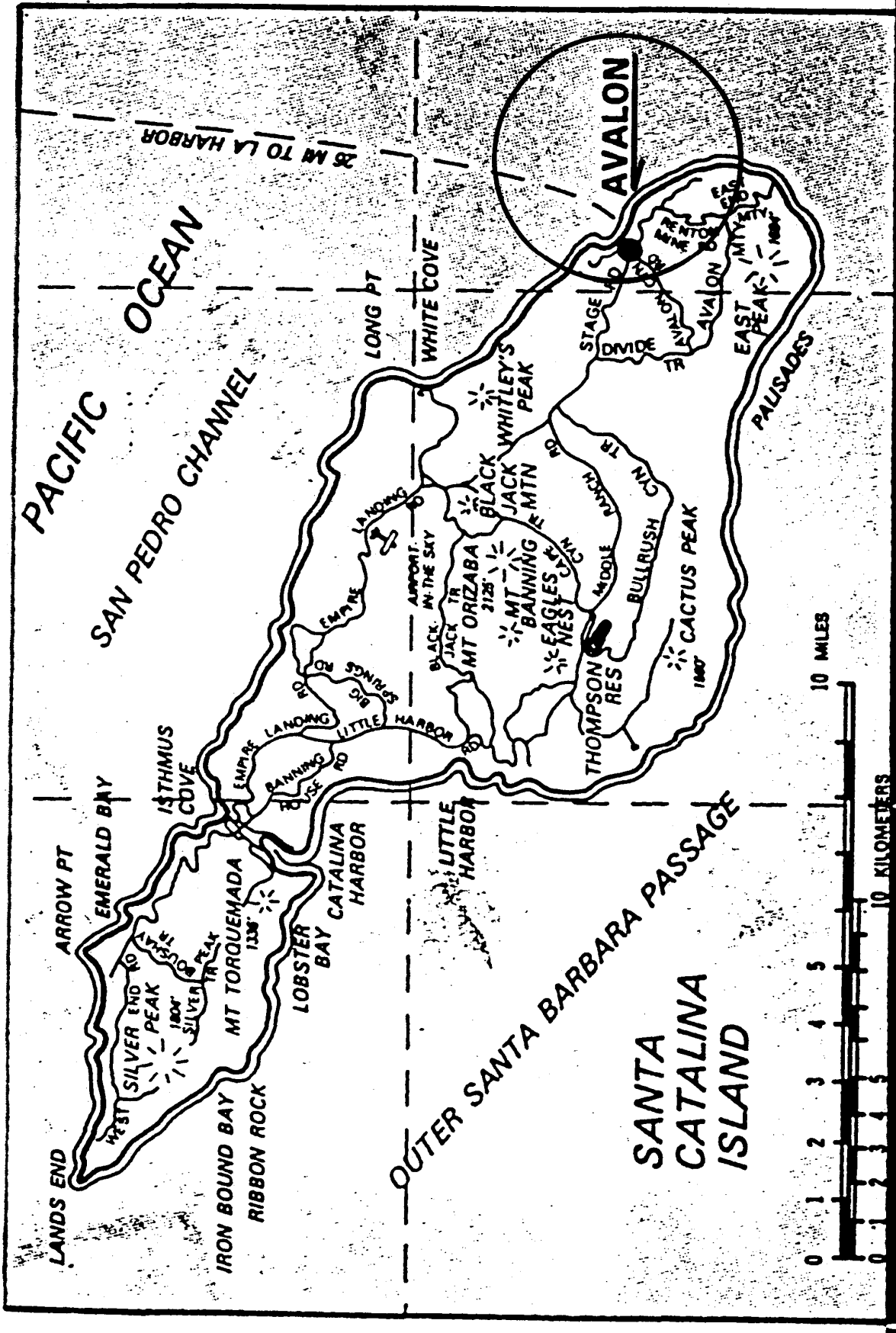
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Avalon LCP on May 21, 1981. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

#### **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

In this case, the City of Avalon is the lead agency and the Commission is the responsible agency for the purposes of CEQA. On September 19, 2012, the City of Avalon Planning Department issued CEQA Mitigated Negative Declaration (SCH No. 2012081012) for the proposed seawall repair project. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

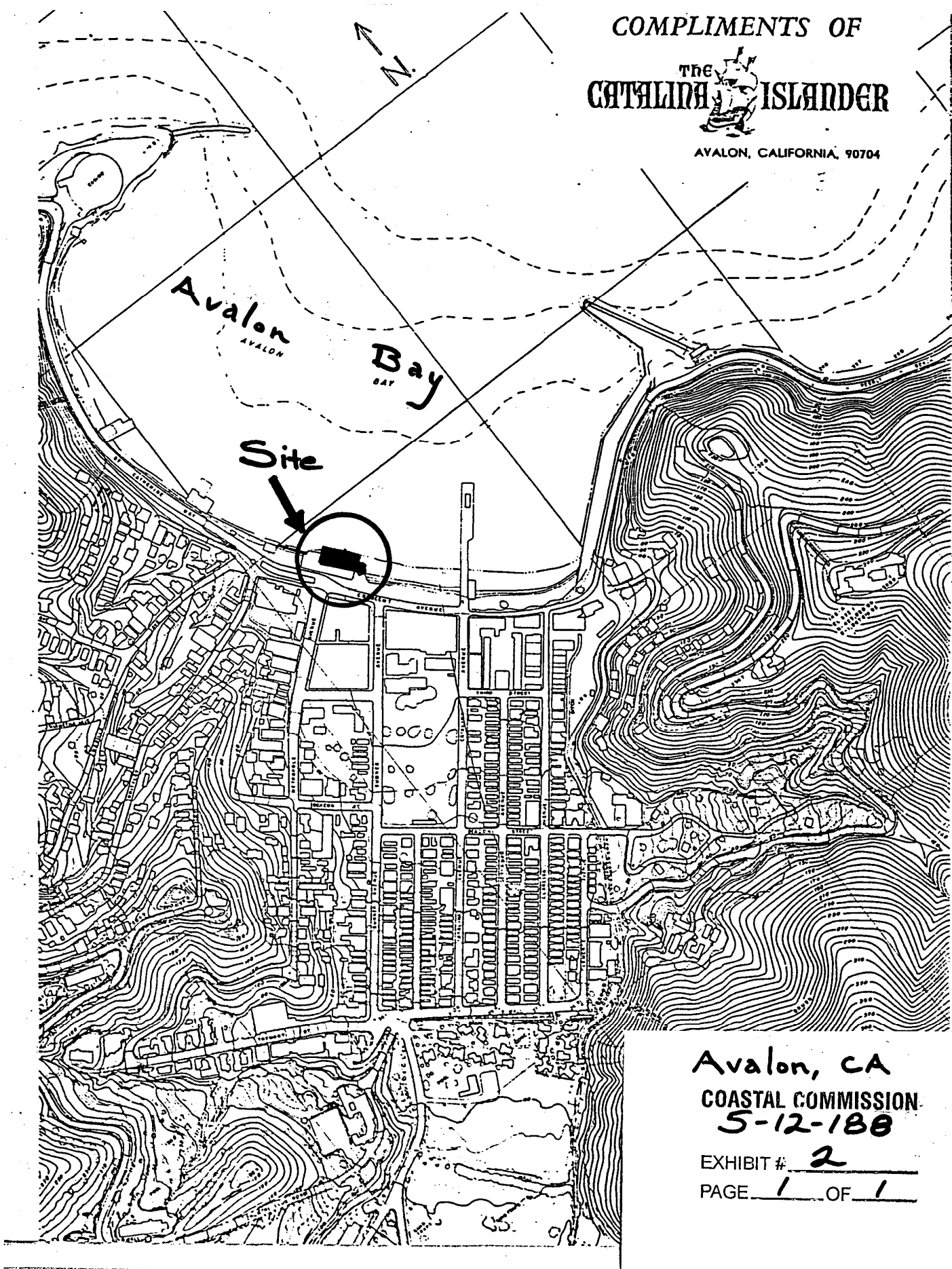
## **Appendix A - Substantive File Documents**

1. City of Avalon Certified Local Coastal Program, 5/21/1981.
  2. Coastal Development Permit 5-12-187 (SCI Co. Restaurant Remodel – 302 Crescent Avenue).
  3. City of Avalon Mitigated Negative Declaration (SCH No. 2012081012).
  4. Marine Biological Survey and Assessment of Potential Project Effects on Marine Life, City of Avalon Bluewater Grill Seawall Repair Project, By Coastal Resources Management, Inc., 6/26/2012.
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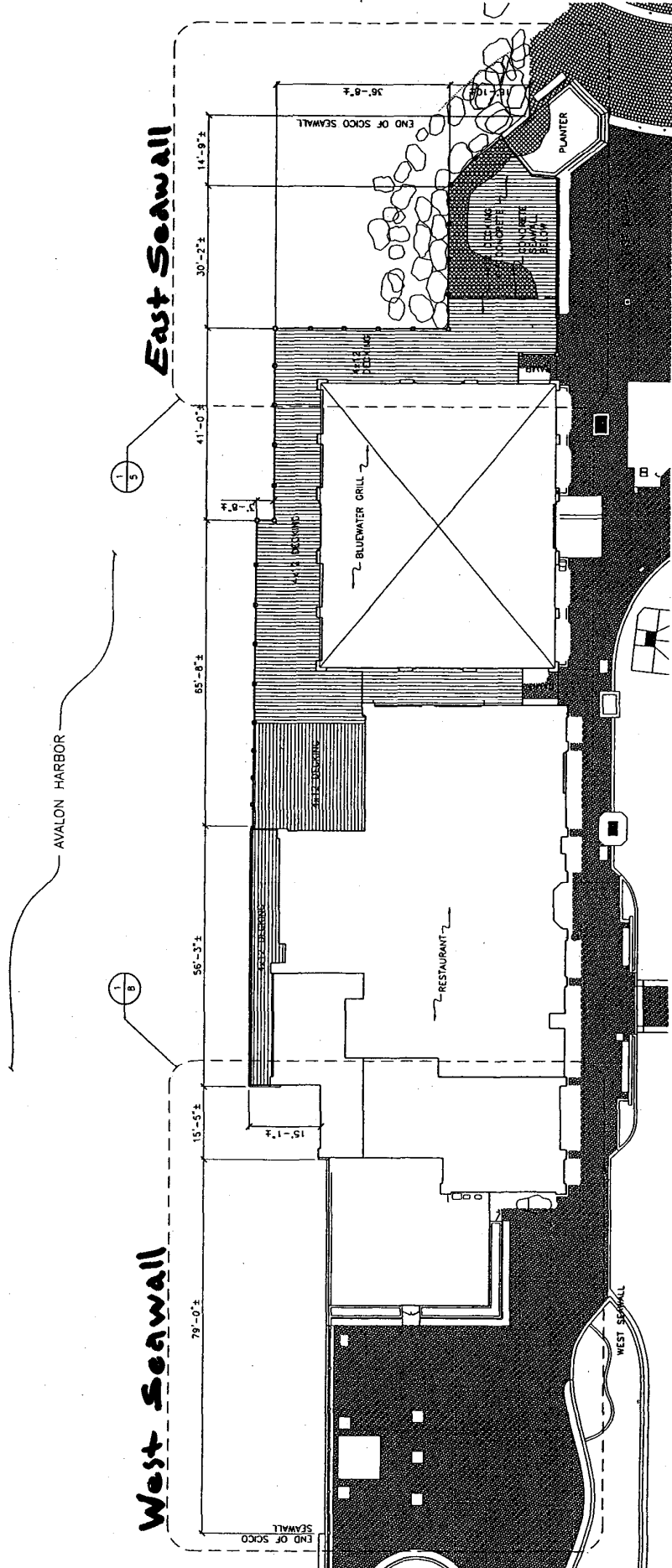
COMPLIMENTS OF  
THE **CATALINA ISLANDER**

AYALON, CALIFORNIA, 90704



Avalon, CA  
COASTAL COMMISSION  
5-12-188

EXHIBIT # 2  
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COASTAL COMMISSION  
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 EXHIBIT # 3  
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← Crescent Avenue →

Avalon Bay

Public Beach →

5-12-188  
COASTAL COMMISSION

EXHIBIT # 4

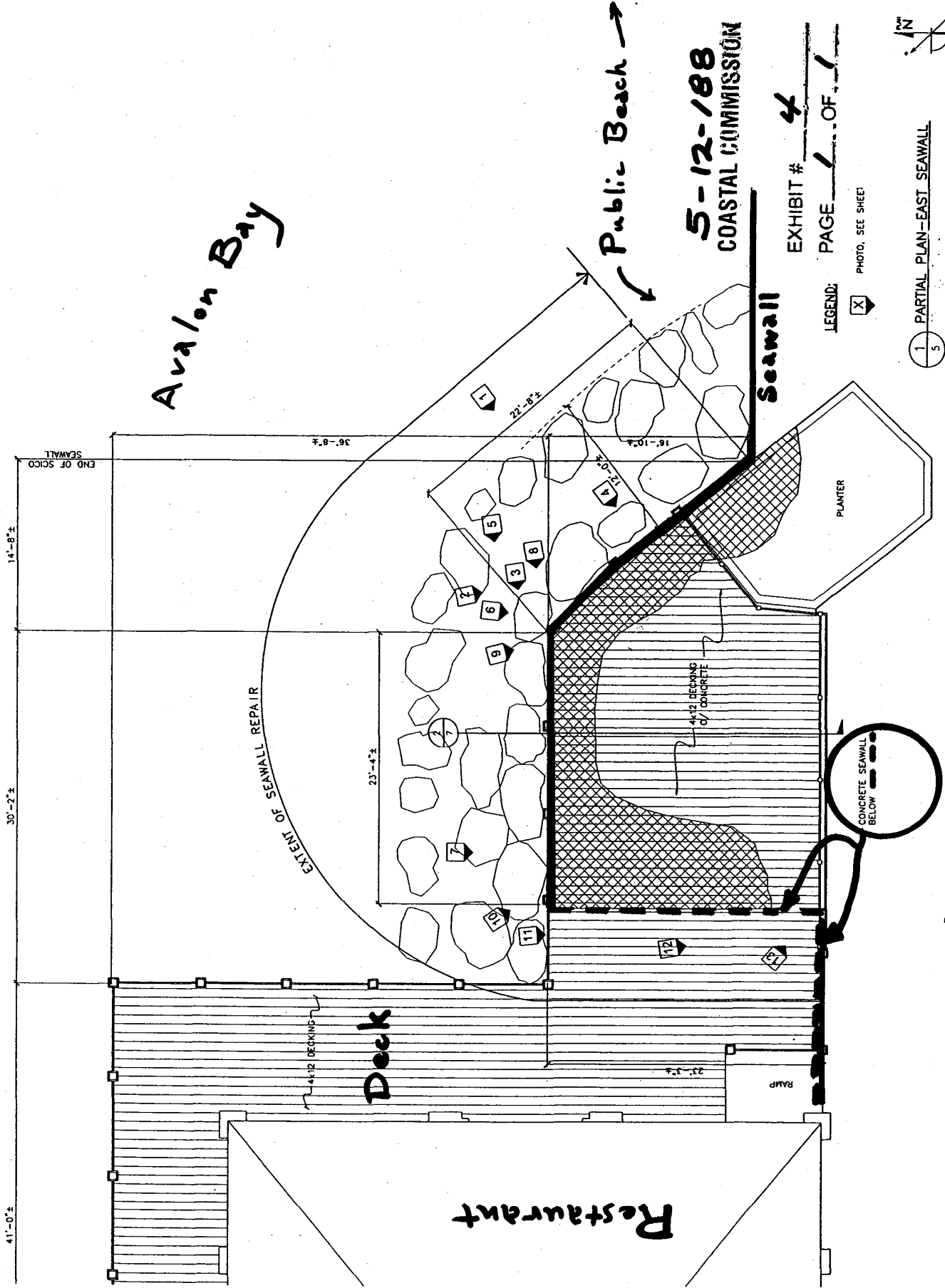
PAGE 1 OF 1

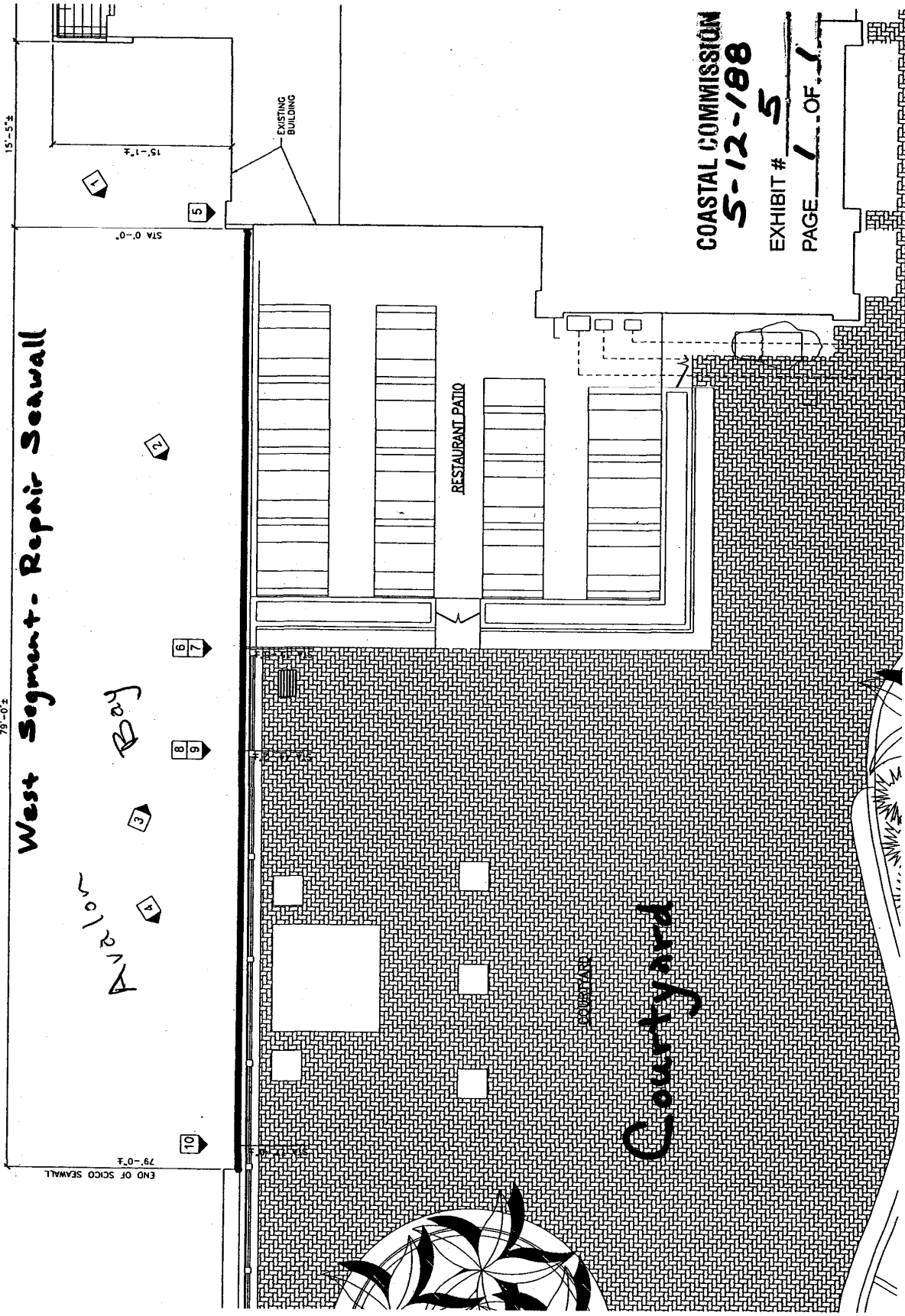
LEGEND:

X PHOTO, SEE SHEET



1 PARTIAL PLAN - EAST SEAWALL  
5





COASTAL COMMISSION  
**5-12-108**  
 EXHIBIT # **5**  
 PAGE **1** OF **1**

LEGEND:  
 [X] PHOTO, SEE SHEET 9

**Crescent Avenue**  
 PARTIAL PLAN - WEST SEAWALL

15'-5"±

0'-0" STA

EXISTING BUILDING

RESTAURANT PATIO

79'-0"±

79'-0"±  
 END OF SCICO SEAWALL

*West Segment - Repair Seawall*

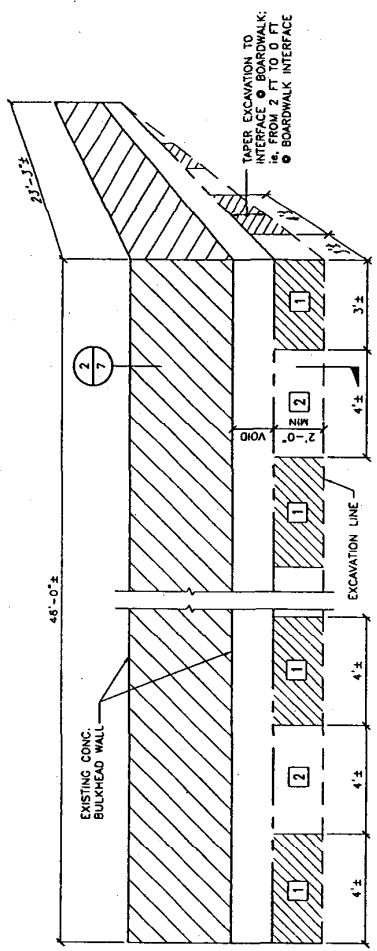
*Avalon*

*Bay*

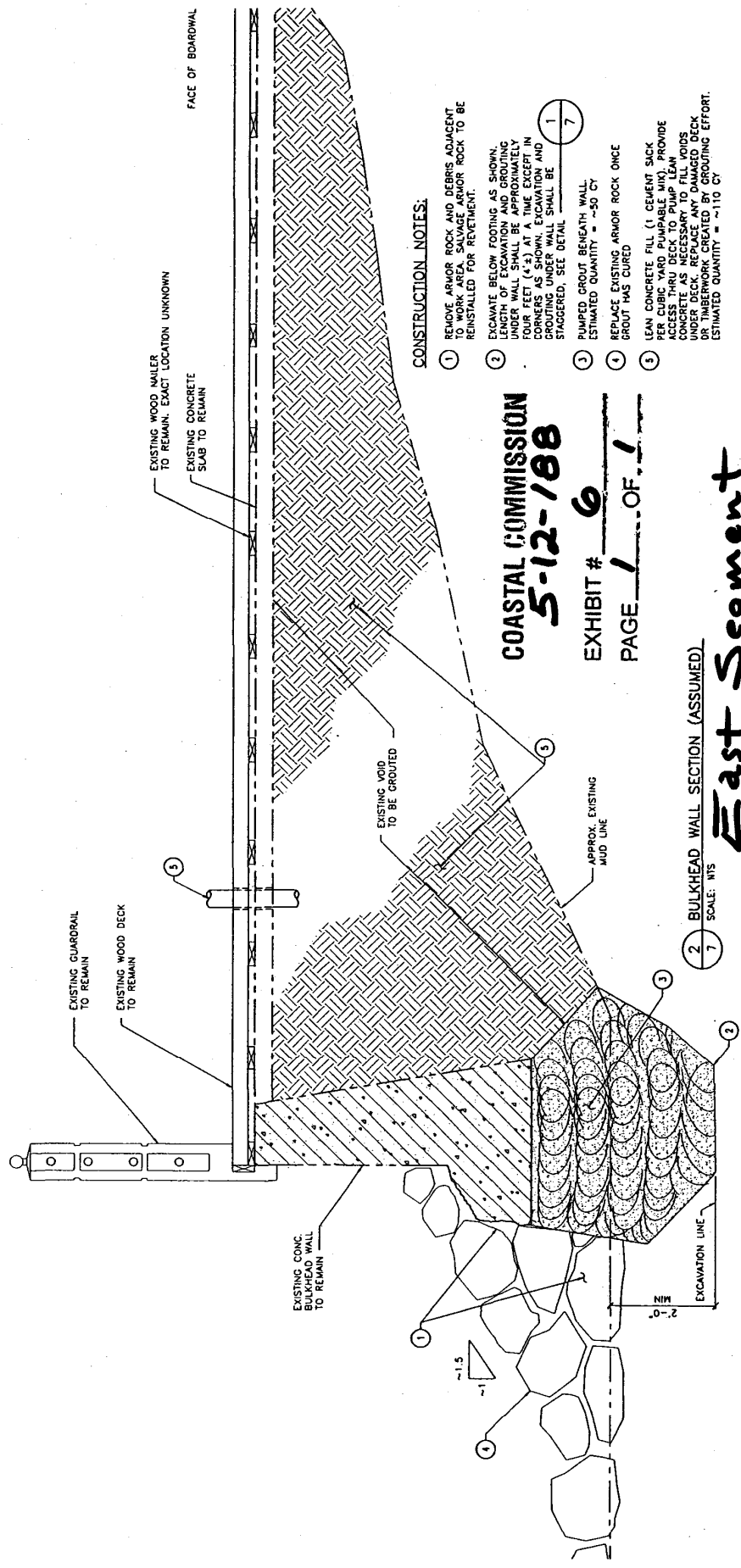
*Courtyard*



- CONSTRUCTION NOTES:**
- 1 FIRST EXCAVATION AND GROUTING
  - 2 SECOND EXCAVATION AND GROUTING



**PARTIAL BULKHEAD WALL ELEVATION**  
(Looking South)  
SCALE: NTS



**CONSTRUCTION NOTES:**

- 1 REMOVE ARMOR ROCK AND DEBRIS ADJACENT TO WORK AREA. SALVAGE ARMOR ROCK TO BE REINSTALLED FOR RETEMENT.
- 2 EXCAVATE BELOW FOOTING AS SHOWN. EXISTING BOARDWALK TO REMAIN. EXISTING UNDER WALL SHALL BE APPROXIMATELY FOUR FEET (4'±) AT A TIME EXCEPT IN CORNERS AS SHOWN. EXCAVATION AND GROUTING UNDER WALL SHALL BE STAGGERED. SEE DETAIL.
- 3 PUMPED GROUT BENEATH WALL. ESTIMATED QUANTITY = ~50 CY
- 4 REPLACE EXISTING ARMOR ROCK ONCE GROUT HAS CURED
- 5 LEAN CONCRETE FILL (1 CEMENT SACK PER CUBIC YARD PUMPABLE MIX). PROVIDE ACCESS THRU DECK TO PUMP LEAN CONCRETE AS NECESSARY TO FILL VOIDS UNDER EXISTING ARMOR ROCK. PROVIDE BR TIMBERWORK CREATED BY GROUTING EFFORT. ESTIMATED QUANTITY = ~110 CY

**COASTAL COMMISSION**  
**5-12-188**  
**EXHIBIT # 6**  
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2 BULKHEAD WALL SECTION (ASSUMED)  
SCALE: NTS

**East Segment**